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NOMINATION OF HENRY A. KISSINGER

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HEARINGS

U.S. Congress. Senate.

BEFORE THE

COMMITTEE ON FOREIGN RELATIONS

UNITED STATES SENATE

NINETY-THIRD CONGRESS

FIRST SESSION

ON

NOMINATION OF HENRY A. KISSINGER TO BE SECRETARY
OF STATE

PART 1

SEPTEMBER 7, 10, 11 AND 14, 1973



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NOMINATION OF HENRY A. KISSINGER

FRIDAY, SEPTEMBER 7, 1973

UNITED STATES SENATE,
COMMITTEE ON FOREIGN RELATIONS,
Washington, D.C.

The committee met, pursuant to notice, at 10 a.m., in room 318, Russell Senate Office Building, Senator J. W. Fulbright [chairman], presiding.

Present: Senators Fulbright, Sparkman, Church, Symington, Pell, McGee, Muskie, McGovern, Humphrey, Aiken, Case, Javits, Scott, Pearson, Percy, and Griffin.

The CHAIRMAN. The committee will come to order.

HEARING PROCEDURE

As a preliminary statement on procedure I think the committee should proceed initially under the 10-minute rule. Then after every member has had an opportunity we will be flexible according to the circumstances as they develop.

The Committee on Foreign Relations meets this morning to consider the nomination of Dr. Henry Kissinger to be the next Secretary of State of the United States.

[Biography of Dr. Kissinger follows:]

BIOGRAPHY OF HENRY ALFRED KISSINGER

Position for which considered: Secretary of State

Present position: Assistant to the President for National Security Affairs

Office address: The White House, Washington, D.C. 20500

Born: May 27, 1923, Fuerth, Germany (Naturalized U.S. citizen, June 19, 1943, Spartanburg, South Carolina)

Legal residence: District of Columbia

Marital status: Divorced 1964

Family: Children: Elizabeth, David

Home address: 2527 Waterside Drive, N.W., Washington, D.C. 20008

Education: B.A. 1950, Harvard College; M.A. 1952, Harvard University; Ph. D. 1954, Harvard University

Language ability: German, French

Experience:

Government:

1950-61: Consultant, Operations Research Office

1952: Consultant, Director of Psychological Strategy Board

1955: Consultant, Operations Coordinating Board

1959-60: Consultant, Weapons Systems Evaluation Group of the Joint Chiefs of Staff

1961-62: Consultant, National Security Council

1961-68: Consultant, the RAND Corporation

(1)

1961-68: Consultant, United States Arms Control and Disarmament Agency

1965-68: Consultant, Department of State

Nongovernment:

1954-55: Instructor, Department of Government, Harvard University;
1955-56: Study Director, Nuclear Weapons, and Foreign Policy, Council on Foreign Relations;

1956-58: Director, Special Studies Project, Rockefeller Brothers Fund;

1957-59: Lecturer, Department of Government, Harvard University;

1957-60: Associate Director, Center for International Affairs;

1951-71: Director, Harvard International Seminar;

7/58-1/71: Director, Defense Studies Program, Harvard University
(Leave of absence Jan. 1969-Jan. 1971);

7/59-6/62: Associate Professor, Department of Government, Harvard University;

7/62-1/71: Professor, Department of Government, Harvard University
(Leave of absence Jan. 1969-Jan. 1971);

9/60-1/71: Faculty Member, Center for International Affairs, Harvard University (Leave of absence Jan. 1969-Jan. 1971); and

1968 Presidential Campaign: Foreign Policy Adviser to Governor Nelson A. Rockefeller.

Military service:

2/43-5/46: 84th Infantry Division: 970th Counter-Intelligence Corps

1946-59: Captain Military Intelligence Reserve

Awards:

Bronze Star

Phi Beta Kappa; Harvard National Scholarship; Harvard Fellowship (non-stipendiary); Harvard Detur; Rockefeller Foundation Fellowship for Political Theory

1958:

National Union Chamber of Commerce Award

Woodrow Wilson Prize for the best book in the fields of government, politics and international affairs

Citation by the Overseas Press Club, for *Nuclear Weapons and Foreign Policy*

1965-66: Guggenheim Fellowship

1973:

Federal City Club Award for very distinguished public service

American Institute for Public Service Award for the greatest public service performed by an elected or appointed official

International Platform Association, 1973 Theodore Roosevelt Award for the most outstanding official in the United States Government

Veterans of Foreign Wars of the United States, Dwight David Eisenhower Distinguished Service Medal and Citation

Publications:

Books:

A World Restored: Castlereagh, Metternich and Restoration of Peace, 1812-1822, Houghton-Mifflin, October, 1957.

Nuclear Weapons and Foreign Policy, Harper & Brothers, June, 1957.

The Necessity for Choice: Prospects of American Foreign Policy, Harper & Brothers, January, 1961.

The Troubled Partnership: A Reappraisal of the Atlantic Alliance, McGraw Hill, April, 1965.

Problems of National Strategy: A Book of Readiness, ed. Kissinger, Frederick A. Praeger, November, 1965.

American Foreign Policy, Three Essays, W. W. Norton, 1969.

Articles:

"Reflections on the Political Thought of Metternich," *American Political Science Review*, December, 1954.

"American Policy and Preventive War," *Yale Review*, April, 1955.

"Military Policy and the Defense of the 'Grey' Areas," *Foreign Affairs*, April, 1955.

"Limitations of Diplomacy," *The New Republic*, May 6, 1955.

"Congress of Vienna," *World Politics*, January, 1956.

"Force and Diplomacy in the Nuclear Age," *Foreign Affairs*, April, 1956.

"Reflections on American Diplomacy," *Foreign Affairs*, October, 1956.

- "Strategy and Organization," *Foreign Affairs*, April, 1957.
- "Controls, Inspection and Limited War," *The Reporter*, June 13, 1957.
- "United States Foreign Policy and Higher Education," *Current Issues in Higher Education*, March, 1958.
- "Missiles and the Western Alliance," *Foreign Affairs*, April, 1958.
- "Nuclear Testing and the Problem of Peace," *Foreign Affairs*, October 1958.
- "The Policymaker and the Intellectual," *The Reporter*, March 5, 1959.
- "As Urgent as the Moscow Threat," *New York Times Magazine*, March, 1959.
- "The Search for Stability," *Foreign Affairs*, July, 1959.
- "The Khrushchev Visit—Dangers and Hopes," *New York Times Magazine*, September 6, 1959.
- "Arms Control, Inspection and Surprise Attack," *Foreign Affairs*, July, 1960.
- "Limited War: Nuclear or Conventional? A Reappraisal," *Daedalus*, Fall, 1960.
- "The New Cult of Neutralism," *The Reporter*, November 24, 1960.
- "The Next Summit Meeting," *Harper's Magazine*, December, 1960.
- "For An Atlantic Confederacy," *The Reporter*, February 2, 1961.
- "L'Evolution de la Doctrine Strategique aux Etats-Unis," *Politique Etrangere*, No. 2, 1962.
- "The Unsolved Problems of European Defense," *Foreign Affairs*, July, 1962.
- "Reflections on Cuba," *The Reporter*, November 22, 1962.
- "Strains on the Alliance," *Foreign Affairs*, January, 1963.
- "The Skybolt Affair," *The Reporter*, January 17, 1963.
- "NATO's Nuclear Dilemma," *The Reporter*, March 28, 1963.
- "Coalition Diplomacy in the Nuclear Age," *Foreign Affairs*, July 1964. (Reprinted in *Survival*, *Le Monde*, *Frankfurter Allgemeine*, and *The Atlantic Community Quarterly*.)
- "Reflections on Power and Diplomacy," *Dimensions in Diplomacy*, Johns Hopkins Press, 1964.
- "Les Etats-Unis et l'Europe," *Res Publica*, Revue de l'Institut Belge de Science Politique. Volume VI, 1964-1, p. 52-7.
- "Classical Diplomacy," *Power & Order: Six Cases in World Politics*, Harcourt, Brace & World, Inc., 1964.
- "The Illusionist: Why We Misunderstand de Gaulle," *Harper's*, March, 1965.
- "Kann Man Den Soviets Trauen?" *Die Welt*, April 3, 1965.
- "The Price of German Unity," *The Reporter*, April 22, 1965. (Reprinted in *Die Zeit*)
- "Domestic Structure and Foreign Policy," *Daedalus*, April, 1966.
- "For a New Atlantic Alliance," *The Reporter*, July 14, 1966. (Reprinted in *Die Welt*, *Die Wehrkunde*, *Aus Politik und Zeitgeschichte*)
- "What Should We Do Now?" *Look*, August 9, 1966, p. 26.
- "The White Revolutionary: Reflections on Bismarck," *Daedalus*, Summer, 1968.
- "Bureaucracy and Policy Making: The Effect of Insiders and Outsiders on the Policy Process," *Bureaucracy Politics, and Strategy*, Security Studies Paper No. 17, Univ. of Calif., Los Angeles, 1968.
- "Central Issues of American Foreign Policy," *Agenda for the Nation*, The Brookings Institution, 1968.
- "The Vietnam Negotiations," *Foreign Affairs*, January, 1969.

INADEQUACY OF PAST INFORMAL MEETINGS WITH WITNESS

The CHAIRMAN. During the past 4 years, members of the committee have met with Dr. Kissinger in his role as the head of the National Security Council informally in places other than the committee room for brief discussions of some of his activities.

Personally, I have never believed that such casual meetings were adequate substitutes for formal committee meetings for the consideration of our country's foreign policy or our military, diplomatic activi-

ties. I am pleased that today we may have this meeting for a serious examination of Dr. Kissinger's views and of his actions during the past 4 years which are relevant to his responsibilities as the principal adviser to the Government on foreign affairs.

If I may recall a personal experience, on March 27, 1969, I met with Dr. Kissinger and the President at 5 o'clock in the afternoon in the Oval Office of the White House. We had a pleasant discussion in which I expressed the hope, that the President would end the Vietnam war in the near future. I based that hope on the President's assertions during the campaign of 1968 that he had a plan to end the war. I recall saying to the President if he did end the war soon, he would be regarded as a national hero just as Charles de Gaulle was after he ended France's war with Algeria.

I left the meeting with the belief that the President and Dr. Kissinger were in accord with my views about the war. Dr. Kissinger, as I left the White House, assured me that the new administration would not follow the Johnson administration's policies in Indochina. I took him to mean the war would be ended forthwith in accordance with the President's plan. Obviously there was a failure of communication and no meeting of minds.

On April 23, 1970, an informal meeting of eight Senators with Dr. Kissinger was held in my house from about 5:30 to about 7 o'clock.

One week later, on April 30, American forces invaded Cambodia, to the surprise of all of us. So again there was a failure of communication and no meeting of minds. Today I hope we begin a new era and I hope there will be communication and a meeting of the minds—and even an understanding of the role and responsibility of the Senate and of the Secretary of State in making the country's foreign policy.

NEW OPPORTUNITIES IN INTERNATIONAL RELATIONS

Dr. Kissinger is widely regarded as possessing a brilliant mind, and an iron constitution capable of endless travel and interminable conferences. His travels to China and Russia have helped change the climate of international relations, a change long overdue and for which I congratulate him. How wisely we cultivate these new opportunities is one of the issues which will concern all of us and I hope is an issue which this hearing will clarify.

HOPED-FOR NONPARTISAN NATIONAL FOREIGN POLICY

In a recent speech before the International Platform Association on August 2, 1973, Dr. Kissinger expressed fear of the loss of the national consensus which once sustained our foreign policy and hoped for its restoration, because as you pointed out, "No foreign policy." and I quote, ". . . has any chance of success if it is born in the minds of a few and carried in the hearts of none."

There is no doubt that every member of this committee shares your hope for a nonpartisan national foreign policy on whose broad essentials the Congress, the Executive, both parties, and the American people can form a consensus. I know I speak for my colleagues in assuring the administration that it can count on the cooperation of this committee in the formation of such a foreign policy.

Unity and nonpartisanship, however, require more than a simple act of will, more than a simple decision that hereafter we will have no controversy over our foreign relations.

The unity or lack of it with which Congress and the country is bound to a particular administration's policies must depend upon those policies themselves. Policies formed by open, democratic process, policies shaped by consensus among the people and their representatives, policies rooted in our national character and values can hardly fail to command unified nonpartisan support. Conversely, policies made in secret and by executive fiat, policies which go against our national grain are bound to be divisive, no matter how greatly our policymakers may regret it.

The divisions and disruptions of recent years are not properly attributed to partisanship in Congress or to a quarrelsome press, but to a foreign policy, as you put it so well, which was born in the minds of a few and carried in the hearts of none.

I refer primarily, of course, to the prolongation of the war in Southeast Asia. As I have already stated, the administration you served came to office in 1969 on a platform of ending the war. The President, we are told, had a plan, and not the slightest indication was given that his plan would not bring peace until 4 years later, and then only when Congress belatedly required it.

This is not to denigrate in any way your own role of bringing about the Paris agreement which all of us approved, but only to point out that it was the continuation of the war during 4 years of this administration which divided the Congress, weakened our economy, and sapped our national morale, and it was this divisiveness engendered by these policies which finally drove the beleaguered administration to unprecedented acts, which have so seriously disrupted our democratic system.

OTHER ISSUES

There are, of course, many other issues which will develop as the hearings progress. The committee has received nine requests to testify by representatives of various organizations and private citizens, a further evidence of the interest of the people in you, Dr. Kissinger, and in your new responsibilities.

The dual role which the President has given you raises some serious questions which need to be examined.

SWEARING OF WITNESSES

In accordance with recent practice of our committee, Dr. Kissinger will rise and be sworn.

In this hearing do you swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

Mr. KISSINGER. I do.

BACKGROUND OF WITNESSES

The CHAIRMAN. Dr. Kissinger, since this is your first appearance before any Senate committee in public session, so far as I know, could you for the record give, very briefly, some of the background about

your youth, your birth, education, experience, prior to becoming the President's principal adviser in 1969. Then make whatever statement you care to.

TESTIMONY OF HENRY A. KISSINGER, NOMINEE TO BE SECRETARY OF STATE

Mr. KISSINGER. I was born in 1923 in the city of Fuerth in Germany, and went to primary school and several years of secondary school in that city. I emigrated to the United States with my parents in 1938, and attended high school in New York City. I was then obliged to work during the day and attended the College of the City of New York, at night until I was inducted into the armed services of the United States in 1943.

I served with the 84th Infantry Division and later with the Counter-intelligence Corps until May 1946, and stayed on for a year as a civilian employee with the U.S. Army.

In 1947 I returned to complete my undergraduate work at Harvard. At Harvard also I took my Ph. D. degree, which I completed in 1954. I eventually joined the faculty of Harvard University. I have functioned as consultant to various administrations, first with the Eisenhower administration in the fifties, then the Kennedy and Johnson administrations, before President Nixon invited me to become his Assistant for National Security Affairs. I served in that position until President Nixon nominated me for the position of Secretary of State, and I still hold the position of Assistant to the President for National Security Affairs.

The CHAIRMAN. Thank you very much.

Will you proceed with your statement?

Mr. KISSINGER. Mr. Chairman, and distinguished members of the Senate Foreign Relations Committee:

After talking to the chairman and most members of the committee, I have the impression that your purposes would best be served if we moved quickly to your questions. Therefore, I shall confine my opening remarks to a statement outlining the attitude I propose to bring to the Office of Secretary of State if the committee and Senate should confirm my nomination. I take this approach, moreover, because the close and cooperative relationship that we shall seek between the executive and legislative branches in foreign affairs depends ultimately on the spirit with which it is implemented.

PAST SECRETARIES OF STATE

My first thought is of the past and the great Americans who have held the office to which the President has nominated me. I derive both inspiration and a sense of gravity from that impressive roster, whether at the dawn of this Nation's history—Jefferson, Marshall, Madison, Monroe, Adams, Clay—or just since World War II—Byrnes, Marshall, Acheson, Dulles, Herter, Rusk, Rogers. These men, however different their styles and personalities, epitomized one fundamental reality: That the foreign policy of the United States transcends parties and administrations. It expresses our ideals, our purposes and our hopes for the world. It must fulfill the best in America.

If confirmed, I shall always be conscious that I hold in trust the legacy of some of our greatest and noblest men.

TRIBUTE TO SECRETARY ROGERS

Let me pay tribute to my predecessor who performed his duties with such dignity and decency for 4½ years. Secretary Rogers headed the Department of State during one of the most difficult periods in our history, when we had to adjust policies to new realities amid major domestic contention. His calm judgment and his humanity helped steer us through this passage and win the respect even of those who disagreed with administration policies. The President and I will continue to look to him for counsel and support.

RELATIONSHIP BETWEEN PEACE AT HOME AND ABROAD

Mr. Chairman, we have come to experience in recent years that peace at home and peace abroad are closely related. How well we perform in foreign policy depends importantly on how purposeful we are at home. America has passed through a decade of domestic turbulence which has deepened divisions and even shaken our national self-confidence in some measure. At the same time, profound changes have occurred in the world around us, now a generation after World War II. Our era is marked by both the anxieties of a transitional period and the opportunities of fresh creation.

These challenges, though they appear as practical issues, cannot be solved in technical terms; they closely reflect our view of ourselves. They require a sense of identity and purpose as much as a sense of policy. Throughout our history we have thought of what we did as growing out of deeper moral values. America was not true to itself unless it had a meaning beyond itself. In this spiritual sense, America was never isolationist.

This must remain our attitude.

This is why our international policies must enlist the contributions of our best people regardless of political persuasion. Our task is to define—together—the contours of a new world, and to shape America's contribution to it. Our foreign policy cannot be effective if it reflects only the sporadic and esoteric initiatives of a small group of specialists. It must rest on a broad national base and reflect a shared community of values.

With good will on all sides, I deeply believe that we can reach this goal. There is no dispute about many of the fundamental objectives of national policy. We are at a crucial point of transition in the international order, with major changes in the global structure promising a more peaceful world:

CHANGES IN GLOBAL STRUCTURE PROMISING MORE PEACEFUL WORLD

Successful postwar policies have helped our friends to new strength and responsibilities. We shall work constructively and openly with our partners in Europe and Japan to give new impetus to associations based on shared purposes and ideals. We shall always remember that the vitality of our friendships is the

necessary condition for the lowering of tensions with our opponents.

We have developed fresh relationships with adversaries that can ease us away from confrontation toward cooperation. Tensions have been reduced in many areas. For the first time since the end of World War II, all great nations have become full participants in the international system. There is the hope that the arms race can be arrested and the burden of armaments reduced.

Our most anguishing and divisive problem, the Vietnam war, is behind us. We achieved a negotiated settlement last January. The Congress has since expressed its view on how to terminate our military participation in the last area of conflict—Cambodia. As you gentlemen know, the administration differs with that view. But it will not attempt to circumvent it.

TRADITIONAL ASSUMPTIONS NEEDING ADJUSTMENT

We face unprecedented issues which transcend borders and ideologies and beckon global cooperation. Many traditional assumptions need adjustment. We have viewed ourselves as blessed with unlimited agricultural surpluses; today we must contemplate scarcity in relation to world needs. We have assumed self-sufficiency in energy; now we face increasing needs for external supply at least for an interim period. Environmental problems used to be considered national issues, if they were considered at all; now many must be met internationally if they are going to be met at all. We need to explore new conceptual frontiers to reflect the new reality produced by both technology and human aspirations: that our planet has become a truly global society.

CHALLENGE FACING NATION

This administration will continue to adapt America's role to these new conditions. But we cannot take for granted what has been begun. We cannot let irretrievable opportunities slip from our grasp. Just as we have benefited from the efforts of our predecessors, so must we build for our successors. What matters to other countries—and to the world—is not so much the work of one administration as the steadiness of America. So the Nation is challenged to render our purposes durable and our performance reliable. This we achieved during most of a generation after the Second World War. We need to continue to do so.

This will require mutual effort and mutual understanding. We will do our part. The President has charged me with helping him to shape a foreign policy that can endure because it is carried in the hearts as well as the minds of Americans.

BROADER BASED PARTICIPATION WITHIN EXECUTIVE BRANCH

The first necessity is a broader based participation within the executive branch. During the last 4 years, there were many delicate initiatives that required a high degree of secrecy and concentration of effort. Crucial foundations were laid. Now we need to build on these foundations a more permanent structure that we can pass on to succeeding administrations. Durability in foreign policy is achieved in the final analysis through the deep and continuing involvement of the

dedicated professionals of the State Department and Foreign Service, who will manage our foreign affairs long after this administration has ended. Thus one of my principal responsibilities as Secretary of State will be to infuse the Department of State with a sense of participation, intellectual excitement, and mission.

As you know, the President has asked me to retain my position as assistant to the President if I am confirmed as Secretary of State. I believe this will benefit the coherence and effectiveness of our foreign policy. The Secretary of State will be clearly the principal foreign policy adviser to the President. The locus of authority and the chain of authority will be unambiguous. Bureaucratic friction will be minimized. As the President said in announcing my appointment, the unity of position will underline the traditional principal role of the Department of State in the policymaking process.

CLOSER RELATIONSHIP BETWEEN EXECUTIVE AND LEGISLATIVE BRANCHES

There must be, as well, a closer relationship between the executive and legislative branches. It is the President's objective to make policy more accessible to the scrutiny and the views of the Congress. This is the fundamental answer to the question of executive privilege. As you gentlemen know, over an extended period of time when I was fully covered by this principle, I met regularly with the members of this committee, both individually and as a group, and most frequently with the chairman. I did so partly because I valued this association on personal grounds, but above all because of my conviction that this Nation faced no more urgent requirement than to promote mutual respect where a consensus was unattainable.

In my new capacity, I shall be prepared to testify formally on all my activities in either capacity. In other words, I shall testify with respect to all matters traditionally covered by Secretaries of State and on my duties as assistant to the President concerning interdepartmental issues. I will not claim executive privilege in either capacity except for the one area customarily invoked by Cabinet officers, that is, direct communications with the President or the actual deliberations of the National Security Council.

We will, of course, need to determine together which subjects should be treated in public and which in executive session.

In short, as a result of my combined position, the committee should receive substantially more information than it has in the past. We will have acted positively on one of your most central concerns.

This process of greater cooperation will not be confined to formal testimony. If confirmed, I will propose to meet immediately with the chairman and the ranking member to work out procedures for enabling the committee to share more fully in the design of our foreign policy.

I will follow a similar approach with the House Foreign Affairs Committee and with the leaders of both branches of Congress, as well as with other congressional groupings of proper jurisdictions.

WHAT IS MEANT BY "BIPARTISANSHIP"

This prompts the question, what do we mean by bipartisanship? We do not ask for rubberstamping and we cannot expect unanimity. Serious people obviously will continue to have differences. Where profound

disagreements exist, it would be self-defeating to paper them over with empty formulas. We, in turn, cannot give up basic principles; nor can we promise to act only when there is bipartisan agreement, though this will be our preference. But we shall work to shape a broad consensus on our national goals and to confine differences to tactical issues. When our views differ, we shall strive not to press the debate to a point that tears the overall fabric of the national consensus. We will seek to maintain a climate of mutual trust so that arguments can center on methods, not motives. We hope that this restraint will be mutual. In this manner, our foreign policy debate can avoid the extremes of civil war and sterile accord for its own sake.

DEEPENING PARTNERSHIP WITH AMERICAN PEOPLE

If our foreign policy is to be truly national, we must deepen our partnership with the American people. This means an open articulation of our philosophy, our purposes, and our actions. We have sought to do this in the past, in the President's annual reports to the Congress on foreign policy. Equally, we must listen to the hopes and aspirations of our fellow countrymen. I plan, therefore, on a regular basis, to elicit the views of America's opinion leaders and to share our perspectives freely.

URGENT NEED FOR RECONCILIATION

Mr. Chairman, I have sketched an agenda for seeking a more durable peace abroad and a cooperative climate at home. Both objectives point to the urgent need for reconciliation. Americans have recently endured the turmoil of assassinations and riots, racial and generational confrontations, and a bitter, costly war. Just as we were emerging from that conflict, we were plunged into still another ordeal.

These traumatic events have cast lengthening shadows over our traditional optimism and self-esteem. A loss of confidence in our own country would inevitably be mirrored in our international relations. Where once we ran the risk of thinking we were too good for the world, we might now swing to believing we are not good enough. Where once a soaring optimism tempted us to dare too much, a shrinking spirit could lead us to attempt too little. Such an attitude—and the foreign policy it would produce—would deal a savage blow to global stability.

But I am hopeful about our prospects. America is resilient. The dynamism of this country is irrepressible. Whatever our divisions, we can rally to the prospects of building a world at peace and responsive to humane aspirations. In so doing, we can replenish our reservoir of faith.

OUR COMMON CHALLENGE

This, then, is our common challenge:

To distinguish the fundamental from the ephemeral.

To seek out what unites us, without stifling the healthy debate that is the lifeblood of democracy.

To promote the positive trends that are the achievements not just of this administration but also of those who came before.

To shape new initiatives that will serve not just the next 40 months but also the decades to follow.

A few years before he died, one of our most distinguished Secretaries of State, Dean Acheson, entitled his memoirs, "Present at the Creation." He chose that title because he was one of the leading participants in the creation of the postwar international system. The challenge before our country now is whether our generation has the vision—as Dean Acheson's did more than two decades ago—to turn into dynamic reality the hopeful beginnings we have made toward a more durable peace and a more benevolent planet.

Mr. Chairman and gentlemen of the committee, I am confident that, working together, we can speed the day when all of us here will be able to say that we were "present at the creation" of a new era of peace, justice, and humanity.

Thank you very much.

The CHAIRMAN. Thank you, Dr. Kissinger. I think that is a very eloquent statement and it covers some of the fundamental questions with which we are concerned.

ALLEGED WIRETAPS OF WITNESS STAFF AND PRESS MEMBERS

I am prompted to put a few questions by your statement that, "We will seek to maintain a climate of mutual trust so that arguments can center on methods, not motives." One of the disturbing recent developments has been the revelations in the press, that several of your staff associates and members of the press, some 17, altogether, I believe, were subjected to electronic surveillance without their knowledge. This concerns, it seems to me, a very serious matter of procedure and mutual trust within our Government, and a procedure which I do not believe is in accord with our traditions. I believe it would be useful to you and to the committee to clarify just exactly what was the truth about these allegations.

Could I ask you, did you or anyone else acting in your name, or on your authority, first purpose any of these wiretaps?

Mr. KISSINGER. Mr. Chairman, I think it would be helpful if I explained the circumstances of this particular event, and I think that will contain the answer to your question.

When this administration came into office, for a period of many months it was confronted with leaks to the press of documents that were considered of the greatest importance to the national security. These included discussions of National Security Council deliberations, of procedures in the case of emergency, of contingency planning, and of specific military operations.

The last conversation, in fact, that I had with President Eisenhower was when he called me from Walter Reed Hospital to protest that information that had been given to him by the President only 2 days before as extremely confidential had found its way into a newspaper on the day that he called.

In early May 1969, the President consulted the then Director of the FBI and the Attorney General about the best methods to deal with this problem. He was told that the most effective method was to apply procedures that had been followed also in previous administrations; that is to say, to tap individuals according to specific procedures. He was assured by the then Attorney General that this procedure met the legal requirements.

At that time I had been in the Government for 4 months, and I must say that it did not occur to me to question the judgment of these two individuals.

Certain criteria were then established, to follow precise procedures. These criteria were access to information that had leaked, and also information that might be developed in the course of the investigation.

My office was required to submit the names of those officials that had had access to the information that had leaked, because my office was a natural place for this information to exist.

The information was then transmitted by General Haig to Inspector Sullivan of the FBI.

After wiretaps were placed on certain individuals. I was not necessarily informed of the fact that a wiretap had been placed. The FBI would send a report to my office if the telephone conversation included information that in the judgment of the FBI contained NSC information. In other words, we did not receive reports on conversations in general. We did not receive regular reports about the contents of these conversations. My office received reports only when, in the judgment of the FBI, something was said that might involve national security information.

These reports were screened by General Haig, and if in his judgment they contained information of sufficient seriousness that they might warrant action, they were brought to my attention.

WIRETAPS ON WITNESS' STAFF

In other words, the result of this double screening, first by the FBI and then by my own staff, was that I saw very few of these reports myself, and then only if, in the judgment of both the FBI and of my staff, my staff in this case being General Haig, they contained information of sufficient seriousness that action might have to be considered.

After some months of this procedure, in the summer of 1970 it was decided that the internal security aspects of national security should be separated from the foreign policy aspects, in other words, that my office should no longer have anything to do with the internal security aspects of national security. From then on all these reports went to Mr. Haldeman's office and not to mine. Also, from that time on my office did not participate in any of the other internal security operations that have recently come to public attention.

Informal liaison was maintained, however, in the one area that had predated this decision, between General Haig and Mr. Sullivan of the FBI. If the wiretaps that continued developed information of sufficient gravity, Inspector Sullivan would call up General Haig and either inform him of that fact or call his attention to the fact that a report containing that information had been sent to Mr. Haldeman.

At this point I remember only one such event, but there may have been others.

This is the extent of the participation of my office in a program that we had reason to believe followed procedures of preceding administrations, and that was carried out by procedures believed to be legal at the time, and in which every individual action was individually

authorized by both the Director of the FBI and the Attorney General, and in which the results of the investigation came to my office only for a while, only when they concerned national security matters, and after that not at all.

TIME PERIOD OF WIRETAPS

The CHAIRMAN. How long, Dr. Kissinger, did the wiretaps continue? During what period were they?

Mr. KISSINGER. Mr. Chairman, I understand that they continued from May 1969 to February of 1971.

END PRODUCT OF WIRETAPS

The CHAIRMAN. Could you tell us the end product of the wiretaps? Were the sources of the leaks discovered?

Mr. KISSINGER. Mr. Chairman, I would prefer not to go into individual cases. There were cases in which the sources of some leaks were discovered and in which appropriate action was taken, but I do not think it would be fair to go into individual cases.

The CHAIRMAN. Do you have any objection to doing that in executive session?

Mr. KISSINGER. I believe that individual cases should be discussed by the Department of Justice and by the FBI, because I do not have any records in my office.

AVAILABILITY OF REPORT ON WIRETAPS TO COMMITTEE

The CHAIRMAN. Dr. Kissinger, the committee has requested from the Attorney General the copy of the report on these 17 alleged wiretaps and he has declined to make them available. Since they involved your office and your activities, do you not think they should be made available to the committee?

Mr. KISSINGER. The problem of revealing the content of FBI reports, Mr. Chairman, is a matter that involves many issue of fairness, and the usual procedure has been that the raw material of the FBI should not be made available. But I would prefer that this matter be discussed with the Attorney General directly.

DID ALLEGED WIRETAP CONTINUE ON PERSON NOW EMPLOYED BY COMMITTEE?

The CHAIRMAN. One of the persons alleged to have been wiretapped is a member of the staff of this committee, which gives us, gives even me, a certain interest above the ordinary. He was at one time on your staff and I would like to know whether or not the wiretap continued after he became an employee of this committee.

Could you tell us whether it did or not?

Mr. KISSINGER. I do not have these records, but I think it should be determined, if such an individual was tapped, whether the wiretaps continued after he became an employee of this committee. I would doubt it very seriously.

I might explain, Mr. Chairman, that after a tap was placed on somebody, the only way I would be able to tell whether it had continued

would be if that person had used what the FBI considered national security information in a telephone conversation and a report had been made to my office. Therefore, my own recollection of this would be highly unreliable.

I do not recall any conversations between any Members of Congress and any members of my staff. But I cannot, out of my own knowledge, give you the precise date of the termination.

The CHAIRMAN. I was not asking you for the raw materials. I would think you would know whether or not the loyalty of any individual on your staff was cast in doubt. I particularly am interested.

I asked Mr. Ruckelshaus whether any members of this committee or members of the staff of this committee had been wiretapped. He came to my office. He did not reply in writing. He assured me that they had not been. Subsequent to that particular meeting, the press carried the report that one of the members of the Foreign Relations Committee staff, had been tapped. Of course, referring back to your statement, a climate of trust is not promoted if it is believed that members of the committee or of the staff are being tapped by members of the executive branch.

It seems to me this ought to be cleared up, that we ought to be assured that it was not or there was not going to be any in the future.

Mr. KISSINGER. Mr. Chairman, I am sure that it is correct to say that if a member of your committee staff was tapped, it almost certainly preceded his employment on your staff, and it was due to the technical fact that he had been in a position where he had automatic access to the information that was in question and did not have anything to do with any duties that he later assumed. But I simply am not in a position from my own knowledge, under oath, to tell you the precise date of termination.

REPORT PREPARED ON 17 WIRETAPS

The CHAIRMAN. Have you seen the report, which I believe was prepared by Mr. Ruckelshaus or under his direction, of these 17 taps? Have you seen that report?

Mr. KISSINGER. Mr. Chairman, on Wednesday afternoon the Attorney General informed me of the fact that there was such a report. Until that time I was not aware that the report existed. He sent a copy over to me, and I leafed through it and returned the report to him. It represents a summary of information picked up on these wiretaps.

The CHAIRMAN. That is the summary I had reference to, not what I believe they call the raw material. I think the summary is all we would be interested in. And I think to clarify it would certainly contribute to the generation of this climate of mutual trust which you mentioned.

My time is up. I will resume later.

Mr. KISSINGER. May I say one thing about this particular point? Since the time that this decision was made in May 1969, the Supreme Court has made a new definition of the procedures to be followed in the use of wiretaps, and therefore, many of the issues that have been raised with respect to the previous wiretapping by this or by previous

administrations have to a very large extent become moot. In any future national security cases we would expect to observe scrupulously the decision of the Court and bear in mind very seriously the division between the concerns of national security and the requirements of liberty which my predecessor referred to and which is a statement with which I generally agree.

The CHAIRMAN. I think your predecessor recently made a public statement that he did not approve of wiretaps of his associates. But however that may be, inasmuch as you have been shown the summary, I am unable to see why the committee is not entitled to see the summary also because we are involved in this very seriously, I think, and very interestingly. But we will return to that. I do not wish to take further time.

Senator Sparkman.

Senator SPARKMAN. Thank you, Mr. Chairman.

COMMENDATION OF WITNESS

Dr. Kissinger, I join with the Chairman in commending you for the very fine statement that you have given to us. It seems to me that it is a considerable assurance of the State Department and this committee being able to work together. I have enjoyed the various informal meetings to which you referred in your statement. I have said many times that even though these were not formal committee meetings, I know of no instance in which you did not fully and frankly answer the questions that were put to you by the members of the committee.

NECESSITY OF TWO-POSITION ARRANGEMENT

Here is the thing that causes me some, I will not say concern, but makes me wonder why it is felt necessary to have this two-position arrangement. If you are Secretary of State in my conception you are the alter-ego of the President with reference to international relations. Is that not in a general way correct?

Mr. KISSINGER. That is in a general way correct, Senator. But, of course, every President has the right to conduct foreign policy in the way that helps him most in making decisions. There has been no invariable precedent that this would always be the case, but it is generally the case, and, in my judgment, it should be the case.

Senator SPARKMAN. Why is it necessary for you to be designated Assistant to the President?

Mr. KISSINGER. Senator, decisions under the NSC system are made in two ways: One, they are made within the Department, in formulation of departmental views. Second, as the NSC system has evolved in several previous administrations and in this administration, there is an interdepartmental mechanism in which each department then can present its views to the President, and in which an individual is designated as Assistant to the President for preparing the presentations of the various departmental views.

Now, in my particular case, I have really exercised three roles in my office as Assistant to the President, of which two grew up gradually over the first 4 years of the President's term and the third has remained constant. The constant role is that which I have just described, of

managing the interdepartmental process. The additional roles have been those of adviser to the President and of a negotiator for certain sensitive, complex issues requiring a very direct relationship with the President, such as the opening to China, the negotiations with the Soviet Union, the negotiations with the Vietnamese on the peace settlement. And there have been other negotiations of this nature. Now, when I move to the Department of State those two additional roles will obviously move with me.

As I said, the third role has been that of an adviser, where the President would ask my judgment as to various opinions presented to him. Now, when I move to the Department of State the advisory role will move with me, and the President will not ask me whether I am speaking to him as Assistant or Secretary of State, and I will not wear two hats with respect to the advisory role.

The negotiating role will move with me and I will not wear two hats in relation to the negotiations that I may conduct on behalf of the President. I have already discussed with the executive secretariat of the State Department how we can organize the flow of information so that it is located now primarily in the State Department with respect to the negotiations that I may conduct.

That leaves my role as Assistant to the President concentrated primarily on the interdepartmental process. In that interdepartmental process I have considered it my obligation to see to it that the President receives in as fair and full a manner as possible the spectrum of points of view that exist within the bureaucracy. That is the role which the President has asked me to continue to exercise, and it is in that role that I will function as Assistant, and almost exclusively in that role.

The operation of that role has many checks and balances built into it, because if a matter goes to the National Security Council, all the appropriate Cabinet members are present, and they will be personal judges of the fairness of that process. If it is handled by documents and not handled by a formal session, there will always be a subordinate body of an interdepartmental nature, and if a department feels that it has not received a fair hearing its Cabinet member can always demand a meeting with the President. Of course, the Chairman of the Joint Chiefs of Staff has by law the right of direct access to the President. It is in this manner that we believe that these two positions can be combined. The interdepartmental system having developed in this manner, the President wanted to preserve the Assistant's role for this particular sphere.

NARROWNESS OF WITNESS' USE OF EXECUTIVE PRIVILEGE

Senator SPARKMAN. Of course, as you know, some of the difficulty that we have had in cooperation and coordination with the Congress and the Executive, and particularly the Foreign Relations Committee in the field of foreign relations, has derived from this invoking of executive privilege. I was pleased to see the statement that you made with reference to the narrowness, I suppose is a proper word for it, with which you would make use of that.

Mr. KISSINGER. That is correct, Senator. I can repeat what I have said in my statement, and what I have said informally to many of the Senators of this committee.

PURPOSE OF WIRETAPS

Senator SPARKMAN. Let me say this with reference to the questions that the chairman made regarding these wiretaps. Do I understand correctly that at the time they were made it was for the purpose of finding out where national security leaks were coming from?

Mr. KISSINGER. Senator, this was the only thing, and there was no personal issue involved at all. That is proved by the fact that several of the individuals who have been mentioned in the newspapers have continued to work with me in close and confidential relationships and have continued to be close personal friends of mine. It was a very painful process which was believed to be necessary for the protection of national security, and a very difficult thing. But it was done for only that reason.

LEGALITY OF WIRETAPS

Senator SPARKMAN. Am I correct in my understanding that this was done at a time when it was not necessary to get an order from a judge?

Mr. KISSINGER. It was my understanding, at the time that I was asked to supply the names, that it was a procedure followed also in preceding administrations. I do not know this of my own knowledge. And second, that it had been declared legal by the Attorney General, who individually certified every case before it was instituted.

COMMENDATION OF WITNESS

Senator SPARKMAN. Dr. Kissinger, before I surrender my time, I want to commend and congratulate you upon some of the most tremendous performances that anybody has ever been able to achieve. I think you built, shall I say, new life in international relations between our country and other countries of the world. I congratulate you upon your appointment by the President and I wish you great success. I feel certain that, so far as our committee is concerned, we will be able to work together quite well with you.

Mr. KISSINGER. Thank you.

Senator SPARKMAN. Thank you very much.

The CHAIRMAN. Senator Aiken.

DOES RETAINING PRESIDENTIAL ASSISTANT POSITION REPRESENT POLICY CHANGE?

Senator AIKEN. Mr. Chairman, since we have some very important international meetings impending, including the United Nations meeting, which is due to convene within the next 2 weeks, and since it is necessary for the Secretary of State of the United States to attend those meetings, I feel that we should not delay in determining just who will be our Secretary of State. Therefore, I have only two or three questions to ask, feeling sure that any questions which I might have asked will be asked by other members of the committee. The first question relates to your statement that you will retain your position as Assistant to the President, and also be Secretary of State. You say, "The Secretary of State will be clearly the principal foreign policy adviser to the President. The locus of authority and the chain of authority will be unambiguous."

Does this represent a change in the policy of Government?

Mr. KISSINGER. No, it does not represent a full change. But in the last three administrations the fact that there has been an Assistant to the President located at the White House and a Secretary of State has led to endless speculation as to who was the dominant influence. It tended to encourage a certain bureaucratic rivalry. So there is no formal change in the position, but it will make it easier to implement what has always been the position.

AMBIGUITY OF LOCUS OF AUTHORITY

Senator AIKEN. But you say the locus of authority and the chain of authority will be unambiguous. How long has it been ambiguous? [Laughter.]

I assume that you are telling us that it has been ambiguous in the past. Do you refer simply to the present administration or to other administrations?

Mr. KISSINGER. No, I think this is a situation which has existed since the last years of the Eisenhower administration. It certainly existed in the Kennedy-Johnson administrations as well. It is inherent in the nature of the function, and it is not necessarily a bad thing.

Senator AIKEN. You mean that it was ambiguous when Secretary Dulles—

Mr. KISSINGER. No, after Secretary Dulles.

Senator AIKEN. Secretary Herter, Rusk, Rogers, the last one you mentioned.

Mr. KISSINGER. I think the process of the institutionalization began under President Eisenhower at the time that Secretary Herter was in office. It was elaborated under President Kennedy, continued under President Johnson, and continued under President Nixon.

NEW INFORMATION TO BE RECEIVED BY COMMITTEE

Senator AIKEN. I realize it is very difficult to draw a precise line of ambiguity so I will go on to the next question, which is, which relates to your statement, "In short, as a result of my combined position, the committee should receive substantially more information than it has in the past."

What information do you feel that the committee should have received that it did not receive in the past? [Laughter.]

And/or to put it the other way, of what will the new information be comprised?

Mr. KISSINGER. In my previous meetings with the committee there was expressed by various Senators a rather strong view that there were many areas that were withheld from them on the grounds of executive privilege, primarily matters of an interdepartmental nature which tended to fall between various stools. And what this paragraph attempts to say in perhaps too eloquent language, is that the types of questions that were asked of me by the committee in the informal sessions that we used to have before can now be asked in a formal hearing. And therefore, whatever lacunae existed in previous testimony on interdepartmental matters or on matters that might be entrusted to me in any capacity as special emissary for the President I could now testify to, where I could not previously.

SUGGESTION OF CURTAILING FOOD EXPORTS

Senator AIKEN. Thank you for those answers. I have a couple more questions of a more practical nature to help members of the committee in arriving at the decision which they will have to make. First, should we, as some have suggested, curtail exports of food to other countries except during emergency periods?

Mr. KISSINGER. Senator, this is really a new problem for us, because for the greater part of my foreign policy experience and for all the period that I have been in office, it was one of the basic objectives of American foreign and American agricultural policies to have free trade in agricultural commodities. Many of our trade negotiations, for example, with the European Common Market, were designed to gain greater access to the Common Market for our agricultural products. Similarly, in relation to Japan, one way we sought to offset the trade surplus in favor of Japan was through the export of agricultural commodities.

If we now make a drastic reversal of this position, then those countries that had geared their own economy to the purchase of American agricultural products will have to make a drastic change in their commercial patterns. So for the United States to implement export controls would transcend the immediate crisis which keeps arising for them, and would be a fundamental change in our policies. Up to now it has been my view that we should go to great lengths to attempt to avoid this, and I would think the situation would have to become much more grave before we did this. I think there is a need for us, however, to manage our agricultural production more systematically and to have a clearer picture of the potential needs of other countries and of the potential contribution that the United States should make, so that we do not repeat some of our recent difficulties which we saw in any one year. We have, as a matter of fact, recently issued a directive through the National Security Council system to study the very question which you raise, the relationship between our agricultural production, our exports, and our foreign policy.

Senator AIKEN. I think that that is a very good answer. If you need any further help I will be glad to help you and I am sure Secretary Butz will be more helpful than I would be.

EXTENSION OF MOST-FAVORED-NATION PRIVILEGES

In connection with that, do you think we should extend most-favored-nations privileges to countries other than those who now enjoy them?

Mr. KISSINGER. The administration has favored very strongly the granting of most-favored-nation status to the Soviet Union, or the granting of authority to the President to grant most-favored-nation status to the Soviet Union. This is an issue that should not be seen simply in the narrow terms of most favored nation but in the whole context of our relationship with the Soviet Union, in which we made a series of agreements for which the quid pro quo on our side was the readiness to extend it, and where now the refusal to grant most-favored-nation status after the Soviet Union had performed on its side would raise very serious questions about the possibility of long-

term arrangements between our two countries. Most-favored-nation status really only means that the Soviet Union should be treated like any other country; it is not extending a particularly favored status on them. So our view is that most-favored-nation status should be granted.

Senator AIKEN. So you believe that the extension of the most-favored-nation privileges to Russia would have a very beneficial effect, both upon our economic and political situation in the world?

Mr. KISSINGER. We believe it is an essential part of the policy of relaxation of tension that we have pursued.

SEPARATION OF MILITARY AND ECONOMIC AID LEGISLATION

Senator AIKEN. The last question is, do you believe that in enacting aid legislation that the military and economic aid should be separated as the Senate believes or go together in accordance with the apparent desires of the Congress? I do not know that you need to answer that question.

Mr. KISSINGER. Senator, I am reputed not to be an expert on administrative matters.

Senator AIKEN. That is a good question not to be an expert on, I think, at this point.

That is all, Mr. Chairman.

The CHAIRMAN. Senator Church.

PRESENT PERIOD OF CONSTITUTIONAL CRISIS

Senator CHURCH. Dr. Kissinger, in the view of many people in the country today, we are living through a period of acute constitutional crisis that takes the form of excessive use of Executive power. There are any number of illustrations. For one, the impoundment by Presidential decision of congressionally appropriated funds for lawful programs, a practice that continues despite the fact that the courts, thus far, have declared it to be unlawful. The crisis is also exemplified by the last two wars which have been fought on Executive initiative and waged under the argument that there is an inherent power in the Presidency that permits him to engage in foreign wars without the specific consent of Congress. And, at present, it is reflected in the speculation in the press as to whether or not the President intends to comply with a Federal court order concerning the notorious White House tapes. If the position were to prevail that he need not comply with the court order on final appeal, I would think that 500 years of Anglo-American progress toward government under law would be seriously imperiled.

PUBLIC LAW 93-50

It is against that background that I would like to ask you two questions concerning two provisions of present law. One of those provisions, in its original form introduced by Senator Case of New Jersey and myself, is now Public Law 93-50, a part of the Supplemental Appropriations Act. It reads as follows:

None of the funds herein appropriated under this act may be expended to support directly or indirectly combat activities in or over Cambodia, Laos, North Vietnam and South Vietnam or off the shores of Cambodia, Laos, North Viet-

nam, and South Vietnam by U.S. forces, and after August 15, 1973, no other funds heretofore appropriated under any other act may be expended for such purpose.

From your initial statement, I take it that you view this provision of law as binding upon the President and that you would advise the President, as Secretary of State, to conform to it. Am I correct?

Mr. KISSINGER. That is correct, Senator.

Senator CHURCH. I have great personal respect for you. I welcome that answer for, had it been the opposite, I could not support your confirmation.

COOPER-CHURCH AMENDMENT

There is another provision of law that has been known as the Cooper-Church amendment reenacted several times over by the Congress. I would like to read it to you and then ask you a question or two relating to Cambodia today. It reads: "In line with the expressed intention of the President of the United States, none of the funds authorized or appropriated pursuant to this or any other act may be used to finance the introduction of U.S. ground combat troops into Cambodia, or to provide U.S. advisers to or for military, paramilitary, police, or other security or intelligence forces in Cambodia."

The first question I would ask of you, Dr. Kissinger, is whether or not that provision of law is being complied with?

Mr. KISSINGER. To the best of my knowledge, it is.

TELEVISION NEWS SHOW, SHOWING U.S. COLONEL WITH CAMBODIAN FORCES

Senator CHURCH. About a month ago, I watched a national network television news program which showed an American colonel, as I recall his rank, in the field in Cambodia with Cambodian forces. The film showed him pointing in various directions on the battlefield, discussing what must have been matters of tactical concern, with Cambodian soldiers in uniform, and opening a map and discussing with reference to the map and the terrain, what he had to say. The Cambodians were listening very intently to what must have been his advice.

Assuming that this film was actually taken in Cambodia, as it was purported to be, and that the camera accurately recorded the event, would not that colonel be acting as a military adviser, contrary to the provisions of the law?

Mr. KISSINGER. Senator, I honestly do not know anything about that event, and it is very difficult for me to speculate. If the colonel was advising Cambodian troops in combat actions he was acting in violation of the law.

But let me make a general comment. The Vietnam war was conducted in an atmosphere of extraordinary bitterness within this country, I would say on both sides of the discussion, in which both sides believed that very grave issues of national policy were involved; under those conditions it is possible that things were done that seemed overwhelmingly in the national interest and that that was considered the primary criterion.

If what I have said to this committee is to have any meaning, then it would be totally inappropriate for me, as Secretary, or as adviser to the President, to behave like a sharp lawyer and to try to split hairs

and find some legal justification for something clearly against the intent of the law. So I think the better answer to give you, Senator, is to say, that when the law is clearly understood—and it will be my job to make sure that I clearly understand the intent of the Congress—we may disagree with it, but once the intent is clear we will implement not only the letter but the spirit. If such an event occurred as you describe, I will do my best to have it stopped.

Senator CHURCH. Dr. Kissinger, I want to thank you for that assurance and, knowing you as I do, I am certain that you will follow through with it.

Mr. KISSINGER. Thank you.

ACCOUNTING FOR MISSING IN ACTION

Senator CHURCH. May I ask you a question or two concerning the missing in action? As a part of the cease-fire agreement, it is my understanding that the North Vietnamese promised to cooperate in giving us a full accounting of the missing in action. As I recall, there were some 1,300 Americans that we listed as missing in action at the time that this agreement was entered into. How many of these 1,300 have been accounted for to date?

Mr. KISSINGER. I do not believe, Senator, that any of them have been accounted for adequately. It has been one of the unsatisfactory aspects of the implementation of the agreement. If they have been accounted for, it has been through the testimony of prisoners who could give us some account of, say, the death of a person who was missing, or some other disposition. The North Vietnamese were supposed to permit American teams to go to the grave sites and to exhume bodies and to give us other information.

When I was in Hanoi in February, I brought some 80 files of individuals who we had reason to believe had been captured. In some cases these included pictures of individuals who looked like the missing persons, who had been seen being captured or in some prisoner group. In other cases we gave very detailed circumstances. They told us they would make an immediate investigation. So far we have not had any results of that. Other files have been turned over to them of the best information we have. The only cooperation we have received is the visit to one grave site of, I think, some 23 Americans who died in captivity in North Vietnam. I am not absolutely sure that that number is correct. It has been one of the most unsatisfactory aspects of the implementation of the agreement. In Laos, actually, we have more reason for concern, because the ratio of prisoners to those that we have reason to believe parachuted is smaller than it is in any other part of this area. We have been promised that, upon the conclusion of the agreement which is now in the final stages of being negotiated, we would be given the opportunity to search in Laos. It may be somewhat easier to do it there because the agreement should produce, or is designed to produce a central government not under North Vietnamese control.

But the answer to your question, Senator, unfortunately, is that we are extremely dissatisfied with the results of the implementation of that part of the agreement, and that it is one of the reasons why we cannot proceed in certain other areas such as economic aid negotiations.

WAS RUSSIAN OR CHINESE AID ENLISTED IN SOLVING MIA PROBLEM?

Senator CHURCH. On behalf of the National League of Families of American Prisoners and Missing In Southeast Asia, the committee has been requested to ask you whether you have enlisted the aid of the Russians or the Chinese in solving this MIA problem?

Mr. KISSINGER. In every conversation that I have had with high Chinese or Soviet officials, I have raised this issue, and when I go to Peking I will again bring it to the attention of the Chinese leaders.

FURTHER STEPS TO SECURE NORTH VIETNAMESE COMPLIANCE WITH MIA PROVISION

Senator CHURCH. As Secretary of State, if confirmed by the Senate, can you tell us what further steps you have in mind that you might take to secure compliance by the North Vietnamese of this very important provision of the agreement?

Mr. KISSINGER. Senator, one of the results of our continuing disengagement from Indochina is that the pressures and incentives that we have available are also shrinking. We will not be able to proceed with the implementation of the economic assistance provisions, or the negotiation of those, until we have achieved a more satisfactory compliance with the missing-in-action provisions of the agreement. We will use diplomatic pressure to the extent that it is available to us, and we will have to make clear to the North Vietnamese that the normalization of relations with them, which we would otherwise seek and welcome, is severely inhibited by their slow compliance with the missing-in-action provisions.

I may say that as Assistant I have regularly met with the League of Families, including a few weeks ago when they had their convention here, and it is rather a profound human experience to meet with these families——

Senator CHURCH. I know——

Mr. KISSINGER [continuing]. And I will continue to give it my personal attention.

Senator CHURCH. Thank you very much, Dr. Kissinger, for your answer. My time is up.

The CHAIRMAN. Senator Case.

Senator CASE. Thank you Mr. Chairman.

QUESTIONS ON WIRETAPS

Mr. Chairman, you raised some questions with Dr. Kissinger in regard to wiretapping and I have further questions on that matter which I shall, with your approval, defer until we receive the FBI report that you have referred to Mr. Chairman.

The CHAIRMAN. Pardon me.

Senator CASE. I shall defer the questions on wiretaps until we have received the FBI report that you referred to earlier. I think it is very clear that the committee will not be in position to act on the nomination until that report has been received.

The CHAIRMAN. I agree with the Senator.

COMMENDATION OF WITNESS

Senator CASE. At the outset I want to join my colleagues in expressing admiration and respect for you as an individual and for your accomplishments and our satisfaction in the relationships we have had with you personally. Questions as to your confirmation in no way reflect upon personal relationships, as you know.

FURNISHING OF EXECUTIVE AGREEMENTS TO CONGRESS

In this initial 10-minute period that I have, or so much of it that remains, I do just want to deal with one important theme. All of us welcome your offer of cooperation. We desire cooperation too. I think you will agree, cooperation depends upon a mutual exchange of information and on confidence in the information that each gives the other. A specific question on that point is a subject in which I have a particular interest.

We have adopted a law which says that the Executive must send up to the Senate and the House Foreign Relations and Foreign Affairs Committee all executive agreements made with foreign countries. A Department of State memorandum or opinion to us confirms that the law means "all." I take it you agree with the State Department opinion. It means all executive agreements. This law provides not for some, but for all agreements to be furnished.

Mr. KISSINGER. I frankly am not familiar with that Department of State memorandum, but I have no reason to question it.

Senator CASE. Would you be good enough to check that particular point?

Mr. KISSINGER. I will check that point.

Senator CASE. And either confirm or change your answer to that please.

Mr. KISSINGER. I will supply the answer: I have not studied it.

Senator CASE. That can be done for the record.

The opinion was given us earlier this year and, I am sure will be available to you.

[The information referred to follows:]

THE WHITE HOUSE,
Washington, September 9, 1973.

Senator J. WILLIAM FULBRIGHT,
U.S. Senate,
Washington, D.C.

DEAR MR. CHAIRMAN: When I appeared before your Committee on September 7, you requested a statement for the record on whether I agree with the Department of State views, as expressed by its Legal Adviser's Office, regarding the agreements that are required to be submitted to the Congress under the Case Act.

I agree with the statements made in the letter of January 26, 1973 from the Department's Acting Legal Adviser, Charles N. Brower, to the Honorable Carl Marcy regarding the requirements of that Act. I also agree with the views of Acting Secretary of State Kenneth Rush as expressed in his letter of September 6, 1973 to the heads of other executive departments and agencies requesting their cooperation in assuring that the requirements of the Case Act are complied with. I am enclosing a copy of that letter for the information of your Committee.

Best regards,

HENRY A. KISSINGER.

DEPARTMENT OF STATE.
Washington, September 6, 1973.

DEAR ———: I want to invite your personal attention to the problem of ensuring that all international agreements to which the United States becomes a party are cleared, prior to conclusion, with the Department of State and are submitted, after conclusion, by the Department of State to the Congress, as required by the Case Act (Public Law 92-304; 1 USC 112b). Although cooperation by the various executive departments and agencies has, in general, been most gratifying, there remain difficulties, particularly in achieving mutual understanding of the types of agreements covered by the applicable law and in assuring sufficient awareness by officers and employees of the implications for the operations of their department or agency. It may well be that a combination of new regulations and broad educational efforts within each affected department and agency will suffice to eliminate these difficulties, and I hope you will ensure that the necessary action is taken within your jurisdiction.

A recent Report by the Comptroller General, "U.S. Agreements with and Assistance to Free World Forces in Southeast Asia Show Need for Improved Reporting," B-159451, April 24, 1973, has recommended that the Congress consider legislation requiring that the Secretary of State submit annually to the Congress a list of all such subordinate and implementing agreements made involving substantial amounts of U.S. funds or other tangible assistance, together with estimates of the amounts of such funds or other assistance. I believe that such legislation should be unnecessary. Certainly it is preferable to bring about full cooperation through our own efforts.

On August 15, 1973 the Department of State published in the Federal Register a Public Notice inviting comment on a proposed revision of its Circular 175 Procedure, and related procedures, regarding the authorization, negotiation and conclusion of treaties and other international agreements (38 Fed. Reg. 22084). We would appreciate the opportunity to discuss with you any particular questions or problems that you may have regarding the application of that procedure, which we hope will provide a satisfactory basis for instructions within each of the departments and agencies concerned.

In this connection, I would also note that neither the form in which an agreement is expressed nor the fact that an agreement is of a subordinate or implementing character in itself removes the agreement from the requirements of the Case Act or of the law regarding the publication of international agreements (1 U.S.C. 112a). The determination whether an instrument or a series of instruments constitutes an international agreement that is required to be transmitted to the Congress and to be published is based upon the substance of that agreement, not upon its form or its character as a principal agreement or as a subordinate or implementing agreement.

As the subject matter of our international agreements is, in general, as broad as the scope of our foreign relations, it is not practicable to enumerate every type of agreement which the Department of State should receive from the other executive departments and agencies. However, it seems clear that texts should be transmitted to the Department of State of the agreements referred to in the recommendations of the Comptroller General and of any agreements of political significance, any that involve a substantial grant of funds, any involving loans by the United States or credits payable to the United States, any that constitute a commitment of funds that extends beyond a fiscal year or would be a basis for requesting new appropriations, and any that involve continuing or substantial cooperation in the conduct of a particular program or activity, such as scientific, technical, or other cooperation, including the exchange or receipt of information and its treatment. In general, the instruments transmitted to the Congress pursuant to the Case Act, and those published (other than those classified under E. O. 11652), should reflect the full extent of obligations undertaken by the United States and of rights to which it is entitled pursuant to instruments executed on its behalf.

The fact that an agency reports fully on its activities to a given Committee or Committees of Congress, including a discussion of agreements it has entered into, does not exempt the agreements concluded by such agency from transmission to the Congress by the Department of State under the Case Act.

In the event of a question whether any particular document or series of documents constitutes an international agreement, inquiry may be made of the Assistant Legal Adviser for Treaty Affairs in the Department of State, telephone

632-1074. We look forward to your continued cooperation in ensuring compliance with these requirements.

Sincerely,

KENNETH RUSH,
Acting Secretary.

STATE DEPARTMENT AUTHORIZATION BILL PROVISION CALLED "ACCESS TO
INFORMATION"

Senator CASE. In the State Department authorization bill as it passed the House—as a matter of fact, it has been agreed to in conference—there is a provision, which our chairman proposed, called "access to information."

Are you familiar with that amendment?

Mr. KISSINGER. Yes, it is a provision with which I am familiar.

Senator CASE. What is your view on it and will you support it?

Mr. KISSINGER. Senator, I am afraid I could not support this provision, because, as I understand that provision, it means that the majority of any congressional committee, at least of the Foreign Relations Committee, can request any departmental document except direct communications between the Department and the President, and therefore, by implication, any communication between the Department and foreign countries, any instruction that the Secretary may give to an ambassador. I believe, while we strongly advocate the fullest sharing of information, that this would invite a degree of intrusion into the confidentiality of international exchanges that might be dangerous to the conduct of foreign policy. So I have to say, with all respect, Senator, that this is a provision of the act that we could not support.

Senator CASE. Dr. Kissinger, I do call your attention to the provision that is contained in the amendment that it shall not apply to any communication directed by the President to a particular officer or employee—

Mr. KISSINGER. That is correct. I am aware of that.

Senator CASE [continuing]. Of the department or by him to the President.

Mr. KISSINGER. I understand that, Senator. But it would apply to any communication involving anyone else in the department except between a departmental officer and the President.

Senator CASE. I am sorry, a particular officer or employee of such department.

Mr. KISSINGER. To the President. However, that is the only exclusion.

Senator CASE. No, directed by the President to any officer or employee of any department, agency or corporation or any communication directed by any such officer or employee to the President.

Mr. KISSINGER. That is correct, Senator. But the point I am making is that this exclusion would not apply to a negotiation that would be conducted, for example, with a foreign country. It would be possible to request all the raw material of such a negotiation constantly while it is going on, and we believe that this would have a dangerous impact on our conduct of foreign policy.

However, as I have said in my statement, I would be eager to sit down with the congressional leadership to work out procedures by which you could receive the fullest briefings.

AMENDMENT TO STATE DEPARTMENT AUTHORIZATION BILL

Senator CASE. I want to call your attention to this. I am very serious about this matter because if the President, on your recommendation, would veto the State Department bill, I would take it as a very important step backward in the effort to bring about better relations between the Congress and the President in foreign policy.

It is absolutely clear that matters to which executive privilege inheres in the President cannot be affected by this amendment to the State Department authorization bill.

Mr. KISSINGER. That is correct.

Senator CASE. And there is no attempt to do it.

The chairman will speak for himself on this as the author of the amendment. But certainly the members of the committee feel this is an important measure. And specifically, such a request can be made only if a majority of the committee requests information. This would not be done lightly.

Now the conference committee agreed to limit information to the Committee on Foreign Relations and the Committee on Foreign Affairs. To speak in general terms about the desire for cooperation, and we all share this concern, but then, when you make a specific effort to react with the worst possible case argument, it does not lead to good relations and I am sorry about your view on this matter.

I hope we may come back to this later in the hearing, but if I may, Mr. Chairman, for the remainder of my time I would like to go to another point unless you want to comment, since this was your amendment.

The CHAIRMAN. I only comment that I agree with the Senator that we have had instances, as you know, of papers which were in no sense sensitive in the matter of intelligence that have been refused on the ground they were.

I agree with my colleague.

Senator CASE. I thank the chairman and I would like to come back to this and consider it more fully.

AVAILABILITY OF NSC STUDIES ON FOOD AND FUEL

Could you answer a few specific questions on this matter of information? You have asked for studies by the National Security Council on fuel and food?

Mr. KISSINGER. That is correct.

Senator CASE. Will those studies be available to us in the committee and in the Congress?

Mr. KISSINGER. It has not been in the past the practice to make National Security Council documents available to senatorial committees. We would, however, be prepared to submit the conclusions of these studies when they are embodied in Presidential decisions, or before they are embodied in Presidential decisions to the committee.

AVAILABILITY OF NSC STUDIES GENERALLY

Senator CASE. I appreciate that very much and I take it when you say these studies you mean not just food and fuel studies, but generally. You will provide National Security Council studies.

Mr. KISSINGER. I would think that in general the direction that the policy is intended to take should be discussed with this committee before final decisions are made. Even if we adopt decisions that do not meet with your approval, I think the committee should have an opportunity to express its views in the Senate first.

Senator CASE. I think this is a terribly important point.

The National Security Council studies are something we cannot duplicate with our facilities. They are enormously important in development of policy and for us to have a chance to examine them and to comment on them before policy decisions are made by the President on the basis of those reports, I think is a vital matter.

Mr. KISSINGER. No, Senator; I want to be precise.

Senator CASE. I want you to be precise, too. We do not want any fuzziness.

Mr. KISSINGER. I did say that we would, in executive session or in some other arrangement to be worked out with the chairman, brief the committee on the general thrust of the studies and give the committee an opportunity to express its views before a finalization is made.

Senator CASE. Would that include the pros and the cons?

Mr. KISSINGER. Yes.

Senator CASE. If there is an important negative or a minority view expressed in the report?

Mr. KISSINGER. Absolutely.

Senator CASE. That would be a matter that we would be advised of in substance?

Mr. KISSINGER. That should be part of the discussion.

Senator CASE. Again, we will go into this more fully at a later time, but I think it is a most important matter and we, Mr. Chairman, of course, as a committee, will have to be in a position to receive the information and to review it on a regular basis. I am sure under your guidance we will accomplish that.

GIVING FALSE INFORMATION TO CONGRESS

On the matter of information—and I do not like to do this but I have to—everything depends upon not only getting information but on being able to be sure it is accurate, and this committee has had and the Congress, and the Senate, I know, has had instances in which this has not been done for us. If you find a certain tentativeness in our acceptance of your warm offer of cooperation, it can be traced directly, for example, to the fact that Secretary Rogers told us that our “hands were clean,” in Cambodia. This kind of thing just cannot form the basis for any kind of cooperation between the Senate, the Congress, and the executive branch.

I do not want you to comment on an individual. I do wish you would comment on what you would do in circumstances of the sort Rogers faced. Do you regard it as necessary in carrying out of your job to give false information to Congress—

Mr. KISSINGER. Senator—

Senator CASE [continuing]. Where you feel it is in the national interest?

Mr. KISSINGER. Senator. I would think that the events to which you referred were in a very particular circumstance, one which I have

made clear in my statement we have every intention to transcend. If we succeed in implementing what I have described here, a condition of confidence would be created between the committee and the executive branch so that such an event would be inconceivable.

In any event, no matter what the relationship is between the committee and the executive branch, I would not consider it appropriate to mislead the committee as to any matter of foreign policy.

Senator CASE. My time is up, Mr. Chairman. Thank you.

The CHAIRMAN. Senator Symington.

COMMENDATION OF WITNESS

Senator SYMINGTON. Dr. Kissinger, I join my colleagues in commending you for a fine statement this morning.

WITHHOLDING OF INFORMATION CONCERNING CAMBODIAN BOMBING

When your nomination for this position was announced, I made a short statement stating I would like to talk to you about executive privilege, which has already been discussed; wiretapping, which has already been discussed. I may have several questions to ask on those matters later on, but in this round I would talk about a subject we worked on during the recess in another committee.

Testimony before the Senate Armed Services Committee revealed that the bombing of Cambodia, which began in March of 1969, was deliberately held secret, not only from the American public but from the relevant committees of Congress.

Did you approve this withholding of information regarding the extension of the Indochina war?

Mr. KISSINGER. Senator, let me answer your question first and then let me perhaps add a sentence or two to it.

First, as Presidential assistant and administrator of the National Security Council system, it was not my role to approve it or disapprove it at that time. Therefore, the technical answer to your question is that this was not my function in the early stages of the administration.

Nevertheless, I do not want to mislead the committee. I was in agreement with the policy that was then being pursued, and I believed then, and must say in all honesty that I believe now, that the action itself was correct.

I do not accept the proposition that it was an extension of the war into Cambodia as such. The circumstances were that we were confronted with a massive North Vietnamese offensive, in which our casualties were 1,300 a month, in March, in violation of the agreement on the bombing halt. When the agreement to halt the bombing was made in November 1968, all the senior officials of the then administration pointed out that if there were any violation they would resume the bombing of North Vietnam.

We waited for 4 weeks before we took any major action. There were several Presidential warnings in press conferences, and, I repeat, our casualties were 1,300 a month.

There were some 50,000 North Vietnamese troops shuttling back and forth across the Cambodian frontier, engaging in combat operations with our troops, and inflicting heavy casualties.

But the problem that we faced in March 1969 was to do something that was significant without resuming the bombing of the North, which we were not prepared to do at that time.

Senator SYMINGTON. I do not mean to interrupt you, but we have been through that. When the bombing was discovered and all the reasons were given as to why it was done, I asked if you approved it.

Mr. KISSINGER. I just wanted to make clear it was not a bombing of Cambodia, but it was a bombing of North Vietnamese in Cambodia.

WHO SET POLICY OF DECEPTION IN MOTION?

Senator SYMINGTON. Who in the White House set this in motion, this policy of not telling about the bombing of Cambodia, starting in March of 1969, this policy of deception?

Mr. KISSINGER. Senator, in the hearings before your committee, there were two issues of so-called deception raised. One was the double bookkeeping that was engaged in in the Air Force, and the other one was the cover stories that were used with respect to the bombing. Now one thing that I do not think has been brought out in the hearings sufficiently was that when the bombing first started it was intended as a series of individual acts. For example, there was only one attack in March, two attacks in April, and two attacks in May.

Senator SYMINGTON. There were more than that. But the point I am trying to make is who approved it, who was the one who directed it?

Mr. KISSINGER. There were more sorties, but there were only those days on which the attacks took place.

The double bookkeeping we never had any knowledge of, though in retrospect I must say that, given the requirements of security that were imposed, perhaps one should have asked oneself the question how these raids were going to be accounted for. But we had no knowledge of the double bookkeeping.

On the cover story, at that National Security Council meeting that approved the first operation, which was the only one that was approved then, it was agreed that the formal press guidance would be that there were attacks taking place northeast of Tay Ninh, without specifying their exact location. We would neither agree with nor deny any accusations that they were in Cambodia, but we would say they would be investigated; if the Cambodian Government protested, we would apologize, and would admit that it had taken place. This was the press guidance that was agreed to at this National Security Council meeting, and it is to my knowledge the only press guidance that was ever discussed at the White House level.

Senator SYMINGTON. You said it was directed. Who directed it?

Mr. KISSINGER. What do you mean, Senator?

Senator SYMINGTON. Who directed the secrecy with respect to the bombing as well as the bombing itself?

Mr. KISSINGER. General Wheeler has testified before your committee that the secrecy had been ordered by the President but there was unanimity within the National Security Council that it should be kept secret for the reasons that have been given.

INFORMING PROPER CONGRESSIONAL COMMITTEES OF USE OF MILITARY FORCES

Senator SYMINGTON. You are now taking this position, which, as you know, based on a talk I made on the floor of the Senate some 2½ years ago, I felt you were conducting in fact. Would it be your position if you are confirmed as Secretary of State, that the proper committees of Congress cannot be entrusted with information of this character, the use of military forces in a foreign country with which we were not at war?

Mr. KISSINGER. Senator, this was a very peculiar circumstance which I cannot conceive ever arising again. However, I would believe that in the unbelievable event that such a circumstance would arise again, a procedure must be found by which the proper congressional committees are informed.

Senator SYMINGTON. I appreciate that answer. If you do not tell the proper committees, and they recommend the money for the purpose as expressed when you asked for the money, the executive branch, and it is used for another purpose, I think that is not only illegal but unconstitutional.

INTENT OF FURNISHING MILITARY AID TO LON NOL GOVERNMENT

When we first began to furnish military aid to the Lon Nol government in Cambodia, we were told this was not intended to support the Cambodian Government, rather a part of our war effort in Vietnam.

In criticizing the congressional call-off of American bombing in Cambodia, however, President Nixon asserted we were abandoning a friend. Did military assistance to the Lon Nol government somehow create a commitment to that government?

Mr. KISSINGER. It has created a situation in Cambodia, where, in our judgment, the negotiations which we sought would be most likely if there were a certain balance in Cambodia which gave both sides an incentive to negotiate. We thought this, in turn, was important for the maintenance of the cease-fire in Vietnam. Therefore, it has been the judgment of this administration that the cut-off might have unfortunate consequences.

There is no formal commitment to any particular government in Cambodia, but we have considered the Lon Nol government a friendly government.

PRESENT JUSTIFICATION FOR CONTINUED MILITARY SUPPORT TO CAMBODIA

Senator SYMINGTON. If there is no formal commitment and we are out of Vietnam, what is the present justification for the continuation of military support?

Mr. KISSINGER. Military support can be given to countries on the basis of the American national interest, and on the basis of the importance the United States attaches to the developments that would flow from not giving economic assistance and military assistance, even if there is no formal commitment. That can be decided from case to case.

U.S. POSITION CONCERNING CIVIL WAR IN CAMBODIA

Senator SYMINGTON. Do you consider it is our responsibility to take sides in a civil war in Cambodia?

Mr. KISSINGER. Do I take it to be our responsibility?

Senator SYMINGTON. Yes.

Mr. KISSINGER. I have explained what our position is with respect to what you called the "civil war" in Cambodia. We have no particular interest except that it be settled peacefully and through negotiation, and we have many times said that we would acquiesce in any solution that is freely negotiated and would support it. Indeed, we were attempting to promote this during June and July.

RISK OF BECOMING INVOLVED IN FOREIGN COUNTRY'S INTERNAL AFFAIRS

Senator SYMINGTON. Given this history, do you believe that the furnishing of military assistance to other foreign countries may create a risk that we will become similarly involved in their internal affairs?

Mr. KISSINGER. Senator, the experience of the Indochina war was that we started with one set of assumptions and as the war progressed, there was always a shifting evolution. I believe I would turn your question around: that we should give military assistance only in cases where we find that our national interest is sufficiently involved to warrant it, and not start by giving military assistance and derive our national interest from that.

WITNESS' OCTOBER 26, 1972. STATEMENTS AND SIMILAR SITUATION IN CAMBODIA

Senator SYMINGTON. In your press conference of October 26, 1972, you announced that "We have now heard from both Vietnams." And that, "We believe that peace is at hand."

Mr. KISSINGER. That is right.

Senator SYMINGTON. These statements were later flatly contradicted in an interview given by President Thieu in which he stated that he could not accept the October terms and so notified you in October. Moreover, your statement that peace was at hand preceded the most intensive bombing raids of the war on North Vietnam.

Now we have, in effect, the same situation in Cambodia. When we discovered through a British newspaperman, who was flying from Phnom Penh to Saigon and noted the bomb craters, that we were heavily bombing Cambodia, we stated this was being done with the acquiescence if not the actual approval of Sihanouk. This, now he flatly denies. So here we have a repeat, you might say, of the same type and character of problem that developed with respect to President Thieu. What are your thoughts?

Mr. KISSINGER. Well, let me comment first, Senator, about the October 26 press conference. First, I said on October 26 that "peace is at hand", the final negotiations to bring about the peace concluded about January 8. I do not want to split hairs about how you would define "at hand," but it would seem to me that an 8-week interval between that statement and the subsequent conclusion of the peace settlement is not unreasonable. Nevertheless, I will confess to you that when I

made that statement on October 26, I thought the process would be even more rapid.

But let me explain the circumstances of the statement of October 26: We had concluded an agreement which in its main outlines seemed satisfactory to us and we had agreed tentatively to certain schedules of implementation, schedules which could then not be met for a variety of reasons, including the violation of the secrecy of the negotiations by the North Vietnamese and the opposition of the South Vietnamese Government.

When I stepped up on that press podium on October 26, my primary concern was to salvage the agreement. It was the first official communication that we could make after the North Vietnamese had disclosed the contents of the negotiation, and my primary concern was to convey to them that, despite the opposition of Saigon, the basic principles of the agreement would be maintained. And, therefore, I spelled them out, and said that we would remain committed to carrying out this agreement, in order not to create a circumstance in which the whole agreement would get reopened. I believe that this was one of the factors that made it possible to continue the momentum and to achieve the agreement—a little more slowly than I had hoped, but in any event, in a not unreasonable period of time.

Now, in the case of Prince Sihanouk, I would recommend, Senator, that you read a press conference that he gave on May 13, 1969, in which he was asked about the B-52 bombing—and I would be glad to supply it for the record—in which he said—and I am paraphrasing—

If a buffalo is killed or a Cambodian is killed, then I protest immediately. But in unoccupied parts of our country, the Americans are killing North Vietnamese, I do not object. The Americans will not admit it and the Vietnamese cannot protest.

He is in a difficult position. We have respect for him. We do not want to make his position more difficult. It is clear that it was in his power to stop it if he had protested, and he did not do so. But I can also understand why in his present position, where he is dependent more on his former opponents, he will take a different tack.

[The information referred to follows:]

PRINCE NORODOM SIHANOUK—PRESS CONFERENCE—MAY 13, 1969

(As reported by Foreign Broadcast Information Service)

SIHANOUK ON REJECTION OF U.S. RECONCILIATION—MAY 13 SPEECH

[Supplied by Executive Office of President]

Phnom Penh Domestic Service in Cambodia at 1050 GMT on May 13 carries a recording of a press conference given by Prince Sihanouk in Kompong Sella Province on May 13. Sihanouk begins by asking permission to speak in French. He then announces that he will deal with two problems—U.S.-Cambodian relations and relations between Cambodia and the Federal Republic of Germany.

Sihanouk complains that facts have been distorted in press agency dispatches on his press conferences. He reads a UP cable published in Le Figaro on the conference in which he rejected reconciliation with Washington and Bangkok. He says editing of his words by U.S. agencies is unjustified. "For instance, I said the Americans themselves changed, but their press jumped on this occasion to show that I am not consistent. For example, they said: At first Sihanouk demanded a formula declaring the recognition of his frontiers, and we satisfied him. Then he added that we must include Preah Vihear and so forth. They have deliberately and simply left out the (? hyphen) that explains Sihanouk's demand. (? my second request).

"Since I have set forth my formula and asked everybody to use it, there is no reason for me to have America use another. I find it perfect, and I give it twenty marks over twenty. But they have broken the bridge between the first affair and the second.

"What is most important is the statement a fortiori of Washington. But after it, a U.S. Government spokesman said: 'What we have done is to [word indistinct] Sihanouk. We have told him we recognize his frontiers without knowing their whereabouts because they are vague and undefined.' Because of such statements I accused the Americans of making an aboutface.

"By garbling, passing over in silence, and putting under [words indistinct], the Washington spokesman's statement made the statement on recognition of our frontiers meaningless. However (? if people gave credence to their arguments), the entire world would have believed that I was really cynical. The Americans said: 'Lo and behold, Sihanouk asked everybody to say this. He accepted everybody's statement except ours. At first he accepted our statement, but he rejected it the next day. You see, he has twice been inconsistent. First he accepted the same statement from other people but rejected ours. Second, he accepted our statement and rejected it some days after.'

"You see, they consider me a child, and this is prejudicial not only to me but also to Cambodia and its entire policy. You know very well that I have not acted illogically and that, on the contrary, I have always acted according to a formal and mathematical logic. But they have ignored this.

"Therefore, please stress that the gist of the affair is the fact that the statement by the spokesman of Washington and the State Department stripped the Washington statement of all meaning. This has been passed over in silence by the news agencies. You stated the truth in your dispatches, but when they reached London, Paris, New York, and Washington, people simply overlooked the story in order to present me as a man of bad faith, an idiot, and a child.

"My rejection was due solely to the statement of the U.S. Government spokesman that the recognition was made on nonexistent frontiers and that Sihanouk did not request them to specify what frontiers. I did not ask for any specification, because the frontiers are known. They should have known the frontiers prior to recognizing them.

"I was perfectly logical. However, they failed to do me justice concerning my rejection. I do not ask them to admit that I am right, but I do ask them to take note of the explanations behind my rejection. They did note my rejection, but they set aside its explanations. That is serious, in my opinion."

After reiterating the above arguments in Cambodia, the Prince says: "I have requested the specification that Preah Vihear and so forth be included in my frontiers, because the Washington spokesman said I accepted the recognition statement without grumbling.

"On the contrary, I congratulated America for saying exactly what I wanted. But the spokesman said they pleased Sihanouk so they could come back to Cambodia; that it was understood that Sihanouk's frontiers are vague and undefined [words indistinct]; that people do not know what these frontiers are; that Laos, Thailand, and Vietnam still contest these frontiers and have claims to make to Sihanouk; and they could not commit themselves in freezing the frontiers of Sihanouk. There, they [words indistinct] passed over such statements in silence so as to describe me as a whimsical man."

After rejecting reports in the US press that Cambodia was going to cooperate with the United States, Prince Sihanouk reads the May 9 report by Huot Sambath citing military sources that Cambodian officers in border posts secretly conferred recently with their US and South Vietnamese counterparts on action to be taken against enemy positions.

Prince Sihanouk again categorically refutes this false news and denies that he has ever allowed US bombing of his territory. He says the United States wants to sabotage Cambodia's neutrality, and that Cambodia has had no contact with the Americans and Vietnamese of Saigon. He says: I have not protested the bombings of Viet Cong camps because I have not heard of the bombings. I was not in the know, because in certain areas of Cambodia there are no Cambodians.

The Prince then states: Several weeks ago I showed you on a map a mountain range that lies between our [South Vietnam-Cambodian] frontiers. That mountain range—even on the Cambodian side—is not frequented by us. Suppose the Americans bomb the Viet Cong and Viet Minh camps there? As long as the Viet Cong and the Viet Minh do not report that they have been bombed, [Sihanouk

laughs] that their camps on Cambodian territory have been bombed by the Americans . . . [sentence not completed]. But do you really think the Viet Cong and Viet Minh will tell about that? [Sihanouk laughs] I don't have the police, and the Viet Cong and Viet Minh themselves, [Sihanouk laughs]. You understand [words indistinct]. It's rather humorous, but it's like that.

When the Americans and the Viet Cong and Viet Minh kill one another on our territory where I have no administration, no police, no army, then I cannot be informed about it. Suppose I am informed by the Americans? I still want confirmation from the Viet Cong and Viet Minh. But I don't think the Viet Cong and Viet Minh, or his Excellency Hieu or His Excellency Thuong [NFLSV and DRV representatives in Phnom Penh] will tell Phurissara: "We have the honor to complain to you that the Americans have bombed us while we are occupying your territory. They have bombed us." Will they protest against the Americans? I don't see how they can do that, [Sihanouk laughs] because both of them are at fault.

If the Viet Cong and Viet Minh have really come to enslave our country, then they are at fault. If the Americans bomb our territory, they are also at fault. In fact, both of them are at fault.

But if the Americans say that they bombed such and such a place here, we have to ask the Vietnamese whether they penetrated our country or not. I think that Hieu and Thuong will not answer, even if they have been bombed. I think that they will not tell.

Sihanouk notes that there are some places which are so remote that the Cambodian authorities cannot go to investigate all alleged bombings, if there are any. But if the Viet Cong and Viet Minh announce they have occupied a part of Khmer territory and that the Americans have bombed them, Cambodia will protest both their occupation and the U.S. bombings. He points out: Cambodia only protests against the destruction of the property and lives of Cambodians. All I can say is that I cannot make a protest as long as I am not informed. But I will protest if there is any destruction of Khmer life and property.

Here it is—the first report about several B-52 bombings. Yet I have not been informed about that at all, because I have not lost any houses, any countrymen, nothing, nothing. Nobody was caught in those barrages—nobody, no Cambodians. It is true that we have occupied Bo Kham, but we do not go beyond Bo Kham. It is true that we have been at San Monorom, but we are not at (Nam Lea) Mountain. Suppose people bomb (Nam Lea) Mountain—my God, it is in Cambodia, but if we are not at (Nam Lea) Mountain, then it means nothing. [Sihanouk laughs]. If the wolves [words indistinct] kill one another—my God, it is very bad, very bad for us concerning the violation of our airspace and our territory. But with regard to their loss, it does not (? concern us). [Sihanouk laughs].

That is what I want to tell you gentlemen. If there is a buffalo or any Cambodian killed, I will be informed immediately. But this is an affair between the Americans and the Viet Cong-Viet Minh, without any Khmer witnesses. There have been no Khmer witnesses, so how can I protest? But this does not mean—and I emphasize this—that I will permit the violation by either side. Please note that.

Speaking about the rupture of diplomatic relations between South Vietnam and Cambodia, Sihanouk refutes a report by the Los Angeles TIMES that the rupture was caused by the unilateral occupation of the former Norodom Palace [the present Independence Palace] by the Vietnamese Government. The palace was partly owned by Cambodia, according to the newspaper. Sihanouk stresses that the real cause of the rupture was the claim made by the South Vietnamese over certain Cambodian coastal islands and border villages.

Speaking of relations between West Germany and Cambodia, Sihanouk reads a West German Foreign Ministry Declaration of 9 May pointing out that the recent elevation of diplomatic relations between East Germany and Cambodia to ambassadorial level is an unfriendly act toward West Germany and that it may have repercussions on relations between the two countries. He stresses that this declaration is a threat against and a condemnation of Cambodia. Sihanouk says he is not angry with West Germany, and that Cambodia is grateful for West German aid. But, he says, we worry about the Viet Minh, the Viet Cong, and China. It is essential that our three big neighbors respect us. But Germany is too far away. Sihanouk rereads the important passages of the West German declaration and comments: Its aid is conditional. West Germany has proved that its aid is conditional.

Sihanouk notes that Cambodia rejected American aid, which was far more important than that of West Germany. He says: We will not miss this aid, and it should not think we will miss it. He points out that although Chinese aid and friendship are more important than West German to Cambodia, Cambodia has not hesitated to oppose Chinese interference in Cambodia's internal affairs.

Sihanouk says: Let me tell you that we do not fear this kind of threat or the execution of such threats. After a long explanation of the Cambodian attitude toward big and small countries alike, he says: If Germany wants a break in diplomatic relations, I will accept it. I am not only ready to agree to a cessation of aid, but also to a break in diplomatic relations.

Sihanouk goes on to read an article in a Swiss newspaper which comments on Cambodia's desire to enter into negotiations with the United States. He refutes this report, saying: I want to correct the so-called "desire to enter into negotiations with the Americans." This is not right at all. I have never had a desire to enter into negotiations. You know very well that it is the Americans who announced through the Australians that they were going to recognize my frontiers. I said very well. If the Americans recognize Cambodian frontiers without reservations, I will have no reason to treat the United States badly.

Sihanouk continues: I have treated well those who have recognized my frontiers, so I will treat the United States on the same footing. That is all. There has never been a desire to enter into negotiations. I have told you that reestablishing diplomatic relations does not mean reestablishing friendly ties. Having diplomatic relations does not automatically mean being friends. Sihanouk cites the example of China, which maintains an embassy in the Soviet Union, but this does not mean that China is a friend of the Soviet Union.

Sihanouk goes on to refute a report by the same newspaper which says he has bank accounts in foreign countries. He says he is not wealthy at all, and that he would not survive one month abroad with the money he has. Sihanouk adds that he will hire a French lawyer to sue the Swiss paper for this defamation against him.

DECEPTION CONCERNING SECRET WARS IN LAOS AND CAMBODIA

Senator SYMINGTON. Mr. Chairman, my time is up. I would ask one more question.

This committee, through its own staff, discovered a secret war being conducted by the Central Intelligence Agency in Laos, not only unknown to the American people but also unknown to the Congress. Later on, the Armed Services Committee discovered a secret war being conducted from the air in Cambodia, even though we were assured by the President himself as late as April 1970, that we were preserving the neutrality of Cambodia.

Now you are up here for confirmation as Secretary of State. I can say advisedly, we have been consistently deceived in this Foreign Relations Committee and the Armed Services Committee with respect to what was actually being done in Laos as well as Cambodia with the money we appropriated for reasons we thought different from what was actually done with the money.

As I understand it, you believe that, as Secretary of State, you will not approve, and will not find it necessary, to continue this type and character of deception. Am I correct?

Mr. KISSINGER. I do not quite agree, Senator, with your description of the event, but if you will let me phrase it without it, I can answer the question without accepting your premise. I will say that I believe as Secretary of State that we cannot conduct our foreign policy by deceiving the elected Representatives and the appropriate committees of the Congress.

Senator SYMINGTON. Thank you.

Kindly file for the record where I made a mistake in my question.

Thank you, Mr. Chairman.
[The information referred to follows:]

**RESPONSE TO SENATOR SYMINGTON'S REQUEST THAT DR. KISSINGER CLARIFY HIS
DISAGREEMENT WITH THE PREMISE OF SENATOR SYMINGTON'S QUESTION**

[Supplied by Executive Office of President]

I do not accept the premise that there was deliberate deception in either case. To the best of my knowledge, there was no such intent. The policy of no formal public acknowledgement was for positive diplomatic reasons. Congressional leaders were informed about CIA activities in Laos and the bombing in Cambodia. More thorough and systematic procedures for such consultation would have been desirable. It is my intention, if confirmed, to improve the flow of information to the Congress.

The CHAIRMAN. We will recess for 5 minutes. There is a vote on in the Capitol. We will be back in 5 minutes.

[Short recess.]

The CHAIRMAN. The committee will come to order.

The next member is Senator Javits.

Senator JAVITS. Mr. Chairman, my time will not start to run until we have a witness.

The CHAIRMAN. I did not know he was not here.

The committee will come to order.

Senator Javits is recognized.

MOST HISTORIC ASPECT OF HEARING

Senator JAVITS. Dr. Kissinger, one thing has not been noted this morning which may in a way be the most historic aspect of this hearing. I refer to your statement in your press conference of August 23:

There is no other country in the world in which a man of my background could be even considered for an office such as the one for which I have been nominated, and that imposes on me a very grave responsibility which I will pursue in the national interest.

Dr. Kissinger, you are an immigrant refugee naturalized American. Though you are in the line of succession, you lose one of the prerequisites of this office. You cannot be President. And yet, I can think of nothing which proves the American system to all the people in the world more validly than by sheer talent and energy and patriotism you have attained the most exalted place in the Cabinet, and one of the most exalted places in the Government of the United States, and you still are in the fullness of your powers. I know every one of us bespeaks for you the fruition of that historic first in this country, with a historic and legendary incumbency as Secretary of State, as I hope you will be quite soon.

My questions relate to matters of broad interest in which we are all engaged. They are substantive.

SHARING OF WAR POWERS

My colleagues, I think, have begun very appropriately to explore the wiretapping incident. I know how deeply troubling that has been to you as a man. Questioning has begun on the executive privilege question which is critical. I will go into that myself somewhat later.

But now, I think we have a right to know how you approach this job from the point of view of the fundamental policies and procedures which inhere in it.

One of those relates to the making of war. You are well aware, Dr. Kissinger, that Congress is wrestling with that problem. You have yourself suggested in your statement that the Vietnam war was a bitter and costly war. You have said, in answer to a question, it was deeply divisive of the country. As you approach this job, what do you think about the sharing of the war powers?

Shall we leave it essentially with the President, which we have done pretty much up to now by what I consider to be an erosion of power over the decades? Or, must we find some other way in which the Congress may really share in that awesome responsibility?

Mr. KISSINGER. Senator, first of all, let me thank you for what you said at the beginning. It is true that I do feel a very special obligation in the exercise of my functions here.

Now, with respect to the question that you have raised, we discussed this privately, and I have been troubled by the same issue which you have raised, that is to say, the conduct of war in this period and the relationship of the elected representatives of the people to the war-making powers.

We face this problem: On the one hand, I understand the concern that you have expressed, and with which you are associated in various bills, that there must be some way by which the Congress can associate itself in a decision to go to war.

On the other hand, there is that problem that in the modern period the rapidity of decision is sometimes crucial, and the judgment of other countries about our ability to sustain these decisions may deter a war. So in the process of circumscribing the warmaking powers of the President, one must not bring about a situation in which war becomes more likely.

Now, I have looked at the two bills before the Congress. I have serious doubts about them. But I do not want to get into the specifics, because I think perhaps the most useful approach would be a joint Executive-Legislative Commission could be created, with a reporting deadline, to study this question from all the aspects, to present the consideration of congressional concern, but also the consideration of some of the necessities with which we may be confronted.

I remember, for example, that one of the most difficult crises we had since this administration has been in office was the 1970 invasion of Jordan by Syrian forces, which in my judgment got us closer to the brink of a war than some of the more highly publicized crises. I have been trying to apply some of the provisions I have seen to the circumstances that then existed.

I believe that perhaps the best course at this moment would be to have a joint study by the executive and legislative branches from which then a more general approach to the warmaking powers could emerge.

Senator JAVITS. Thank you very much, I appreciate your suggestion.

We are in conference; I do not know how it will go. I felt it was important to get your views for the record.

U.S. POSITION CONCERNING MIDDLE EAST CONFLICT

Now, Dr. Kissinger, Middle East policy is very high on the list. The President said in his press conference just the other day:

"We have put at the highest priority moving toward making some progress toward a settlement of that dispute."

He also added:

"That is why, in talking to Dr. Kissinger, both before I nominated him and since," and so on. The President referred to both of those subjects as, one as it is concerned the Arab-Israeli dispute, and the other as it concerned the energy crisis. I ask you this question because I admire so much your declaration that you are not the least bit inhibited as the Secretary of State of the United States by your own origin. I think that it is very admirable and I have every confidence in it and I think every other American should.

Now, does the statement of the President at his press conference on September 8 represent any change in the policy of the United States toward Israel or the Arab states?

Mr. KISSINGER. No.

Senator, the position of the United States with respect to the Middle East conflict has been that we cannot substitute for some form of negotiation between the parties, but that we, on the other hand, would be prepared to be helpful if the two parties began some movement toward accommodation. And, as the President pointed out in another part of the press conference, it is the view of this administration that both sides have to make some movement in order to achieve a settlement.

Now, it is true that we attach importance and considerable importance to a peaceful resolution of the Middle East issue. But it is also true that we must not attempt to do things that are not in our power to do. What we shall do is to use our good offices energetically where we see any prospect of progress. But American policy cannot of itself substitute for the actions of the parties most immediately concerned.

If I am confirmed, I plan to spend several days in each week at the General Assembly, and I will plan to meet there with Arab leaders who are attending as well as with Israeli diplomats, and that will give me a better possibility to judge what concrete steps we can take. But it does not represent a basic change in our position.

Senator JAVITS. The last I think is very important because there have been all kinds of speculations about that and so I would like to repeat it: it does not represent a basic change in our position.

Mr. KISSINGER. That is correct, sir.

SOVIET DENIAL OF HUMAN RIGHTS AND MFN TREATMENT

Senator JAVITS. Dr. Kissinger, many of us have been very deeply exercised about the denial of fundamental human rights in the Soviet Union, including the outstanding difficulties which have been created for the world by that attitude. As I understand it, it is one of the fundamental tenets of the United States, of the European Security Conference, and in company and harmony with the other European powers to insist on freedom of movement of ideas and people and the observance of the Declaration of Human Rights.

Mr. Sakharov, who is properly admired by the world for his unbelievable courage, has said we should not grant the Soviet Union most-favored-nation treatment unless it gives some satisfaction to the conscience of the world on this critical subject.

Can you reconcile that with your recommendation made in response to Senator Aiken for the granting of MFN to the Soviet Union?

I raise that question in order to specifically pinpoint on an issue which has so deeply exercised me and hundreds of millions of other people in the world.

Mr. KISSINGER. I have been very moved as an individual by Academician Sakharov, who wrote 5 or 6 years ago a very lengthy declaration of his conception of human liberty and of the progress that at that time he felt was being made in the Soviet Union toward that goal. I am disappointed, as a member of the intellectual profession, that this progress has not continued, and I am certainly dismayed by the conditions that Academician Sakharov reports. And yet we as a country have to ask ourselves the question whether it should be the principal goal of American foreign policy to transform the domestic structure of societies with which we deal, or whether the principal exercise of our foreign policy should be directed toward affecting the foreign policy of those societies.

Now I recognize there is a certain connection between domestic policy and foreign policy. But if we adopt as a national proposition the view that we must transform the domestic structure of all countries with which we deal, even if the foreign policy of those countries is otherwise moving in a more acceptable direction, then we will find ourselves massively involved in every country in the world, and then many of the concerns expressed by Senator Symington and Senator Church of a constant American involvement everywhere will come to the fore again. Therefore, despite some very painful aspects in the Sakharov case, and despite the inevitable sympathies produced by my origin for the plight of minority groups that are denied the right of free emigration, I cannot in good conscience recommend as a principle of American foreign policy that our entire foreign policy should be made dependent on that particular aspect of the domestic structure of the Soviet Union.

We have in a semiofficial capacity pointed out to the Soviet leaders the unfortunate impact that some of these policies have on our opinion and on the general atmosphere of our relationship. As a result of these representations, the exit visa tax was suspended, and various lists that were given to me by various groups of special cases were receiving special attention, although I do not think this is the place to discuss that formally. But as a general proposition, painful as I find the Sakharov document, emotionally connected though I feel myself to him, I feel nevertheless that we must proceed on the course on which we are. And I continue to recommend MFN for the Soviet Union.

QUESTION OF MFN AND SOVIET DENIAL OF RIGHTS

Senator JAVITS. Dr. Kissinger, I noted with great interest you used the word "question." I gather therefore you are prepared to join issues on the question that, one, this is not the "entire" foreign policy

of the country, which is the word you used, because we do not know how the Russians will react. They may have lots of détente with us even without MFN. Second, what I think is also equally important—we are not interfering in their domestic affairs—it should be the highest foreign policy of our country to seek a decent open world and that that may be an infinitely more important thing than most of the other things that we seek.

All I ask, Dr. Kissinger, I do not want to debate that with you now, you are not yet confirmed as Secretary of State. But, do you agree that this is a question worthy of debate by you as Secretary of State in the public forum and before the Congress?

Mr. KISSINGER. It is a section that is essential to debate. I took the liberty of suggesting to the chairman that he might even wish to hold hearings on that subject. I will further say, within the context of the European Security Conference, I strongly support those provisions that call for freer exchange of ideas and a more liberal policy on the movement of people. But I do support a full discussion of that issue.

Senator JAVITS. Thank you.

If my time is up I am through, but if not, I would like one question; may I?

The CHAIRMAN. Your time is up.

Senator JAVITS. My time is up. Thank you, Mr. Chairman.

The CHAIRMAN. Senator Pell.

Senator PELL. Thank you, Mr. Chairman.

PARTICIPATION BY CONGRESS AND PUBLIC OPINION IN FOREIGN POLICY

In a democracy the formulation and discussion of foreign policy is a lot more difficult than in a totalitarian nation. I was wondering if you thought that participation by the Congress and public opinion in our country made for additional strength in the final attainment of foreign policy results or if you felt that it was more of a nuisance or a hindrance. Would you enlarge on your reactions to that thought?

Mr. KISSINGER. Senator, as a Government official, I have probably had occasions when I would feel that it is a nuisance. But seriously, I must recognize, and I feel strongly, that while the process of achieving decisions in a democracy is much more complex and much slower than it is in other forms of government, once a policy is achieved through a national consensus it is then much more reliable and can be carried through on a much more effective basis. So I believe that over a historical period, over decades, a democracy, a democratic way of making decisions, is far to be preferred, even if one sacrifices some flexibility of action in the process.

CRANKING CONCERN FOR HUMAN RIGHTS INTO ECONOMIC NEGOTIATIONS

Senator PELL. Thank you. I have just returned from Europe and am struck at the difference between détente when you look at it from behind the curtain and as it looks to us. To us détente is great, and I applaud the efforts and success of President Nixon and of you in these efforts.

But, when you look at the impact on the human beings behind the curtain, you realize that the more détente there is between the great

powers the tighter the screws are being put on the people. I am wondering, following up the thought of Senator Javits, if you could see any way of cranking into our trade negotiations, into our MFN negotiations with the Soviet Union, greater concern for all the human beings. We are being very involved with not only the question of Jewish emigration but all of the human desires for liberties and more freedoms because whether we like it or not they are our brothers. We have a common bond with human beings everywhere. I was wondering if you saw any way of keeping this emphasis applied in the negotiations.

Mr. KISSINGER. Senator, I think, first of all, that one has to distinguish between the various Communist countries in this respect. I do not think it is necessarily true—in fact, I do not think it is true at all—that détente means a clamping down in the countries of Eastern Europe. Many of the countries of Eastern Europe, for example, have advocated a European Security Conference precisely because they believe it gives them a greater possibility to develop their national identities. In several of these countries it has led, not to a change in the governmental structure, but to a greater—what we would call liberalization within this governmental structure.

Now, in the Soviet Union this trend has not always been the same, because détente sets up these contradictory tendencies.

I would like to remind you, however, Senator, that about 10 years ago it was axiomatic in the intellectual community and among students of foreign policy that the reason the Soviet system was able to maintain its authoritarian hold was because of its invocation of foreign danger, and that to the degree that the foreign danger diminished it would not be able to maintain the more repressive aspects of its system. And I believe that, in the long run, this will turn out to be a correct judgment, because, in a way, as we live in a world in which these countries become more related to the free countries and economically more interdependent, the pressures represented by Sakharov are going to become more numerous. And even if they are repressed in any 1- or 2-year period, in the long term one would think that it will be freer—it would be conducive to that—in this situation.

Now, what can we do specifically? This is a very difficult issue to answer in the abstract. There are some things we have already done, as I pointed out with respect to the exit tax. There are other things that will happen gradually. What is very difficult is to write as an explicit condition of an economic arrangement something that can look like an intrusion into domestic legislation. But I think we can use our influence, we can strengthen the trend, and we should not give up the principles for which we stand.

Senator CHURCH. Dr. Kissinger, excuse me for interrupting. There is a vote in the Senate, which accounts for the absentees at the moment. Some of us have to go over to catch that vote. The chairman has asked that we continue in session, and I think the Senators to remain here have already voted. So with your understanding, Senator Pell, will you please continue your questions?

EFFECT OF DÉTENTE ON SOVIET AND ROMANIAN CITIZENS

Senator PELL. I would disagree respectfully on one point you mentioned. That is that the very reason for some of the trials in the Soviet Union is to try to increase the screws on people there so that as

détente occurs, as there is a greater exchange of people, as there is a greater area of contact, the Soviet citizens will be scared to be in touch with our people. By the same token, in Romania, which has the greatest area of détente behind the curtain, you have the tightest conditions. So I would hope that the direction you say will come, but for the moment when you are there, détente has an unpleasant sound to the unfortunate people who are involved.

Mr. KISSINGER. Senator, the question is whether an increase in tension would have a more beneficial result, and I doubt that seriously.

Senator PELL. I think that is a well taken point, but I hope, as I said, that in the future we will crank this concern for human rights in.

Mr. KISSINGER. I agree.

WITHDRAWAL OF U.S. TROOPS IN EUROPE

Senator PELL. Also, in connection with Europe, as you know, there is this discussion about the withdrawal of troops, the number of troops. I am wondering if we could not maintain our military commitment and withdraw our support or Coca Cola troops and their dependents, in line with President Eisenhower's recommendation, and be able to cut our financial commitment and still maintain our actual military presence the way it should be done. Do you think this could be done?

Mr. KISSINGER. Let me, Senator, answer this question in a more general way. First, our troops in Europe have a number of functions. One is to represent our commitment. The symbolic commitment is hard to express in abstract numbers.

Second, they have a particular strategic function in case for some reason deterrence should fail.

Now, one of the objectives we have attempted to achieve in the dialog that we have started with Europe is to find some definition of the security objectives that we have in Europe. There has been a fair amount of ambivalence on the part of some Europeans who, on the one hand, want our troops in Europe for symbolic reasons but who have for some period, at least, resisted the effort to give them a concrete function because they felt that this might weaken deterrence.

Now, we believe it is essential to develop a rational strategy for all of NATO, in the name of which we could then conduct the debate about the level of forces in Europe.

Now, as one looks at the strategic equation, with the growth of strategic forces on both sides, the recourse to general nuclear war becomes a less and less plausible and a less and less rational method.

Senator PELL. Thank you. My time has expired and I have to go and vote. I will return for the next round.

Thank you.

Mr. KISSINGER. But anyway, if forces should be cut they should be the support forces.

The CHAIRMAN. Senator Scott.

Senator SCOTT. Thank you, Mr. Chairman.

PURSUIT OF INFORMATION CONCERNING MISSING IN ACTION

Dr. Kissinger, first, I want to underscore what has already been said regarding the unsatisfactory state of the pursuit of information regarding the missing in action. I would like to include in that

concern the missing foreign correspondents, including Welles Hanger, Sean Flynn and others. Would it be your intention to pursue this situation constantly and vigorously in an effort to relieve the concern of all the persons affected?

Mr. KISSINGER. You are correct, Senator. It would be my intention to pursue this vigorously and energetically, as indeed I have done in my present position.

WITNESS' INITIAL SPEECH AT U.N. GENERAL ASSEMBLY

Senator SCOTT. Reference has been made to the opening of the General Assembly of the United Nations, which occurs on September 18. If you are confirmed in time, what expectation do you have as to when you would give your initial speech?

Mr. KISSINGER. If I am confirmed in time, my expectation would be to give the opening speech for the United States, which is now scheduled for the morning of September 24, and to use the occasion of my visit there to meet with many of the delegations from other countries.

FOREIGN MINISTERS AND HEADS OF STATE ATTENDING U.N. SESSION

Senator SCOTT. I understand this is a very important session. Can you tell us how many Foreign Ministers and heads of state will be attending?

Mr. KISSINGER. To the best of my information yesterday, it was 54 Foreign Ministers and some 10 heads of state.

DATE OF SALT TALKS

Senator SCOTT. And I understand the SALT talks begin on the 24th also.

Mr. KISSINGER. The SALT talks also begin on September 24.

Senator SCOTT. These hearings, therefore, do inhibit, until you are confirmed, whatever you may be able to do in preparation for the SALT talks. Is that correct?

Mr. KISSINGER. Well, I obviously am available to the committee to the fullest extent that the committee requires me. From the point of view of the dates that we found on the calendar when I was appointed, there are some of these imperatives that are produced by the already scheduled negotiations, yes.

Senator SCOTT. In other words, you need some time to prepare yourself for those talks.

Mr. KISSINGER. If at all possible, yes.

Senator SCOTT. Sir?

Mr. KISSINGER. If it were at all possible, it would be helpful.

Senator SCOTT. If at all possible.

MBFR TALKS

When do the mutual and balanced reduction of forces talks [MBFR] begin?

Mr. KISSINGER. Those begin on October 30.

WITNESS PLANNED TRIP TO CHINA

Senator SCOTT. There has been a lot of reporting in the press about your plans regarding a China trip. Can you enlighten us on that?

Mr. KISSINGER. My China trip, Senator, is now in abeyance. There is agreement in principle that it will take place and that the date will be set after my confirmation. But again, I cannot proceed with setting a date until I am confirmed.

IMPORTANCE OF U.S. PARTICIPATION IN INTERNATIONAL FINANCIAL INSTITUTIONS

Senator SCOTT. To what extent do you support U.S. participation in international financial institutions, especially the International Development Association, the Asian Development Bank and the Inter-American Development Bank? In other words, how vital to U.S. interests do you regard those operations?

Mr. KISSINGER. It has been the experience of foreign aid, and I believe it is the sense of many Members of the Congress, that American aid can now be more fruitfully channeled through multilateral institutions in many categories rather than through bilateral programs. And, therefore, I believe American participation in these institutions is extremely important.

Senator SCOTT. As you know, the committee is very much interested in pursuing an expansion of the multilateral approach wherever possible.

Mr. KISSINGER. This is consistent with my views.

INFORMATION CONCERNING ELECTRONIC SURVEILLANCE

Senator SCOTT. As to the discussions had here on electronic surveillance, it occurs to me that while the committee should have whatever information it needs in order to make a judgment as to what was done, at the same time, it is essential to avoid ruining reputations or careers by the exposure of raw files. I have never known raw files to be used in a committee of the Congress since I have been here. They have always been carefully guarded. They were once unfortunately, offered by the Director and I was critical of that at the time.

It seems to me that this is a decision which ought to be made by the Attorney General. Is it not rather in his scope than yours?

Mr. KISSINGER. It is entirely in his scope, Senator. I have no files on this subject at all. And if I could respectfully suggest, perhaps one way to proceed would be for the committee to submit a list of questions to the Attorney General as to those issues that they believe relevant to my confirmation, and see whether in this way the information could be elicited, rather than by giving up the raw files that contain the conversations and other matters that may not be germane to my confirmation. But it is not in my control.

Senator SCOTT. That is what I am leading into, and it is my hope that the committee will be in touch with Attorney General Richardson. I will make a recommendation to him that he make himself available to the chairman, and that he be prepared to inform this committee, if necessary, in executive session, if it is sensitive, of whatever

information they can properly request and that at the same time the raw files be protected. I think that will be what some members of this committee are very anxious to achieve.

Mr. KISSINGER. It is really a question that concerns the policy of how to handle FBI files and is in the province of the Attorney General. I will welcome the disclosure of any information that is relevant to this inquiry.

NECESSITY OF COMPLETING COMMITTEE DELIBERATIONS

Senator SCOTT. Well, as you know, I have the highest regard for you. I think it is essential that the committee complete its deliberations as early as we can consonant with the obvious right of all the members to satisfy themselves in order that you may be able to get on with the duties of the Secretary of State, because I imagine that there is a great deal in limbo or in nebulae right now which you would like to attack and eliminate. Having tried to put myself in the intellectual community, I had better close while I suspect I am ahead. But that is necessary.

Mr. KISSINGER. That is correct, Senator.

Senator SCOTT. I thank you, Mr. Chairman.

The CHAIRMAN. Senator McGee.

EFFECT OF WITNESS' PAST ROLE ON POLICYMAKING PROCESS

Senator McGEE. Dr. Kissinger, I understand I have been selected for the hot spot here. I have to hold the fort here while my colleagues vote at the expense of my missing a vote. I am tired of playing yo-yo in this business. But I wanted to suggest to you, sir, that while you insist in your new role, in the wake of the role you have been filling, that you are not going to wear two hats, you would agree that you are going to be wearing a much larger hat than probably anyone has worn before.

This is a point of some concern among many of our former colleagues in the academic world. That is, given your, I think, very distinguished and brilliant success in the diplomatic field, as an adviser to the President, the fear is that the foreign policy mechanism in the Department of State, as an illustration, may have atrophied in the process, and that, therefore, either we have to develop a Dr. Kissinger in the future at all times on a standby basis or our process of policymaking may really suffer as a consequence. Does that give you any concern at all?

Mr. KISSINGER. When I was a professor, Senator, I wrote several treaties on the subject that it was very dangerous to gear foreign policy or policy in general to virtuoso performance. I believe, therefore, very strongly that there is a necessity to institutionalize the conduct of our foreign policy. One reason why I consider my nomination as Secretary of State such a great challenge is because, as Secretary of State I would really have a different role than as Assistant. As Assistant you have a very small staff, and there is no other way to conduct your affairs except by a great concentration of responsibility. As Secretary of State, I would fail, even if I conducted the day-to-day business effectively, if I did not create a commitment on the part of the Foreign Service and a set of procedures within the Department of State, and a promotion system within the Department of State, which made it pos-

sible for the ablest people to rise rapidly, and to participate in the shaping of foreign policy. So if I am confirmed, one of my principal objectives would be to try to remedy the situation that you have described and which I believe is in danger of existing.

U.N. ROLE AS FOREIGN POLICY FACTOR

Senator McGEE. My second question has to do with the United Nations. I was voting when Senator Scott was talking to you about your forthcoming presence up there as Secretary of State, hopefully. It was commonly whispered around the United Nations, as I served there last year, that it was being downgraded by the Government of the United States, in particular by this administration. I wondered if you would care to comment on what you think the role of the United Nations is as a foreign policy factor.

Mr. KISSINGER. The role of the United Nations has to be seen in various categories: those things that the United Nations can do very well, and those things for which over the course of a period it has proved to be less useful.

The United Nations cannot settle disputes among the great powers because each of them has a veto in the Security Council, because each of them can muster enough votes in the General Assembly on most issues to prevent a two-thirds resolution, and because the United Nations lacks the effective power to make itself prevail against one of the great powers. The United Nations generally cannot settle disputes when one of the great powers backs other countries in opposition to another because then the same general condition exists.

The United Nations can be extremely effective in such situations as the Congo, in the early 1960's, and in areas where there is a general agreement that a settlement is desirable but in which it is better for international stability for the great powers to stay out of the dispute. There the United Nations can provide a mechanism by mediation, by peacekeeping forces, and through other methods, to help settle those disputes. The United Nations can play a significant and, in my judgment, perhaps increasing role in providing peacekeeping machinery and in some cases, peacekeeping forces.

Then there is the whole range of issues that I referred to in my statement, the new areas of human concern which over a decade or two may turn out to be more important than the tactical political and military issues of day to day: food, water, environment, problems that have no political content as such, problems that are global in nature and problems in which we must be practical to say that governments and, up to now, international organizations have not really done their most creative thinking. This is an area in which I believe new departures are absolutely essential, and in which, if I am confirmed, I would intend to make a major appeal to the United Nations.

Another area in which the United Nations can play a role is to contribute to the setting up of norms of international conduct. Now that, of itself, will not necessarily prevent illegal behavior, but it might put on a certain restraint that is produced by world opinion.

Finally, the United Nations, and especially the General Assembly, is an excellent meetingplace for the exchange of ideas and gives a natural location for senior diplomats, foreign ministers, and even heads of state to meet, where to set up a formal meeting might raise

unnecessary expectations and where an exchange of views is highly essential. This is one reason why, if I am confirmed, I expect to spend a fair amount of time at the General Assembly.

Senator McGEE. I think the assurance that the United Nations would not be deliberately bypassed just because it was not convenient to use it is important. I think all of us are aware of the marginal factors present in the U.N., that is, people overexpect from it. It cannot do a great many things and never was intended to. Whenever we cannot solve any problem, we are impelled to say, let the U.N. do it. That puts it in an unfair position, but the assurance that its significance as one of the factors in the reduction of tensions in the world would be stressed in your regime, I think, would be a very important message to convey to them up there as well as here.

Mr. KISSINGER. I think that—if, hopefully, I can be there on September 24—my speech would express many of these sentiments.

U.S. POSITION IN U.N. ON RHODESIAN CHROME ISSUE

Senator McGEE. The last thing that I mentioned bears upon that same question of the feeling of some that we have been downgrading the U.N. That is what started out as a very tiny kind of an issue and blossomed into a very large one in the minds of much of the rest of the world. That is the unanimous recommendation from this committee that we sustain the position that our Government took on the issue of Rhodesian chrome in the United Nations, when our colleagues in the Senate by their own initiative unilaterally took the United States out of that commitment even though we had gone into it as a multilateral commitment.

It shook the confidence of a great many countries, including the 41 African nations there and tended to freeze them into a bloc on issues in which we needed a few votes. I was wondering whether you could share with us your thoughts on the possibilities of our trying to redress a grievance such as this.

Mr. KISSINGER. The administration will support the repeal of the Byrd amendment.

Senator McGEE. That is precise and to the point.

I want to thank you.

The CHAIRMAN. Senator Percy.

Senator PERCY. Dr. Kissinger, I do not know whether the term "Excellency" should be used before or after your confirmation vote.

Mr. KISSINGER. After.

Senator PERCY. We are all delighted to have you here, and we do not mind holding you because we know you have the stamina.

COMMITTEE GUIDELINES CONCERNING AMBASSADORSHIPS

I draw attention to a sentence in your statement. You say, "This is why our international policies must enlist the contributions of our best people regardless of political persuasion."

I have been appalled at, you might say, the sale to the highest bidder through the years under both Democratic and Republican administrations, of ambassadorships, and I have talked at length with Secretary Rogers about it. Moreover, this committee, its members and staff, have prepared a set of guidelines on the subject which were

sent to Secretary Rogers. We hope that, with cooperative effort, guidelines can be adopted.

We have had some very good noncareer ambassadors and we have had some terrible ones, but we hope to achieve the level of excellence you yourself would like to have.

I would like to list a few of the points from the draft sent to Secretary Rogers to see if you have an immediate impression of these matters.

First, the nominees for an ambassadorship should have a clearly demonstrated foreign policy competence, and this committee will oppose confirmation of nominees whose primary qualification seem to be that they have made substantial political contributions.

Would you concur with that?

Mr. KISSINGER. Senator, I will be glad to comment on each of them, but let me make first this general comment. It will be my intention, if I am confirmed, to appoint people of the highest excellence to every position, and to reflect this from the very beginning.

I think that sometimes it is difficult to express this in absolute guidelines. For example, while you no doubt can think of some ambassadors who had no foreign policy experience, and who did not acquire it in office either, I can think of some that had no foreign policy experience and have done a really distinguished job. I have found, as you must have, that if one picks somebody of true excellence, and true concern and true interest, he may be able to do an extremely distinguished job even if he has no particular expertise in a country or even in the general field of foreign policy. So I would place more emphasis on the quality of the man than necessarily on the foreign policy experience. So I agree more with the first part of your statement than with the second.

Senator PERCY. But you would agree with us if, on the record, it appears that the primary qualification of a nominee has been a substantial political contribution, the nomination should not have been made and should not be approved by this committee.

Mr. KISSINGER. I think if there is no other qualification that that should weigh very heavily with you.

Senator PERCY. This committee also wishes to make certain that all ambassadorial nominees make a commitment to respond to requests to appear and testify before duly constituted committees of the Senate. Do you support that principle?

Mr. KISSINGER. I have no trouble with that.

Senator PERCY. The committee also feels that we should require a confidential statement of a nominee's financial holdings, and we can now say this in good conscience since we have passed a bill requiring disclosure of our own financial holdings. An ambassadorial appointee should make such a statement available in a confidential form and eliminate, prior to approval of the nomination, any potential conflict of interest.

Mr. KISSINGER. I have no problem with that.

GUIDELINES CONCERNING AMBASSADORIAL APPOINTMENTS

Senator PERCY. Finally, there would be an indication by the nominee that he or she has some knowledge of the history and current political and economic problems of the country to which he or she is being

accredited. I mention this particularly because I know that some nominees have been instructed by the Department on occasion to say as little as possible, respond as little as they can. Some have simply said they do not know much, but they will find out when they get there. I think an ambassadorial nominee's hearing is a chance to focus attention on the problems and the opportunities of a country and our relationship with it. Would you encourage nominees to brief themselves as well as possible, and appear well briefed, when they come before us and not simply say they know nothing about the countries to which they will be accredited if confirmed?

Mr. KISSINGER. I would encourage them to brief themselves to the fullest extent possible, and I would hope that our selections would be of sufficient quality so that that issue would not arise.

Senator PERCY. Thank you.

FILLING AMBASSADORIAL VACANCIES

Now, Dr. Kissinger, I do not have a complete list of our ambassadorial vacancies, but those with which I am personally familiar are the U.S.S.R., Portugal, Bangladesh and Sweden.

Have you considered filling those vacancies and the timeframe in which they will be filled?

Mr. KISSINGER. I intend to fill every vacancy within 2 months after my confirmation.

Senator PERCY. And that includes having an ambassador in Sweden.

Mr. KISSINGER. Well, we will review our Swedish policy after my confirmation.

[Laughter.]

Senator PERCY. I think there may be other members who would want to review it before that. I will accept your first statement that all vacancies will be filled by November 15.

On behalf of Senator Saxbe who has just returned from Bangladesh, I would like to be sure that that also includes Bangladesh, that we will have an ambassador there by November 15.

Mr. KISSINGER. Definitely.

PROTECTION OF CIVIL LIBERTIES OF WIRETAPPED INDIVIDUALS

Senator PERCY. I would like to comment on the dialog between the chairman and Senator Case on the FBI report involving the wiretapping of 17 individuals. I am very concerned about the procedures that enabled this to happen—and I hope that we have learned a lot from this—but I am also very concerned about the civil liberties of the 17 individuals involved, some of whom still work for the Government, and I would like to clarify for the record that no decision has yet been reached by this committee that a request will be made of the Attorney General until such time as we have had a chance to discuss it and consider certain problems involving the 17 individuals, and in what form that information would be given to assure that the individuals' rights are protected. I would ask the chairman whether that is a correct understanding.

The CHAIRMAN. Yes, I was discussing with Senator Case and others that we would request the executive meeting on Monday and I shall

ask the Attorney General if he is willing to make available the summary report to the committee in executive session. Then it is up to the committee to determine what to do with it.

Senator PERCY. The Attorney General would be given an opportunity to expand on whatever concerns he may have about the civil liberties of the individuals involved.

The CHAIRMAN. Certainly.

Senator PERCY. Thank you.

The CHAIRMAN. The civil liberties, such as they are, are already compromised, if they are compromised by the publicity already given to them. There have been many articles about the 17 named, including the member of this staff. There is no secret about the people who were wiretapped, many of whom bear little relation, if any, to what is called national security. I cannot imagine that they could have been. Why they were wiretapped is a great mystery to me.

Senator CASE. It seems to me a fundamental violation of a person's civil liberties is involved in his being wiretapped.

The CHAIRMAN. Not in our knowing about it. It has already been talked about. If there is any violation it took place at the time he was wiretapped. One of these gentlemen, Mr. Halperin, I was told yesterday, has already entered a suit against the nominee for \$100 a day for every day he was wiretapped when he was out of the Government. I was told that yesterday.

Senator PERCY. I just want to be certain we have an opportunity to ascertain the consequences of those 17 names being officially revealed as suspects. It may jeopardize the rights of those individuals.

The CHAIRMAN. If the Senator is fearful the chairman will release them on his own authority, he can be assured on that.

Senator PERCY. I will leave it then for the moment.

ACTIVITIES OF MR. DAVID YOUNG

I think for the record, Dr. Kissinger, it would be well to have your comments about a former employee of your own, Mr. David Young, who has been indicted for conspiracy and burglary.

Did you, when he left your employment and was transferred to Mr. Ehrlichman, have any idea at that time or any subsequent time that he was to be requested to engage in illegal activities—burglary, conspiracy to burglary, or whatever they might be.

Mr. KISSINGER. Senator, I have no knowledge of any such activities that David Young may have engaged in. I did not know of the existence of the "Plumbers' Group," by that or any other name. Nor did I know that David Young was concerned with internal security matters.

Perhaps I should explain for the record my connection with David Young. I hired David Young because I had met him in New York when I was associated with Governor Rockefeller, and he was a member of the law firm that worked for the Rockefeller family. When I came to Washington, I was looking for a man of high moral standards, whom I knew personally, who could work as a personal assistant and appointments secretary. David Young worked in that capacity. He was very highly recommended. I also knew his family, and I thought extremely highly of him. And I must say that in my own experience I never had any reason to change my mind.

He worked in this capacity as my appointment secretary for a year, from roughly January 1970, to January 1971. That position is one of the more exhausting ones in the Government, for both practical and I suppose psychological reasons. David Young therefore asked to be transferred to more substantive work. We could not find any substantive work for him immediately because all of his experience had really been in domestic affairs. So David Young worked in the files; he didn't even have an office from January 1971, through June 1971. He accompanied me occasionally to meetings, but basically he was no longer working in my outer office; he was working with people located in the files.

In June 1971, David Young—on his own initiative or Mr. Ehrlichman's, I don't know which—transferred to Mr. Ehrlichman's staff. David Young had met Mr. Ehrlichman because Mr. Ehrlichman and I sat across from each other on Air Force 1 and David Young sat next to me and Mr. Ehrlichman's assistant sat next to him. In fact, the transfer occurred while I was on my first secret trip to China.

At that time I was told that David Young would work on a project for 3 months concerned with changing the declassification procedures of the Government, a project that was publicly announced and which published a public report [Executive Order 11652, March 8, 1972]. After this project ended, I was told by Mr. Ehrlichman that David Young would stay on his staff, and I had no contact with David Young either by telephone or in my office or in any other way after he left my staff, although I continued to have high regard for him.

In short, I did not know either from him or anyone else about the existence of the "Plumbers," as I said, by this or any other name, or about his activities in connection with internal security matters. I think it was a deplorable event.

Senator PERCY. Thank you for that clarification.

The CHAIRMAN. Senator Muskie.

Senator MUSKIE. Dr. Kissinger, I am conscious of the fact that you have been under these lights for 3 hours and we have been throwing the platoon system at you while we have gone to vote. Many subject areas have been opened up that I would like to talk with you about, but I am under a time limitation.

WITNESS' OPENING STATEMENT APPLAUDED

First, may I say with respect to your opening statement that I applaud it as a statement of philosophy to bring to this job. I cannot resist saying that if it had been reflected in the policies and actions of this administration in the last 5 years, we would not be here today discussing the problems that have been created by the lack of trust between us and the administration. So I hope your articulation of this philosophy expresses not only just your own personal attitude about the responsibilities you have been asked to assume but that it signals a change in the administration policies which have inhibited a free flow of information and free communication.

ADMINISTRATION POLICY CONCERNING PRESIDENT'S AUTHORITY IN WIRETAP FIELD

On that point I would like to ask one specific question in the wiretap field. I do not know that I will ask further questions in that field

today. I am not sure whether what you have said represents a change in policy by this administration concerning the authority of the President in the field of wiretaps.

Do I understand that the President now accepts the position that he has no right to legally wiretap without a court warrant in the national security field?

Mr. KISSINGER. Senator, I do not believe that I am the proper spokesman for the President's view of the legal rights in this field. I never believed it was a judgment that was mine to make. I accepted the judgment of the then Attorney General and Director of the FBI in my fourth month in Government. It is generally understood that the Court has placed additional restrictions as compared to 1969 about the right to wiretap in national security cases. But I would prefer for the Attorney General to define exactly what these additional restrictions are.

In addition, of course, there is the question of the exercise of whatever rights may exist and the spirit in which this is to be conducted.

Senator MUSKIE. As I understand the situation with respect to court decisions, what we have had is a decision in domestic security cases but not in external security cases or national security cases.

Do I gather from what you have said that the Supreme Court decision on domestic security cases is having an impact upon administration policies in other cases?

Mr. KISSINGER. Senator, as I pointed out earlier, I have been essentially dissociated from any internal security matters since April 1970, and I therefore have not kept up to date with either the practices or the legal interpretations that are now applicable. It is my impression that the restrictions even in the field of national security are now more severe, and I seem to have in the back of my mind that some connection to a foreign government has now to be demonstrated before the national security principle can be invoked. But I am not absolutely sure about this, and I am simply not a sufficient authority on the subject.

Senator MUSKIE. The Attorney General's opinion to which you referred earlier was to the effect that wiretaps could be used in national security cases without a court warrant.

Mr. KISSINGER. That is correct. At that time the legal position seemed to be that the President could determine or delegate to the Attorney General the authority to use wiretaps when national security was involved.

ADMINISTRATION POSITION ON WIRETAP AUTHORITY

Senator MUSKIE. There was some testimony in the Watergate case to the effect that the President could ignore provisions of law applicable to other citizens if he deemed it required by national security matters.

Now trying to bring to a focus what this discussion here this morning raises, there was the implication in the discussion this morning that when the Court defines what is legal or not legal, with respect to issuing wiretap orders without court warrant, that the administration will consider itself bound.

Is that your understanding?

Mr. KISSINGER. That is my understanding. But again, Senator, I would not make such a determination on my own; indeed, I would not

expect to be involved in any internal security matters in the position for which I am being proposed. That is, I would not expect to be involved in the policy being followed.

Let me state as a basic question: If there was some atomic bomb about to go off in some building—to put an absurd case—I could visualize that a President under those circumstances would disregard the legal framework and properly take steps to prevent this bomb going off. I am giving an extreme case, to say that if legal procedures are violated or ignored there is an absolute requirement, it seems to me, to be able to demonstrate to reasonable and concerned people that the necessity was in fact overwhelming, and that it cannot simply be done by using the words "national security." This has to be on demonstration of an overwhelming cause that would justify disregarding legal procedures.

Senator MUSKIE. You understand, of course, in putting these questions, I put them not only to you but to the administration and into the public domain because this is obviously one of the great controversial issues that has emerged out of the Watergate hearings.

Mr. KISSINGER. I understand your concern. It is simply that I am not familiar enough with the precise legal position to answer that.

WITNESS' POSITION CONCERNING WIRETAPS

Senator MUSKIE. Then let me put one further question, and from what you said, I am sure we cannot resolve the issue in terms of administration policy generally. Let me put this one further question:

It was your desire—and I think an understandable desire and one to be applauded—to reassure this committee with respect to your attitude concerning wiretaps without court order, where the use of wiretaps would be considered illegal. It was your position—or it is your desire to indicate to us insofar as you were concerned—that you would stay within the constraints that have been laid down by court decision. What you are now saying is that regardless of what constraints this may impose upon your judgment as to what is right or wrong, you are not in position to state what the administration policy would be.

Mr. KISSINGER. I have no reason to suppose that the administration would ignore court decisions or refuse to respect court decisions with respect to wiretapping. In fact, my impression is, my conviction is, that it would respect it.

I simply am very reluctant to make a final statement on a matter which is so far out of my jurisdiction. The Attorney General or the Counsel to the White House may take a more modulated view of this. But my impression is what I have conveyed to you, and why do I not see whether we can get an expression from those who are better qualified to get it than I am?

ADMINISTRATION POLICY CONCERNING WIRETAPS

Senator MUSKIE. I think it would be helpful because your appointment as Secretary is intended, I take it, to signal a new era in the relationships between the Presidency and the Congress in the field of foreign policy, and one of the sources of unease is the very area that we are touching.

I understand that as nominee for Secretary of State you cannot define overall administration policy. But I would think that as the nominee

for Secretary of State, you would feel it incumbent and important to undertake to clarify overall policy because it bears upon the climate that we can generate between your Office and this committee and the Congress.

Mr. KISSINGER. Let me see whether I can elicit a statement which we could either submit for the record or give in some other form that would satisfy your question.

[The information referred to follows:]

OFFICE OF THE ATTORNEY GENERAL,
Washington, D.C., September 12, 1973.

Hon. J. W. FULBRIGHT,
Chairman, Senate Foreign Relations Committee,
Washington, D.C.

DEAR MR. CHAIRMAN: During the confirmation hearings of Dr. Kissinger, a question was raised as to this Administration's position concerning the power of the Executive to conduct electronic surveillance without warrant in the national security field. Dr. Kissinger said that he would try to elicit a statement for the record that would clarify our general policy on this matter.

I believe that there will continue to be situations which justify the conduct of electronic surveillance for the purposes of national security. This surveillance is carried out to meet the obligations of the President as both Commander-in-Chief and as the Nation's instrument for foreign affairs. I will continue to attempt to ensure that a genuine national security interest is, in fact, involved whenever we invoke this power and that we operate within the limits set by Congress and the courts.

The Department of Justice scrupulously observes the law as interpreted by the courts. There may be questions as to what certain decisions mean and whether surveillance, such as that discussed by the committee, has been affected by later court decision. These and other issues are before the courts now and we expect any ambiguities to be settled within the normal judicial process. The policy statement that follows therefore refers to procedures for any surveillance that may be carried out at present.

A year ago in the *Keith* case (407 U.S. 297), the Supreme Court ruled unanimously that the Government may not carry on electronic surveillance in domestic security operations, as opposed to foreign intelligence operations, without first obtaining a judicial warrant. The Court pointed out that it was condemning warrantless electronic surveillance carried out in domestic security cases directed at a "domestic organization (whether formally or informally constituted) composed of citizens of the United States and which has no significant connection with a foreign power, its agents or agencies." The *Keith* decision necessarily is Departmental policy and is being followed.

Although the *Keith* case did not address warrantless national security electronic surveillance, to date, the lower courts which have addressed this problem have agreed with the contention of this Department that a judicial warrant is not a necessary requirement for the Government's use of electronic surveillance to obtain foreign intelligence or foreign policy information necessary for the protection of national security. *E.g., United States v. Clay*, 430 F. 2d 165 (5th Cir. 1970), reversed on other grounds, 403 U.S. 698 (1971); *United States v. Brown*, 317 F. Supp. 531 (E.D. La., 1970) affirmed, No. 72-2181 (5th Cir., Aug. 22, 1973); *United States v. Smith*, 321 F. Supp. 424 (C.D. Calif. 1971); *Zweibon v. Mitchell*, 42 U.S. L. Week 2054 (1973). Pending a decision on this issue by the Supreme Court, I believe that we are justified in relying on the case law as it is being developed in the lower courts to conduct national security electronic surveillance, without warrant, in a limited number of cautiously and meticulously reviewed instances.

When Congress enacted legislation in 1968 requiring a judicial warrant for the use of electronic surveillance in investigations of violations of certain criminal laws, it made clear that it did not intend to add or subtract from whatever measure of constitutional power the President may have to use electronic surveillance in the national security field. However, as a guide, it set forth a number of purposes, divided between the domestic and foreign aspects of national security, that it understood to be proper for the exercise of Presidential power. The *Keith* decision subsequently held that this power could not, in the absence of a warrant, be exercised for the domestic security purposes mentioned by Con-

gress. However, as a matter of policy, I shall keep in mind the contours of the President's power suggested by Congress in the 1968 law as it relates to foreign intelligence. In general, before I approve any new application for surveillance without a warrant, I must be convinced that it is necessary (1) to protect the nation against actual or potential attack or other hostile acts of a foreign power; (2) to obtain foreign intelligence information deemed essential to the security of the United States; or (3) to protect national security information against foreign intelligence activities. 18 U.S.C. 2511(3).

As the Supreme Court itself observed in *Kelley*, it may well be difficult to distinguish between "domestic" and "foreign" unlawful activities directed against the United States where there are relationships in varying degrees between domestic groups or organizations and foreign powers, or their agents. All I can say is that, as the applications are presented to me, I will, together with my staff, try scrupulously to follow the guidance and instruction given to us by Congress and the courts, bearing in mind the importance of balancing individual privacy with the needs of national security.

In addition, there is ongoing in the Department a full-scale effort under my and Bill Ruckelshaus' immediate supervision, to derive new standards and guidelines for use of electronic surveillance in both domestic criminal matters, as well as for national security purposes. It is our hope that we will be able to give these standards precise public articulation and thus foster better understanding of the scope and nature of our limited use of electronic surveillance. Also, as I mentioned the other day, the new FBI Oversight Subcommittee of the Senate Judiciary Committee will allow the Congress to be better informed about these activities.

With kindest regards,
Sincerely,

ELLIOT L. RICHARDSON,
Attorney General.

Senator MUSKIE. I think there was some reference you made earlier in our discussion that you might supply for the record; I would like to go over that later and see if you could supply it for the record.

I think my time is up, Dr. Kissinger, but there are other areas that I would like to touch upon. I am sure we are going to have the opportunity to do so, including some substantive areas in the field of arms control, for example.

The CHAIRMAN. Senator Humphrey.

Senator HUMPHREY. Thank you very much, Mr. Chairman.

I will have to go down and cast a vote and I wasn't quite sure I ought to leave before my turn came. So I think you are going to be spared. I think we have a relatively short time to cast this vote.

COMMENDATION OF WITNESS

Dr. Kissinger, first I want to commend you on not only your statement, sir, which is a brilliant statement of purpose and philosophy, but on your service to this country in the cause of international peace and understanding. I say that as one who has observed you for many years, both as a great professor and as a practitioner in the art of diplomacy.

Just a few direct questions.

U.S. SUPPORT OF AFRICAN DEVELOPMENT BANK

You mentioned your support of multinational and multilateral institutions, such as the Asian Development Bank and others. The administration has not seen fit to make an investment in the African Development Bank even though there has been a commitment, I be-

lieve, for \$15 million dollars, a very modest commitment, might I say, to a continent that holds for us much good or much evil in the days to come. It may be the treasure house of the world and to a nation like ours, depending on vast use of natural resources, this continent is important.

What would be your position on our support of the African Development Bank?

Mr. KISSINGER. I will have to review this, Senator. I do not know the circumstances that have caused us to delay. My instinct would be favorable.

PLANS RELATING TO LATIN AMERICA AND AFRICA

Senator HUMPHREY. My responsibility as chairman of the Consultative Subcommittee on African Affairs leads me to this question:

It seems to me that most of our attention, and understandably, in the field of national security and foreign policy has been placed upon the great powers, Western Europe, Soviet Union, the People's Republic of China. I do not think nearly enough attention has been placed on Japan, and I will come to that.

I think there is a need of some repair work there.

I would hope, Dr. Kissinger, that you might give some attention to two other areas of the world that in the long run need our cooperation and our understanding, Latin America and Africa.

These two continents represent vast resources and hundreds of millions of people. Do you have any plans in mind relating to these two areas?

Mr. KISSINGER. Yes, Senator. I think you will see fairly quickly after my confirmation some initiatives in the Latin American field. As you may know, I took a trip to Mexico within 48 hours of my nomination, that had been planned but which I maintained despite many pressures, to meet with the Foreign Minister and the President of Mexico to discuss this very problem.

I agree with you also that we have not had the opportunity because of other pressures to give adequate attention to Africa. We intend to return to that also, but that may take a little longer than the Latin American field.

Senator HUMPHREY. I realize the African Continent does not seem to be in the news. It is not the drama of the day and it does not get the headlines, but I want to say as an American we are in vast need of the friendly cooperation of these countries and peoples. We are worried about Arab oil, but might I suggest that Africa has products that this country needs even more significantly than oil. If we do not take care of our relationships there we could end up by having mortal enemies, and that would be a singular economic and political tragedy to us.

ACCESS TO INFORMATION AMENDMENT

Dr. Kissinger, are you familiar with the access to information amendment in the State Department appropriation or was this asked?

Mr. KISSINGER. This was asked.

Senator HUMPHREY. Then, I shall not burden you.

Mr. KISSINGER. Inconclusively discussed.

Senator HUMPHREY. Fully discussed?

Mr. KISSINGER. Inconclusively.

Senator HUMPHREY. Inconclusively. I hope you will over the weekend have a chance to arrive at a conclusion and not recommend that the President veto this.

Mr. KISSINGER. I have reached a conclusion, but it is not exactly the same as the one you state.

PORTION OF NSC STAFF TO BE SHIFTED TO STATE DEPARTMENT

How much of the National Security Council staff do you propose to shift, if any, to the State Department? Do you intend to trim it down, in other words?

Mr. KISSINGER. I think that the National Security Council staff will be somewhat reduced as a result of this change, and I intend to take some of its members to the State Department with me. But I do not intend to staff the State Department with National Security Council personnel. The primary staffing in the State Department will be done by Foreign Service officers, and officials brought in from the outside.

Senator HUMPHREY. Mr. Chairman, I want to go down and cast my vote. I believe I have a few minutes left, but I would like to yield to Senator McGovern and I will come back, if I may be permitted, to ask about two more questions.

The CHAIRMAN. Senator McGovern.

Senator MCGOVERN. Thank you, Mr. Chairman.

CRISIS IN CONFIDENCE IN TRUTHFULNESS OF U.S. LEADERS

Dr. Kissinger, I think you will be pleased to know that I will be the final interrogator, at least today. Senator Church referred in his questioning of you a while ago, to a constitutional crisis in the United States and other Senators have alluded to a related and, I think, equally important problem in the country today. That is the crisis of confidence in the truthfulness of our leaders. About 100 years ago one of our great scientists during the controversy over the doctrine of evolution, said if we want to make any progress in the field of science we have to quit lying to each other. I think to whatever extent that is true in the field of science it is certainly true in a democracy.

PRESIDENT'S STATEMENT OF APRIL 30, 1970, CONCERNING CAMBODIA

On April 30, 1970, after we had been bombing the sanctuaries in Cambodia for a period of about 14 months, as I understand it, in 1969 and 1970, at the end of those bombing missions which the Congress did not know about and the American people did not know about, the President went on television and said these words:

For 5 years neither the United States nor South Vietnam has moved against these enemy sanctuaries because we did not wish to violate the territory of a neutral nation.

Do you see any way to interpret that televised address by the President as anything other than a deception of the American people?

Mr. KISSINGER. What the President must have had in mind was ground operations against these sanctuaries, and by that time the

notion that the territory that was occupied by the North Vietnamese in Cambodia really was not Cambodian territory in that sense, because the Cambodians had taken the position that they did not know what was going on there, had become so firmly fixed in everybody's mind that this must be the psychological basis for that statement.

REASON BOMBING INFORMATION WAS WITHHELD

Senator McGOVERN. Dr. Kissinger, what was the reason then? I know that you touched on this, but I am really not clear in my own mind yet as to the real reason why this information on the bombing was withheld both from the Congress and the American people. Do you find any constitutional authority for ordering American bombers into what the President had himself described as a neutral country, without informing the Congress or getting the authorization of the Congress for that action?

Mr. KISSINGER. Senator, as I pointed out in response to earlier questions, we were faced here with a situation in which the North Vietnamese for years had been using Cambodia as a corridor for supplies. For years they had been using sanctuary areas right across the frontier from which they were staging operations against American forces and into which they then withdrew. It has always been considered axiomatic in international law that neutral countries have an obligation to prevent the use of their territory for hostile actions against other countries. And, therefore, the principle that one belligerent has a right to use neutral territory while the other belligerent has no right—in the very limited areas that we are talking about, which were within a distance of some 10 miles from the frontier—to attack the forces of a third country that had invaded that neutral territory, and only those forces, the legal issue or for that matter the moral issue is at least not self-evident.

Second, we had a situation here in which the government of that country was either acquiescing or inviting this sort of pressure as a means of evicting these invading forces from its territory.

Senator McGOVERN. They were inviting what?

Mr. KISSINGER. They were at a minimum acquiescing in the bombing because it was in their power to protest at any point, which they never did.

Senator McGOVERN. But the Congress was not acquiescing.

Mr. KISSINGER. No.

Senator McGOVERN. We had no knowledge of it.

Mr. KISSINGER. No. The reason that it was not made public was to avoid a situation in which Prince Sihanouk would have to make a formal protest; we would then have been faced with a situation of terminating the attacks or formally spreading the war into Cambodia. You asked me for the rationale of why it was kept secret, and this is the reason that led to its being kept secret.

Senator McGOVERN. I have heard that explanation, but Prince Sihanouk has repeatedly said that that is not the truth, and that, as a matter of fact, he did protest to the U.N. and to the international community against such bombing.

Mr. KISSINGER. Why don't I supply to the committee, Senator, some of the communications of Prince Sihanouk to us during this period,

in which it was perfectly easy for him to have pointed out—letters he was writing to the President during this period, or a press conference which he gave on May 13, 1969, in which he specifically denied any knowledge of B-52 bombing, which is on the public record.

Senator McGOVERN. I would be interested in examining that evidence, Dr. Kissinger. But even if it bears out what you say about Prince Sihanouk, it does not speak to the question, as far as I am concerned, of why the Congress was bypassed on a military operation of this kind, without reference to the sensibilities of Prince Sihanouk. We would like to have a Constitution that lodges the war powers or at least a portion of it in the Congress of the United States. There must have been some recognition of that involved in the decision to inform certain selected Members of the Congress. Was there not at least a semblance of a recognition by the administration that somebody here in the Congress should know about the bombing?

Mr. KISSINGER. Of course, and that is why selectively Members of the Congress were informed about it. I did not myself select the Members. I was too new in Washington to know who were the appropriate people in Congress, but certainly they were informed about it.

SELECTIVE INFORMING OF MEMBERS OF CONGRESS QUESTIONED

Senator McGOVERN. In view of the fact that it was a fundamental foreign policy matter, do you not think it was curious, to say the least, that neither the chairman nor the ranking member of this committee were among those who were informed about the bombing, nor the chairman of the House Foreign Affairs Committee?

Mr. KISSINGER. I would say that if information in the future is given to Members of the Congress on any matter, the selection should be more systematic.

Senator McGOVERN. I would certainly agree with that.

WITNESS' OCTOBER 25, 1972, POSITION AND LATER HEAVY AERIAL BOMBARDMENT

On another matter. Dr. Kissinger, last October 25 you held a celebrated press conference in which you reported that peace was at hand in Vietnam. You went on to explain, in answering reporters' questions, that there were a few minor differences yet to be worked out, some semantic problems and language difficulties, but that in all probability one more negotiating session would iron out these difficulties.

How would you explain that position in light of the subsequent decision, some 30 days after the election was over, to engage in very heavy aerial bombardment of North Vietnam, and also Cambodia and Laos? Did you anticipate that possibility at the time you were indicating that maybe one more negotiating session would end the war?

Mr. KISSINGER. What I said in that press conference was my sincere conviction. I believed that we had an agreement whose main outlines and most of whose details were essentially acceptable.

I believed also we had the problem at that time of preventing a situation similar to that which existed in 1969, in which, with the imminence of an election, one of the parties to this negotiation would begin and perhaps would end a negotiation that had gone on for 4

years. Therefore, in my press conference—which was entirely addressed to a foreign audience, and which was intended to convey to both Vietnamese parties, that we were determined to stick to the main outlines of this effort, that we were not going to reopen this entire settlement, and that it was senseless to ask us to reopen it either from Saigon or from Hanoi—it was my sincere conviction, based on the issues then outstanding, that we could settle it in one more session.

We then had another session, the first 2 days of which were perfectly consistent with my expectations. I believe now, Senator, incidentally, it was a tactical mistake from the point of view of the negotiations to have tied myself to this position of one session, because it put us into a straitjacket. But the first 2 days were consistent with it. Then there was a reversal of the North Vietnamese position, and there grew up the conviction that they were deliberately stone-walling a settlement. And they were beginning to introduce new issues, many of which had already been settled in October, that created the danger that the whole thing would disintegrate.

At the end of October we had no thought that there would be a resumption of military operations. Indeed we unilaterally stopped the bombing of the North, north of the 20th parallel, because we thought a settlement was imminent. That was our conviction. And as it turned out, once they went back to the conference table in earnest, it was settled in essentially one session, but the session was delayed until January.

Senator McGOVERN. My time is up, Mr. Chairman.

Thank you, Dr. Kissinger.

The CHAIRMAN. Senator Humphrey, I will return to you.

Senator HUMPHREY. Yes; I will open up one or two other matters.

AMBASSADORIAL POST IN SWEDEN

Dr. Kissinger, I was keenly interested in the ambassadorial posts and other posts you did not intend to fill. Just in case you do not know, I am very much interested in the ambassadorial post in Sweden simply because I think our inaction is an attempt at petulance. I hope our old friend will not continue to be chastised because of the remarks of the Prime Minister. On that basis we would have to break off relationships with an awful lot of other countries and so I shall press you on it rather heavily.

We have a little amendment up in the Senate which we hope to call up very shortly. I know you want to be very cooperative. You said so. So do I. So we will pick a neutral like Sweden to try this cooperation on.

Mr. KISSINGER. I agree to that.

WITNESS' ROLE IN INTERNATIONAL MONETARY SYSTEM REFORM NEGOTIATIONS

Senator HUMPHREY. One of the points that has been emphasized in some of the commentary relating to your nomination, Dr. Kissinger, is your, well, to put it bluntly, lack of interest in international economic affairs. A couple of quotations have been cited to me, and I read about it before. It is my judgment, of course, that the international economic

scene is at the very heart of our modern diplomacy. In fact, this may be the new diplomacy to be engaged in. What role, if any, would you be playing in the negotiations for reform of the international monetary system?

Mr. KISSINGER. Senator, it is quite true that prior to my beginning this present position, economic affairs had not been in the forefront of my academic concern, and that is an understatement. In exercising my present function I have learned by experience the crucial importance of economic affairs and the intricate connection between the solution of economic issues and of political issues. Therefore, I have over the last 2 years taken major steps to increase the strength of my staff in the White House in the field of international economics, and 6 months ago I hired a Deputy Assistant to the President who was charged with international economic policy.

Now, on the specific matter which you raised, the reform of the monetary system is one of those issues which over the years has come up again and again, and it has been brought home to me again and again that it is as much a political as it is a technical economic issue. I have met very frequently informally with Secretary Shultz. But these informal meetings are no substitute for a regular relationship and for a greater influence by the Department of State on the decisions that are made in the international monetary field, because those decisions really affect domestic policies and ultimately the international position of all of the countries concerned. Therefore, it would be my intention, if confirmed, to strengthen the economic side of the State Department, and to work out arrangements by which it can play a more active role in the formulation of our policies, both in the international monetary field and in trade negotiations, and within the State Department to bring the economic concerns into closer line with the political objectives of the United States.

FRAGMENTATION IN CONGRESS ON FOREIGN ECONOMIC POLICY MATTERS

Senator HUMPHREY. I am very heartened by that and might I say that I consider the fragmentation in the Congress of the United States on matters of foreign economic policy one of the singular weaknesses of our present governmental setup. There is no place in which the responsibility is centered for trade or international monetary policy. This committee ought to have something to say about this, if we are going to have cooperation in the field of foreign policy and national security.

I can think of no area more important than trade right now because present allies can become new enemies on the basis of trade. And in the field of international monetary policy it does not do very much good to talk about national security if your international monetary system is in chaos or if the American dollar is undervalued or overvalued or constantly being devalued. I would, therefore, want to express at least my concern about this area, not being an expert at all. I consider that this committee is derelict on this subject, and I say very frankly, I think we ought to be more directly involved in all matters of foreign economic policy. It is not just a matter of tariffs any longer. The nontariff barriers are as significant as the tariff barriers. They are diplomatic and they are political and we ought not just

to leave it to Ways and Means and Finance. I wanted to get that off in my 10 minutes and I have done it. I have nothing further to say.
[Laughter.]

QUESTIONS OF SENATORS CURTIS AND HANSEN

The CHAIRMAN. Dr. Kissinger, you have been very patient. It is unfortunate that this committee is so large and it takes so long. The Watergate committee has a greater advantage in those matters, as you can see. I have had submitted to me by Senator Curtis and Senator Hansen, two series of questions which they have requested. I submit to you to supply the answers and whatever you have to say for the record. You can supply them on Monday. [See Appendix.]

COMMITTEE PROCEDURE

In view of the comments made, particularly by the Senator from Illinois and others, it seems to me that the proper procedure would be for the committee to have an executive session on Monday morning at 9:30 in S-116 to discuss the question which has been raised and about which there is some concern and then resume the open hearings at 10:30, if that is agreeable. That will give you time to consider these questions which have been submitted and the committee could decide what it wishes to do. I shall invite the Attorney General to meet with us at 9:30, if he is free, to discuss that matter and it could be disposed of, I would hope, one way or the other.

The hour is late, and we will recess now. There are, of course, a number of broad questions that I have in mind about your views about where we go from now on in such areas as, especially, Southeast Asia. I know it is a matter about which you are thoroughly informed, but we would like to know very much what you have in mind about the broader questions than some of the specific ones which have been raised this morning. I would hope that we could move along on Monday morning, if that is agreeable with you.

Mr. KISSINGER. That is fine.

The CHAIRMAN. Thank you very much. The committee is adjourned.
[Whereupon, at 1:55 p.m., the hearing was recessed, to reconvene at 10:30 a.m., Monday, September 10, 1973.]

NOMINATION OF HENRY A. KISSINGER

MONDAY, SEPTEMBER 10, 1973

UNITED STATES SENATE,
COMMITTEE ON FOREIGN RELATIONS,
Washington, D.C.

The committee met, pursuant to notice, at 11:15 a.m., in room 318, Russell Senate Office Building, Senator J. W. Fulbright [chairman], presiding.

Present: Senators Fulbright, Sparkman, Mansfield, Church, Symington, Pell, McGee, Muskie, McGovern, Aiken, Case, Javits, Scott, and Pearson.

Also present: Mr. Marcy, of the committee staff.

The CHAIRMAN. The committee will come to order.

We regret the delay which was occasioned by a meeting with the Attorney General over a matter which arose in the last hearing.

HEARING PROCEDURE

But we will resume this morning under the 10-minute rule as we did the other day. Will someone keep track of the time?

WAR POWERS

Dr. Kissinger, there are so many interesting aspects of your responsibility, both present and future, that it is difficult to select the proper questions. There are one or two that grew out of the last meeting, with which I thought I might start. As I recall, in answer to a question about the relations between the Congress and the Executive, you said there must be some way for Congress to associate itself with the decision to go to war. Then you referred to the warmaking power of the President. Is that correct? Did you not say something to that effect?

TESTIMONY OF HENRY A. KISSINGER, NOMINEE TO BE SECRETARY OF STATE—Resumed

Dr. KISSINGER. That is substantially correct, Mr. Chairman.

The CHAIRMAN. It raised in my mind the question that you seem to assume that the basic war power is in the President, not in the Congress. You put it that we had to find a way to associate ourselves with the President's power to make war. As a matter of constitutional practice, do you not agree that the basic power of making war, declaring war, is in the Congress?

(65)

Dr. KISSINGER. The Constitution, Mr. Chairman, has placed the basic war powers in the Congress. However, recent experience has shown that the need for rapid response, and the ambiguity in many situations, may bring about a commitment of American forces in a gray area that in at least two major instances has not been brought under this particular provision. Those are the situations in which the relationship of the executive and legislative branches should be studied, and I proposed a joint executive-legislative body to study this issue.

The CHAIRMAN. Both Houses of Congress have already given considerable study to this matter and there is a bill pending, as you know, which is in conference presently on this subject. I do not accept your premise that there have been any recent examples in which the urgency was so great that the Executive had to move without consultation with Congress. I accept the proposition they have done so, but I think they were not justified in doing so, such as the invasion of Cambodia.

I think there was nothing urgent about that. I think it would have been quite possible and feasible for you to have consulted the Congress, and to have stated your reasons why you felt we should invade Cambodia. It is possible they would have agreed with you. But the fact is they were not consulted in any respect. In fact, it came as a great surprise. I think the same could be said with regard to—well, this is a little different from the Gulf of Tonkin. There was consultation, but with certain misrepresentations. It is true if you are going to consult and misrepresent fact, consultation will not amount to much. I am assuming you will not do that and you are agreeing?

Mr. KISSINGER. Mr. Chairman, I have already expressed myself with reference to misrepresentation.

With respect to the so-called invasion of Cambodia, I think the issue should be considered from the point of view of the original engagement in Indochina. The military operations in Cambodia grew out of original commitment, which would be the most germane one for the examination of the relationship between the Congress and the Executive in determining the proper role of each.

CONCEPTUALIZATION OF FOREIGN POLICY BY COMMITTEE

The CHAIRMAN. You said in one of your press conferences, I believe, that you hoped the Committee on Foreign Relations could, and I think this is a quote—if it is not correct you can correct it: "I plan to see what I can do to bring the Senate Foreign Relations Committee into the conceptual area of foreign policy so they do not have to make ad hoc decisions." This was a statement taken, I believe, from Time. How do you think we can conceptualize a policy without information being given to us in advance about what the policy should be?

Mr. KISSINGER. Mr. Chairman, I do not have the exact quotation to which you refer in front of me, and if it implies that the committee has not engaged in conceptual thinking before, this certainly was not the intent.

The point that I attempted to make in this press conference was that the committee's role should not be confined to testimony by high officials, or by officials, after an action had been taken. It is my belief,

Mr. Chairman, that it is important for the committee to understand the general design of our policy and to express its views about this design as it is being formulated. As I pointed out in my statement on Friday, I would request a meeting with you and Senator Aiken as soon as I am confirmed, to work out procedures by which this could be accomplished.

Now, with respect to your specific question, of course, the committee cannot make a contribution to this process unless it is given the relevant information. It would be my intention to make sure that the committee has the information it needs to arrive at a reasonable judgment.

The CHAIRMAN. Is it your feeling that the committee does not presently conceptualize our foreign policy, that we do not approach it in that term, if I understand the way you use that term?

Mr. KISSINGER. Mr. Chairman, I think the administration has no reason to complain about inadequate conceptualization on the part of the chairman or of the committee. [Laughter.]

The CHAIRMAN. I wonder if you could give us your present conception of our policy in Southeast Asia. I wonder, since you have used this term, what your conceptualization is of our policy in Southeast Asia at the present time.

Mr. KISSINGER. If I could go back just 1 minute to the previous question, Mr. Chairman—

The CHAIRMAN. Yes.

Mr. KISSINGER. I would say that I would hope that we can achieve a closer rapport between the committee's thinking and the administration's thinking, or at any rate make certain that the committee feels that even if its views are not accepted, they have been fully considered before major decisions are taken. This is what is intended by that phrase.

U.S. POLICY IN SOUTHEAST ASIA

With respect to your question, Senator, about Southeast Asia, the United States now finds itself in a transitional period, from a time when we were heavily involved militarily to a period in which the responsibility for the defense and for the further evolution of the area has been given largely to the governments and peoples concerned. So that the United States role in the years ahead will be primarily in carrying out the residual moral and other obligations to support by economic aid, on a declining scale, those countries with which we have been associated. The principal burden for their defense would be in the hands of those countries concerned. And in the larger scheme of things, Indochina, which had been viewed at the time from our perspective of a monolithic Communist world, will be seen in terms of the realities of the contemporary scene.

The CHAIRMAN. Does that concept envision our disengagement of all of our forces from the area?

Mr. KISSINGER. It depends, Mr. Chairman, on what countries you include in that area. The Nixon doctrine has always assumed, and in fact it has practiced, the gradual reduction of American forces and the shifting of the primary responsibility for defense to the countries primarily concerned. We are engaged at this moment in discussions with the Government of Thailand, for example, with a view

toward a gradual reduction of our forces in that country, and we have already begun this process with a withdrawal of 3,500 military personnel from that country.

The CHAIRMAN. I find it difficult to see any definite commitment in your mind that we should withdraw and allow all these countries to determine their own form of government. There is implicit in what you say, I think, a continued presence, if not military at least economic, to insure the continuation of the existing regime. Is that a fair statement or not?

Mr. KISSINGER. Mr. Chairman, when you speak of existing regimes you have to look at it country by country. We believe we have an obligation which has been created by 10 years of close association to continue our economic support to the Government of South Vietnam. In other countries of the area this relationship differs from case to case.

The CHAIRMAN. You would not be more specific as to what you foresee our policy to be, what your concept is. When you used the word concept, I assume you had some overall objective in mind for the area, whether we continue to try to dominate it and to determine its social and political order or whether we withdraw. Is that not a concept as to the area? My concept is, if it is permissible to use that, that we should allow these people to sift out their own problems and to determine their own future without our patronage, so to speak, and without our advice.

Mr. KISSINGER. Mr. Chairman, our overriding approach is to permit the countries of the area to determine their own future. I cannot accept your characterization of our present policy as seeking to dominate this area. In any event, it is not our policy in the future that I foresee.

When we became involved in Indochina, Mr. Chairman, there was an assumption that this was a test case of a global confrontation. The events of the recent past have put Indochina into a more regional perspective, and our interest in Indochina is to see that the countries there have a right to determine their own future. We have no national interest in a predominant American position in this area and we will not seek to achieve it.

PAYMENT OF MR. DAVID YOUNG AFTER LEAVING WITNESS' OFFICE

The CHAIRMAN. I have one last question growing out of your questioning the other day. I did not have an opportunity to ask you about this. You testified that Mr. David Young left your office and went to Mr. Ehrlichman's office in July, I believe, of 1971.

Mr. KISSINGER. That is correct, Mr. Chairman.

The CHAIRMAN. Did he continue on your payroll, carried as an employee of your office during the period that he was in Mr. Ehrlichman's office?

Mr. KISSINGER. As I was looking over the transcript, Mr. Chairman, I was tempted to add an explanation about that, and I am, therefore, glad that you give me the opportunity to add to this.

Mr. Young continued to be paid from National Security Council funds for the technical reason that employees in the various organizations in the White House are very often carried on payrolls of other

organizations. The Domestic Council at that time did not have independent funds and, therefore, an administrative arrangement was made for him to continue to be paid out of those funds. Also, there was the expectation that eventually he would return to the staff.

I must say that I was not aware of this until after about 7 months, when a routine request for promotion came into my office, and I wrote on it and asked what we were paying him for if he was working for Mr. Ehrlichman.

It was a technical, administrative arrangement. It had nothing to do with his obligations. And I must repeat what I said on Friday, that I was not aware even of the location of his office or his duties beyond the declassification exercise I mentioned yesterday, nor did I have any contact with him.

The CHAIRMAN. It is very unusual procedure, though, to have a man engaged in setting up an organization which has come to be called the plumbers being on the payroll of the National Security Council, is it not?

Mr. KISSINGER. Well, it would be a very unusual procedure if he had been hired for that purpose. It is not such an unusual procedure if he is being transferred to another section of the White House, particularly, Mr. Chairman, if you keep in mind my perception of what he was doing. My understanding was that he would work for Mr. Ehrlichman on the new declassification system, which is, of course, a matter in which the National Security Council has an interest. That was publicly announced, and indeed, Mr. Young held a press briefing together with Mr. Ehrlichman on that subject.

The matter to which you refer is something I knew nothing about, and he would not have been paid from funds controlled by the National Security Council if I knew that he was engaged in any such activities.

The CHAIRMAN. My time is up.

Senator Sparkman.

Senator SPARKMAN. Thank you, Mr. Chairman.

I am kind of impressed with the program that you announced some time ago. I believe it was on April 23 that you made new proposals to the Atlantic partners.

IMPORTANCE OF LATIN AMERICA

What about other areas of the world? Would it be your purpose to try to develop similar programs as they might apply to other areas, for instance, Latin America? We often hear complaints that we neglect Latin America. Do you feel that that is a very important area so far as we are concerned, as well as Atlantic partners?

Mr. KISSINGER. Senator, I agree that Latin America is an important area. And if I am confirmed, I would propose within a very short time to make clear both organizationally and substantively the major interests that the United States has in its relationship with its neighbors to the south. In fact, as I pointed out on Friday, within 48 hours of my nomination I paid a visit to Mexico, that had been scheduled before but with which I went through anyhow, and I consulted with both the Foreign Minister and the President of Mexico about their ideas of how our relations with Latin America could be strengthened.

IMPORTANCE OF OTHER AREAS OF THE WORLD

Senator SPARKMAN. I simply mentioned Latin America because it is about our closest neighbor, but you attach the same importance to the various parts of the world.

Mr. KISSINGER. I think there are different areas of the world with different degrees of urgency, but we would hope not to neglect any area.

TRADE AND ECONOMIC POLICY

Senator SPARKMAN. Let me ask you about a part of the function of the State Department, of which sometimes I am afraid we are likely to lose sight. That has to do with trade. That is, is it not, a very important function of the State Department?

Mr. KISSINGER. That, Senator, is an important part, and it will become increasingly important in the years ahead.

Senator SPARKMAN. Of course, the Department of Commerce has a very big hand in it. I suppose it calls for very close cooperation between the State Department and the Commerce Department.

Mr. KISSINGER. There are many agencies with an interest in trade and economic policy: Commerce, Agriculture, Treasury, the Special Trade Representative, for example. And there is a necessity to make certain not only that the economic interests of the United States are protected but also that the political objectives of the United States and the economic policies of the United States are carried out in close harmony. The best way, Senator, to achieve this is to strengthen the State Department, in terms of the quality of its personnel that are dealing with these issues, and also organizationally, so that it can play a larger role in the deliberations in which these policies are forged. I have already had some preliminary discussions about this, and we attach considerable importance to this objective.

RELATIONS BETWEEN STATE DEPARTMENT AND COMMITTEE

Senator SPARKMAN. Now I want to ask you about, shall I say, better relations between the State Department and the Congress, the Foreign Relations Committee. I feel certain that you do favor that and will strive to develop adequate communication between the State Department and the Foreign Relations Committee as well as other parts of the Congress.

That is right, is it not?

Mr. KISSINGER. Senator, I feel very strongly about this, and not simply as a tactical device but as something that is imperative in the present state of America and of America's relations with the rest of the world.

Senator SPARKMAN. I can remember in former administrations and former times when there was a much closer relationship between the State Department and the Congress, and primarily the Foreign Relations Committee.

I can remember various administrations in which frequently our committee or certain subcommittees or certain individuals would be asked to come down to the White House or go over to visit the Secretary of State according to the problems that were uppermost, I may

say, at that particular time. It seems to me there has been a very sad dropping off of that over recent years.

I remember Presidents and Secretaries of State during the time that I have been a member of the Foreign Relations Committee calling us in frequently, coming up, asking for a conference with us to talk about various matters of interest that developed.

I remember a rather high level of bipartisanship that was developed in large part when Senator Vandenberg was chairman of the committee, even at a time when his party was in the minority. I remember that President Truman called on John Foster Dulles to carry out a very important program, that is, to represent him in developing and promulgating the Japanese Peace Treaty. Many similar instances could be mentioned.

I think I know what the answer is, but I want to ask anyway. Can we reasonably expect that type of cooperation and collaboration and bipartisanship under your administration as Secretary of State?

Mr. KISSINGER. Senator Sparkman, I am very glad you asked that question. You can reasonably expect it, and a very major effort will be made on my part and that of my associates to bring about exactly that degree of cooperation.

Senator SPARKMAN. Thank you very much, Mr. Chairman.

The CHAIRMAN. Senator Aiken.

ACTION ON NOMINATION WITHOUT MUCH DELAY RECOMMENDED

Senator AIKEN. Mr. Chairman, I have before me a list of 37 questions which could be asked of Dr. Kissinger. I doubt that such a multiplicity of questions is required or advisable.

We have received a large number of requests from persons who want to testify, either for themselves or as representatives of their organizations. There are undoubtedly innumerable persons who could be called in to testify in the same direction. But to ask him to answer all the questions that might be raised or to listen to all persons in the United States who might wish to testify against him would certainly keep this committee in session until after the United Nations General Assembly session begins, certainly after the 24th of September, when our Secretary of State is supposed to address them. Undoubtedly the hearings could be prolonged until after the United Nations adjourns for the season.

I do not regard Henry Kissinger as a saint. I feel sure that sometime during his life he has committed sins but, on the other hand, it is simply a matter of degree. And I do not believe any Member of Congress can qualify as the president of the stonecasters association at this time because everybody is guilty.

What I am concerned about is the record he has made, whether he is a sinner or not, in reducing warfare throughout the world. Nobody can question the part that he has played in bringing about more peace at present than the world has seen for a long time. I am not the least bit interested in getting even with anyone. I am not interested in enhancing anyone's political ambitions by the action which we may take on this nomination.

My interest is not particularly in Henry Kissinger or Richard Nixon, but in the United States. And that means that if we are

interested in the welfare of the United States we have to have a Secretary of State without delay. We certainly have to have one before the United Nations meet. Therefore, I think instead of prolonging and prolonging these hearings, as some who have written in would like to do, I believe we should take action on this nomination without much delay.

Certainly, those who have legitimate protests against his nomination should be heard to a reasonable degree, but not to the point of indefinitely postponing action. So, Mr. Chairman, I think that I have explained my position, and I hope that the United States would not lose any respect among the nations of the world by interminable delay in making a decision as to whether we approve this nomination or not.

That is all.

The CHAIRMAN. When did we receive this nomination, Mr. Marcy?

Mr. MARCY. When the Senate reconvened last Wednesday.

The CHAIRMAN. We only received it last Wednesday. Under the rules of the committee we have to wait 6 days. I do not know why the Senator thinks there is going to be undue delay.

Senator AIKEN. I did not say there had been undue delay. I said we should come to a decision before we are expected to participate in international conventions and I believe the first one is the 24th of September. That gives us 3 weeks.

The CHAIRMAN. There is no disposition to delay.

Senator AIKEN. No, I did not say there was any disposition.

The CHAIRMAN. I do not think Dr. Kissinger requires the title of Secretary of State to function. He has been functioning forcefully without it.

Senator AIKEN. The chairman knows the large amount of mail which we have received which, if we complied with the requests contained in it, would delay the final action on his nomination for a long, long time.

We have 15 witnesses who have already asked to testify. I believe all are in opposition. It seems to me there were a couple more this morning, but I am not at all sure about that. Undoubtedly that sort of thing could continue and continue, and that is something that I do not believe we should tolerate.

The CHAIRMAN. Senator Church.

Senator CHURCH. Thank you, Mr. Chairman.

PROCEDURE CONCERNING SUBMISSION OF TREATIES

Dr. Kissinger, Senator Mansfield was obliged to leave in order to open the Senate. He asked me if I would please ask you the following question. It is in written form and I will read it to you. Senator Mansfield says: "I wish to read the following section from 'Jefferson's Manual on Parliamentary Practice,' section 752.5, which reads as follows:

"It has been the usage for the Executive when it communicates a treaty to the Senate for their ratification to communicate also the correspondence of the negotiators. This having been omitted in the case of the Prussian Treaty was asked by a vote of the House on February 12, 1800, and was obtained, and in December 1800 the convention of

that year between the United States and France, with a report of the negotiations by the envoys but not their instructions, being laid before the Senate, the instructions were asked for and communicated by the President."

Senator Mansfield asks, "Will you, as Secretary of State, adhere to this procedure without reservation?"

Mr. KISSINGER. Senator Church, I frankly do not know what the practice has been after the period of Jefferson when treaties were submitted to the Congress, or to the Senate, for ratification.

I believe, in any event, that when a treaty is submitted to the Senate, the essential elements of the negotiations should be discussed with the committee, and the degree of the general availability of this should then be determined.

The practice of diplomacy now is somewhat more complex than it was at that period. But if a treaty is submitted, I would expect to meet with the chairman and with the ranking member and explain the general status of the negotiation, and respond to any requests for additional information, and then I think we should determine what can be made or should be made available in the common public interest. I do not know what the precise practice has been with treaties that have been submitted, say, in this century.

GUIDELINES CONCERNING TREATIES AND EXECUTIVE AGREEMENTS

Senator CHURCH. Let me follow up on Senator Mansfield's question by asking you this, Dr. Kissinger:

What guidelines will you follow in deciding which instruments should take the form of treaty and thus be made subject to the ratification of the Senate, and which should take the form of Executive agreements?

I say this because, as you know, the number of Executive agreements has not only grown very large, but has come to embrace agreements of great consequence with foreign nations. Historically, it has been the practice to submit agreements of great consequence in treaty form in order to comply with the constitutional provision that requires Senate ratification.

Mr. KISSINGER. The borderline between Executive agreements and treaties has never been very clearly defined. It is a problem that in my present position I have not had to study with the care with which I propose to study it if the committee and the Senate confirm my nomination.

Therefore, let me make a general comment. I would say that any treaty or any instrument that implies or involves a commitment by the United States to go to war, or to come to the assistance of other countries and therefore might lead to war, should be submitted to the Congress, to the Senate, in treaty form.

Senator CHURCH. When you say any agreement that might lead to war, would you include in that agreements establishing or extending major American military bases in foreign countries?

Mr. KISSINGER. I would think that in the past this has not been considered subject to ratification in a manner appropriate to a treaty. As a general rule I would not see any reason to change that practice.

Senator CHURCH. Well, from time to time we—

Mr. KISSINGER. But then I would have to say again that this depends on the circumstances, because frequently bases are established in countries with which we already have a treaty.

Senator CHURCH. Yes; I have in mind the base agreements with Spain which have been the subject of some argument between the committee and the administration. These bases are not only major, but they come up for renewal from time to time. We have had testimony, or have seen written statements of one of our topmost generals, to the effect that the existence of these bases constitutes a more solid commitment to the defense of Spain than any possible treaty could.

Therefore, we have reason to feel that an extension of the Spanish bases is an illustration of a case where such an agreement should take the form of a treaty, and thus be made subject to Senate confirmation.

I recognize there are minor military bases that may not fall into this category, but it is certainly my view that major military bases that could, as you say, expose the United States to a danger of involvement in a foreign war are of sufficient importance to be submitted to the Senate for its ratification.

Mr. KISSINGER. Of course, the issue of the bases in Spain is somewhat different from the issue of a new base agreement in another major country, because we already have the bases there. The issue here would be the extension of agreements on bases that already exist and that have come into being under one form of agreement, and then the transformation of such an agreement into something different. I think that it is a distinguishable case from new major bases that might be established.

I would say as a general proposition that it should be the objective of any administration to make certain that when the United States is involved in war, it will be on the basis of procedures that are generally perceived by Congress, the Executive, and the country as representing a popular will. I would approach the study of the question which you raised with that attitude.

NATIONAL COMMITMENTS RESOLUTION

Senator CHURCH. Your answer to that question suggests another to me, Dr. Kissinger.

You are aware, I know, and perhaps have had a chance to study the national commitments resolution which has been passed by the Senate. Are you in general agreement with the thrust of that resolution?

Mr. KISSINGER. That resolution was passed several years ago and has not been, to my knowledge, actively pursued recently, and I would like to reserve my answer and give it to you in writing, or reserve it for another day.

Senator CHURCH. Very well. If you will review that resolution carefully, it is one that we take seriously in the Senate, and it has to do with the necessity for some form of legislative participation in order to create a formal commitment to a foreign nation. I think we should have a precise answer from you as to your views, with respect to that resolution.

Mr. KISSINGER. I will submit it to this committee.

[The information referred to follows:]

DR. KISSINGER'S COMMENTARY ON THE "NATIONAL COMMITMENTS RESOLUTION"

[Supplied by Executive Office of President]

The term "National Commitments" as used in S. Res. 85 is subject to varying interpretations. Insofar as it means the placing of the United States in a relationship with another state which could foreseeably involve the United States in a defense commitment to that nation, then I believe that such a commitment should require the fully informed participation of Congress.

I share the concern underlying S. Res. 85 that Congress should strengthen its participation in the policy-making process. This was a principal theme of my opening statement and my testimony during the hearings. If I am confirmed I intend to meet with the Chairmen and Ranking Minority members of the Foreign Relations and Foreign Affairs Committees at the earliest opportunity to take concrete steps toward this objective.

In addition, I have recommended that a joint Legislative-Executive Commission be appointed to study and report on the war powers, a problem in which "national commitments" is a fundamental element.

WITNESS' PARTICIPATION IN SALT II NEGOTIATIONS

Senator CHURCH. With the publication in 1957 of "Nuclear Weapons and Foreign Policy," you became something of an authority in this field, Dr. Kissinger. Also; you were subsequently instrumental in finalizing the SALT I agreements in 1972.

How actively will you participate in the SALT II negotiations?

Mr. KISSINGER. I have very actively participated in the evolution of our position in the SALT II negotiations, and I have been engaged in exchanges on this subject with the Soviet Union. This is a major interest of the administration, and I will expect to pursue it extremely actively.

Senator CHURCH. My time is up, Mr. Chairman. Thank you, Dr. Kissinger.

The CHAIRMAN. Senator Case.

Senator CASE. Thank you, Mr. Chairman.

ADMINISTRATION'S PLANS TO ACCOUNT FOR MIA'S IN LAOS

Dr. Kissinger, I have been advised by our staff that a Mr. Walter Wojcicki representing 38 MIA families in New Jersey has called and asked that you be asked two questions which I would like to ask you now.

First, given the fact that the United States was not a party to the Laos cease-fire agreement and that the agreement says very little on accounting for MIA's, what does the administration plan to do to get an accounting for MIA's in Laos?

Mr. KISSINGER. With respect to the missing in action in Laos, this matter was covered first in the Paris agreement between the United States and North Vietnam and it was the subject of subsequent negotiations in the June negotiations between the United States and Hanoi. We have a commitment from the North Vietnamese that they will take an active interest in this question, and that the provisions for an accounting for the missing in action will be scrupulously observed.

The North Vietnamese know very well that the normalization of our relations with them, and any further consideration of economic aid, depend on a satisfactory resolution of the issue of the missing in action, not just in Vietnam but throughout Indochina.

I expressed on Friday our substantial dissatisfaction with the way in which the North Vietnamese have carried out the provisions of the agreement as they apply to Vietnam, and, of course, we have not had any fulfillment of them with respect to Laos. But we make no distinction between Laos and Vietnam, and we will press all parties equally throughout Indochina.

Now, after the agreement is concluded in Laos, there is supposed to be a central government established, headed by Prime Minister Souvanna Phouma. It may be easier to get that government to implement the provisions to account for the missing in action than has been the case with respect to the North Vietnamese. But it is a major objective of the administration, especially in Laos where the ratio of prisoners to missing is much less satisfactory than it is in Vietnam.

Senator CASE. Thank you.

ICCS MEMBER TO LOOK AFTER U.S. MIA CONCERNS

The second question is what member of the ICCS [International Commission of Control and Supervision] can the United States count on to look after its concerns about the missing in action, given the fact that in December 1970, in the U.N., Hungary voted against and Indonesia abstained on the vote in the U.N. on the resolution—as a matter of fact, our colleague, Senator Pell, was very active in this particular matter. I recall, which called for respect for human rights in armed conflicts.

Mr. KISSINGER. Senator Case, we have been extremely dissatisfied with the performance of Hungary and Poland on the ICCS, and therefore we would have to look to Iran and Indonesia—Iran having replaced Canada—to present our case. But in addition to the ICCS there is the Four-Party Joint Military Team, which is charged with looking after the missing in action. On that group we are represented, and we intend energetically to look after our interests in that group. That group is composed of the South Vietnamese Government, the Provisional Revolutionary Government, the North Vietnamese, and ourselves.

Senator CASE. Thank you.

TERRITORIAL SEAS AND SEABED PROBLEM

I have two questions at this point on the territorial seas and seabed problem.

What is your attitude toward unilateral action by the United States or by American companies exploiting the resources of the seabed beyond the 12-mile limit before an international agreement has been reached about the management of the seabed beyond the territorial seas?

Mr. KISSINGER. The United States has submitted a proposal which would, in fact, establish three areas: A 12-mile limit, then a limit which is not exactly defined, but which would be approximately 200 miles—it is the coastal seabed and environment—and then the area beyond.

In the second zone, the one between the 12-mile limit and the 200-mile limit, the adjoining country has a predominant economic in-

fluence, subject to certain restrictions and certain contributions to the international community from the results of its exploitation. Beyond that 200-mile limit the exploitation of the seabeds should be subject to international jurisdiction.

There is not, I am frank to say, Senator, complete unanimity within the Government with respect to the position I have outlined to you, but it reflects our very serious consideration and it is a position that we have up to now adopted.

Senator CASE. Have you a personal judgment on that matter?

Mr. KISSINGER. At the risk of jeopardizing my relations with some other departments of the Government, I lean toward the position that I have outlined to you.

Senator CASE. And that would mean, I take it, that pending a reasonable chance for adoption of our proposal as an agreement we would not encourage or look with happiness upon exploitation in this area.

Mr. KISSINGER. Exactly, Senator. This was going to be my concluding point. We would take our position, and we would hope that until the conference meets in Chile next year, no actions are taken inconsistent with our position, and we would certainly not encourage them.

Senator CASE. My second question in this general area is: What is your attitude, your feeling, with regard to the standard of liability for pollution or other damage caused by unilateral action of a coastal State through use of the seabed before this international agreement is reached other than the 1958 convention about free use of the seas by all nations?

That is the only agreement governing it now. I believe, as a matter of international law. But what is your general attitude about pollution and damage?

Mr. KISSINGER. My general attitude is that the question of pollution, and environmental concerns in general, are principal issues to be settled by the international community. It is one of the issues that we propose to put before the United Nations at this General Assembly as being peculiarly necessary of settlement on an international basis.

Senator CASE. You would not be happy about any effort to get grandfather rights in an area by undue activity right now?

Mr. KISSINGER. That is correct.

U.S. POLICE TRAINING PROGRAMS IN FOREIGN COUNTRIES

Senator CASE. On another matter—do I still have a little time, Mr. Chairman?

The CHAIRMAN. Yes.

Senator CASE. In the foreign aid economic bill we have language prohibiting the training of police with our funds in foreign countries, and the explanation, the rationale for that is that training police has resulted, in a good many cases, in identifying in the minds of many people the United States with every act of police brutality that occurs in a foreign country. Can I have your views on U.S. police training programs?

Mr. KISSINGER. I would like to study that particular clause and submit an answer to you for the record. As a general proposition, subject to exceptional circumstances, the police functions of foreign countries

are best left to those foreign countries and should not involve a major commitment by the United States.

Senator CASE. I think that is an admirable position frankly and a proper qualification.

[The information referred to follows:]

DR. KISSINGER'S COMMENTARY ON SECTION IN SENATE BILL 1443 COVERING
POLICE ASSISTANCE

[Supplied by Executive Office of President]

As promised, I have studied Section 2502(b) of Senate Bill 1443 which would prohibit the funding of foreign police assistance programs.

As I said in my testimony, I believe as a general proposition that the development of national police forces should be the responsibility of the nations concerned and should not involve a major commitment by the United States. But there are unusual circumstances in which we should provide some assistance in the efforts of countries to develop civil security institutions that are responsive to the needs of the people and that help provide the framework necessary for economic and social growth in a climate of freedom. Therefore I believe the proposed provision goes too far.

We are confident that our police assistance programs have made and continue to make a genuine contribution to development. However, the Administration is mindful of the many criticisms of this program in recent years. Accordingly, we believe that each of the police assistance programs should be reviewed to determine its desirability and utility. Moreover, each country program should be evaluated to determine whether it makes a positive contribution in terms of current U.S. foreign policy objectives and interests and whether it should be continued, modified, or eliminated. We are prepared to undertake such an evaluation.

INADEQUACY OF CONSULTATION CONCERNING CAMBODIA

Senator CASE. I have some further questions about the matter of information which you have answered quite satisfactorily in general terms on many matters, and in this connection, I am not putting this to you but I am illustrating my unhappiness with a situation that has existed in the past. I am not even asking you to comment, but I want to make the point that on this question of information General Wheeler and Admiral Moorer in testifying before the Armed Services Committee of the Senate revealed that the only Members of Congress given accurate information about Cambodia were the following: the late Senator Russell, the late Senator Dirksen, Senator Stennis, the late Representative Mendel Rivers, Representative Gerald Ford of Michigan and Representative Leslie Arends of Illinois. I am not in any way suggesting that these may be the only individuals, but it is obvious that, except perhaps for Senator Stennis, most of these people were enthusiastic supporters of the Indochina war. When the President talks about Members of Congress having the right to know, if this were intended to be an all-inclusive group I just frankly don't agree and I don't think that notification on that issue of those Members of the Congress constituted adequate consultation. I just make that statement and I don't ask you to comment on it. I would rather perhaps that you shouldn't and let that just stand for itself.

I would say further that I don't regard it as likely that you would agree that it was adequate consultation, and I am assuming that.

The CHAIRMAN. In connection with the Senator's question, Senator Abourezk has submitted a similar question. [See Appendix.]

The Senator from Missouri.

Senator SYMINGTON. Thank you, Mr. Chairman.

SPENDING FOR AND INFLUENCE OF NATIONAL INTELLIGENCE

Dr. Kissinger, my questions this morning have to do primarily with national intelligence, apparently the basis for many actions in Government and certainly for the expenditures of more billions of dollars of the taxpayers' money than any other field. It is no secret that some of us, for years, have been worried about the nature and the degree of congressional review of the many billions expended each year on intelligence alone. This information, as recently noted in the press, is most influential on matters which require heavy monetary support, discussions and decisions incident to Soviet and other nations' military capacity, arms control policy, SALT discussions and so forth; also United States policy when it comes to crises in the Third World, and on and on.

The President recently recommended no reductions in the defense budget. The House of Representatives and the Senate Armed Services Committee at this time are recommending substantial reductions in said budget. It is from this background that I would ask a few questions.

COMMUNICATION OF NSC AND/OR PRESIDENTIAL DIRECTIVE TO CIA

How are directives from the National Security Council and/or the President communicated to the Central Intelligence Agency?

Mr. KISSINGER. First of all, to answer your question, directives from the President or National Security Council directives tend to be transmitted through my office and tend to be signed by me as Presidential directives.

NSC SUBCOMMITTEES CHAIRED BY WITNESS

Senator SYMINGTON. I have a list of the National Security Council subcommittees. There are seven of them; first, the Washington Special Actions Group. I understand you chair that; correct?

Mr. KISSINGER. That is correct, Senator.

Senator SYMINGTON. And then the Senior Review Group. I understand you chair that.

Mr. KISSINGER. That is correct, Senator.

Senator SYMINGTON. Then, a Verification Panel, National Security Council, I understand you chair that.

Mr. KISSINGER. That is correct.

Senator SYMINGTON. And the Defense Program Review Committee, I understand you chair that.

Mr. KISSINGER. That is correct, Senator.

Senator SYMINGTON. The Under Secretaries Committee, you could not chair; that is chaired by Under Secretary Rush, correct?

Mr. KISSINGER. That is correct.

Senator SYMINGTON. The Intelligence Committee, you also chair?

Mr. KISSINGER. That is correct.

Senator SYMINGTON. And the Forty Committee, you also chair?

Mr. KISSINGER. That is correct.

Senator SYMINGTON. What is the difference between the Intelligence Committee and the Forty Committee?

Mr. KISSINGER. May I, before I answer this question, explain that this listing of committees may give a slightly misleading impression. The membership of these committees is substantially the same, and the only difference is the number of people that participate. The core membership is the same in each case, that is to say, the Deputy Secretary of State, the Deputy Secretary of Defense, the Director of the Central Intelligence Agency, and the Chairman of the Joint Chiefs of Staff.

The difference is that if it is a Senior Review Group meeting, for example the membership is somewhat larger. If it concerns defense matters, the membership is somewhat different. If it deals with SALT, then the membership, in addition to that core group, will include the Arms Control and Disarmament Agency and other agencies directly concerned. So it is not that there are five or six committees that are constantly working, all of which I chair; it is that depending on the subject matter the basic interdepartmental coordination which has been my responsibility is carried out by this core group, plus one or two or three additional members, and that will determine the name by which that core committee operates.

DIFFERENCE BETWEEN INTELLIGENCE COMMITTEE AND FORTY COMMITTEE

Now, to answer your question—and I think the committee will recognize that I will not in open session be able to go very deeply into the Forty Committee—the Forty Committee deals exclusively with what are called covert operations. It is composed of the Deputy Secretary of State, the Deputy Secretary of Defense, the Chairman of the Joint Chiefs of Staff, the Director of the Central Intelligence Agency, and myself. There are no other members. It has existed under various names with this basic composition ever since 1948. At first it was composed only of the Deputy Secretary of Defense and the Under Secretary of State, but the basic membership as it is now constituted goes back at least to the mid-1950's. This committee reviews the so-called covert operations and it recommends operations for Presidential approval. But I do not think I can go into greater detail in an open session.

The NSC Intelligence Committee sets the general policy for the intelligence community. It has a larger sphere. It discusses the adequacy of the reporting mechanisms of the intelligence community and it sets general policies. It does not approve individual actions.

ACCURACY AND INDEPENDENCE OF CIA

Senator SYMINGTON. The primary reason I ask this is that in the years, at least one, I have been a member of the CIA Subcommittee, with but one exception, I have never seen an estimate by the services about the strength of the possible enemy that was not considerably higher than the estimate of the CIA, and that in—

Mr. KISSINGER. It has been my experience also.

Senator SYMINGTON. It has been your experience, too. Interesting. In almost every case the Central Intelligence Agency's estimate turned out to be correct. The Secretary of Defense who was the most promilitary once said if you leave it up to the services they would want the moon, the whole Gross National Product, if they could get it. In recent

correspondence I have had with a member of the Joint Chiefs about our recommending a relatively minor reduction in personnel, he wrote men a letter which concluded by his saying, "If you do this to us you will make the United States a hostage of Soviet goodwill." I thought that a pretty silly statement, but what I am getting at is, if the independence of the Central Intelligence Agency is in any way affected by your two-hat position, which we discussed previously, there is no real reason for having a Central Intelligence Agency.

A subcommittee of this committee looked into it several years ago and felt perhaps the greatest waste of the taxpayers' money was in the intelligence field. I certainly want as much as any American to see us have an adequate defense, but do not believe some of the proposed new weapons systems are necessary in any sense, for the security of the United States. The National Security Council is an advisory body to the President, and from what I read in the papers I am beginning to worry about the independence of the CIA. As you know, a general was transferred from the Pentagon to the CIA. Recently there have been a lot of military people, civilians and others, transferred into the White House from the Pentagon. This general wrote an article in which he said he did not think anybody should make intelligence estimates except the military. I protested and was to read his speech. After reading it I was more worried than before, because it seemed every intelligence agency except the services themselves and the Pentagon would be downgraded. As I see it, we ought to abolish the CIA if it is to be just a tool for furthering the wishes of Pentagon.

AUSPICES OF STUDY LEADING TO INTELLIGENCE COMMUNITY LEADERSHIP REORGANIZATION

Could I ask under what auspices was the study conducted which led to the reorganization of intelligence community leadership in early November of 1971?

Mr. KISSINGER. That study, Senator, was conducted under the auspices of the Office of Management and Budget, although my office was represented on that study. May I make a brief comment on what you said before?

Senator SYMINGTON. I would appreciate it.

INDEPENDENCE OF CIA SUPPORTED

Mr. KISSINGER. Anyone concerned with national policy must have a profound interest in making sure that intelligence guides, and does not follow, national policy. There is in all intelligence agencies a great temptation, and sometimes a considerable incentive, to gear their estimates to what they think the political trend may be. Therefore, I strongly support your view that the estimating process of the Central Intelligence Agency should be independent of any outside influence.

Now, we in the White House never attempted to influence this process. On two occasions since I have been in my present job, when the differences of opinion between the Central Intelligence Agency and the military services were so large that it was difficult to understand how they could be operating from the same body of factual material, I requested the analysts from both agencies to come to the White House and had each of them present his case, so that I could understand the

process by which they had arrived at their conclusions. But I think it would be very wrong, and very dangerous, for anybody at the White House or the Secretary of State to attempt to dictate, even by inference, the conclusions that the intelligence community should reach, and especially the Central Intelligence Agency.

Senator SYMINGTON. Thank you, Dr. Kissinger.

Mr. Chairman, my time is up.

The CHAIRMAN. Senator from New York.

YEAR OF EUROPE

Senator JAVITS. Dr. Kissinger, you are charged with the statement that this is the year of Europe. I do not say that invidiously. Is it still the year of Europe?

Mr. KISSINGER. Yes, Senator, it is still the year of Europe.

Senator JAVITS. Has anything happened at home or abroad to change your view as originally expressed, I think, in April 1973 that this would be the concentration of highest priority of the administration?

Mr. KISSINGER. The so-called year of Europe has our concentration and very high priority, indeed the highest priority of the administration.

In understanding the progress that can be made with respect to it, one has to understand that there are several processes going on simultaneously.

There is the change in strategic relationships that is produced by the growth of the Soviet strategic arsenal. There is the change in the economic relationship between Europe and the United States, from a position of dominance by the United States to a situation in which the Europeans are becoming more cohesive and more assertive. There is the process of European integration, in which the Europeans are at one and the same time dealing with us as individual nations and yet attempting to form a unified European identity that can speak with one voice.

And finally, there is the problem of how to relate any discussions that we undertake with the Europeans to the discussions that may be going on with the Japanese and the Canadians.

Now, all of these processes are being handled simultaneously, and that requires some rather complex orchestration. The Europeans decided, after initially dealing with us on a bilateral basis, that they wanted to use the occasion of our initiative to crystallize also their own unified view of the political future of the Atlantic community. As a result, for about 2 months we have not publicly pressed them, in order to give them an opportunity to crystallize those views.

The Foreign Ministers of the European Community are meeting today and tomorrow in Copenhagen, and I think you will find, Senator Javits, that after this meeting the process of the so-called year of Europe will begin to accelerate.

Senator JAVITS. I assume this will be your personal highest priority, in view of your marked success in China and the Soviet Union.

Mr. KISSINGER. You are correct, Senator Javits; this will be my highest priority.

Senator JAVITS. So, you will be the top man in charge of this particular effort?

Mr. KISSINGER. That is correct. But I would include Japan and Canada in that process.

Senator JAVITS. Very much; I will come to that in a minute.

Senator CASE. Excuse me, you say you include Japan in that?

Mr. KISSINGER. I think the relationship really has to be trilateral. It has to include Japan, the United States, Canada, and Europe.

Senator JAVITS. Exactly, I thoroughly agree with that.

U.S. POLICY CONCERNING ATLANTIC CHARTER

It is said that our policy of uniting under one heading—a so-called Atlantic charter—security, economics, and social affairs, and that the European policy is not a charter but a declaration which will deal with economic and social affairs separately from security affairs.

Has U.S. policy, or in your judgment should U.S. policy, change in that regard or should we stand solid by the proposition that whatever arrangements we make with Europe should be a package?

Mr. KISSINGER. Our interest, Senator, is in the reality, not in the procedure or in the name you give to the document. As to whether it is called a charter or a declaration. We have no overwhelming preference.

Also, as we have studied the problem more deeply with the Europeans, it has emerged that some of the problems are handled in one set of institutions and other problems are handled in other institutions, which makes it more difficult to come up with an all-embracing document. Secondly, Japan can join in certain aspects of these deliberations but would find it more difficult, for example, to adhere to a document that included various defense discussions.

Therefore, the direction in which we may be going is a document that deals with the economic and political matters in relation to the Nine: a document as far as defense is concerned that includes the NATO countries, with the Japanese perhaps joining the political and economic document; and finally, there could be a brief all-embracing declaration which relates all these documents to each other. This is the general direction in which we seem to be going right now.

Senator JAVITS. Dr. Kissinger, would you not say that that represents a marked concession to the European view as depicted by the Nine, and particularly France?

Mr. KISSINGER. It does not represent a concession to the French point of view because the French were very resistant at first to any dealings with the Nine as a unit.

But since these documents make sense only if they produce a conviction on both sides of the Atlantic that they reflect the realities of the new era, it is necessary that both sides make concessions, and, above all, it is essential that this not be approached in a confrontation spirit on either side of the Atlantic.

MUTUAL AND BALANCED FORCES REDUCTIONS

Senator JAVITS. One element of the negotiation is the mutual force reductions as the Russians called it, or the mutual and balanced forced reductions as we call it.

Do you envision within the next year any material reduction in the U.S. troop strength in Europe unless there is an agreement?

Mr. KISSINGER. The negotiations for mutual force reductions will start on October 30, and we hope that very substantial progress can be made during the course of the next year, which will then produce some reduction of U.S. forces.

We would be opposed to the unilateral reduction of U.S. forces in the absence of such an agreement.

PER CAPITA INCOME GAP BETWEEN DEVELOPING AND DEVELOPED NATIONS

Senator JAVITS. Dr. Kissinger, the widening gap between the developing nations in terms of per capita income and the developed nations is a matter of marked concern to the world and to our country and to our Government.

Could you tell us, as you look forward to your perspective as Secretary of State, what you believe we should pursue as a policy in the effort to close that gap. And tell us please why should we be interested as a country in closing that gap?

Mr. KISSINGER. Well, the second question, Senator Javits, is easier to answer than the first. The importance that the United States must attach to closing the gap, or at least to improving the conditions of the less-developed countries, is derived from the fact the world cannot possibly be stable if the part of the world that contains most of its population feels itself excluded from the technological progress and the industrial advance of the rest of the world. If you have an enormous gap in a global society in which nations are now closer really to each other in terms of communication than most nation states were in the previous century, and if this gap continues to grow, revolutionary upheavals in the world that will profoundly affect international stability are inevitable.

Now, what can be done? That has been a matter that has proved much more elusive, because the progress of these countries depends in part on assistance by the more developed countries but also on the willingness of the less-developed countries to organize themselves domestically to utilize their resources to foreign aid, and we have never satisfactorily solved the problem. So, at this point, I think the best I can say is to express the fact that the problem is urgent, and that international stability will depend upon our ability to make some contribution.

NONALIGNED NATIONS PLEA FOR CLOSER CONSULTATION

Senator JAVITS. Dr. Kissinger, are you prepared to give us any indication of your response to the plea of the nonaligned nations, who represent the primary developing nations of the world. They are reported this morning as expressing their view that they wish more intimate consultation before the world makes decisions, like, for example, the decision on monetary matters, which determines their fate for perhaps decades ahead. What is your response to that plea?

Mr. KISSINGER. Senator, let me say two things: First, in principle those whose fate will be affected by major decisions such as in inter-

national monetary policy should have an opportunity to express their view and should be heard. So with that proposal as a principle I have no difficulty.

There is, however, one problem: That if the nonaligned countries start forming a bloc, then they become a bloc like any other bloc. The mere fact that they are not part of an existing alliance and that they define their grouping as having been formed by being nonaligned does not change the basic situation. And I would, therefore, hope that if these countries want to profit from their nonalignment they will look at each issue on its merits, rather than form a unit which operates in international affairs as a unit and then becomes subject to bloc politics.

Senator JAVITS. Thank you, Mr. Chairman.

The CHAIRMAN. Senator Pell.

Senator PELL. Thank you, Mr. Chairman.

HUMAN RIGHTS BEHIND IRON CURTAIN

Dr. Kissinger, since last Friday when we discussed our concern about human rights of people behind the curtain, the American Academy of Sciences came out with their statement concerning the same point. In the other body, Mr. Mills said he thought before we went ahead with MFN and other trade negotiations we ought to pay some concern to the human rights behind the curtain. In this regard, could you give us an overview of specific moves the United States might make or specific concerns regarding human rights behind the curtain you intend to initiate or press.

Mr. KISSINGER. As I pointed out Friday, there is no question about where we stand on this issue morally and individually. Nor is there any question about where we stand as a government. We favor the exercise of human freedoms by all countries. The difficulty arises as to what the United States as a government should do in the conduct of our foreign policy, and to what extent we should make specific results dependent on essentially domestic developments in various countries.

This is a hard question to answer in the abstract. But on the whole, our principle has been that we should focus our first attention on the exercise of the foreign policy of the countries with which we are dealing.

Now, this did not exclude and has not excluded that in our individual capacities—individual capacity obviously enhanced by our official position—we could point out to Soviet leaders the impact of certain developments in their country on their relations with the United States, and on the public conscience in the United States. These representations have had some considerable success, with respect, for example, with the exit visa tax, and other instances which I do not think it would serve any useful purpose to mention here.

So, at a minimum, you can be certain that even when we do not make official representations, our views as senior officials and as private citizens will be communicated. However, we attempt to do it in a way which makes it easier to achieve results, rather than to promote a confrontation.

Senator PELL. I wonder if you could be a little more specific, though, about the types of concern that we could express and would be well advised to express.

One thought I have is that our representative on the Human Rights Commission could be a more conspicuous person. I can't recall who it is. Can you recall?

Mr. KISSINGER. Frankly, I do not.

Senator PELL. That is an example, an excellent example, of the point I am driving at.

If you put a man of tremendous prestige in that job, if a man like your predecessor could be persuaded to take it, that in itself would elevate the position.

I was wondering if you had any ideas.

Mr. KISSINGER. I think that is a very good suggestion, which very frankly did not occur to me, and I will look into it very carefully.

Senator PELL. Thank you, sir.

WEATHER MODIFICATION

The Senate on July 11 of this year passed by an 82-to-10 vote, legislation which had passed the North Atlantic Assembly earlier expressing the view that the United States should seek a treaty prohibiting the development or use of environmental or geophysical techniques as weapons of war. I was wondering if you would express to us what action the administration plans to take in response to both the Senate and the North Atlantic Assembly resolutions.

Mr. KISSINGER. I confess, Senator, that I am not familiar with these resolutions, but I would say that anything endorsed so overwhelmingly by these two bodies would be taken extremely seriously.

Senator PELL. One of the problems we have had is obtaining from the Defense Department U.S. military activities in weather modification even when that information was directly relevant to legislation pending before this committee. I am wondering if you believe that the State Department has obtained all the information that it has requested or should request from the Defense Department in this field.

Mr. KISSINGER. I would think, Senator Pell, that the State Department will have little difficulty in obtaining national security information in the new arrangement.

Senator PELL. I believe you will find, if you check back, that this was not the case in the past. I would hope that it is a point you would remedy in this field of weather modification.

Mr. KISSINGER. I think it would be difficult to avoid remedying it.

Senator PELL. Thank you very much.

LAW OF THE SEAS

In connection with the law of the sea, which I am very glad you have touched on, and are as familiar with it as you are, will you support a strong American position for minimizing national claims to control the high seas and seabeds?

Mr. KISSINGER. With the qualification, Senator Pell, that I made before, that this is a subject that still has to be reviewed again by the President, I would say that my own personal thinking with regard to seabeds is tending in that direction.

Senator PELL. Thank you.

In this regard, would you support the U.S. position strongly in favor of an effective United Nations oceans authority, a United Nations or international sea guard as proposed in our draft treaty?

Mr. KISSINGER. I am not familiar with the details of that treaty, but it is an inevitable corollary of the position which I have outlined that the seabed area beyond the coastal seabed area should be under some form of international resource machinery for which the United Nations would be an appropriate place.

Senator PELL. Thank you.

A current shortage throughout the world of protein food has underscored the importance to all of us of the necessity of guarding our fishery resources. In my part of the country, in New England, we are very concerned as we see many fish, particularly the haddock, absolutely vacuumed from the so-called area of economic exploitation. Have you any thoughts with regard to actions we could take now in order to protect our fishery resources prior to the conclusion of the treaty we hope will come out of Chile.

Mr. KISSINGER. The United States has made some compromises with countries in South America that have claimed a 300-kilometer limit, as long as this was not considered territorial sea but was for the exploitation of a natural resource. We could certainly consider applying the same principle to ourselves.

Senator PELL. Thank you.

ASSISTANT SECRETARYSHIP FOR OCEANS, ENVIRONMENT AND SCIENTIFIC AFFAIRS

In the State Department authorization bill there is a proposal for a new Assistant Secretaryship for Oceans, Environment and Scientific Affairs. Do you support this concept and if, by chance, the President vetoes the State Department authorization bill, would you recommend that this assistant secretaryship be created by executive fiat?

Mr. KISSINGER. I am not sure that assistant secretaryships can be created by executive fiat.

Senator PELL. Forgive me for interrupting. This is the only one that is created by legislative fiat and that is why the Executive is annoyed about it. All the others are done by Executive fiat.

Mr. KISSINGER. If that can be done, I favor it. I strongly support this concept and I think it is a very important step.

DIPLOMATIC RELATIONS WITH CUBA

Senator PELL. Thank you very much. Excuse these random questions, but our time is so limited. With regard to Cuba, it would seem to me the time has come to open up relations with that country. It is generally agreed that the strategic, even the tactical importance, of Guantanamo is practically nil. Will you support the idea of opening up diplomatic relations with Cuba?

Mr. KISSINGER. First, as you pointed out, one of our first moves will be to try to strengthen our relationships with Latin America. We would like to have this exchange of views with Latin America progress to a certain point before we can judge the views of other countries with

respect to Cuba, and also the attitude of Cuba toward its relationships in the hemisphere.

Senator PELL. Thank you.

My time has expired.

The CHAIRMAN. The Senator from Maine.

CHANGE IN INFORMING OF CONGRESS

Senator MUSKIE. Dr. Kissinger, I enjoyed the discussions in certain areas and I would like to open up some myself. Before I do, I would like to ask one or two questions in the area of communication, information and secrecy. I understand to some extent all you can do is testify as to your own attitude, but I think it would be helpful to try to pin it down sufficiently to give us some evidence there will be a change.

You have indicated that you intend to establish a better climate with the committee with respect to developing policies and with respect to policy decisions taken.

Mr. KISSINGER. That is correct. I cannot guarantee we will always be able to accept the views of the committee, but we will certainly discuss our views fully and listen very carefully to the views of the committee.

Senator MUSKIE. In other words, we will know in advance of foreign policy decisions, what decisions are being considered, what decisions are pending, and what the options are of the bases for the consideration of them.

Mr. KISSINGER. That would be the intention. Except in cases of really overwhelming national security considerations, which I cannot now foresee, that will be the practice, yes.

Senator MUSKIE. Let me seek to illustrate that. Could we see, in similar circumstances, a repetition of the secret bombing in Cambodia without advance information to the Congress beyond that which it is alleged was given in the instance of which we are now aware?

Mr. KISSINGER. As I testified on Friday, the circumstances that produced that situation were nearly unique. It was almost inconceivable that they could be repeated. However, should they be repeated, I would expect that the relations between the executive and legislative branch would have reached a point of trust where your committee would know about it.

Senator MUSKIE. In other words, you expect—

Mr. KISSINGER. Or at least, the chairman would be consulted.

Senator MUSKIE [continuing]. You expect to work to develop a climate in which there would be more consultation with more Members of Congress in such situations than there was in that instance?

Mr. KISSINGER. Than there has been in the past, that is correct.

Senator MUSKIE. Would you say the same with respect to the tilt on Pakistan?

Mr. KISSINGER. Senator Muskie, the "tilt" toward Pakistan, whatever its shortcomings in your view, was certainly not a secret.

Senator MUSKIE. Eventually.

Mr. KISSINGER. It was expressed very vocally. But in any event, in a situation such as the India-Pakistan War I would expect to meet with this committee or with its appropriate subcommittee and explain our thinking.

Senator MUSKIE. With respect to informing Members of the Congress, including this committee, can we expect—and I think you have implied that we can—a regularized reporting and consultation process so that the committee would not have to try to anticipate on the basis of peripheral information when it ought to be consulted?

Mr. KISSINGER. Not only can you expect it but immediately after my confirmation I propose to meet with your chairman and ranking member to work out a very concrete procedure on how to achieve this.

WIRETAPPING POLICY

Senator MUSKIE. There is one other doubt in this area that occupied the committee this morning. This is the wiretapping area. I think we all understand—as I said this morning to the Attorney General—that there are gray areas of authority and responsibility between the Executive and the Congress that are rarely, if ever, precisely defined, and that a precise definition in these areas might not necessarily be in the national interest. Yet, there is evidence that some of those restraints have been abandoned by some people in secret. And when such restraints are abandoned in secret, then we establish a pattern or a habit that is a threat to our fundamental liberties. So we need to know what the policy is. That is what this whole talk about the wiretap controversy is about. We need to know what the policy is. And how we can get that knowledge is in question. If you are confirmed as Secretary of State—and I have no reason to believe you will not be—I would like to know what your attitude is about wiretaps such as those that were instituted in the celebrated cases of the 17 or whatever number. Do you view wiretaps in such circumstances as being in the national interest? Would you expect in similar circumstances to approve their use?

Mr. KISSINGER. I have asked the Attorney General to submit to this committee his opinion on the legal view of the Government with respect to wiretapping in national security cases. He has promised to do this, and I would, of course, strictly abide by his view of the legal situation. But beyond this, the issue of wiretapping raises the issue of the balance between human liberty and the requirements of national security. I would say that the weight should be on the side of human liberty and that if human liberty is to be ever infringed, the demonstration on the national security side must be overwhelming. That would be my general attitude.

SHOULD WIRETAPPING JUDGMENTS BE SUBJECT TO LEGISLATIVE CHECK?

Senator MUSKIE. That leads me to what I think is the key question: Should that judgment be made only by the Executive or should it be subject to an established check by the legislative branch of the Government?

Mr. KISSINGER. Of what constitutes—

Senator MUSKIE. In particular cases, whether or not the authority has been abused. Should that be wholly an Executive judgment or should it be subject to a legislative judgment as well?

Mr. KISSINGER. If there is a concern that the authority had been abused, then I think the legislative branch will want to look into this charge of abuse.

Senator MUSKIE. But we cannot know whether there is a basis for concern unless there is a regularized procedure for bringing these cases to our attention.

Mr. KISSINGER. At least in the areas with which I am concerned, I cannot foresee now circumstances in which this is a very likely eventuality.

As I pointed out at the hearing on Friday, I can conceive of circumstances—and I gave a very extreme one—where the President may have to decide to override legal restraints when the threat to the national security is overwhelming. But that should be very rare, and it should be fully explicable to the Congress and to the public when it occurs.

How you establish this relationship, I have frankly not thought through. But my attitude would be governed by the general principles that I gave you.

Senator MUSKIE. In any case, would you agree that even in such cases there should be a requirement and established procedure for second-guessing purposes?

Mr. KISSINGER. I would think in these cases the demonstration of necessity is a reasonable requirement.

WITNESS' PARTICIPATION IN SALT II NEGOTIATIONS

Senator MUSKIE. I would like to ask two or three questions about arms control. I do not know how much more time I have or whether it is useful to open it up, but I assume that you will actively participate in the SALT II negotiations, Dr. Kissinger.

Mr. KISSINGER. Yes. The principal negotiations of course will take place in Geneva, but the major policy decisions, and, I daresay, some of the negotiations designed to break deadlocks, will have my heavy involvement.

ACDA RECOGNITION, RESPONSIBILITY, AND AUTHORITY

Senator MUSKIE. I have just one more minute and will ask one more question in this field. I will wait another round to get into other questions.

To what extent will ACDA be given recognition, responsibility, and authority in this field?

Many of us in the Congress are concerned that it has been emasculated and downgraded by the administration. We have been looking for months for some evidence that our fears and our suspicions are not well founded. I would like to give you this opportunity to at least express your initial opinion.

Mr. KISSINGER. The Director of the Arms Control and Disarmament Agency, Dr. Fred C. Ikle, is an extremely thoughtful scholar whom I have known for many years. In order for us to formulate reasonable positions, it is very important that those whose principal responsibility it is to think full time about the problem of arms control have an opportunity to formulate their views and to present their views at the highest level. The participation of the officials of the Arms Control and Disarmament Agency is absolutely essential if we are going to have broad-based, informed policies; they will have my

full support and they will be actively engaged in the formulation of our position.

As to their personnel, I have not reviewed personally their top personnel except the Director. But if what you say is correct, they will certainly have my support in attracting the best people that are available.

Senator MUSKIE. Thank you, Dr. Kissinger.

The CHAIRMAN. Senator McGovern?

COVERT ACTIVITIES OF CIA AND OTHER GOVERNMENT INTELLIGENCE AGENCIES

Senator MCGOVERN. Dr. Kissinger, earlier in your colloquy with Senator Symington when you were commenting on the responsibilities of the Committee of Forty, you referred to the covert activities of the CIA and other intelligence agencies of the Government. I presume that those covert activities would include such things as the overturning of at least one Latin American government some years ago, a feat that I understand the Director of the CIA later confirmed; the training of paramilitary forces in Laos, even possibly the assassination of political leaders abroad that we see as unfriendly in the Phoenix program.

Do you think that a society such as ours that is committed to self-determination and ordinary standards of decency should be involved in clandestine efforts of that kind? Would it not be better to take the CIA and other intelligence agencies out of these operations areas and confine them entirely to the gathering and assessment of intelligence?

Mr. KISSINGER. Senator McGovern, it is extremely difficult to discuss that area of activity in an open session, and I think it should be done in a more restricted grouping.

In this administration, some of the activities which you mentioned, such as assassinations and overthrowing of governments, were not, in fact, carried out. I am not saying that assassinations were ever carried out by this committee or approved by this committee. But in order to answer you fully, I would have to explain what it is and what the operations are that tend to be conducted by this committee.

I would say that our genius does not reside in clandestine activities on a broad scale.

On the other hand, I would think that there are certain types of these activities, difficult to describe here, that it would be dangerous to abolish.

Senator MCGOVERN. I would like to pursue that more at a later time, but I do want, because of the constraints of time, to move on to two or three other matters.

SEPARATION OF FOREIGN POLICY CLAIMS FROM DOMESTIC CONSIDERATIONS QUESTIONED

You told the committee on Friday that, while you regretted the persecution of respected Soviet scientists and intellectuals and writers, you thought American foreign policy should confine itself to influenc-

ing the foreign policy of other countries and should not become involved in their internal affairs.

I think you were saying in effect that the so-called détente between ourselves and the Soviet Union should go forward without reference to what they are doing to their own people.

I wonder if we can really separate the claims of foreign policy from domestic considerations.

For example, in the 1930's, when the Nazi Government was persecuting and slaughtering the Jews in Germany, do you think American foreign policy should have ignored that fact provided only that we could have worked out some kind of a foreign policy deal with the German Government?

Mr. KISSINGER. Well, again, Senator, one has to ask oneself under the contemporary circumstances whether a return to the cold war would improve the situation of the people concerned. In the 1930's of course, I was a part of that persecuted minority, so I am rather sensitive to that situation.

I must say I could have understood it, and I could understand it now as a historian, though the consequences would have been rather painful, if other countries had concentrated primarily on preventing military aggression by the Nazis and had attempted through a policy of preventing that aggression to change the system over a period of time. There is reason to believe that if deprived of foreign adventures, the Nazi system might have changed over a period of time.

What one has to balance in the case of the Soviet system is not that we can ever approve repression, or that we should not use our influence where we can to mitigate it. But we have to ask ourselves whether, by reducing the danger of war and forcing the Soviet system into a cooperative relationship with the rest of the world in the field of foreign policy, that will not over a period of time mitigate their system.

But it is a fine line which we have to walk here.

Senator MCGOVERN. Dr. Kissinger, I am not suggesting that we stop efforts to reach a more acceptable détente with the Soviet Union. I am certainly not suggesting military intervention on our part, but it does seem to me at a time when we are in effect dealing with their internal problems through such things as the massive sale of our wheat, one quarter of our crop a year ago, that that in itself brings us into a relationship with the internal affairs of that society, which might also open the way for us to influence other things that we think are important, including human freedom.

DÉTENTE AND HUMAN LIBERTY IN SOVIET UNION

I don't always agree with Senator Jackson, as you well know, but I wonder if you saw the piece he wrote in yesterday's morning Times entitled, "First Human Détente".

Mr. KISSINGER. I did not see the piece, but I am familiar with his views.

Senator MCGOVERN. I think it is a very thoughtful and provocative piece. I will quote you one line from it: "A regime that denies the rights of man can never be reconciled to membership in the community of civilized nations."

He goes on to quote the distinguished Soviet scientist, Sakharov, who says, "Détente has to take place with simultaneous liquidation of isolation. Détente without democratization would be very dangerous. That would be cultivation and encouragement of closed countries where everything that happens goes unseen by foreign eyes behind a mask that hides its real face." and he concludes on this line, "No one should dream of having such a neighbor and especially if his neighbor is armed to the teeth."

Mr. KISSINGER. Senator, we don't disagree about the human problem, nor do we disagree as to the objective. The difficulty we face is, confronted with the capability on both sides of exterminating mankind, whether we should pursue measures to reduce the danger of war and begin a more civilized discourse with a system of government whose internal methods we cannot approve, or whether we should delay this until they commit themselves to a change in their own system—which they may consider so intolerable in the short term that they will not pursue the measures of détente that we are intending to carry forward.

It is very hard to determine this in the abstract. We cannot be indifferent to the denial of human liberty, but we cannot, at the same time, so insist on transformations in the domestic structure of the Soviet system that we give up the general evolution that we are hopefully starting.

U.S. GOVERNMENT SIGNALS TO MOSCOW

Senator McGOVERN. Can I break in there, Dr. Kissinger, to ask a related question? Have you or other members of our Government signaled Moscow that, in effect, we are willing to overlook the persecution of their writers and thinkers and scientists in return for continued negotiations on arms and other diplomatic matters?

Mr. KISSINGER. Senator McGovern, the opposite is true. The only reason why I do not go into greater detail about what we have discussed on a semiofficial basis is that that would then deprive it of its semiofficial character. But I can assure you that not only have we not signaled to them that we are prepared to overlook it, but we have signaled them exactly the opposite—but in a context in which we believe we have a better chance of bringing about the result.

Senator McGOVERN. Just one final brief question.

REQUIRING COURT ORDER TO AUTHORIZE WIRETAP ON U.S. CITIZENS

Do you think it would be a prudent requirement that no wiretaps ever be authorized in this country on any U.S. citizen without a court order or a court warrant?

Mr. KISSINGER. That, as a general rule, I believe to be the position, and I would just like to leave a little scope for areas of absolutely overwhelming danger which I cannot now define. But I personally have no difficulty with such a rule.

Senator McGOVERN. I think my time is up, Mr. Chairman.

Thank you.

The CHAIRMAN. I think the time has arrived when perhaps we will have to recess until tomorrow morning at 9:30.

FOREIGN CRITICISM OF U.S. DOMESTIC AFFAIRS

May I ask you one question with regard to the last question of the Senator from North Dakota? In your negotiations with so many different people, have any of the countries with whom you have discussed these matters ever raised questions about the infallibility of our own system or do they all agree that we are the only good people in the world and never make any criticism of any of our domestic affairs or conditions in this country?

Have you ever been confronted with any such criticism?

Mr. KISSINGER. I must say I have occasionally been subjected to criticism of our domestic situation but I have refused to accept it from a foreign government.

The CHAIRMAN. You have insisted we are the only perfect society?

Mr. KISSINGER. No; but I have insisted that foreign governments have no standing in a negotiation to comment on our domestic situation.

The CHAIRMAN. You don't think it would be acceptable to the Congress if some of them insisted that we make reforms of various kinds, in our electoral system or some of our social problems, do you?

Mr. KISSINGER. I think it would be rather difficult.

The CHAIRMAN. I think it would be difficult, too.

Thank you very much.

We will meet at 9:30 tomorrow morning.

[Whereupon, at 1:10 p.m., the committee recessed, to reconvene at 9:30 a.m., Tuesday, September 11, 1973.]

NOMINATION OF HENRY A. KISSINGER

TUESDAY, SEPTEMBER 11, 1973

UNITED STATES SENATE,
COMMITTEE ON FOREIGN RELATIONS,
Washington, D.C.

The committee met, pursuant to notice, at 9:35 a.m., in room 318, Russell Senate Office Building, Senator J. W. Fulbright [chairman], presiding.

Present: Senators Fulbright, Sparkman, Church, Symington, Pell, McGee, Humphrey, Aiken, Case, Javits, Scott, Percy, and Griffin.

The CHAIRMAN. The committee will come to order.

PAST BASIS OF U.S. FOREIGN POLICY QUESTIONED

Dr. Kissinger, the other day I referred to a remark of yours. I hope if I misstate it you will correct me. But I took it to mean that you hoped that this committee might be capable of conceptualizing foreign policy. Your remark has continued to interest me. It seemed to be a kind of a challenge in a way. I recall your remark to me in 1969 that you did not expect to follow the foreign policy of the Johnson administration in Vietnam, which I took to be encouraging assurance.

It seems to me there are many bases on which to look at our foreign policy in any given area of the world: the particular policy in Southeast Asia, the Middle East, and Latin America. But for the moment, I wonder if in this year of cooperation, we could try to conceptualize our policy. It seems to me for many years since the Johnson regime, if not as long before as Truman, that our Government has in effect followed a policy based upon the assumption that military force and economic power together could construct what they were pleased to call a structure of peace. I remember Dean Rusk used to use this phrase, as I believe you have, and it seemed to be based primarily upon these elements: Foreign aid in very extensive ways, military and economic, and direct military force; primarily the use of our resources and manpower for military purposes.

As you know, we have bases all over the world, virtually. I think the majority leader stated the other day that we had nearly 2,000 large and small bases, over 300 of them considered major bases with over 500 people. We have some 625,000 men under arms outside of our borders, and we subsidize with arms and money more than 50 nations.

The President urged restraint, for example, just yesterday, on all of our expenditures except military. He is adamantly opposed to any reduction in our military expenditures. He also opposes reduction in

our foreign aid, military or economic. The administration also supports the continuation of such cold war activities as Radio Free Europe.

Yesterday, Mr. Schlesinger asked for \$150 million additional money for ammunition alone to continue the slaughter in Cambodia.

In short, this concept of force to achieve our ends is a kind of a pax Americana based upon a military power with economic subsidies which we were able to furnish. This is quite similar, it seems to me, to the concepts, if you like, of the British Empire. They used both the combination of economic subsidies and military force for a long time, and it was successful for quite a while, but it seems the complete bankruptcy of our policy is the clear lesson of our disastrous war in Indochina. Rather than strengthening our country, we have, I believe, weakened it by that exercise and by the other exercises in the last 10 years. The war in Vietnam, it seems to me, has done more to undermine this national security, about which we speak all the time, than anything that the Russians could have done or have done or that the dissidents here at home have done or the students have done. Our economy is in a shambles and our people are divided and confused. One only needs to read the newspapers every day. There is great confusion in our economy, and people are very apprehensive about the future.

Some of our economists anticipate a recession. There is no dissent about the inflation. These are, I believe, the direct result of this over-extension and overreliance upon force.

NEW CONCEPT STARTED BY ABM TREATY

In the signing of the ABM Treaty, and I give you great credit for that, although I am bound to say that members of this committee, particularly Senator Gore and others on his subcommittee, made a great contribution in the background of your achievement in signing the ABM Treaty with the Soviet Union. But it seems to me that that was a kind of a watershed where the United States and the Russians agreed that they have no credible defense against ICBM's. Together with the existence of the enormous stockpile of nuclear weapons, this suggests to me a different concept, if I may use that word, the concept which I believe will strengthen our society rather than weaken it. The essence of this concept is to maintain a nuclear deterrent as provided by the interim agreement which again you negotiated—and then I could not understand why the administration backed off from it and accepted the Jackson amendment. I was, as you know, completely in accord with your interpretation of the interim agreement and the ABM agreement. You recall that, and yet, there is an ambivalence in all this, and we backed off.

ADMINISTRATION'S DEVOTION TO NEW CONCEPT QUESTIONED

In any case, I think that marked a new era and the beginning of a new concept which I think is appropriate. But what bothers me very much is whether or not this administration really is devoted to its own concept. The ABM Treaty, I think should start a new concept and that should entail the gradual reduction by about one-half, at least, of the foreign military bases. I do not recommend they all be withdrawn tomorrow, but this is another matter which this committee, especially

the majority leader and others have supported: That we gradually bring home these military forces from around the world, and that we emphasize at every opportunity the collective diplomatic efforts of adjusting whatever controversies arise.

I do not think we emphasize it. We certainly have neglected it in the United States. We have never brought it into play in anything important. We have not attempted to refrain from intervening in the internal political and social affairs of other countries, particularly by supporting political regimes subservient to us. In short, this structure of peace, if I may use that phrase, would be a collective structure based upon cooperation and diplomacy rather than upon competition for the position of military dominance in all areas of the world.

Of course, I anticipate that you may say, as is often said, that it is a very naive concept to expect anyone to cooperate in good faith on the international scene.

I can only respond that I do not think you know that. I do not think anybody knows it because it has never been tried in good faith.

This other policy has been tried by the British, by the Germans, and by others and especially by us in the last 20 years. It seems to me it has failed and it has resulted in a seriously weakened United States.

CREATION OF EXEMPLARY U.S. SOCIETY SUGGESTED

I suggest that while retaining our deterrents, we withdraw our intervening forces and concentrate our efforts upon the creation here in America of a society of which we can be proud, a humane and just government that serves our people. We would exercise by the force of this example a far greater influence than we can possibly by the force of arms in which we have placed so much confidence in Southeast Asia and elsewhere.

I do not believe we can in the long run dominate the world by force; nor can we buy its compliance with economic aid. In fact, we do not have the resources in any case, even if that were a viable concept.

But I think that we can set an example, and I think we were an example up until about 30 or 40 years ago, of a society which most of the world did seek to emulate. Even Mr. Khrushchev in his very crude way announced a policy of emulation of the United States. He said he was going to outdo us. I think his phrase that he intended to bury us was misinterpreted. What he intended to say, as he explained when he came to this committee, was that he intended to outstrip us, to outdo us in the same way in which he thought we had succeeded so well, which was to give good life to the people of this country.

CONTINUITY IN U.S. POLICY QUESTIONED

What worries me most of all is the seeming continuity in policy. We get started in this country in one direction and every regime always refers to its predecessors. President Johnson said he was only doing what his predecessors did. President Nixon has, I believe, on many occasions, said, "I am only doing what President Johnson, President Kennedy, President Eisenhower, President Truman did."

What I would suggest is we ought not to do what we all have been doing in the past because I do not think the results are very happy. Would you agree those are conceptualizations of policy and would you care to comment on them?

TESTIMONY OF HENRY A. KISSINGER, NOMINEE TO BE SECRETARY OF STATE—Resumed

Mr. KISSINGER. Well, Mr. Chairman, you have made a rather extensive statement which has many aspects, and I will try to respond as best I can.

INTENT OF WITNESS' OBSERVATIONS

First, at the beginning you referred to two observations I made, one in a press interview and one in a private conversation with you 4 years ago. The one in the press interview was not a challenge to the committee to engage in conceptualization as if I were criticizing what had been done before. It was rather a challenge to the executive branch to make certain that the committee would have the opportunity to participate in the design of foreign policy, rather than have to wait until something had been accomplished and then ask for testimony. It was not a recommendation to the committee; it was a statement of the intention with which I would propose to conduct the Office of Secretary of State, if I am confirmed by this committee and the Senate—a statement of my intention to bring the committee into the early stages of policy design, which I described in an excessively professorial term as "conceptualization."

The CHAIRMAN. I interpreted the other way. I thought it generally was interpreted to mean that this committee was inceptable of conceptualization.

Mr. KISSINGER. My intent was as I have described. I do not have the exact quotation, but at any rate the intention was as I have described it. It was not a challenge to the committee.

PURSUIT OF DIFFERENT VIETNAM POLICY

The second point to which the chairman has referred, both in his introductory statement on Friday and again today, was my comment that we would pursue a policy different from that of our predecessors with respect to Vietnam. Now, the historical record will have to stand on that. We withdrew 550,000 troops from Vietnam, where our predecessors had put them into Vietnam. We committed ourselves to negotiating a settlement, and we achieved that. I admit that the process took longer than all of us had hoped, for many reasons. But the direction of our policy was the one that we indicated to you, Mr. Chairman. The difference was the rate at which it was accomplished, and that was slower than any of us had hoped.

Now, with respect to your general observations——

INTENT TO DISENGAGE FROM SOUTHEAST ASIA

The CHAIRMAN. Before you leave that, what disturbed me yesterday is that you have not yet made up your mind to disengage. I mean this request for the \$150 million just for ammunition for Cambodia. I

thought your answer to my very tentative request about your view of that was that it is a pursuance of the same kind of policy that Johnson had. It is true you have been forced to stop the bombing by legislation. But I am not at all reassured that you are going to disengage from Southeast Asia. By other means, by surrogates, by this enormous input of ammunition and arms, by economic aid, you still seem to wish to dominate that area. I wonder whether it is in our interest to do this, because we cannot afford this kind of policy.

Mr. KISSINGER. With respect to disengaging from Indochina, this administration negotiated an end to the military operations in Vietnam and Laos before there was any legislation, and we offered a precise method and deadline for ending the bombing of Cambodia, an offer that was under active consideration at the time that the Congress acted to cut it off by legislation decision.

So we do not disagree with the objective. This is now beyond demonstration, but our conviction was that our course would enable us to negotiate a cease-fire just as we had already negotiated a cease-fire in Vietnam and Laos.

With respect to the request for ammunition for Cambodia, Prince Sihanouk announced only a few weeks ago that the North Vietnamese, and I believe the Chinese, had resumed supplying ammunition to his forces, and it seems to us not inequitable to supply ammunition to indigenous forces that are trying to defend themselves, particularly as we have stated that we would not intervene militarily.

BASIS FOR U.S. POLICY

Now if I might perhaps make a general observation on your philosophical remarks, Mr. Chairman:

As I understood your remarks, you were saying that American policy is based on power, either physical or economic, and that it should be animated instead by a spirit of cooperation, and that it should concentrate primarily on its domestic problems, and once again be an example to humanity as it was, say, prior to the end of World War II. I say that, judging from your timespan of 30 years.

There is no question that the United States should in its behavior seek to be an example to the rest of the world. I said in my opening statement that the foreign policy of the United States should epitomize the best in America, and it is also clear that a society that means nothing to itself can mean nothing to others.

So I am in agreement with you on the general proposition, Mr. Chairman.

However, the world has changed enormously. Prior to World War II we were secure behind two oceans. Other nations had to be threatened long before the American security could be affected. Therefore, we could afford to wait until dangers became unambiguous, until some overwhelming threat had developed, before we committed ourselves.

Now we are in a world in which the traditional safety margin we had has been considerably reduced. We live in a world in which, due to the power, range, and complexity of modern weapons, we are immediately affected by many developments, in many parts of the world. Therefore, for the first time in our history, we have had to address the problem of security in peacetime and in a systematic way.

I agree with you, Mr. Chairman, that we have not satisfactorily solved that problem. We have tended to oscillate back and forth between various conceptions of security.

Now, if we differ, Mr. Chairman, it is not over the positive part of your observations, which I share, but in my conviction that a nation cannot choose between security and cooperation but must do both, and that for the United States now that the question of our security and the security of those who count on us is a matter of very major concern.

Nevertheless, the elements of security are constantly changing, both in terms of weapons and in terms of the political environment in which security has to be maintained. What we have not fully solved in our country is to adapt our thinking to these changing conditions.

Now, you have referred to the fact that every administration has invoked its predecessors. To some extent this is true; to some extent there is a continuity in the foreign policy of the United States in the postwar period. Indeed, I have invoked it in my opening statement. But, at the same time, this administration has made some very major departures—in relations with China, in putting the central armaments of the major countries for the first time under international control, in attempting to create a global system of peace, one that is less geared to crises and more geared to cooperation.

So I would say, Mr. Chairman, that we will attempt to achieve the world which you described, a world in which the participants are animated by a spirit of cooperation. but we also feel that the question of security plays a role in this.

The CHAIRMAN. What is security? Of course it comes down to what is security. You did not mention the ABM. I may attribute more to it than I think I should.

It seems to me the existence of the weapons, with the acceptance of the view that we have no defense, that we are not capable of making a defense, is the significance of both sides saying there is no use proceeding with building ABM's. they are not an effective defense. In many ways this is a more stabilizing element than the oceans are now, certainly with the airplanes and rapid transit. This is a new element to which we have not adjusted.

I do not think with the existence of the present stockpile of nuclear weapons on both sides that there is any probability of either side attacking the other. There will be small quarrels of course in the local areas, but we should not become involved in all of those. This is the lesson of what you yourself have done, to which you do not seem to attribute the same significance I do, and that this committee did when it made such a strenuous effort to stop the ABM some time ago.

SUPPORT OF NATIONAL SECURITY BY PRESENT POLICE

This morning or yesterday there is an article by Mr. Zorza about China, a very disturbing article. We have all given you and the administration credit for this move, but apparently because of the delay in any progress on our part in withdrawing our forces from Taiwan, the Chinese are becoming very impatient that we do not really intend to adhere to what they thought were our obligations in your first initial negotiations with them. In any case, the reporter is a very reputable observer and it is a very disturbing comment upon it, and the same way with the Russians.

I mean if our trade bill bogs down over the Jackson amendment, we will have a similar situation there. It seems to me it may be coming apart. I said this and others did in the debate last year when we made the interim agreement. To go back on it by qualifying it indicates a lack of cooperation with these countries. It is a very disturbing development in both cases.

The two major steps forward that we have all acclaimed do not seem to be progressing in the way they were intended.

This together with emphasis—and I again emphasize the word “emphasis”—that the President puts upon the military appropriations. He was so positive that he wants the Congress to cut everything except the military, and not only not cut it, but with the type of request of Mr. Schlesinger, increase it, which indicates an attitude that the only reliance we can have is more military force, more economic aid. This is the same policy which I think the lesson of Vietnam shows is not very productive. They are not really supporting our national security.

NEW CONCEPT WARRANTED

I do not like that term because it has come to be a kind of a coverall for anything we wish to do. I am not sure at all what it means, but I do not think that our strength relative to the Russians and the Chinese or the world is anything like today what it was 20 years ago, and in reviewing the results of these policies, I must say it is not very encouraging. So I think some concept of a new approach is warranted, and something that we have never tried.

The only thing I can say in favor of this suggestion is it has not been disproved, whereas I think your continuing policy has been clearly disproved. It does not any longer have any validity, it strikes me.

Mr. KISSINGER. Mr. Chairman, you are grouping together a number of disparate elements of different factors and programs; I could make a brief comment about each of them.

SIGNIFICANCE AND IMPACT OF ABM TREATY

First, the ABM Treaty. You will remember that you and I had many discussions about this, and my recollection of these discussions is that we were in essential agreement about its significance.

The CHAIRMAN. Absolutely, and it was the most encouraging thing I thought happened last year.

Mr. KISSINGER. So the question that is raised, therefore, is, what is the impact on the strategic equation over the long-term of the absence of ABM on both sides?

You are quite right, Mr. Chairman, that with the current levels of forces on each side, it makes a first-strike attack very unlikely because it should make it possible for the opponent always to retaliate in an unacceptable way.

Nevertheless, we have to note that the Soviet Union is working on four new missile systems right now. It is an interesting question why they think that should be necessary when neither side has this ABM. But assuming the present balance holds, and granting the strategic significance of what we had both agreed upon, the increasing difficulty of conceiving of a rational objective for general nuclear war makes it, therefore, less risky to engage in local adventures. And this is a prob-

lem—apart from Southeast Asia, which is a different issue—which we are facing, for example, in our relationships with NATO. NATO is an organization built for 20 years on the assumption of overwhelming massive retaliation, and that now has to be adapted to the precise conditions which you correctly described, in which a first strike by either side becomes extremely difficult to conceive.

RELATIONS WITH PEOPLE'S REPUBLIC OF CHINA, SOVIET UNION

Now, with respect to some of the other issues that you have mentioned, Mr. Chairman—relations with the People's Republic of China, for example, and relations with the Soviet Union. I would welcome after confirmation, if the Senate is so disposed, an executive session with this committee in which I could discuss in greater detail some of the aspects of our relationships with China.

I have the highest regard for Mr. Zorza, and very often his analysis has shown exceptional insight.

In this particular case, while I believe it is correct that there have been serious domestic debates in the People's Republic, I do not believe that the issue of Taiwan is the principal factor in this or has played a very large role. If anything was said with respect to Taiwan, I believe it is a symptom rather than a cause of whatever problems may exist.

Moreover, it is our impression that the domestic debates which were taking place in China at the end of July and through part of August have now been essentially terminated, and that the main lines of the policy that we have established are on course.

Mr. Zorza made much of the repeated delays of my visit, for example. One of the delays was caused by my nomination to this office, and is totally unrelated to Chinese developments. It simply seemed inappropriate to visit China before I had been confirmed, although a date had already been tentatively set. So I do not agree with his judgment.

With respect to the Soviet Union. As you know, Mr. Chairman, I share your views on the importance of granting most-favored-nation status to the Soviet Union, and I believe it would be a setback to the design of our foreign policy if the Congress did not grant that authority. However, it is to be expected in a very complex situation, with governments such as the Soviet Union and the People's Republic that are enormously suspicious of each other, where every time we make an agreement with one it raises doubts in the mind of the other, and where there is what has been described as triangular diplomacy which is a very complex matter, that there will be some ups and downs, all the more so since the internal dynamics of their systems are substantially out of our control.

But I do not believe that the difficulties which may have existed with the People's Republic have very much to do with our policy, or anything to do with our policy, toward Taiwan.

U.S. CONCEPTION OF SECURITY

I can agree with you that our conception of security has to be adjusted to changing conditions. I cannot agree with you that our policy has been as unsuccessful on a global scale as one might deduce from some of your remarks.

The CHAIRMAN. Well, whether you agree or not—

HEARING PROCEDURE

Senator PERCY. Parliamentary inquiry, Mr. Chairman.

Are we operating under a 10-minute rule so members of the committee can plan their time? This is an extremely interesting dialog, but I wonder how we should plan our time.

The CHAIRMAN. I will be through in just one moment. I want to make one observation.

INTERACTION BETWEEN UNITED STATES/SOVIET WEAPONS PROGRAMS

Regarding your reference to the Soviet's developing four new missiles, some years ago, the Senate passed a resolution, I believe sponsored by Senator Brooke, asking that the administration freeze the development of new missiles, particularly the MIRV's, at the time. This was rejected.

I believe the record will show that new weapons and new initiatives on significant and large new weapons have usually come on our part. We have been more imaginative, I guess if you would like, more experimental and developed more new big weapons than they have.

We are now undertaking the Trident and other weapons of that kind. This interaction between the two nations is an old ritual. Every year at appropriation time we hear about these dramatic new developments, that the Russians are about to do something unprecedented. I remember a short time ago someone developed a theory that the Russians were digging big holes—nobody knew what they were—enormous holes for enormous new weapons. As soon as the appropriations were passed, the holes were forgotten and they decided they didn't amount to anything. The CIA was brought into the discussion. I don't remember whether you played a part in it or not.

This is an old ritual every year in order to keep up the support for the appropriation process. And I think that is aside from the major thrust of what I was seeking to elicit from you. If there was no prospect of some initiative in the other field of diplomacy, the utilization of such organizations as the United Nations and its subsidiary organizations or regional organizations, it about comes to just a difference of emphasis between always relying on more money and economic and military affairs rather than diplomacy. I have a feeling that this continuity goes on and on because politically they have been successful. I mean each predecessor has always been elected on this kind of a policy. At some point, some change and adapting to the existence of nuclear weapons and the ABM and all that, their significance, it seems to me, would be in order, but I detect very little tendency or indication on the part of this administration to recognize that.

Mr. KISSINGER. Mr. Chairman, whatever recommendations will be made by the Department of State, if I am confirmed, will not be influenced by political considerations. They will reflect our best judgment of what is in the national interest and in the interest of the peace of the world.

With respect to stopping the interaction between Soviet and American weapons programs—an interaction which is a reality—we are making a very serious effort in the SALT II negotiations to tackle this problem.

Now, this, in effect, means we must obtain some restraint on qualitative improvements and qualitative improvements, as you will recog-

nize, are much more difficult to bring under control than quantitative ones. They are more difficult to inspect, and it is more difficult to know what one's objectives should be. But we have been working extremely hard on this problem. We are engaged in many exchanges with the Soviet Union in an effort to go a considerable way towards the objective that you have described.

Second, we do believe that many problems in the world today are so global in nature that they require a larger role for the United Nations or for some of its subsidiary organizations, and our ultimate goal is to bring about a world at peace which is animated by a spirit of cooperation.

The CHAIRMAN. I don't question your goals. What I am questioning is the way to achieve them, as you know.

Senator Sparkman.

Senator SPARKMAN. Mr. Chairman. I will be very glad to yield to Senator Aiken. I was late coming in.

The CHAIRMAN. Senator Aiken.

NUMBER AND WHEREABOUTS OF U.S. FORCES IN SPRING 1969

Senator AIKEN. I have two or three questions to supplement the opening statement of our chairman. Shall I go ahead with them? It will only take but a minute or two. First, can you tell us the total number of military personnel in the U.S. forces in the spring of 1969, approximately?

Mr. KISSINGER. It was approximately 3 1/2 million, Senator.

Senator AIKEN. 3.5 million. How many of these were in Vietnam?

Mr. KISSINGER. About 545,000.

Senator AIKEN. How many in Korea?

Mr. KISSINGER. In Korea, about 60,000, Senator.

Senator AIKEN. How many in Thailand?

Mr. KISSINGER. In Thailand, I don't have the exact figure. It is about 45,000.

Senator AIKEN. I see.

PRESENT MILITARY STRENGTH AND LOCATION

What is our total military strength now?

Mr. KISSINGER. It is about 2.2 million or 2.3 million, Senator.

Senator AIKEN. 2.3 million.

Mr. KISSINGER. I may be wrong by some hundred thousand.

Senator AIKEN. About one-third reduction in 4 years?

Mr. KISSINGER. That is correct.

Senator AIKEN. Approximately one-third.

How many of our military personnel are now in Vietnam?

Mr. KISSINGER. I think we have 200 military personnel in Vietnam right now.

Senator AIKEN. How many in Korea?

Mr. KISSINGER. In Korea, we have about 40,000.

Senator AIKEN. Now?

Mr. KISSINGER. And we have withdrawn about 20,000 from Korea. We have withdrawn 20,000 of our forces from Korea, a little more than 20,000.

Senator AIKEN. And how many in Thailand?

Mr. KISSINGER. Senator, we withdrew some forces in 1969 and 1970 and then we put some forces back during the North Vietnamese attack in 1972. Now we have just recently withdrawn 3,500, and we expect to withdraw more.

REDUCTION IN MILITARY POSTS IN OTHER COUNTRIES

Senator AIKEN. About 2 years ago, I believe the committee was advised that we contemplated giving up about 25 percent of our military posts in other countries of the world all combined—a lot of them in South America.

Mr. KISSINGER. That is substantially correct.

Senator AIKEN. Is that correct? Has that been done?

Mr. KISSINGER. I don't have the exact figures here, Senator, but I know there has been a substantial reduction. All together, I think we have brought back about 700,000 troops from abroad since this administration came into office.

Senator AIKEN. I see.

COST OF MAINTAINING MILITARY FORCES

The question has been raised as to why the costs of maintaining our military forces do not go down. How does the cost of a volunteer army compare with the cost of draftees?

Mr. KISSINGER. One reason why our defense budget is staying at a high level is that 56 percent of our defense budget right now, Senator, goes for personnel, as compared to, I think, something like 45 percent 10 years ago. Senator Symington would have those figures more accurately than I do. At any rate, the percentage is much higher than it used to be.

Senator AIKEN. There has been a very substantial increase in the pay of members of our military personnel.

Mr. KISSINGER. That is correct, sir.

Senator AIKEN. Do you know how that increase compares with the increase in salaries for Members of Congress and employees of the executive branch? Is it comparable?

Mr. KISSINGER. I have the impression that military pay has risen faster than that of civilian Government employees.

Senator AIKEN. It has risen faster than Government employees?

Mr. KISSINGER. That is my impression.

Senator AIKEN. Than some Government employees—let's put it that way.

FURTHER DEDUCTION IN MILITARY STRENGTH

The question has been raised as to what further reductions may be expected by 1976. Do you see any further significant reductions between now and that time in our military strength?

Mr. KISSINGER. Senator Aiken, on October 30, we are going to start the negotiations leading to the mutual reduction of forces in Europe. We are in the process now, within the executive branch, of reviewing our strategic posture and our national interests in many parts of the world in the light of new conditions, and our constant effort is going

to be to adjust our military posture to the realities of the situation. So I would expect that some further reductions are possible, but I cannot now say just what form they will take.

RISE IN COST OF EQUIPMENT AND SUPPLIES

Senator AIKEN. And the cost of equipment and supplies have risen accordingly.

Mr. KISSINGER. With respect to the expenditure on our forces, especially in Europe, we are engaged in negotiations with the Europeans to reduce and, in fact, to eliminate the balance-of-payments drain that is produced by these forces.

Senator AIKEN. What was the cost of maintaining the military strength of our country in the spring of 1969? Have you any idea? I realize that is not easy.

Mr. KISSINGER. If I remember correctly, it was around \$78 billion. It was about the same as it is today.

Senator AIKEN. In other words, the cost of maintaining two-thirds of as many military personnel have been rather consistent with the increase in the cost of living?

Mr. KISSINGER. That is correct.

Senator AIKEN. I think that is all. I did not want the impression to go out that we were maintaining the same personnel that we did 3 years ago or 4 years ago. I think that is all the questions I have now.

The CHAIRMAN. Senator Sparkman.

NEWS ITEM REGARDING CHOU EN-LAI COMING TO THE UNITED STATES

Senator SPARKMAN. Thank you, Mr. Chairman. I shall be very brief.

Earlier, when the chairman was asking you questions, I believe there was some reference made to an article this morning regarding China and Russia. I have not read the article, but I believe I read a small news item in the paper yesterday to the effect that Chou En-lai was coming to the United States probably this year sometime, or next year, rather.

Mr. KISSINGER. Senator, there are always stories that Prime Minister Chou En-lai is coming to the United States. I do not believe that that is likely to happen, certainly not this year. There are no discussions going on at this moment leading to his visit to the United States. We would be delighted to receive him, but he has not engaged in any foreign travel recently, and there is the additional complication that he is reluctant to come to Washington while there is the Embassy of Nationalist China located here. But this has always been the case, and it is no reflection on the state of our relationship, which, I believe, is now moving toward the normalization that we have set as our objective, and which is essentially uninterrupted.

CHOU EN-LAI'S COMMENTS AT JULY CONFERENCE

Senator SPARKMAN. As you may know, not too long ago, I believe in July, Senator Griffin, Senator McGee, and I were included in a group that went to China and spent a couple of weeks over there. We had a conference with Chou En-lai. It went along fine except one thing, and that was the—of course, the thing that tipped it off was the bomb-

ing of Cambodia that was still going on. But then he came right out and said that he was not going to accept President Nixon's invitation to come to the United States so long as we maintained an embassy in this country of Taiwan. Then he went on regaling us somewhat about our relations with Russia and what a threat that was to his country. He referred to the million men who were stationed on their frontier, a million Russians. So I just wondered when I read that article if there had been any reversal of that.

By the way, I remember he did say this and I wonder what the real meaning was. He said they were not in any hurry about the Taiwan situation. He felt certain they could work that out in time. So I did not know just what he meant by it. I do not believe it calls for any comment, but if you have any comment I would be pleased to receive it.

Mr. KISSINGER. Senator, I have been accused of perhaps excessive admiration for Prime Minister Chou En-lai, and it is true that I have very high regard for him. But with all respect for him, we will not gear our foreign policy to the prospect of his visiting the United States, and we will base it on more permanent factors than a visit.

Now, with respect to Taiwan, I think they know both what we can do and the limit of what is possible. While, of course, we expect them to maintain their position, and while they have to do this, I can only repeat what I said to the Chairman: I do not believe that this is a fundamental obstacle at this time to the normalization of our relationship.

The Chinese, as anyone who has visited the People's Republic knows, do have a great concern about what they like to call their "northern neighbor." We are staying out of this dispute, and we are developing our bilateral relations with both sides according to our conception of what is desirable and without reference to their own dispute, which we are in no position to influence on one side or the other. I think that the spirit that you perceived in this conversation, that they are patient and that they can wait on the issue of Taiwan, correctly reflects the status of our relationship.

STATE DEPARTMENT PARTICIPATION CONCERNING EXPORT CONTROLS

Senator SPARKMAN. One thing I mentioned to you yesterday, I believe, something about the State Department's role in trade, economic matters generally. When it comes to export controls, do you participate in that or is that wholly within the Commerce Department?

Mr. KISSINGER. No. When it comes to export controls, this is one of the areas in which the State Department must participate extremely actively. As I pointed out in a previous session, our whole foreign agricultural policy has been based on the assumption that we wanted a free market in agricultural products, and many other nations have geared their economies to the assumption of regular supplies from the United States. If suddenly we reverse this policy and put controls on what we had previously insisted should be sold to the maximum extent possible, it would, first of all produce enormous dislocations in the countries concerned, which would in itself be a political factor of the first magnitude. Second, it would affect those people's judgment of the constancy of America's policy generally if one of the cardinal aspects of our foreign agricultural policy can be changed so rapidly.

Now, it sometimes happens, and I think it happened in the case of soybeans, that a decision is taken on economic grounds and it is taken so rapidly that the foreign policy agencies do not get either adequate warning or adequate opportunity to express themselves.

When that happens, it is a mistake, and I will do my best to prevent this as Secretary of State. I believe very firmly that the concerns of foreign policy must be brought to the attention of the President before he decides on it.

EFFECT ON JAPAN OF U.S. CONTROLS ON SOYBEANS

Senator SPARKMAN. You mentioned the matter of soybeans and, of course, they are not in adequate supply yet at this time in this country. When we put in the controls not too long ago, did that not have quite an adverse effect on Japan?

Mr. KISSINGER. It had an adverse effect on Japan, and I must say candidly, Senator, that sometimes you have to do things even though you know they have an adverse effect. But in that case, I will have to admit that it happened and that the adverse effect was not fully taken into account.

Senator SPARKMAN. That is all.

Thank you, Mr. Chairman.

The CHAIRMAN. Senator Case.

Senator CASE. Thank you, Mr. Chairman.

INFORMATION TO WHICH COMMITTEE HAS BEEN DENIED ACCESS

Dr. Kissinger, further on the matter of information, there are a couple of items of information to which I would like to draw your attention which the committee has been denied access to in the past. I may not get your answer now on it, but I wish to ask urgently that you reconsider it. Once in 1971 the committee asked for the 5-year plan for military aid in connection with our consideration of the aid bill. That was denied. That has always seemed to me to be rather inconsistent. I would hope some way could be worked out in which this kind of document could be made available to help us in our planning cooperatively with the administration.

And then executive privilege was invoked by the administration against the committee's being allowed to see the USIA's country program memorandums. This again, I think, ought to be able to be worked out under proper conditions and with proper safeguards against damage from the use of it. I don't press you for comment beyond your acknowledgement that you will consider the matter and that is all that I ask at this time.

Mr. KISSINGER. I will do that, Senator.

EVIDENCE OF ADMINISTRATION'S ATTITUDE TOWARD CONGRESS IN FOREIGN POLICY MATTERS

Senator CASE. Then I did want to call your attention to what I think is a rather interesting evidence of an attitude toward the Congress and the committee on the part of an administration in foreign policy matters. When Secretary Dulles was Secretary the record shows

that he appeared five times before the committee between July 2 and July 27, 1954. I don't make a point of the number of times or suggest that there ought to be any contest between you and the late Secretary on the grounds of endurance or anything of that kind though you both are very durable people. I think this is one quality, among many others, that you have in common with Secretary Dulles. But he evidenced actual concern about making the committee feel that it was a part of what was going on, and I think it helped to create and maintain a very wholesome atmosphere of the sort that you have, I think, so rightly expressed you were going to work for.

On July 12, 1954, he went from the committee to the airport on a conference in Paris—this sounds like Dr. Kissinger almost—and on July 16 he was back before the committee saying:

"I didn't have time to explain the reasons why I took the trip so if I may I would go back and pick up the threads of affairs again."

On July 16 of that same year he met with the committee and read the important parts of the negotiating instructions to Under Secretary Bedell Smith in Geneva. For instance he said, "you will avoid this sort of thing, participations in negotiations in any way which would imply," and so forth, taking the committee rather closely into his confidence. I would be glad to have your comment in general terms on that.

Mr. KISSINGER. Senator Case, as I pointed out at a previous session, within a few days of my confirmation and swearing in I will propose, if it is agreeable to them, to meet with the chairman and the ranking member and tell them what I see coming up in the conduct of international affairs, say, over the next 3 or 6 months. And I would propose then to work out with them a method by which the committee can be informed about what we are planning before these events happen and by which we could report to the committee after these conferences have taken place or the particular events have occurred.

I think we should do it on a systematic basis rather than on an ad hoc basis, so that the committee can know what is coming up and can plan its deliberations accordingly. I would be prepared, if it fits into the schedule of the chairman and of the committee, to make a tentative program, say, over a 3- to 6-month period, that would provide for consultation before and after the events that can then be foreseen.

This is without any prejudice to any particular concerns that the committee might have and on which the committee might wish to initiate the process of consultation.

Senator CASE. Thank you very much.

NEW REPUBLIC ARTICLE COMMENTING ON "COLD DAWN"

On the question of executive privilege in general my attention was called, a couple of days ago, to a piece that apparently appeared in The New Republic of June 30 commenting on a new book called "Cold Dawn: The Story of SALT" by John Newhouse. If time permits I would like to give you a chance now for the record to comment on this.

[The article follows:]

This is the only publicly available account of the two-and-a-half years of negotiations that led to the 1972 Moscow agreements. The United States and the U.S.S.R. had agreed that the strategic arms limitation talks—SALT—would be conducted in secrecy, in order to encourage candor and flexibility. On the whole

the rule of privacy was carefully observed, except for occasional brief reports that appeared in the American press. (The Russians were irritated by these leaks, but seemed to understand such American eccentricities are to be expected.) What makes Cold Dawn important are the detailed revelations of discussions that took place behind closed doors in Helsinki and Vienna, and the equally tough negotiations between the various satrapies of the American bureaucracy in Washington. (Will we ever learn of the parallel conflicts within the Kremlin?) Mr. Newhouse has been the chosen instrument for the publication of a vast array of official data still very closely held—indeed some of it is unknown even to members of the delegation staff. He names, summarizes and dates National Security Council studies and decisions. He has access to notes of private *tete-a-tetes*, telegrams and telephone conversations. For the next 50 years his book will be a primary source for historians.

It is difficult to criticize Newhouse's accuracy or judgment, since he is dealing with arcane material not available to other scholars. But the reader can get his bearings rather quickly; he is seeing the procession from the viewpoint of Henry Kissinger at the White House rather than that of Gerard Smith at the SALT delegation; he notes that the important talks are in the "black channel". The conference is less important. Coming at a time when all documents remain highly classified and the participants are under a pledge of silence, when the government has yet to issue basic descriptions of the negotiations, the agreements or their verification procedures, save for the few pages of turgid bureaucratese that appear in annual reports and collections of documents, the publication of Cold Dawn demonstrates that monopolistic control of history is a considerable executive privilege.

Senator CASE. I should be glad to have your comments at this time or you can develop any response you would like to make now later for the record.

Mr. KISSINGER. Well, Senator, I am glad you asked that question. I did not see the New Republic story, but I saw a newspaper article which made much the same point.

Senator CASE. I guess that is the one that Senator Symington perhaps mentioned yesterday as having been appearing in New England somewhere. It may not have been the same one.

Mr. KISSINGER. I do not recall Senator Symington's mentioning it.

Senator SYMINGTON. I did not mention it.

Mr. KISSINGER. But, in any event, as a former Harvard professor I still get the Boston Globe, and while I am not free of vanity I could have done without that particular story.

I frankly believe that that story indicates some of the difficulties of public service at this time, when it seems almost imperative for every motive to be questioned.

BOOK ENTITLED "COLD DAWN" BY JOHN NEWHOUSE

Let me say what I know about this book "Cold Dawn." First of all, I think it is an outstanding book. Second, I have the highest regard for John Newhouse, who has written some outstanding treatises on NATO and other matters, and who is in any event familiar to this committee.

As long as I have been in office, I have never given classified documents or authorized them to be given, to any member of the press. I have been very accessible to the press in explaining the background of public positions and in explaining to them our thinking with respect to our positions. When John Newhouse started his book on SALT, he came to see me, and we spent about half an hour together. He explained his project to me, and I told him that when it had advanced to a certain point he could see members of my staff and check

his judgments with them. I gave instructions to members of my staff which laid down very strict guidelines as to what they could and could not discuss with him. These guidelines prohibited them from discussing national security decision memoranda, any current negotiating position, and any internal memoranda that bore on the subject of SALT. I did authorize them to explain to him positions that were more or less publicly known, that had already been presented to the other side, and to explain our thinking with respect to positions that had already been given to the other side. They were emphatically not authorized—and I have a written record to prove this—to discuss any of my discussions with Ambassador Dobrynin. And I carried this to the point where, when Mr. Newhouse requested permission to see the records of the negotiations conducted by the Johnson administration in 1967 and 1968, which were completely dated and totally irrelevant to our discussion, I refused permission to let him see those documents, as I also refused to permit access to national security documents for any reason, and for any purpose.

I did authorize my staff, with respect to that last request, to discuss verbally with Mr. Newhouse the content of the proposals made by President Johnson to the Soviet Union which were already known to the Soviet Union, and which had been described in other ways.

When Mr. Newhouse's book was completed, he asked a former staff member of mine, Mr. Barry Carter, whether Mr. Carter would review his galleys for accuracy. Mr. Carter, although he was under no obligation to do this, but knowing my extreme sensitivity on the subject, checked with me as to whether I would object to his reviewing the galleys. I told him that I would far prefer it if he did not read the galleys, and if my office did not assume any responsibility for the final conclusions of Mr. Newhouse. And, to the best of my knowledge, Mr. Carter never reviewed the galleys.

I, in turn, never saw Mr. Newhouse again after the original conversation we had had. He was not my "chosen instrument." I have enormous respect for him. I think it is a distinguished book. But if he was given any information by any member of my staff or any other individual in the administration about current negotiations, if he was given any documents, this was totally against the spirit of my policies, and against my specific written instructions which I would be glad to let you see on a private basis.

WITNESS' INSTRUCTIONS CONCERNING DISCUSSIONS WITH MR.
NEWHOUSE

Senator CASE. Thank you very much. My time is up. I would just make this one comment, I appreciate this. I think it is a very important contribution to the whole atmosphere in which we are trying to deal with each other. I would be happy to see this privately and I would be glad to ask the committee to permit the instructions, properly excised, to be included in the record.

Mr. KISSINGER. They are considered National Security Council documents. But I will be glad to show them to the chairman and to you, and perhaps if we can excise them we can include the relevant portions.

Senator CASE. I think it would be useful, if I may just say this: I think it would be a useful contribution to the general knowledge

of procedures that ought to be followed in very important matters of this kind for the sake of history, for the sake of academic work, and for the sake of your operations.

Mr. KISSINGER. Why don't I show you these documents and then we can jointly decide how to introduce them in the record. I also would like to check with our counsel simply on the general principle whether I can do this. But I am prepared to show you that memorandum.

Senator CASE. Thank you very much.

Thank you, Mr. Chairman.

The CHAIRMAN. Senator Church.

PROTECTION OF STATE DEPARTMENT DOCUMENTS FROM POSSIBLE TAMPERING

Senator CHURCH. Dr. Kissinger, of all the horror stories connected with the Watergate scandal, the one that concerned me the most was a report that appeared in the newspapers, related in great detail, of an agent of the White House, I think it was Howard Hunt, who secured a large number of secret telegrams from the State Department, reputedly for the purpose of doctoring these telegrams in a way that was alleged to have had as its objective implicating President Kennedy with the assassination of President Diem of South Vietnam.

Now, if these reports—widely circulated in the press—are true, they are the gravest of all of the sins that have been committed, because such forgeries would constitute a deliberate attempt by an agent engaged at the highest level of Government to rewrite history. The only comparable cases I have ever read about have occurred in the Soviet Union and other extreme totalitarian societies.

Now, as Secretary of State, what steps will you take to protect the integrity of such information in the files of the State Department, even as against requests that might come from the White House itself?

Mr. KISSINGER. Well, first, Senator Church, let me say that as a historian, and without knowing anything about the particular allegation that you have repeated here. I feel very strongly that it is a very dangerous business for one administration to begin investigating its predecessors. I think this makes it very difficult for a Government to continue with the requisite confidence.

I did not in my present office ever participate in such an effort, and I would not make available State Department documents for such a purpose or for any other purpose that is not directly related to the conduct of foreign policy of the United States.

Senator CHURCH. Do you believe procedures should be established in the State Department to protect against any possible tampering with documents so, if such an effort were ever made again it would come to your attention and you could take the necessary corrective action?

Mr. KISSINGER. It is inconceivable to me, Senator Church, if I am confirmed as Secretary of State, that large numbers of State Department documents will be made available to other agencies without my knowing it.

U.S. POSTWAR POLICY IN ASIA

Senator CHURCH. Yesterday, and possibly to some extent today, there has been some exchange between the committee and you on conceptions of foreign policy for the future, and I would like to know what your conception of American foreign policy in Asia may be in the postwar era, particularly as it relates to the continued maintenance of American military bases on the mainland. Is it your hope and purpose that we may find it possible to withdraw all of our remaining troops from the mainland of Asia or is it your conception that a residual force should be retained on the mainland?

Mr. KISSINGER. Well, Senator, the only country to which that applies, unless I am mistaken, is Thailand.

Senator CHURCH. Thailand and Korea.

Mr. KISSINGER. Thailand and Korea.

We would like to review the requirements for defense of both of these countries, with both of which we have treaty relationships, in the light of changing circumstances. It is our intention, if détente develops, and if peace returns to Southeast Asia, and if relations between North and South Korea progress as we hope, that substantial reductions of American forces may be possible.

Senator CHURCH. Well, apart from further reductions in forces, what I am trying to elicit from you is the long-term objective of American policy in Asia. It is contemplated that we should maintain some residual force on the mainland as the British or the Dutch or the French used to do in Asia, permanent bases of some kind, for the ostensible purpose of preserving stability?

Mr. KISSINGER. Senator Church, I think our position is different from that of the Dutch, French, and British, who were there to defend imperial possessions. Our purpose in those countries where we are is to shore up the capacity of indigenous countries to protect themselves against the danger of overwhelming attack. To the degree that the danger is reduced, either through foreign policy or through the growth of indigenous strength, the presence of American forces becomes unnecessary. We do not have forces there for any abstract purpose of constituting a bridge into Asia for the United States. Therefore, I would prefer to tie my answer to a study of the security situation, and to say that is my judgment that very substantial reductions over a 5- to 10-year period are probable.

Senator CHURCH. Can you foresee a time when it would be no longer necessary, for the reasons that you have indicated, that we should continue to maintain American forces on the mainland?

Mr. KISSINGER. I would say, first, that we have no abstract desire to maintain American forces on the mainland of Asia. I can foresee such a time if the conditions I have described can be met.

Senator CHURCH. During the period of the cold war in its most intense years, as you know, we distributed around the world vast quantities of arms and equipment to scores of foreign governments. But even in more recent years, as the intensity of the cold war has tended to dissipate—in a significant measure by virtue of your own efforts—this military assistance program continues in large part unabated. For

example, during the period from 1962 to 1972, the United States provided free of charge about \$28 billion in military weapons to foreign governments. As you know, this has become a contentious issue between this committee and the administration, and even in the present budget something over \$1,300 million is requested in grant aid for foreign governments.

I recognize that, with regard to Korea where the price for the withdrawal of our own forces seems to be the modernization of the South Korean Army, and in places like South Vietnam and Cambodia where it is thought that past policies have imposed a continuing obligation, that a case may be made for grant military aid. But is there any longer a need, in your judgment, for grant aid to countries scattered all over the world or for the maintenance of conspicuous American military advisory groups in the capitals of so many nations?

What is your general view, looking ahead, toward the question of military grant aid?

Mr. KISSINGER. Well, Senator, you have to remember that in my present position I have addressed primarily issues that require Presidential action, and, therefore, I have not looked at each military aid program in every country with equal care. Therefore, I find it difficult to give you a conclusive answer right now.

There are some countries that have come to my attention, such as, for example, Jordan, in which stability is importantly dependent on our being able to continue some military assistance programs. There I believe they are on the order of \$40 million and therefore not very large, but nevertheless, the stability of the whole area is related to the stability of that government, which in turn requires a certain amount of military assistance. So what I would prefer to say is that there is no doctrinaire reason to give military assistance on a general basis. Each case should be justifiable on its own merits, in relation to the security situation of the area, the national interest of the United States, and also the general objective of reducing military commitments where it is consistent with our national security.

Senator CHURCH. My concern has not been against a discriminating program but one which, in my view, has tended to become bureaucratized and is perpetuated on its own momentum. I would hope that you would take a very discriminating look at it, particularly the grant aid program in the future.

Mr. KISSINGER. The danger, as you know, Senator Church, in all governments, and which I fear will affect me at some point, is that it is easier to continue things than to terminate them. But I agree with you that a discriminating look ought to be taken at these programs.

Senator CHURCH. I wonder, at times, if it is possible to terminate anything that is once started here.

Mr. KISSINGER. Yes.

Senator CHURCH. One final question:

JURISDICTION FOR MILITARY ASSISTANCE

Do you regard the decision for either giving or not giving military weaponry, arms, and equipment to a foreign government, primarily to be a foreign policy decision or a decision to be made by the Defense Department?

Mr. KISSINGER. I think it is a decision in which foreign policy considerations ought to be controlling.

Senator CHURCH. And does it follow, then, that you would feel that military assistance ought to remain within the jurisdiction of this committee rather than to be turned over to the Armed Services Committee?

Mr. KISSINGER. I think the present procedures should be continued, but that need not exclude a role for the Armed Services Committees, which also, of course, have a legitimate interest.

Senator CHURCH. And would you favor the restoration of jurisdiction of this committee, now that the fighting is over, for the military assistance program in such countries as South Vietnam and Cambodia.

Mr. KISSINGER. I am frankly somewhat torn on that subject. I think ultimately, as peace is restored, these programs should become unified under the jurisdiction of the same committees.

QUESTIONS FOR THE RECORD

The CHAIRMAN. Dr. Kissinger. I have requests, from several Senators for specific questions, which I would like to submit for the record. You can provide answers to them for the record at your convenience before the record is completed. The questions are from Senator Kennedy, Senator Abourezk, Senator Hughes, Senator Saxbe, and Senator Pearson. [See Appendix.]

Some of them are repetitious, but in any case they can be answered.

Mr. KISSINGER. We will submit answers for the record.

Senator AIKEN. May I add Senator Buckley?

The CHAIRMAN. Yes, anyone who has one; Senator Buckley. [See Appendix.]

U.S. POLICY TOWARD AFRICA

Senator JAVITS. Dr. Kissinger, you have been asked about most of the countries in the world. I want to ask you about one other.

I have just returned from Africa and there is much talk there about what will be the U.S. policy toward Africa should you be made Secretary of State, especially as the impression there is that the United States has left it to Europe, particularly questions respecting the area south of the Sahara. Could you tell us anything, as you look forward, regarding the policy of the United States. What ought it to be toward those areas and is any change contemplated?

Mr. KISSINGER. Senator Javits, it is true that over recent years the United States has let Europe play the leading role in many of the African countries, partly because of their historical ties, partly because of our preoccupation with other areas of the world, and partly because of the judgment that in many of these countries the primary process going on was the formation of a national identity, a process in which we could not participate directly.

As our attention can shift from Southeast Asia, which consumed so much of our energies in the first term of President Nixon, and as we are beginning to help construct a more global international system, inevitably our concern with Africa south of the Sahara will increase.

It is difficult now to foretell what precise measures we can take. I am asking some of our Ambassadors to be brought back from the countries south of the Sahara in order to give me their judgment on what the

best United States philosophy should be in that area. We have begun studies in the National Security Council machinery on various parts of Africa which happily have been coming to fruition at this point. So I think one will see more energy devoted to these problems from now on.

Senator JAVITS. Thank you.

As you approach the end of your hearings, and the time for action by the Senate arrives, I would like to ask you two things which, to me, represent wrap-up questions.

CONCERN ABOUT AMBIVALENCE OF U.S. POLICY

First, there is great concern about the ambivalence of American policy. On the one hand, the State Department is against the Rhodesians being free of U.N. sanctions. Congress has taken a different view so far.

On the other hand, you have testified to your fortitude in believing that, notwithstanding what we consider to be gross violations of human rights in the Soviet Union, we nonetheless have to do business with the Soviet Union on economics—I am not talking about arms matters but rather trade, et cetera.

Going back to other periods, there has been a deep feeling about the way in which we have done business with the military dictatorships for bases in Spain, for maintaining our representation in Greece and providing military assistance notwithstanding deep feeling about the overthrow of democracy, the retaining, as it were, our fidelity to the adherence of Portugal, notwithstanding Angola and Mozambique, to the North Atlantic Alliance and, even in respect to an ambivalent policy about apartheid in South Africa. On the one hand, not countenancing the barring of blacks from your Embassies, something I had a good deal to do with myself and, on the other hand, not being willing to go all the way with sanctions against South Africa because of Southwest Africa, et cetera.

BASIC PRINCIPLE AND DIPLOMATIC NECESSITY OF U.S. POLICY

In this whole complex of seemingly conflicting approaches, can you now synthesize, as you face this enormous responsibility, some basic principle by which American policy ought to be guided in respect of human rights versus, or parallel to, what is considered to be diplomatic necessity and statecraft?

Mr. KISSINGER. This, Senator Javits, is a rather profound and very difficult question, because it is very hard to draw a clear line.

The general principles, as I can improvise here, would be as follows:

First, the United States stands always for human liberty, for individual rights, for freedom of movement, and for freedom of the person. And wherever it is an appropriate international question, such as in the Human Rights Commission or the European Security Conference, as an agenda item, the United States will be on the side of those principles.

On the other hand, the United States has to conduct foreign policy with many nations around the world, the fewest of which have

mestic structures exactly compatible with our own. When that question arises, we have to ask ourselves what the precise role of the United States should be.

If we take the position, for example, with respect to the Soviet Union, that the Soviet Union is so profoundly offensive to us that we will do no business with it, and that we are willing to pay the price, if that should happen, of terminating or slowing down other negotiations, then we have to be prepared to pay the price of increased defense budgets and a policy of confrontation. This is what Secretary Dulles represented in the 1950's, incidentally, who advertised his policy as a means of transforming the internal structure of the Soviet bloc.

But getting away from the Soviet Union, we have to ask ourselves, first, what is our capability of changing the domestic structure of other countries; second, what price are we going to pay for it; and third, what are the consequences of getting ourselves so directly engaged, not only in terms of a possible increase in tension, but in the sort of obligations we might assume toward other countries if we succeed?

From this I draw the conclusion that in the Soviet case our first objective should be to reduce the danger of international war, but at the same time we have an obligation never to leave any doubt about where we stand with respect to the principle of human liberty. With respect to Senator McGovern's question of yesterday, we can never imply that we are acquiescing in the suppression of human liberty.

As these contacts increase, we have the possibility, with which you are familiar, of using our influence in a way that is not so public to bring about an improvement in the human conditions as well.

With respect to other countries, if their domestic policies are morally offensive to us, we should avoid gratuitous associations which cannot be seen as affecting international peace or serving some other overriding international interest; and we should confine our relationships with those countries to relationships that can prove to be in the overwhelming American national interest.

But I do believe that it is dangerous for us to make the domestic policy of countries around the world a direct objective of American foreign policy, because we will then be stuck with protecting the consequences of what we have brought about.

So these would be the general principles I would propose to follow. The dividing line is very hard to draw. If a country does something that is so repugnant to human morality—if extermination camps are constructed—then this certainly will affect the degree of cooperation in which we can engage with such a country.

STATE DEPARTMENT POLICY CONCERNING MULTILATERAL SANCTIONS

Senator JAVITS. There is only one point omitted from your answer and that is what will be the policy of the State Department respecting multilateral actions taken by nations in an area or in the world respecting sanctions against nations which offend human rights.

Mr. KISSINGER. I have indicated that we will support the repeal of the Byrd amendment, if this is what you are referring to.

Senator JAVITS. Right, that is a case in point.

Mr. KISSINGER. And we would tend to follow the consensus of humanity on those issues.

Senator JAVITS. On those matters.

THREE-PART U.S. POLICY

Is it fair then, if I may rephrase your answer, to say that our policy will be in three parts. One, on the international level, we will loyally cooperate and advocate enforcement of human rights.

Two, on the bilateral or national level we will follow a pragmatic policy of degree. If it is not so offensive that we cannot live with it, we will try to work out whatever we can in peace or trade with countries so we can get more rather than less influence.

And, third, we will avoid or refrain from dealing with countries where what they do is so offensive that we just cannot take it and that involves also generally speaking, our willingness to adhere to international sanctions when adopted to which we are a party.

Mr. KISSINGER. That is an excellent summary.

Senator JAVITS. I thank you.

WITNESS' CONTRIBUTION AS SECRETARY OF STATE

Now, the last question I have is this, Dr. Kissinger. We have a feeling in our country, that if a fellow is going to get a top job he has got to want it, and we politicians understand that very well. We kill ourselves in the process. The first requirement is that you have got to want it real bad. Now, I see a headline in front of me saying "Mail Opposes Kissinger Nomination." Your nomination has flushed out a lot of criticism, including not some very admirable criticism about your religious faith, and ethnic origin, the fact that you are a naturalized American, immigrant, and so forth. Do you believe, Dr. Kissinger, and, if so, why, it will be good for this country to have you as Secretary of State?

[Laughter.]

Mr. KISSINGER. Senator, I have seen many newspaper reports referring to a fairly highly developed ego that I am supposed to possess, and that is associated with Harvard professors. But as a historian I have always believed that the exercise of power is very transitory, and the important contribution that any of us in public life can make is to leave something behind that would be valid and permanent and that people can believe in.

I believe that I can make such a contribution. I would not have accepted the President's nomination, flattering as it was, unless I believed it. And I hope, with the cooperation of the legislative branch, that we will all be able to say at the end of my term in office that some even small step was taken in the direction of peace.

Senator JAVITS. Thank you very much.

Thank you, Mr. Chairman.

The CHAIRMAN. Senator Symington.

Senator SYMINGTON. Doctor, no one has more respect for your ability than I. You know that. Perhaps I have known you longer than anybody in this room, but I know also that you will agree this is the time to ask the basic questions. After you disappear behind the

fort of the bureaucracy, regardless of your good will you report to the President and I know you understand the spirit in which these questions are being asked.

CAMBODIAN BOMBING, WIRETAPPING, AND INTELLIGENCE APPARATUS

We discussed Cambodian bombing. I have reread the record and believe your assurances are satisfying about it will not happen in the future along those lines, regardless of whose fault it was in the past.

It is also my understanding that the wiretapping problem is being worked out, the problems incident thereto. We have also discussed the structure of the intelligence apparatus, in which, in effect, you keep two jobs. In effect, also, you will be the most powerful person in the intelligence field except, of course, the President. You have assured us you are going to see that intelligence estimates, on which a majority of the money in the budget is being spent, will be independent of the Defense Department. I am correct in that; am I not?

Mr. KISSINGER. Well, the Defense Department, Senator Symington, has an important role to play.

Senator SYMINGTON. Right.

Mr. KISSINGER. But the CIA will have the right to make an independent judgment that cannot be vetoed.

Senator SYMINGTON. I am glad you clarified the question.

SALT TALKS AND U.S. MILITARY PROGRAMS

Let me talk a bit with you this morning about the SALT talks.

When you finished those superb negotiations in Moscow on SALT I, you made a statement. When they asked you why you would allow the Soviets 1,618 ICBM launchers and us only 1,054, and allow them 950 submarine launchers and us only 710, you replied in an open press conference that we had our strategic bombers and our forward-based aircraft. I thought that just about summed it up and was completely for the deal. But others did not agree. They said, "No, sir, we will not take any position inferior in any way on any basis to the Soviet Union."

The administration agreed to change; so we demanded equality on ICBM's and equality on submarine launchers. The administration, instead of backing the position you took in Moscow, backed that new position.

Today we have thousands of planes in Europe. Now, the force of the Hiroshima bomb was 14 kilotons. Today a fighter bomber out of Frankfurt could drop on the capital of the Soviet Union and return hundreds upon hundreds of kilotons, one plane; so it is impossible for me to see how the Soviets will agree on any formula that does not recognize these FBA's in SALT II. I said at the time you would never get a deal on this basis. They know what we have. What we are asking for now is not equality, which I felt you, Dr. Kissinger, gave us in Moscow, on a fair basis for both sides, but superiority. You mentioned a figure of 56 percent for personnel. Actually, Defense personnel cost is closer to two-thirds, if you add it all in. Despite the fact a long war is over, people are paying unprecedented high prices, inflation continues, but we are asking for many billions of dollars more for defense, most of which is needed, some of which, in my opinion, is not needed.

Now, the President, in effect, says, "If you add more to my budget, I will veto it. But don't you touch my military budget."

One can only wonder what is going on, because the final SALT-agreement, not yours, the final agreement, would appear an invitation to accelerate the arms race at the expense of the many, billions upon billions more. Many of these programs are just the camel's nose under the tent. We have a little program, SAM-D, only a few tens of millions now, but if approved it will run into many billions before it is over. That system is primarily for the defense of Europe, but they do not participate, another subject. What I would ask you this morning, is based upon the modification of the final agreement made with Moscow. What chance do you think we have to achieve a really meaningful agreement? If we do not have much chance, does this not mean that, despite all our current economic problems, we are going to see a tremendous acceleration in the arms race?

EFFECT OF INTERIM AGREEMENT

Mr. KISSINGER. Well, Senator, before I answer the question, could I make a comment on the first part of your statement?

Senator SYMINGTON. I wish you would.

Mr. KISSINGER. Where you said that in Moscow "granted them" 1,600 missiles to our 1,000, and 950 submarine missiles to our 710, this is how the critics of the agreement often phrase it. I know you are not a critic of that agreement. But it is really a misleading way of putting it, because we did not grant them anything that they did not already have.

Senator SYMINGTON. Let me say acceded to.

Mr. KISSINGER. That is right. We did not accede to anything that they did not have or have the capacity of acquiring. Nor did we stop anything that we were going to do. Therefore the idea that but for that argument that gap would not exist, is wrong. Indeed but for that agreement, the gap would be larger. The Soviet Union was producing eight submarines a year; this agreement limited them to 62. Maybe they would have stopped there anyway. But if they had built up to their capacity they could have had between 80 and 90 by the end of the period of the Interim Agreement.

This agreement froze their missiles. In fact, it reduces them from 1,600, because in order to get 950 submarine missiles they would have to give up about 200 land-based missiles.

They were the ones who had an active program of missile deployment, not we. So simply for the record—I know it is not your view, but simply for the record—it is important for the public to understand that the administration did not create this gap and that the agreement did not create this gap. The gap existed. We froze it, and at the time that we froze it we had no program for narrowing it.

Senator SYMINGTON. We know about the freezing.

SALT II AND THE ARMS RACE

Mr. KISSINGER. You want to know about the future?

Senator SYMINGTON. Yes, because we are going broke.

Mr. KISSINGER. I agree with you, Senator, about the crucial importance of SALT II. As you know from our discussions, there is almost no subject to which I have given more time and, I hope, thought, than the problem of strategic arms limitation. And I agree with you that in the absence of a SALT II agreement, a permanent agreement on the limitation of strategic arms, a spiraling of the arms race is inevitable. Because we will be driven to reply to the new Soviet developments in MIRV's with some modifications in our own strategic programs, and then the situation to which the chairman referred in his first question is going to arise, in which the interaction is going to be almost impossible to stop.

Now, the issues in the SALT II negotiations are complex and difficult.

First, about equivalence. It is not our position that we must be equal in every single category. If that were our position, it would be unattainable.

It is our current position that the total aggregates, including heavy bombers—in other words including the considerations that I raised in my press conference in Moscow—should be roughly equal. And there are many other factors to consider. For example, the Soviet missiles are much larger than ours and therefore they have more throw weight.

You raised two questions: First, the forward-based systems in Europe, and, second, the general prospects for SALT II. On the issue of the forward-based systems: Since they have been raised in the negotiations, I would prefer not to go into the details of our position. I would express as a personal view now, Senator, the fact that numbers of missiles are not the only decisive factor here. Total numbers of warheads are at least as important, and in calculating the final figures attention must be paid to the warheads that each side can accumulate. And it is in this context that the MIRV potential in the Soviet throw-weight advantage is significant.

How to design qualitative restraints is a very hard question. But I can assure you of this: We are giving maximum attention to this problem. We have a commitment from the Soviet Union to make a great effort; in fact we have a commitment to achieve an agreement during 1974. All our plans are made on that assumption. That agreement, as the President said in his press conference last week, should include restraints on MIRV's and other qualitative restraints, and should take account on both sides of the reality that if we don't stop the arms race now, we are going to get into a whole new realm of technology in which it will be very difficult to put the genie back into the bottle.

Senator SYMINGTON. I appreciate your answer.

STATE DEPARTMENT BROCHURE CONCERNING UNITED STATES AND SOVIET
WARHEADS

A little over a year ago, the State Department, which you will now direct, slipped up from the standpoint of some people in Government, because while the usual fright-and-scare program was being developed as the military budget came up, State put out a pamphlet which said the Soviets had 2,500 warheads, and by 1977 would have 4,000.

At that time we had 6,000 warheads, by 1977 would have 10,000. Would you be good enough to analyze that brochure as it was put out by State, and give the committee the benefit of your opinion as to its accuracy or where the ratio has changed, if it has changed?

Mr. KISSINGER. During the 1970's the United States should remain ahead in the number of warheads. According to our estimates, the new missiles that the Soviet Union is now testing, and the multiple warheads that they are now testing, should not be ready for production for another 2 to 3 years, and then would not be fully deployed until the end of the 1970's.

If the arms race is not checked, however, then the greater throw weight of the Soviet missiles can be translated either into more warheads or into warheads of larger yield. Then by the end of the 1970's, and in the 1980's, the Soviet Union could wind up with both more warheads and more destructive warheads than we will possess.

Senator SYMINGTON. Yes. What worries me are changes that may be justified against the presentation of that chart. I checked it at that time and found it accurate.

The total amount of TNT that we dropped, Germany, Japan, and everywhere else, in World War II, was just over 2 million tons. Now we have three nuclear stockpiles, one in foreign countries, one with the fleet, and the one we have back here. These stockpiles, ready to drop tomorrow, run into billions upon billions of tons of the equivalent of TNT. And we are running into thousands and thousands of economic problems.

So, it is very easy to sort of keep this thing going. If you would take that particular presentation by the State Department and let us know, based on your vast experience in this field, how it has changed in the last year.

Mr. KISSINGER. I frankly am not familiar with that presentation.

Senator SYMINGTON. I will be sure you get it.

Mr. KISSINGER. But I will be sure to get it.

[The information referred to follows:]

[News release from Bureau of Public Affairs, Department of State, Office of Media Services, Aug. 1, 1972]

PEACE, NATIONAL SECURITY, AND THE SALT AGREEMENTS

Since World War II, the United States and the Soviet Union combined have produced nearly \$20 trillion in gross national product—approximately \$15 trillion in the United States and more than \$4 trillion in the Soviet Union. Of this amount, more than \$2 trillion has been spent on defense (approximately \$1.3 trillion by the United States, and an estimated \$1 trillion by the Soviet Union).

If the two societies continue to grow as projected to the end of the century, and if both continue to spend the same proportion of GNP on defense, the two countries together, by the year 2,000 A.D., could spend another \$5 trillion or more to maintain national security.

In both countries there are other pressing needs for capital, and both countries have long recognized a mutual advantage in first stabilizing the level of spending and ultimately moving to the stage where both countries can safely scale it down.

When President Nixon and General Secretary Brezhnev signed the SALT agreements in Moscow, May 28, 1972, the first stage was completed. Agreement was reached to limit ABMs to very low levels, including a commitment not to build a nationwide ABM defense or the base for such a defense. Both sides thus forego a defense against retaliation, and, in effect, have agreed to maintain mutual deterrence.

Agreement was also reached to stabilize the level of strategic offensive missiles for five years, giving both sides an opportunity to proceed to the second stage of negotiations in which further limitations and controls will be pursued.

The freeze on strategic offensive missiles leaves the Soviet Union with more missile launchers and the United States with more warheads and bombers. (See Missile Balance Sheet below.) A great many factors were balanced off on both sides, but the most important consideration—probably the factor that made the Interim Agreement feasible—is the recognition (given concrete form in the ABM Treaty) that with any conceivable or current or future deployment of nuclear weapons, neither side can expect to attack the other without receiving a retaliatory strike that would destroy the attacker as a modern nation-state. Out of this fact grows the assurance of national security for both sides. This, in turn, now makes it possible to negotiate additional mutual limitations—hopefully including reductions of forces on both sides.

However, if the United States were to make unilaterally a substantial reduction in strategic strength, the other side might lose incentive to continue at the bargaining table. Similarly, if either side were somehow able to make a substantial jump in its strategic forces, we can only anticipate that the other side would undertake to redress the balance.

President Nixon said in his Foreign Policy Report of February 1971 that any Soviet attempt to obtain a large advantage "would spark an arms race which would, in the end, prove pointless." The President added that "both sides would almost surely commit the necessary resources to maintain a balance."

The Interim Agreement limits for up to five years the numbers of intercontinental ballistic missiles (ICBM), and submarine-launched ballistic missiles (SLBM) for the Soviet Union and the United States. Some might argue that the Soviet Union gained an advantage because it is permitted larger total numbers of ICBM launchers, SLBM launchers, and modern ballistic missile submarines.

However, it is also argued that the United States gained an advantage because no current U.S. offensive arms program is limited whereas limitations are placed the three most active Soviet programs. Furthermore, although the Soviet Union will have more missile launchers, the United States has a considerable lead in numbers of warheads and intercontinental bombers, and in qualitative factors—including weapon dependability and general weapons sophistication—which are not limited by the agreements.

The central fact is that both sides find advantages in the limitations. We have reached levels where neither side can start a nuclear war without triggering its own destruction. There are simply too many launchers, too many warheads that would survive a surprise attack.

More importantly, both sides can benefit enormously from additional strategic arms limitations. An important process has, however, been started. Both the United States and the USSR are investing in this process, and we expect will want to preserve the investment and build upon it. It is not a question of "winning" or "losing". Both sides—and the world—gain from what has been achieved without compromising the basic security interests of any nation.

ECONOMICS

The long-range effect of the arms race on the economics of the United States and the Soviet Union is difficult to gauge precisely, but it is obviously enormous. The United States is currently spending about eight percent of GNP on defense—approximately \$80 billion in FY 1972. The Soviet Union is spending in the range of 11–14 percent of GNP—some \$45–60 billion in 1972, depending on the method of evaluating the cost. As noted above, if both countries were to continue to spend at these levels of GNP to the end of the century, the aggregate defense costs for the United States and the Soviet Union combined might total more than \$5 trillion.

Both countries find defense spending a substantial burden on the economy, but the effect probably is more serious in the Soviet Union, because the high level of defense spending is believed to reduce substantially the available growth capital badly needed for expansion of the Soviet economy.

Efforts to compare the Soviet defense burden with that of the United States are difficult because neither the costs nor the distribution of GNP in the two countries are comparable. What is clear is that given the economic resources of the Soviet Union and its relatively lower level of economic development, the arms race places a comparatively greater burden upon the Soviet economy than on the U.S. economy. Therefore, in economic terms the Soviet Union has even greater reason than the United States to develop meaningful weapons controls through negotiation.

The SALT agreements are an important step toward achievement of the kinds of controls that over time can substantially reduce expenditures on both sides, although the goal has not been reached in the initial stage. The agreements signed in Moscow do, however, provide the foundation for negotiations which will, hopefully, lead to important cuts in the level of defense spending on both sides.

Both the United States and the USSR could well continue to spend at approximately current levels while negotiating additional limitations, with the funds devoted chiefly to qualitative improvements. One of our goals will be to avoid this.

MISSILE BALANCE SHEET

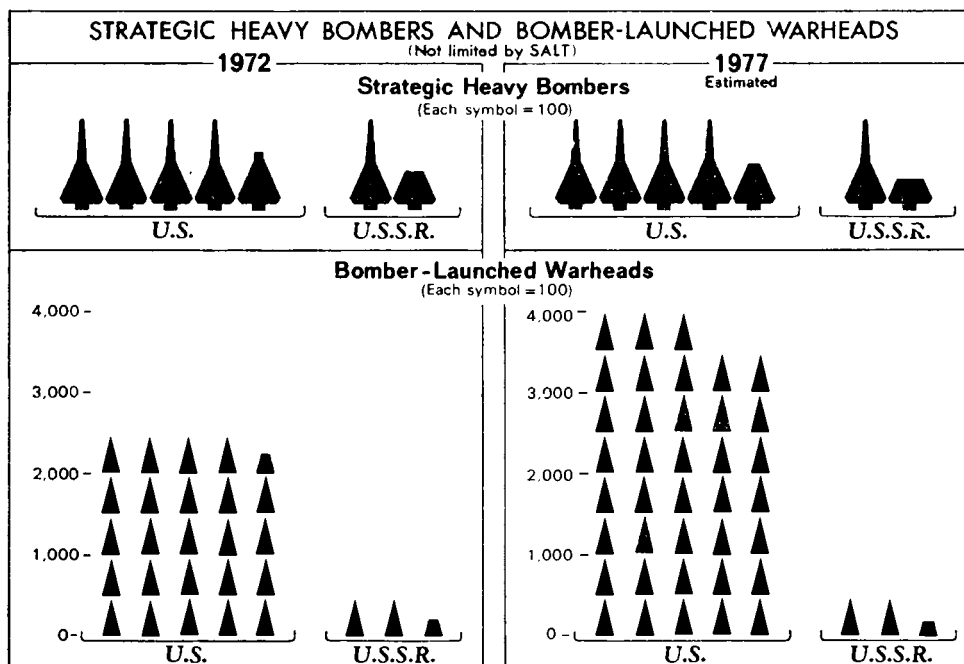
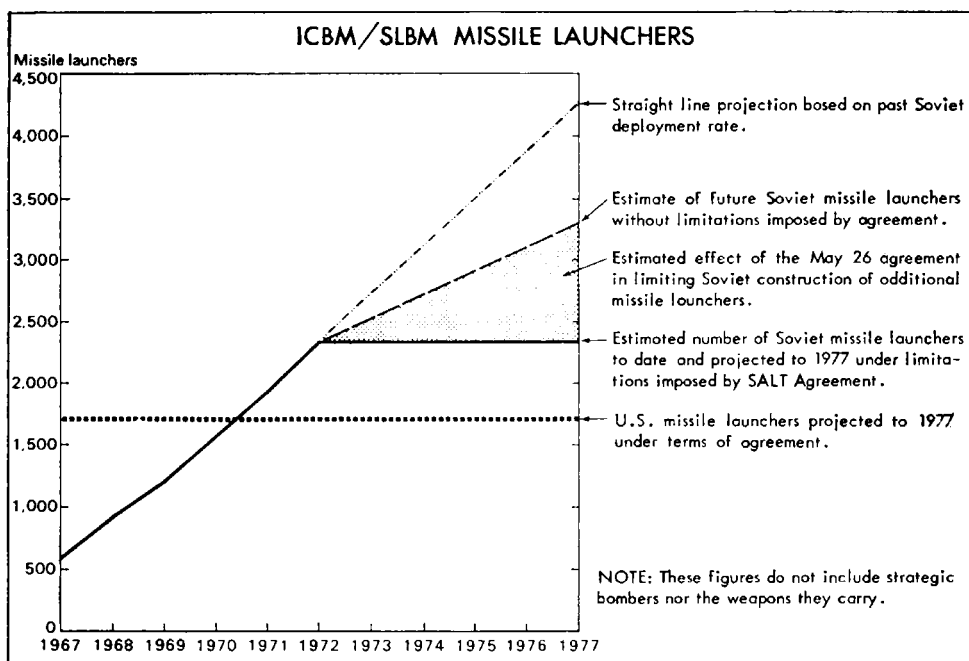
ICBM launchers.—Current strength: U.S. 1,054; USSR 1,618. The United States has no new ICBM construction program underway; the Soviet Union has been building new ICBMs. Without the agreement, if recent construction rates were continued for five years, the United States would still have 1,054 ICBMs and the Soviet Union, which has been building at a rate of up to 250 a year, could have more than 2,800 land-based ICBMs. Under SALT both sides are frozen at current levels.

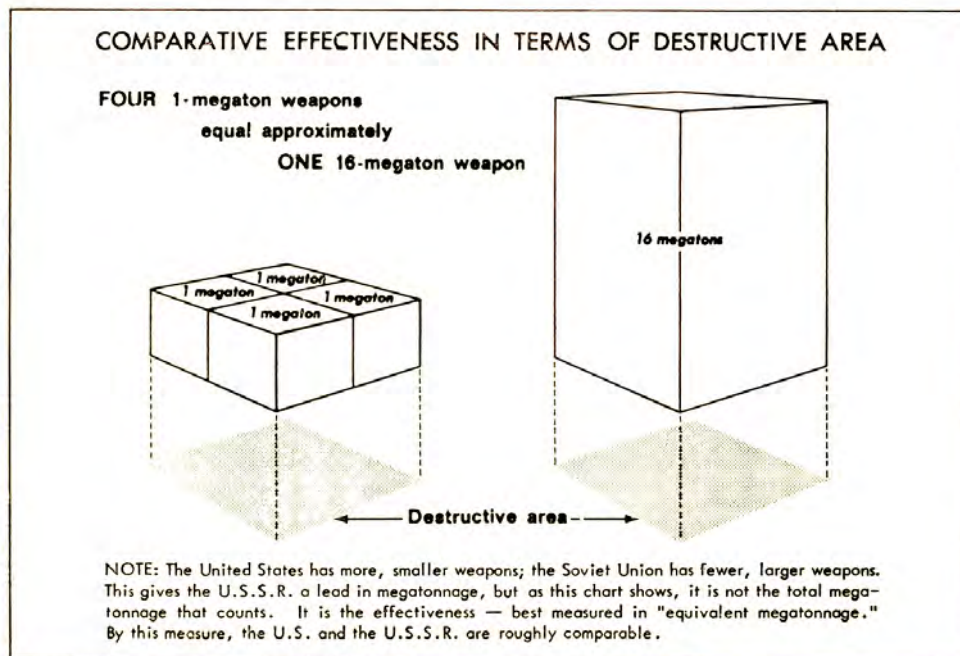
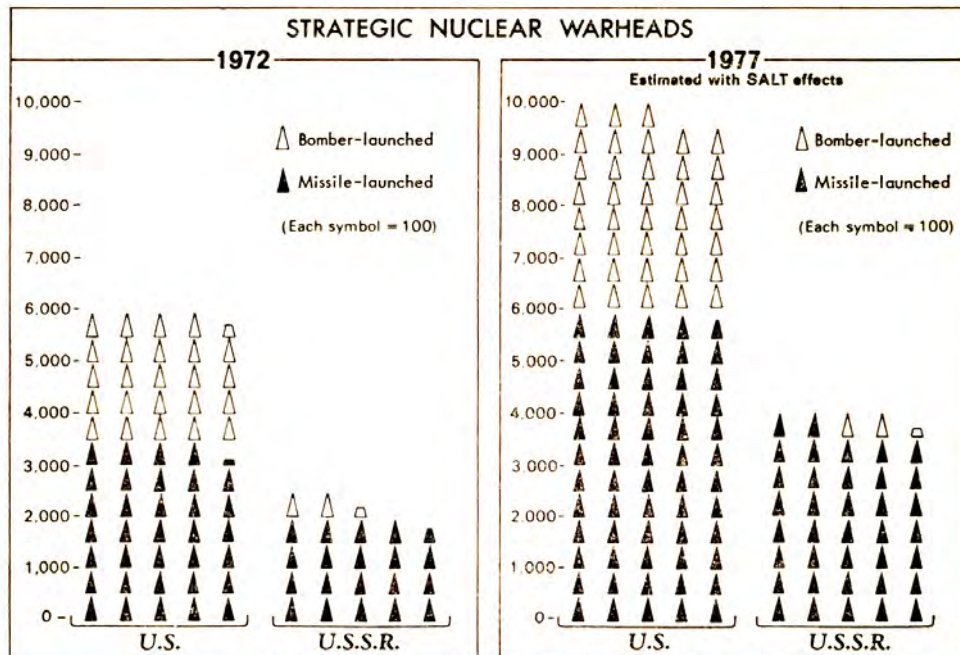
SLBM launchers.—The United States currently has 656 Polaris and Poseidon missile launchers; the Soviet Union has approximately 650-700 SLBMs. The United States has no missile submarines under construction; the Soviet Union has an on-going program of some eight new submarines a year. Without SALT, in five years the United States missile-launching submarines would not have increased, while the Soviet total could have risen to 80 or 90. With SALT, the United States has the right to increase to up to 44 submarines.

The Soviet union may add modern ballistic missile submarines up to the number of 62 operational, but only provided that they retire 209 older land-based missiles and 30 older SLBM launchers. This would leave the USSR with no more than 950 modern SLBM launchers.

Total ICBMs and SLBMs consistent with the terms of the agreement: United States, 1,710; USSR, 2,419. Warheads: The difference in numbers of missiles is offset by the kinds of warheads they can carry. Currently, with the new MIRV warheads, the U.S. strategic missiles and heavy bombers carry 5,900 nuclear warheads; the Soviet missiles and heavy bombers carry an estimated 2,200 warheads. The Interim Agreement sets no limit on the number of warheads for either side, and both of these figures could rise substantially in five years. The implications of the warhead figures are enormous. They mean that currently, in the event of a surprise nuclear attack, if half of the U.S. strategic capability was wiped out, the United States could still strike more than 2,500 separate targets in the Soviet Union. This reinforces the recognition on both sides that there can be no winner in a nuclear war. The U.S. expects to continue to hold a substantial warhead lead during the Interim Agreement, sufficient to more than compensate for the numerical edge the Soviet Union has in missile launchers. The number of U.S. independently targetable warheads is planned nearly to double in the next five years, and will remain far ahead of the Soviet total.

Megatonnage: The agreement does not limit megatonnage as such. Both sides are free to make warheads as large or as small as they wish. On the average, Soviet Missile warheads are larger than U.S. warheads. It should be noted, however, that the radius of damage does not increase proportionate to the increase in yield. If the explosive power is doubled, the radius of damage increases by approximately one-third. Moreover, accuracy is more important than yield.





DR. KISSINGER'S COMMENTS ON THE DEPARTMENT OF STATE NEWS RELEASE— "PEACE, NATIONAL SECURITY AND THE SALT AGREEMENTS"

The State Department documents sets forth some of the basic achievements of the initial SALT Agreements. I strongly endorse its main conclusion—that the SALT Agreements serve the cause of peace and our national security interests.

Rather than deal with the specific data in the document, let me deal with its main themes and with what I take to be Senator Symington's principal concern—the relationship between SALT and our strategic weapons programs.

ECONOMIC IMPLICATIONS

The first major theme is that the arms competition places significant burdens on the economies of both the U.S. and USSR, that the initial SALT agreements reduced that burden to some extent, and that we should hope and expect further SALT Agreements to do even more in this regard.

I concur in this thesis with one qualification: as onerous as the burden of national defense may be, it is the one burden that we cannot unilaterally drop and expect to survive as a nation.

With this said, however, there is a responsibility, if we wish to build a peaceful world, to ease the burden of defense through international negotiation and agreement. SALT has been quite successful in this respect. The United States is no longer building a nation wide ABM system nor undertaking the new programs that would have been necessary if Soviet missile deployments continued completely unchecked. The ABM Treaty alone contributed more than a half a billion dollar savings in this year's budget and though it is hard to be precise, the savings from having the Treaty in force and from keeping ABMs low could well run into billions over the next decade.

I also believe that our future arms control efforts should produce further savings. As a result of the SALT principles agreed last June between the President and Secretary Brezhnev, both countries will be seeking to limit the qualitative aspects of strategic arms programs and to control the process of modernization and replacement. Success in this area should provide further economic savings since qualitative improvement, modernization and replacement are the major categories of strategic expenditure.

Although agreeing with these broad economic themes in the State Department paper, I would take issue with any effort to draw the conclusion that the SALT Agreements enable us to reduce our efforts in areas not covered by these initial accords. The reasons our efforts must continue are related to the strategic consequences of the SALT Agreements.

STRATEGIC IMPLICATIONS

As important as the economic consequences of SALT may be, the major objective of these negotiations is to strengthen peace by enhancing strategic stability. If either side is perceived to have gained a substantial aggregate advantage then deterrence is no longer stable and the political consequences would be dangerous. The State Department paper explains that the Interim Agreement on offensive arms balances the advantages of one side against those of the other. The result is an agreement that is equitable for the five years of its term but not symmetrical. The Soviet advantages in the number of strategic missile launchers and their 4 to 1 lead in throw-weight are balanced against U.S. advantages in MIRV, heavy bombers and the quality of our systems. That was the case last year when the State document was published; that is the case today, and as the State paper indicates, we expect to retain an edge in these areas until 1977 when the Interim Agreement expires.

It is important to recognize, however, that the Interim Agreement does not solve the problems of strategic stability for all time. Key aspects of the strategic arms competition are not limited. This includes qualitative improvements such as MIRV, modernization and replacement. In time, the Soviet Union, through such actions, can exploit its numerical and throw weight advantages to achieve an advantage in areas where we now have the edge.

This is one reason we were prepared only to enter into the Agreement for a specified period. Moreover, it is the reason that the Agreement calls for more complete limitations to be negotiated in SALT II.

A principal concern is that imminent developments if unchecked, will raise the spectre of a credible Soviet Union first-strike capability against our Minuteman ICBMs. We must recognize that the Soviet Union is pressing forward with four new missile systems and we must be prepared to deal with the consequences, even as we urgently seek to avoid these developments in SALT.

Minuteman ICBM vulnerability which could occur, due to Soviet ICBM and MIRV programs, is not likely until the late 70s and early 80s. The result, however, would be that our deterrent would rely more heavily on our bomber and submarine missile force. Yet bomber and submarine missile forces are potentially vulnerable to Soviet developments in Air Defense and ASW, on which the Soviets could then concentrate. Therefore, the possibility of Minuteman's vulnerability makes it all the more important that our bombers and SLBMs can deal with potential threats to their effectiveness.

CONCLUSIONS

I concur in the basic conclusion of the Department of State paper that the SALT Agreements protect and enhance our security. But that paper was not intended as a careful analysis of the requirements for our national security beyond the period of the Interim Agreement. More important, it did not address the problem of what strategic programs are required during a transitional period when we are seeking to replace competition in strategic forces with cooperation to curb them, but have not yet fully done so. This is the key question we faced in the Defense Budget, and we believe the programs we have proposed provide a responsible answer which deserves the support of the Congress.

Senator SYMINGTON. Thank you. My time is up, Mr. Chairman.
The CHAIRMAN. Senator Scott.

WITNESS' OPPORTUNITY TO CORRECT RECORD

Senator SCOTT. Dr. Kissinger, the witnesses who will follow you represent diverse points of view. The witnesses I know on that list are responsible people. I do not know them all. It may be, however, that some of those witnesses will make statements which warrant a reply. I would judge from the organizations indicated that some come from the far right spectrum of ideological points of view and some come from the far left spectrum. Undoubtedly some of those witnesses will hold their views very strenuously. I don't believe we will have any hate witnesses. If we have hate mail, I assure you I will be able to take care of that. I have been an expert in expressing my opinion against hateful thoughts for some years.

However, I hope that should any statements be made which are in themselves factually inaccurate that you will be good enough to supply us with a reaction for the purpose of keeping the record balanced. Would you be willing to do that?

Mr. KISSINGER. I would certainly be willing to do this. I don't think I will reply on opinions that may be expressed.

Senator SCOTT. I want you to confine it to alleged facts which in your opinion are not accurate statements.

Mr. KISSINGER. I would appreciate it if you would give me the opportunity to correct the record and I will do that.

Senator SCOTT. Thank you, Doctor.

NATIONAL SECURITY AND OPEN SOCIETY

I have heard in some of our discussions of your nomination a thought advanced which I would like to explore. That is, while the interests of national security conflict with an open society that national security should give way to the need for a completely open society.

I do not agree with that concept because I do not feel that there exists an inevitable conflict. I believe that an open society can only be maintained by a true respect for genuine national security as distinct from the unjustified attempt to include within national security definitions of matters which ought not, of course, to be included. I would like your reaction as to how you reconcile the need for national security with the desirability of an open society.

Remember this interdependency and what is your philosophy about it?

Mr. KISSINGER. My philosophy, Senator Scott, is that in the overwhelming majority of cases, as you pointed out, there should be no conflict between the requirement of national security and the requirements of human liberty, because the two really depend on each other. Without security for this country, there can be no freedom for its citizens.

There may, however, be borderline cases, and in those situations I believe the Executive has a responsibility to be sure that when it invokes the requirement of national security it can make a demonstration to reasonable and fair-minded people of why its action was required in the overwhelming national interest, and why certain established procedures might have had to be disregarded under the pressure of necessity.

But that would have to be decided from case to case. If it is a borderline case, human liberty should weigh very heavily, maybe a little more heavily. But there are situations in which national security considerations will have to predominate, and in that case the executive branch owes it to the public and to the legislative branch to be able to make a convincing demonstration that the necessity in fact existed.

Senator Scott. I thank you, Doctor, very much.

TERMINATION OF U.S. MILITARY INVOLVEMENT IN SOUTHEAST ASIA

This final question may well have been asked, but are you prepared to state in your opinion that our military involvement, that is in the use of any kind of combat force whatever, in Southeast Asia is finally terminated?

Mr. KISSINGER. I would state that it is terminated so far as executive action is concerned. If an overriding necessity should occur that in the judgment of the President would require military action, the President would return to the Congress for authority to undertake such action.

Senator Scott. I thank you very much.

The CHAIRMAN. Senator Pell.

Senator PELL. Thank you, Mr. Chairman.

CONTRIBUTION TO LAST PRESIDENTIAL CAMPAIGN

I think, as a matter of procedure in this period of time when there are other people coming up for confirmation and the question is often raised as to the relationship between a contribution and the appointment, this committee should ask all of its witnesses up for confirmation what amount of money they contributed in the last presidential campaign. So I would like to ask you that question, Dr. Kissinger.

Mr. KISSINGER. I made no financial contribution to the last campaign.

Senator PELL. Thank you.

Mr. KISSINGER. Or any other campaign.

[Laughter.]

Senator Scott. Or to mine.

REGULATION CONCERNING POLITICAL CONTRIBUTIONS

Senator PELL. In connection with the tentative rules that this committee is considering adopting, one of them is that recommendation to the Senate for confirmation will be withheld from any individual who

has contributed more than, say, \$10,000 to a political party. What would be your reaction to that regulation or that rule?

Mr. KISSINGER. I think, Senator Pell, this would be a mistake. I believe that each nominee should be judged on his merit even if he made a contribution to a political campaign. But I recognize the principle that merely to have contributed to a political campaign should not be the grounds for appointment.

Senator PELL. Thank you.

LOW U.S. PROFILE IN HUMAN RIGHTS FIELD

Yesterday we were talking about this question of human rights, and the American emphasis or lack of emphasis on it, as we move along with *détente*. Then neither you nor I could remember the name of the man who was the United States representative to the United Nations Human Rights Commission which showed, I think, the denigration with which we have regarded this kind of push that we should make.

I discovered his name. It is Mr. Phillip C. Hoffman, but it is neither in *Who's Who* nor in the State Department Biographical Register, which shows a rather low profile in this field of human rights.

Mr. KISSINGER. I took your point on this, Senator Pell, and I think it is a very good point.

Senator PELL. Thank you.

CALIBER OF U.S. DELEGATES TO U.N. GENERAL ASSEMBLY

Along that same line comes the question of the appointment of our delegates to the United Nations. I have the list here in front of me, showing the very high caliber of those who were appointed to the first, second, and third General Assemblies and then a gradual deterioration in fame.

I know when I served there I liked my colleagues very much, but they did not have national or State or even citywide reputations. I would ask the chairman's permission to put in the record at this point a list of the delegates for the last 27 General Assemblies, showing the steady deterioration in their caliber and related materials.

The CHAIRMAN. Without objection, it is so ordered.

[The information referred to follows:]

UNITED STATES REPRESENTATIVES AND ALTERNATE REPRESENTATIVES TO THE REGULAR SESSIONS OF THE UNITED NATIONS GENERAL ASSEMBLY

First Part of the First Session; London, January 10–February 14, 1946.

Representatives:

James F. Byrnes.
Edward R. Stettinius, Jr., U.S. Representative.
Tom Connally.
Arthur H. Vandenberg.
Mrs. Franklin D. Roosevelt.

Alternate representatives:

Sol Bloom.
Charles A. Eaton.
Frank Walker.
John G. Townsend, Jr.
John Foster Dulles.

Second Part of the First Session; New York, October 23–December 16, 1946.

Representatives:

Warren R. Austin, Rep. Designate at seat of U.N. & Chairman.
 Tom Connally.
 Arthur H. Vandenberg.
 Mrs. Franklin D. Roosevelt.
 Sol Bloom.

Alternate representatives:

Charles A. Eaton.
 Helen Gahagan Douglas.
 John Foster Dulles.
 Adlai E. Stevenson.

Second Regular Session; New York, September 16–November 29, 1947.

Representatives:

George C. Marshall, Chairman of Delegation.
 Warren R. Austin, U.S. Representative & Vice Chairman.
 Herschel V. Johnson.
 Mrs. Franklin D. Roosevelt.
 John Foster Dulles.

Alternate representatives:

Charles Fahy.
 John H. Hilldring.
 Willard L. Thorp.
 Francis B. Sayre.
 Adlai E. Stevenson.

Third Regular Session (First Part); Paris, September 21–December 12, 1948.

Representatives:

George C. Marshall, Senior Representative.
 Warren R. Austin, Alternate Senior Representative.
 John Foster Dulles, Acting Senior Representative.
 Mrs. Franklin D. Roosevelt.
 Philip C. Jessup.
 Benjamin V. Cohen.¹

Alternate representatives:

Ray Atherton.
 Willard L. Thorp.
 Ernest A. Gross.
 Francis B. Sayre.
 Dean Rusk.²

Third Regular Session (Second Part); New York, April 5–May 18, 1949.

Representatives:

Warren R. Austin, Senior Representative.
 John Foster Dulles.
 Mrs. Franklin D. Roosevelt.
 Philip C. Jessup.
 Benjamin V. Cohen.

Alternate representatives:

Ray Atherton.
 Willard L. Thorp.
 Dean Rusk.
 Francis B. Sayre.
 Erwin D. Canham.

Fourth Regular Session; New York, September 20–December 10, 1949.

¹ Mr. Cohen was originally appointed Alternate Representative. He was appointed Representative on Nov. 19, 1948, when Mr. Dulles was appointed Acting Senior Representative upon Senator Austin's departure.

² Mr. Rusk was appointed Alternate Representative on Nov. 19, 1948, when Mr. Cohen became Representative.

Representatives:

Dean G. Acheson.
 Warren R. Austin, U.S. Rep. to the U.N. & Security Council.
 Philip C. Jessup.
 Mrs. Anna Eleanor Roosevelt.
 John Sherman Cooper.

Alternate representatives:

Benjamin V. Cohen.
 Charles Fahy.
 Wilson M. Compton.
 John D. Hickerson.
 Mrs. Ruth Bryan Rohde.

Fifth Regular Session ; Lake Success, September 19–November 5, 1950.

Representatives:

Dean Acheson.
 Warren R. Austin, U.S. Representative.
 Mrs. Franklin D. Roosevelt.
 John J. Sparkman.
 Henry Cabot Lodge, Jr.
 John Foster Dulles (served as Representative in the absence of the Secretary of State).

Alternate representatives:

Benjamin V. Cohen.
 John S. Cooper.
 Ernest A. Gross.
 Mrs. Edith S. Simpson.
 John C. Ross.

Sixth Regular Session ; Paris, November 6, 1951–February 5, 1952.

Representatives:

Dean Acheson.
 Warren R. Austin, U.S. Representative.
 Mrs. Franklin D. Roosevelt.
 Michael J. Mansfield.
 John M. Vorys.
 Philip C. Jessup (serves as Representative in the absence of the Secretary of State).

Alternate representatives:

John Sherman Cooper.
 Ernest A. Gross
 Benjamin V. Cohen.
 Anna Lord Strauss.
 Channing H. Tobias

Seventh Regular Session ; New York, October 14–December 21, 1952.

Representatives:

Dean Acheson.
 Warren R. Austin, U.S. Representative.
 Mrs. Franklin D. Roosevelt.
 Theodore Francis Green.
 Alexander Wiley.
 Ernest A. Gross.

Alternative representatives:

Philip C. Jessup.
 Benjamin V. Cohen.
 Charles H. Sprague.
 Edith Sampson.
 Isador Lubin.

Eighth Regulation Session ; New York, September 15–December 9, 1953.

Representatives:

John Foster Dulles.
 Henry Cabot Lodge, Jr.
 James F. Rynes.
 Frances P. Bolton.
 James P. Richards.

Alternate representatives:

Archibald Carey, Jr.
 James D. Zellerbach.
 Henry Food, II.
 Charles W. Mayo.
 Mrs. Oswald B. Lord.

Ninth Regular Session ; New York , September 21–December 17, 1954.

Representatives:

John Foster Dulles.³
 Henry Cabot Lodge, Jr., U.S. Rep. to UN and Security Council.
 H. Alexander Smith.
 James W. Fulbright.
 C. D. Jackson.
 Charles H. Mahoney.

Alternate representatives:

James J. Wadsworth.
 Mrs. Oswald B. Lord.
 A. M. Ade Johnson.
 James P. Nash.
 Roger W. Straus.

Tenth General Assembly ; New York, September 20–December 20, 1955.

Representatives:

Henry Cabot Lodge, Jr.,⁴ Perm. Rep. to the UN :
 Brooks Hays.
 Chester E. Merrow.
 John O. Pastore.
 Colgate Whitehead Darden, Jr.

Alternate representatives:

Robert Lee Brokenburr.
 Laird Bell.
 Jacob Blaustein.
 James J. Wadsworth.
 Mrs. Oswald B. Lord.

Eleventh Regular Session ; New York, November 12, 1956—March 8, 1957.

Representatives:

Henry Cabot Lodge, Jr., Perm. Rep. to the UN.
 William F. Knowland.
 Hubert H. Humphrey.
 Paul G. Hoffman.
 Ellsworth Bunker.

Alternate representatives:

James J. Wadsworth.
 Richard Lee Jones.
 Frank C. Nash.
 Edward S. Greenbaum.
 Mrs. Oswald B. Lord.

³ At such time as the Secretary of State served as Senior Representative, one of the Representatives served as an Alternate and one of the Alternates served in an advisory capacity.

⁴ The Secretary of State, the Honorable John Foster Dulles, served as Senior United States Representative Ex Officio during his presence at the Session.

Twelfth Regular Session ; New York, September 17, 1957.

Representatives:

Henry Cabot Lodge, Jr., Perm. Rep. to the UN.
A. S. J. Carnahan.
Walter H. Judd.
George Meany.
Herman B. Wells.

Alternate representatives:

James J. Wadsworth.
Irene Dunne.
Philip M. Klutznick.
Mrs. Oswald B. Lord.
Genoa S. Washington.

Thirteenth Regular Session ; New York, September 16, 1958.

Representatives:

Henry Cabot Lodge, Jr., Perm. Rep. to the UN.
Michael J. Mansfield.
Bourke B. Hickenlooper.
Herman Phleger.
George McGregor Harrison.

Alternate representatives:

James J. Wadsworth.
Marian Anderson.
Watson W. Wise.
Mrs. Oswald B. Lord.
Irving Salomon.

Fourteenth Regular Session ; New York, September 15, 1959.

Representatives:

Christian A. Herter.⁵
Henry Cabot Lodge, Jr., Perm. Rep. to the UN.
James J. Wadsworth.⁶
James G. Fulton.
Clement J. Zablocki.
George Meany.
Walter S. Robertson.

Alternate representatives:

Charles W. Anderson, Jr.
Erle Cocke, Jr.
Virgil M. Hancher.
Mrs. Oswald B. Lord.
Harold Riegelman.

Fifteenth Regular Session ; New York, September 20, 1960.

Representatives:

James J. Wadsworth, Perm. Rep. to the UN.
George D. Aiken.
Wayne Morse.
Francis Wilcox.
Mrs. Oswald B. Lord.

Alternate representatives:

Zelma Watson George (Mrs. Clayborne George).
Arthur F. Lamey.
Frederick Blake Payne.
Charles Rosenbaum.
Frances E. Willis.

⁵ Served as Chairman of the Delegation *ex officio* when present.

⁶ Headed the Delegation during Mr. Lodge's absence from New York.

Sixteenth Regular Session; New York, September 19, 1961.

Representatives:

Adlai E. Stevenson, Chairman and Perm. Rep. to UN.
Omar Burleson.
Marguerite Stitt Church.
Francis T. P. Plimpton.
Arthur H. Dean.

Alternate representatives:

Charles W. Yost.
Clifton R. Wharton.
Philip M. Klutznick.
Jonathan Brewster Bingham.
Gladys Avery Tillett (Mrs. Charles Tillett).

Seventeenth Regular Session; New York, September 18, 1962.

Representatives:

Adlai Stevenson, Perm. Rep. to the UN.
Albert Gore.
Gordon Allott.
Francis T. P. Plimpton.
Arthur H. Dean.

Alternate representatives:

Charles W. Yost.
Philip M. Klutznick.
Jonathan Brewster Bingham.
Carl T. Rowan.
Marietta P. Tree (Mrs. Ronald Tree).

Eighteenth Regular Session; New York, September 17, 1963.

Representatives:

Adlai E. Stevenson, Chairman and Perm. Rep. to the UN.
Edna F. Kelly.
William S. Mailliard.
Francis T. P. Plimpton.
Charles W. Yost.

Alternate representatives:

Mercer Cook.
Charles C. Steele.
Jonathan Brewster Bingham.
Sidney R. Yates.
Jane Warner Dick (Mrs. Edison Dick).

Nineteenth Regular Session; New York, December 1–February 18, 1965.

Representatives:

Adlai E. Stevenson, Chairman and Perm. Rep. to the UN.
Russell B. Long.
Frank Carlson.
William C. Foster.
Francis T. P. Plimpton.

Alternate representatives:

Charles W. Yost.
Franklin H. Williams.
Gladys Avery Tillett (Mrs. Charles Tillett).
Richard N. Gardner.
Charles P. Noyes.

Twentieth Regular Session; New York, September 21, 1965.

Representatives:

Arthur J. Goldberg, Chairman and Perm. Rep. to the UN.
Charles W. Yost.
Barrett O'Hara.
Peter H. B. Frelinghuysen.
William C. Foster.

Alternate representatives:

James M. Nabrit, Jr.
 James Roosevelt.
 Eugenie M. Anderson (Mrs. John P. Anderson).
 William P. Rogers.
 Frances E. Willis.

Twenty-First Session ; New York, September 20, 1966.

Representatives:

Arthur J. Goldberg, Chairman and Perm. Rep. to the UN.
 Frank Church.
 Clifford P. Case.
 James M. Nabrit, Jr.
 William C. Foster.

Alternate representatives:

James Roosevelt.
 Eugenie M. Anderson (Mrs. John P. Anderson).
 Patricia R. Harris.
 George L. Killion.
 Harding F. Bancroft.

Twenty-Second Regular Session: New York, September 19–December 19, 1967.

Representatives:

Arthur J. Goldberg, Chairman and Perm. Rep. to the UN.
 William B. Buffum.
 L. H. Fountain.
 William S. Broomfield.
 Adrian S. Fisher.

Alternate representatives:

I. W. Abel.
 Robert S. Benjamin.
 Hector Garcia.
 Patricia R. Harris.
 Herbert O'Connor, Jr.

Twenty-Third Regular Session ; New York, September 24, 1968.

Representatives:

James Russell Wiggins, Chairman and Perm. Rep. to UN.
 Stuart Symington.
 John Sherman Cooper.
 William C. Foster.
 Brewster C. Denny.

Alternate representatives:

William B. Buffum.
 Raymond D. Nasher.
 Jean Picker.
 Louis Stulberg.
 Marvin L. Warner.

Twenty-Fourth Regular Session ; New York, September 16, 1969.

Representatives:

Charles W. Yost, Chairman and Perm. Rep. to the U.N.
 William B. Buffum.
 Dante B. Fascell.
 J. Irving Whalley.
 Shirley Temple Black.

Alternate representatives:

Christopher H. Phillips.
 Glenn A. Olds.
 Rita E. Hauser.
 William T. Coleman.
 Joseph E. Johnson.

Twenty-Fifth Regular Session; New York, September 15–December 19, 1970.

Representatives:

Charles W. Yost, Perm. Rep. to the U.N.
Christopher H. Phillips.
Jacob K. Javits.
Claiborne Pell.
Glenn A. Olds.

Alternate representatives:

Seymour Maxwell Finger.
Helen G. Edmonds.
Richard H. Gimer.
Aloysius A. Mazewski.

Twenty-Sixth Regular Session: New York, September 15–December 17, 1971.

Representatives:

George H. Bush, Perm. Rep. to U.N.
Christopher H. Phillips.
Charles C. Diggs, Jr.
Edward J. Derwinski.
Daniel P. Moynihan.

Alternate representatives:

Alan B. Shepard.
Arthur A. Fletcher.
Gladys O'Donnell.
W. Tapley Bennett.
Bernard Zagorin.

Twenty-Seventh Regular Session: New York, September 19–December 19, 1972.

Representatives:

George H. Bush, Perm. Rep. to the U.N.
Christopher H. Phillips.
Gale W. McGee.
James B. Pearson.
Mrs. Jewel Lafontant.

Alternate representatives:

W. Tapley Bennett, Jr.
Julia Rivera de Vincenti.
Gordon H. Scherer.
Robert C. Tyson.
Bernard Zagorin.

Senator McGEE. I take exception to that, Mr. Chairman, since I was there in the last delegation.

Senator PELL. Wouldn't you agree with me about general caliber?

Senator McGEE. We had a pretty cracking good group last year.

[Laughter.]

Senator PELL. The record will show—

Senator McGEE. The other 26 years you have my support.

FILLING EMPTY AMBASSADORSHIPS RECOMMENDED

Senator PELL. In 5 days there is going to be an election in Sweden. I would hope that in perfect good humor you would carry out your idea of pressing ahead to fill the empty ambassadorships because 6 days from now whether or not we withhold appointing an ambassador is not going to make any difference to the fortunes of Mr. Palma. He either will have been reelected or will have been defeated.

RECOGNITION OF OUTER MONGOLIA

Have you any views with regard to the recognition of Outer Mongolia?

Mr. KISSINGER. Yes. We are in the process of negotiating on the recognition of Outer Mongolia, and it is at this moment hung up on the rather abstruse procedural point of the sequence in which announcements should be made. It is an issue which we will solve fairly quickly once I am confirmed.

Senator PELL. I realize it has been under discussion for some time and I am very glad it is moving to a head.

PROPOSED STUDY OF AND POSSIBLE U.S. WITHDRAWAL FROM SEATO

What would be your reaction to the proposed study of SEATO and the possible United States withdrawal from it?

Mr. KISSINGER. I believe that the withdrawal of the United States from SEATO would be given a symbolic significance which might have consequences out of proportion to the problem. There is a meeting of SEATO Ministers at the end of next week in New York, part of whose purpose is to try to shift the emphasis of SEATO away from some of the military to some of the humanitarian concerns, and we strongly support that.

NEW GREEK DECISIONS AND U.S. HOMEPORTING ARRANGEMENTS

Senator PELL. In connection with Greece, where there have been apparently some changes of late, general release of political prisoners, apparently some improvement, do you see this tendency continuing?

Do you have any views with regard to the stationing of our fleet near Athens and the bolstering of the regime as we have done in the past?

Mr. KISSINGER. I have not had an opportunity to review the exact implications of these new Greek decisions since Greece has become a republic. On the surface they seem encouraging, and they seem to reflect some of the recommendations we made when Ambassador Tasca called on the Greek Government prior to the referendum. Therefore I see no reason not to proceed with the homeporting arrangements that now exist.

Senator PELL. Thank you.

DIVISION OF WITNESS TIME BETWEEN NSC AND STATE DEPARTMENT

Finally, how do you propose to divide your own time between being Chairman of the National Security Council and in being Secretary of State?

Will it be a 75-percent Secretary of State, 25-percent NSC or how do you see the body of your time going?

Mr. KISSINGER. As I pointed out in a previous session, Senator Pell, some of the activities that I conducted in the White House previously will move with me to the State Department. My role as negotiator, for example, was dependent on my White House position only insofar as this enabled me to reflect with precision the President's thinking, and that can be achieved from either position. My advisory role toward the

President is not dependent on my position as Assistant; that is, that will move with me.

So I would expect that the division of time that you outlined, of 75 to 25 percent, is a reasonable one. Until I have begun operating, it is hard to predict. But this would be my intention. The State Department will require a great deal of my time, in invigorating the Foreign Service, giving it essential participation, and making sure that after I leave office a certain style of policymaking has been established. This will require a fair amount of time and leadership.

PRACTICE OF HAVING PART-TIME AMBASSADORS

Senator PELL. I was struck by your statement yesterday that there should be full-time people working on these important functions of arms control and other U.S. activities. I would hope that the practice of having part-time ambassadors, while occasionally necessary, would be one that would be looked at very carefully and with reservation, particularly in the arms control field.

Mr. KISSINGER. We do not have a part-time ambassador.

Senator PELL. No, but I think there is a question about the future of our representation in Geneva.

Mr. KISSINGER. Our arms control negotiations, especially in SALT, will always be carried on by a full-time ambassador.

Senator PELL. Good, that is good news.

EIGHTY-THREE IDENTIFIED MIA'S

In connection with the previous questions concerning the missing in action, the question was not posed concerning the 83 Americans who have been identified in either pictures or by those who returned home. Can any extra effort be made to try to find out what happened to them, and then perhaps move on to the question of the majority of the others as being legally dead.

Mr. KISSINGER. Those are the Americans whose files we turned over to the North Vietnamese.

Senator PELL. These 83.

Mr. KISSINGER. Yes, about whom I made personal representations to Prime Minister Phan Van Dong in Hanoi and once again to Le Duc Tho when I met him in May and June in Paris—but I regret to say with very little success. You can be sure that those about whom we have good evidence that they have been identified are the ones about whom we can be most vocal and most convincing.

Senator PELL. Thank you.

Thank you very much. I am very glad you have been nominated for this job and I look forward to supporting your confirmation.

Mr. KISSINGER. Thank you.

FURTHER MEETINGS

The CHAIRMAN. I am going to ask Senator Symington to act as Chairman this morning. I have another appointment. I will announce that the public witnesses, I believe, will be heard on Friday. That is those who asked to be heard. We will schedule an executive hearing of the committee with Dr. Kissinger on Monday and an executive commit-

tee meeting on Tuesday with an opportunity, at least, to vote on Tuesday if the committee is so disposed.

Senator Percy.

COMMENDATION OF WITNESS' STATEMENT

Senator PERCY. Dr. Kissinger, I reread this morning your opening statement, and I would commend it to be read by any American. I really feel it was a remarkable statement, and I share your hope, as you have expressed at the end of it, that "by working together we can speed the day when all of us will be able to say we were 'present at the creation' of a new era of peace, justice, and humanity."

STEPS TOWARD IMPROVING U.S.-INDIAN RELATIONS

We know that in the last quarter century all wars have been fought on the developing nations, and in South Asia we have seen some of the most tragic bloodshed of our time. It has been widely understood, or reported at least, that the administration in the past has tilted toward Pakistan. That has ruptured our relationships to a degree with India.

Now that a very remarkable accord has been reached, between these three countries, Pakistan and India, with the concurrence of Bangladesh, and they are beginning a process of working together now, what steps can we take to improve our relationships with India. I think we have taken one step in the appointment of Ambassador Moynihan, an outstanding appointment, but what steps do you see that can be taken by the United States and by India—this is a two-sided street—to improve the relationships that both governments have clearly expressed should be improved, and do so without injury, harm or offense to our friends in Pakistan?

Mr. KISSINGER. Senator Percy, during the India-Pakistan war of 1971 we opposed the methods that India used, although we favored the objective of self-determination. Indeed one of the reasons we opposed India was because we believed they should have understood that we were working towards the same objective—the self-determination of what was at that time East Bengal and is now Bangladesh—and because we believed that military action was unnecessary.

I do not think it will do much good to rehearse all the arguments of that time, which, as far as we were concerned, had to do with international standards of conduct, and with the impact of acquiescence in the use of force to settle disputes on the Middle East and on other relationships.

The fact is that, now that Bangladesh exists, our objectives and those of India with respect to it, are quite parallel. We want a Bangladesh that is prospering, that is stable, that is democratic, and that is not a source of unrest for the whole area. And that we believe is what India wants.

Second, with respect to India, one of the, perhaps, beneficial-long-term consequences of the difficulties that arose in 1971 is that it has enabled both sides to move toward a more mature relationship.

On the American side, especially in our intellectual community, there was a perhaps romantic conception of India. And on the Indian side there were also excessive expectations towards the United States.

We recognize India as one of the major forces in the developing world, and as a country whose growth and stability are absolutely

essential to the peace and stability of South Asia. And during the last year, and especially during the last 6 months, relations with India have developed in an undramatic but very steady manner.

Ambassador Moynihan has of course played a very major role in this.

Our effort with India right now is to remove many of the irritating legacies of the 1971 period, as well as some of the concrete difficulties that have arisen independently of the 1971 misunderstandings—to solve, for example, the problem of the accumulation of Public Law 480 funds in India so that they can be disposed of in a manner acceptable to both sides. We are very close to reaching an agreement on this.

We will then turn to the question of the long-term economic relationship between India and the United States.

Senator PERCY. Will the rupee agreement require any congressional action?

Mr. KISSINGER. I think certain aspects of it have to be submitted to the Congress in some form.

Senator PERCY. I see.

Mr. KISSINGER. I am not absolutely sure about that. But we will certainly keep you fully informed of it. I do believe, however, that it requires some Congressional involvement.

IMPROVING U.S.-INDIAN RELATIONS

We will then turn to the question of our long-term economic relationships. We both want to get away from the traditional aid pattern and ask ourselves what, over a longer period of time, makes some sense, so that the aid pattern can be liquidated and at the same time we can be helpful to the development process in India.

What we want from India in return—and what India ought to want also—is some contribution to stability in the area, so that there is not the sense on the part of some of its neighbors that they are in danger of attack. And we have every reason to suppose that India is prepared to do this.

We have engaged in many talks with Indian officials. The Indian Ambassador tells me that when he was in Minneapolis a few weeks ago he went on television to endorse my appointment and to indicate that relations between our two countries were improving. The former I do not think is central to the deliberations of this committee, but the improvement in our relations is real, and it is going on on a very serious basis.

At the same time, we are trying to help Pakistan to find its new role, it having lost half of its country, and to adjust to its new reality. We have not judged it wise to resume a permanent military supply relationship with Pakistan. So I believe, actually, that our relations with the subcontinent are on a more mature basis, and for the long term are more hopeful, than they have been at any period since this administration came into office.

U.S. ARMS POLICY TOWARD SOUTH ASIA

Senator PERCY. Dr. Kissinger, what will our arms policy be with respect to South Asia?

Mr. KISSINGER. We believe we should not be a principal arms supplier in that area.

Our present arms policy is that we will give spare parts for equipment that we have already sold to Pakistan, but that we do not engage in new deliveries of any lethal equipment, and we have not engaged in military deliveries to India at all. There may be some minor modifications of this because both sides want some very specialized technical equipment. But with respect to the central issue, if another war breaks out in that area, it will not be fought with American weapons.

USE OF U.S. ARMS SOLD TO IRAN

Senator PERCY. Lastly, in that vital area, there is some concern expressed in Afghanistan and India about our large-scale arms sales to Iran. What assurances can we provide that those sales are for the self-defense of Iran and would not ever be used in any of the internal problems and affairs involving the subcontinent?

Mr. KISSINGER. It would be against the intent of our policy if Iran used these weapons for aggressive purpose or to intervene in the affairs of other countries. Therefore, they are for self-defense.

RADIO FREE EUROPE AND RADIO LIBERTY BROADCASTS

Senator PERCY. Dr. Kissinger, the Senate has just passed a Radio Free Europe-Radio Liberty Authorization bill. It has been said that continuation of Radio Free Europe and Radio Liberty destroys our ability to really develop a détente with the Soviet Union and improve our relationships there, and yet during the whole period that relations have improved in recent years. Radio Free Europe and Radio Liberty broadcasts have been carried on. Do you look upon these as detrimental in any way to your continued improvement of relationships with the USSR?

Mr. KISSINGER. No; the Soviet Union obviously does not like Radio Free Europe, and they do some things which we do not like. But it has not interfered with the détente.

ROLE OF TRADE

Senator PERCY. And lastly, would like very much to have your judgment on the role of trade. As I look back on the most-favored-nation problem that we now face, the original policy that was adopted in 1923, which was called "most-favored Nation treatment" was granted to every trading partner, and every country had it. Therefore it really ought not be to be called MFR or a most-favored-nation policy, it is more an NTR, a normal trading relationship policy in my judgment. Then in 1951 we initiated an era of tariff discrimination and the Congress directed the President to withdraw or suspend most-favored-nation status of all countries "under the control of international communism."

In your judgment, was this a wise policy for us to have adopted when the countries of Western Europe and Japan have developed huge markets, multibillion-dollar markets, in trade with communist

countries? Trade is not beneficial to just one side generally. It is supposed to benefit both sides. Has this been in retrospect a wise policy for us to have adopted all through the period of the fifties and sixties?

Mr. KISSINGER. Senator Percy, you are quite right. The phrase "most-favored-nation" is misleading because it gives the impression that a particular concession is being made, whereas the original meaning was only to say that we would grant equal status to all nations that granted us equal status.

As to the circumstances of 1951, I do not want to pass a judgment on the conditions of that period. The intention there clearly was to cut the communist countries off from normal trade relations with the West, in a period of confrontation. Whether this was the best method for doing it or whether some other course should have been devised is hard to say in retrospect. I would say, however, that in the conditions of this period, the granting of most-favored-nation status is an important ingredient of our general policy of relaxation of tensions. And moreover, it should be seen in exactly the terms that you have outlined, that it only permits normal two-way trade, and this can flourish only if we can sell to the Soviet Union in return for whatever they may sell here. It is independent of any credits which would give the Soviet Union any special consideration, which can be put under whatever restrictions the Congress deems necessary.

But to pursue discriminatory policies against the Soviet Union and other communist countries as an organic principle of legislation, without giving the President the authority to abolish it, would not be consistent with the trends of the period.

EMIGRATION RIGHTS

Senator PERCY. I thank you very much. I do not want to imply by my question at all that I am not deeply concerned about emigration rights from the Soviet Union and all Eastern European countries. I think a great many of us in the Senate have spent a good deal of time trying to help individuals and families who wish to leave and need assistance. It is extremely difficult to get families out of Rumania and Czechoslovakia, for instance, and the Soviet Union is not the only country from which it is difficult to emigrate. It is certainly a contravention of United Nations principles that these countries have adhered to and I would hope that we could at some future time discuss what we can do to help move forward the implementation of these basic rights as granted in the United Nations Declaration on Human Rights.

Thank you very much.

Senator SYMINGTON. Senator McGee.

U.S. POLICY TOWARD CUBA

Senator MCGEE. Dr. Kissinger, I have fallen heir on this committee to a subcommittee on the Western Hemisphere. You have already had occasion to respond to questions about upgrading the role of Latin America, giving it a higher priority consideration, devoting more attention to it. I think that is very heartening. I wanted to proceed, specifically, however, to our current policy position with Cuba for a real reason. In hearings that our committee has been conducting on our

overall Latin American policy, we are up against a very intransigent policy position on the part of the Department of State in regard to Cuba. When asked what the conditions are or about rolling with the changing times, we are given the same criteria as we were given a year ago, 5 years ago, and 7 years ago, two conditions.

One, that the Cuban Government must refrain from its meddling in the governments in the Caribbean, and, two, it must cease its heavy dependence upon the Soviet Union.

In the course of the hearings, it developed very fully that not all, but a majority of our Caribbean neighbors have already reestablished, if they ever broke, relations with Cuba and thus, the first criteria is not keeping them up nights, at least, in deep concern.

In the second instance, the more we seek to isolate Cuba, I would suppose the more they must depend upon somebody, any old friend in a troubled time, and thus, they lean ever more heavily upon the Soviet Union.

Our concern in the committee has now become quite a different one. That in our intense and understandable drive in the earlier years to isolate Cuba from the hemisphere, may we not be approaching an isolating of the United States on this very question, because not only have seven or eight of our fellow members in the OAS recognized Cuba, but another half dozen are in the process of proceeding along those lines?

So with that circumstance confronting us, what do you see as the possible range of initiatives that we ought to have a look at as American policy in this hemisphere vis-a-vis Cuba?

Mr. KISSINGER. Well, of course, Senator McGee, you are aware of the fact that at the nonaligned conference at Algiers, Quaddafi of Libya, whose admiration for us is under firm control—[Laughter]—asked that Cuba be expelled because it was just an appendage of the Soviet Union and could not be properly characterized as a nonaligned country. That is at least germane to the second point.

As I pointed out in the hearings yesterday, we will begin as soon as possible a discussion with our other friends in Latin America about how they envisage the future of the OAS and the future of the Western Hemisphere relationship. In the course of this, ideas may emerge with respect to Cuba. We do not insist that Cuba make a whole step all at once. But it would be helpful to have some indication of the general perception of Cuba that would make it less an appendage of another country and more an autonomous force.

Senator McGEE. Is there anything to be said for not leaving that initiative up to the Cubans because of our interrelationships between another 19 or so of our friends in this hemisphere. Let the Cubans turn it down or let the Cubans isolate themselves from thought if they choose not to move. I raise a doubt as to whether we should be held in suspension by the whims of the Castro Government in that connection.

Mr. KISSINGER. We will certainly discuss this problem when we talk to the other 22 nations.

U.S. PARTICIPATION IN EFFORT TOWARD EASTERN ASIAN STABILITY

Senator McGEE. The second area I want to touch on quickly has to do with the dimensions of the possible new balance of Asia, perhaps some kind of an American conference there. I project this against the

backdrop of the developments in the last couple of years through the President's and your initiative with regard to the Peking Government. Is there a role for the United States that does not run against the directions you seek in Chinese relations? In other words, from the Chinese point of view, do you sense an interest in any kind of an American conference, participation, joint effort in the search for greater stability in Eastern Asia?

Mr. KISSINGER. I think the Chinese attitude is ambivalent. Ideologically they are opposed to the American presence in Asia. Practically, and looking at necessities that may arise for them, they are limiting the conclusions they are drawing from their ideology, and are deriving perhaps some reassurance from it. But this is a difficult matter to discuss here.

Senator McGEE. I understand there is more delicacy in either conversations or diplomatic effort, but it is bandied about in somewhat public ways that they are very deeply concerned, in fact bitter vis-a-vis the Soviet Union and the border problems they share of many thousands of miles, and their concern about the meaning of the new Japan in light of the new Japan, in the light of their own history with Japan in the last 35 years.

Mr. KISSINGER. They have always reacted.

Senator McGEE. Is there any basis for that, that you know?

Mr. KISSINGER. They have always reacted rather strongly to speculation in this area by the legislative branch, and I think they would take an even dimmer view of speculation by the executive branch.

Senator McGEE. I will respect the wisdom of that reluctance at this stage.

INQUIRY INTO CONSTITUTION AND STATUTORY MECHANISM SUGGESTED

The last point that I wanted to raise with you is really to express some misgivings of my own on this larger question of the executive branch and the Congress, particularly the Senate, in the initiatives in foreign policy, a thing that has engaged us all for so long here.

My misgiving, if that does not overstate it, is that in the overwhelming action that the Congress has now taken and voted on that question I have the lurking fear that much of what we did is another patch on our operating mechanism that may be out of date in this regard. Perhaps we were so overwhelmed with mistakes and emotions and feelings about Vietnam that we may have overreacted in trying to prevent another Vietnam, which may never be a real problem to face again.

One of our problems in the past has been to try to prevent a preceding crisis without addressing ourselves to the next. Is it not important that we inquire structurally into our mechanism, constitutional and statutory, in this new real world in which, as a world leader, we hope to survive?

A constitution that was drawn by men of great vision could not have envisaged the United States as a world power or as one of two poles of power for a long interval of time. The Founding Fathers could not have envisaged a nuclear age. They did not see a world in which wars might be waged without being declared, and maybe necessarily so, in a nuclear age. What are your ponderings in that direction?

Mr. KISSINGER. Senator McGee, I expressed my concern that in the desire to achieve a new balance, a situation could be created in which doubt might arise in the mind of the potential aggressor, and therefore war could be made more likely. This supports the general observations which you have made.

I believe it would be very useful if there could be a joint legislative executive examination of that problem, that takes into account the legislative concern for a sense of participation, but that is geared also to the realities of the present period. Then we can look at the whole mechanism in this era, when there are so many gray areas of decision-making that could not be foreseen by the Founding Fathers.

Senator McGEE. My time is up. Thank you for the reasons.

Senator SYMINGTON. Senator Griffin?

Senator GRIFFIN. Thank you, Mr. Chairman.

COMMENDATION OF WITNESS

Dr. Kissinger, Senator Javits said a little while ago you were ending your testimony before this committee and when you reach the most junior member of the minority party there is hope that maybe you are getting close to the end.

I must say that making this observation. I think, that these hearings have been useful, and I have followed them although I was not able because of my floor responsibilities and other responsibilities to be here all the time. But I doubt that they were really necessary in some respects because I think that most of the members of this committee, if not everyone of them, were well satisfied about your qualifications to be Secretary of State without the hearings.

Your performance speaks for itself, and I think the country owes you a great debt of gratitude for what you have already accomplished, your brilliance and the way you have demonstrated through your action and your record, your great qualifications to be Secretary of State.

COST OF SIGNIFICANT UNILATERAL U.S. TROOP WITHDRAWAL FROM EUROPE

I would focus on one particular area which I know was touched on the first day, but I do not think it was discussed quite adequately, considering the importance and the role that Congress can play in it. I refer to the efforts that you and the administration are making to negotiate some kind of an agreement concerning the level of troops in Europe.

There is great concern, I know, about the costs to the United States of our maintaining troops in Europe at the present level, in terms of dollars, in terms of our balance-of-payments deficit and the extent to which that contributes thereto.

I would like to ask you whether or not there would not be a rather important cost to the United States and to the world if we were to unilaterally and significantly cut back our troop strength in Europe without achieving some kind of an agreement.

Mr. KISSINGER. Senator Griffin, a significant unilateral withdrawal of American forces from Europe would have a significant—

Senator GRIFFIN. Would have what? I did not hear you.

Mr. KISSINGER. A significant unilateral withdrawal of American forces from Europe would have a disastrous effect on our whole struc-

ture of our Atlantic relationships, which we are in the process of redefining in this so-called Year of Europe—at a moment when, as the newspapers report today, the Europeans, for the first time, have produced a united answer to our proposal of last April. It would have very serious consequences.

I believe—and we are in the process of doing this, that we must assess NATO strategy. Within the framework of NATO, we must ease our financial burden. But in the absence of agreed reductions, we cannot reduce our forces unilaterally; we should not reduce our forces unilaterally.

Senator GRIFFIN. And in terms of helping you and the administration to achieve such an agreement, for the Congress to take the action which is suggested and advocated by some certainly would not be helpful, to say the least.

Mr. KISSINGER. It would be very unhelpful.

Senator GRIFFIN. Thank you, Dr. Kissinger.

I think that most of the questions that I had planned to ask, indeed all of them, have been asked at least once up until now and I am glad to allow the other junior member on the other side of the committee to have an opportunity.

Senator SYMINGTON. Senator Humphrey.

Senator HUMPHREY. I see that relaxed smile on the face of Dr. Kissinger. He now knows he has come to the end of his ordeal, at least for today.

SIGNIFICANCE OF TRADE AND ECONOMIC POLICY

Dr. Kissinger. I shall not keep you very long. I have a special interest in trade and economic policy.

I repeat what I said the other day. I think that this is a very significant dimension of what we call national security and foreign policy. If it is true that we are leaving a period of confrontation and entering into the era of cooperation, then we have to think in terms of economics and trade and resources. It is my judgment that this is going to be one of the toughest areas for our country in the coming months and years.

We are very short of natural resources, and at the present time, because of the devaluation of the dollar, there is a drain on American resources. It is a good buy if you can get everything you can from the United States.

SIGNIFICANCE OF ADEQUATE SUPPLIES OF FOOD AND FIBER

My special field of endeavor in the past year or so has been in the food area. I am of the opinion that the administration still does not realize the significance of the adequate supplies of food and fiber to national security, and to our foreign policy.

MEETING OF EXPORTING AND IMPORTING NATIONS CONCERNING FAMINE

Not long ago I wrote a letter to the President in which I suggested, in light of the fact that there is about a 400 million bushel shortage of wheat worldwide which precipitates an international food crisis, that there ought to be a meeting of the key exporting and importing nations.

to decide, first of all, what are we going to do about the areas of starvation and famine.

I would like very much, Mr. Secretary, if my vote prevails, that you give this issue priority attention, because I have noted day after day the problems in India and Bangladesh and the Sahel, in other areas, and our Public Law 480 program has ground to a halt insofar as any assistance is concerned.

I do not expect that the United States can do this alone, I want to be very frank about it.

For example, in the West African countries, France has a special responsibility.

Let me just put it in the form of a question.

Would you initiate, after consultation with the Secretary of Agriculture, the Secretary of Commerce, and obviously with the President, a discussion amongst the main exporting nations and the main importing nations as to what we are going to do in the coming year to relieve conditions of human misery and, in some areas, famine, in the light of the world food supply situation?

Mr. KISSINGER. You know, Senator Humphrey, that your suggestion runs counter to all our traditional attitudes with respect to agriculture.

Senator HUMPHREY. Correct.

Mr. KISSINGER. We have always resisted the idea of commodity-type agreements because we wanted to have the maximum opportunity for the export of American products, and we thought we would have enough to take care of all needs. In this respect the experience of the last year has been a challenge to all of our traditional assumptions. We recognize that now we are living in a new world.

We have recently started an interdepartmental study of this problem. The proposal you make is one that some of us were discussing informally earlier this year; at that time it did not receive too much favor because of the weight of previous assumptions.

All I can say, pending the completion of that interdepartmental study, is that the approach you have suggested is needed, and we will look at it with the greatest sympathy.

STATE DEPARTMENT INVOLVEMENT IN AGRICULTURAL EXPORT POLICY RECOMMENDED

Senator HUMPHREY. I will share with you some correspondence on it. Let me say again, Dr. Kissinger, my basic feeling is—and as Chairman of Foreign Agricultural Policy, I deplore export controls. I would like to see the market as open as possible. But I know that the Chairman of the Agricultural Committee, Mr. Talmadge, is deeply worried about the outflow, for example, the excessive outflow of American cotton. All of this is due, might I say to my colleagues, to the fact that the dollar has a 35 percent discount. There is a run on everything we have.

Yesterday morning we spent 2 hours on the fact that we have a shortage of fertilizer, and let me say that this fact means that we will be short 20 million tons of feed grains next year. Unless we can remedy the fertilizer shortage within 90 days we will be 20 million tons short next year on feed grains which will precipitate an international eco-

conomic crisis. And in the United States inflation will be like a barn burning down. There is no way that we can lose 20 million tons and not be in a major disaster.

I again say that I don't like to see export controls, but I want the State Department to be involved in this, and it hasn't been in the past. It has been looked upon as strictly commerce, or as agriculture, and yet this deals with our foreign policy. If we put on export controls it upsets others, as it did the Japanese, and the French used it to great advantage in terms of the common agricultural policy of the European Community. I hope, Dr. Kissinger, that you will involve yourself, as the Secretary of State, in matters which today have been essentially looked upon as commercial.

Might I say that even those who write about this are ill informed because there is a whole new ball game. People do not understand what is hitting us. I want to state for the record today that unless the Government of the United States takes some measures to either extend terms of shipment or enters into some form of licensing to where we can keep a better record on what is happening in terms of exports so that we can avoid export mandatory embargoes we are going to have an international food crisis, Dr. Kissinger, the likes of which no one has ever dreamed of. We are the only reserve producing country in the world, the only one, with any major reserve. The predictions, yesterday from Dr. Pearlberg of the Department of Agriculture were that we are headed for a 20-million-ton shortage next year, even though we open up 22 million more acres, because of one little subject called fertilizer which is running out of this country at \$20 a ton more overseas than they can get for it domestically. Enough on that, I just wanted to get you involved in it because I think the trade matters are going to be at the heart of all of your new efforts.

Mr. KISSINGER. It is a new field for us. We had not in the past thought that agricultural exports required foreign policy decisions. But I can assure you that the State Department will be deeply involved in these issues that you have raised.

IMPORTANCE OF CIA INDEPENDENCE

Senator HUMPHREY. I have one other observation. My time is up. You noticed my esteemed colleague, Senator Symington, questioned you at some length and detail and, may I say, very fortunately in reference to the Central Intelligence Agency. I want to make one comment so we have an understanding about it.

I think the independence of that Agency and to see that it does not come under the domination of the military or the Defense Department is critically important. I served in an administration where, had we listened more to some of the estimates of the Central Intelligence Agency, we would have been much better off than we were in listening to some of the estimates from Saigon. Having been through the punishment and the sorrow and the misery of this, I don't want to see it happen again. I don't want to see a situation develop where the independence of judgment that is necessary in that agency is lost.

I happen to believe in competition among the intelligence services. Don't misunderstand me, but I wanted to fortify, as one Senator, a colleague, what Senator Symington has had to say, because first of all

we respect his views on this and secondly, I think he knows maybe more about it than any other member on this committee and I wanted to collaborate and associate myself with his commentary.

Mr. KISSINGER. I have expressed my view about this yesterday. Any President will have to have an independent source of intelligence in addition to what the services produce.

Senator SYMINGTON. I thank the Senator very much for what he said. In turn, I was much impressed with his, the voice of experience, warning about future problems.

DOCUMENT ENTITLED, "PEACE, NATIONAL SECURITY AND THE SALT AGREEMENT"

I now have that document, Dr. Kissinger. It is called, "Peace, National Security, and SALT Agreements," and will read three sentences:

"Since World War II the United States and the Soviet Union combined have produced nearly \$20 trillion in gross national product—approximately \$15 trillion in the United States and more than \$4 trillion in the Soviet Union. Of that amount, more than \$2 trillion has been spent on defense (approximately \$1.3 trillion by the United States, and an estimated \$1 trillion by the Soviet Union).

"If the two societies continue to grow as projected to the end of the century, and if both continue to spend the same proportion of GNP on defense, the two countries together, by the year 2000 A.D., could spend another \$5 trillion or more to maintain national security."

This is dated August 1, 1972. It is a State Department release. It has charts and the figures mentioned. We always hear about how big the Soviet missiles are, as compared to ours, which was a calculated decision on our part years ago. The chart shows that four 1-megaton bombs are equivalent in destruction to one 16-megaton bomb. It gives a graph, and a note,

The United States has more small weapons, the Soviet Union has two larger weapons. This gives the U.S.S.R. a lead in megatonnage, but as this chart shows, it is not the total megatonnage that counts. It is the effectiveness best measured in equivalent megatonnage.

This was the document I asked your opinion about.

Mr. KISSINGER. Yes; I will express my view in writing.

PROBLEM OF WITNESS' TWO HATS

Senator SYMINGTON. Thank you. I think it is clear to everybody that if you win in this new work, we all win, and if you lose, all of us lose. With that premise, I would present a short statement drawn up by an expert in the field of foreign policy in Government.

A perturbing aspect of Dr. Kissinger's nomination to be Secretary of State is the knowledge that the President intends to keep him as his Assistant for National Security Affairs. In the simplest language, Dr. Kissinger, if confirmed, would wear two hats rather than the one which has already given him unprecedented authority in the field of foreign policy.

No matter what Dr. Kissinger may say to the committee, no matter how vehement his reassurances, and no matter that we have every reason to take him at his word, all this can be swept away by a simple, one-sentence order by President Nixon. If anyone doubts the responsiveness of the nominee to the President, he need look no further than the revelations about the meeting of the Washington Special Action Group at the time of the Pakistan tilt. If

Mr. Nixon wishes, he can take the important business of the State Department into his hands via Dr. Kissinger and leave Secretary Rush to empty the burn baskets.

The problem currently facing the committee is that there literally does not appear to be any way of dealing with this problem successfully unless two developments take place: First, the President name someone else as his Assistant for National Security Affairs and second, there might in the near future be a means of arriving at a consensus on the issue of executive privilege.

The first step would be relatively simple should the President wish to undertake it. The second is difficult at this juncture. It does no good for us to say that there is no doctrine of executive privilege but rather a custom of executive privilege. It would seem that this whole issue is going to be settled by political power and public opinion rather than legal maneuverings.

The experience of the Congress and the Foreign Relations Committee thus far with the Nixon administration has not been constructive. From its first days in office this administration has tried to concentrate power in the White House at the expense of the executive branch departments and agencies and the Congress and the courts and the American people.

There should not be any question about the principle of Executive accountability to the Congress. As stated by Senator Fulbright on July 27, 1973:

"In 1789 Congress adopted and President Washington signed a statute stating that it 'Shall be the duty of the Secretary of the Treasury to make a report and to give information to either branch of the legislature in person or in writing * * * respecting all matters referred to him by the Senate or the House of Representatives or which shall appertain to his office.'"

Congress has consistently enacted legislation to maintain and refurbish this principle ever since Washington's day. This is a far cry from some inherent power claimed for the President in a Constitution which clearly states that all powers not delegated to the United States "are reserved to the individual states respectively or to the people."

Senator SYMINGTON. Now, my opinion for what it is worth, I have been in the executive branch, have sat on the National Security Council, was in the executive branch when the National Security Council was created, and I believe it is going to be far more difficult for you to handle this new job the way you are capable of in wearing the two hats. I know we do not agree or you would not have accepted it. Kindly comment on the statement read, or if you prefer, take it and file a reply for the record at your convenience.

Incidentally, I would ask unanimous consent that all the detail of this State Department document, not long, be inserted in the record.

Mr. KISSINGER. Well, Senator Symington, we have discussed this problem privately. Of course, the President would have it in his power, if he appoints another Assistant, to withdraw all foreign policy matters from Secretary Kissinger, and have him empty the waste-baskets in the State Department. So that problem is not solved by separating the two positions. In fact, the danger is reduced by combining the two positions.

The intention of the President in combining the two positions, however, as he expressed in his press conference, is to move the central focus of policymaking from the White House to the State Department, reserving to himself, of course, the final decisions, but making the Secretary of State accountable to the committee in terms of the operation of the interdepartmental machinery which would remain under the Assistant to the President. It, of course, depends on the fairness with which this is conducted, about which each of the Departments will have its own judgment: and if fairness is lacking it will certainly lead to expressions of concern by the Cabinet members and the Chairman of the Joint Chiefs, each of whom has direct access to the President.

BUILDING UP STATE DEPARTMENT MORALE

Senator SYMINGTON. You have stated that it was your intention to build up the morale of the State Department, which, as everybody knows, could stand some building up. In Emmet Hughes' latest book, he mentioned that State has a problem; it doesn't have any, you might say, constituency. In the Labor Department there are a lot of people including the unions working on labor; Commerce Department, business works on Commerce, and bankers work on the Treasury. The State Department has nothing of that character from the standpoint of support. My question, do you believe that maintaining the position you have in the White House, and, at the same time functioning as Secretary of State will make it possible for you to improve to the extent you and all of us would like to see the status and morale of the State Department.

Mr. KISSINGER. I am convinced, Senator, that if I am confirmed, the State Department will notice that it is playing a major role. Morale derives from a sense of participation and a sense that one is doing something important and in the national interest. If I cannot achieve that in the State Department, I will be missing my primary function.

I am sure I can achieve it.

Senator SYMINGTON. Let me wish you the very best of luck.

Senator JAVITS.

Senator JAVITS. I would like to yield to Senator Griffin.

Senator GRIFFIN. No questions.

WITNESS' RETENTION OF WHITE HOUSE POSITION

Senator JAVITS. I have two questions to ask Dr. Kissinger on this very subject of the two-hat theory. Dr. Kissinger, do you consider it an essential precondition to your being Secretary of State that you should retain this position in the White House?

Mr. KISSINGER. I think, Senator Javits, that in terms of the operation of the Government, in terms of the relationships that have developed within the Government, this will be by far the most efficient way of conducting the affairs of the Government.

Senator JAVITS. But I assume you do not wish us to rule out the possibility if you don't find that works satisfactorily you can still be Secretary of State without being the President's Chief Adviser in the White House.

Mr. KISSINGER. If it does not work satisfactorily, then I am certain that the President will want to make other arrangements.

Senator JAVITS. Now, the question which leads from that is the following, and I think again our committee has had these assurances but let us phrase it within this context: You represent to the committee, as a condition of your confirmation, that there is nothing that you will do as Special Adviser to the President and a White House official which will prevent you from, or inhibit you either in your relations with this committee or in the exercise of the Office of Secretary of State to operate as you would if you were not a White House official.

Mr. KISSINGER. That is correct, Senator Javits.

Senator JAVITS. Thank you.

Thank you, Mr. Chairman.

Senator SYMINGTON. Senator Griffin.

Senator GRIFFIN. No.

Senator SYMINGTON. Thank you for your courtesy and tolerance and your constructive thinking.

[Whereupon, at 12:35 p.m., the committee adjourned, subject to the call of the chair.]

NOMINATION OF HENRY A. KISSINGER

FRIDAY, SEPTEMBER 14, 1973

UNITED STATES SENATE,
COMMITTEE ON FOREIGN RELATIONS,
Washington, D.C.

The committee met, pursuant to notice, at 9:45 a.m., in room 318, Russell Senate Office Building, Senator John Sparkman, presiding.

Present: Senators Sparkman, McGovern, and Aiken.

Senator SPARKMAN. Let the committee come to order, please.

I regret the weather and the strikes, and so forth, have caused all of us some trouble, but we are glad to get started.

OPENING STATEMENT

The Committee on Foreign Relations is meeting this morning to receive testimony on the nomination of Dr. Henry Kissinger to be Secretary of State. I note that we have 10 witnesses on our agenda. I hope that each individual will comply with the committee's request to limit his testimony to 10 minutes. If you have prepared statements we will include all of the statements in the record and you may present your testimony as you see fit.

Our first witness this morning is our friend Donald M. Fraser. He is speaking for the Americans for Democratic Action, and also expressing his views as a member of the Foreign Affairs Committee of the House. Mr. Fraser, we will be glad to hear from you.

STATEMENT OF HON. DONALD M. FRASER, A REPRESENTATIVE IN CONGRESS FROM THE FIFTH CONGRESSIONAL DISTRICT OF MINNESOTA AND NATIONAL CHAIRMAN, AMERICANS FOR DEMOCRATIC ACTION; ACCOMPANIED BY JOHN ISAACS, LEGISLATIVE REPRESENTATIVE, ADA

Mr. FRASER. Thank you very much, Mr. Chairman. I am grateful for this opportunity the committee has given me to comment on the nomination of Dr. Kissinger to be Secretary of State. I am appearing Mr. Chairman, as already indicated, today both as a member of the House Committee on Foreign Affairs and as the National Chairman of Americans for Democratic Action. With me, Mr. Chairman, is Mr. John Isaacs, who is legislative representative of our organization.

My position here this morning is made more difficult because of antisemitic and extreme right wing objections interposed regrettably by others. I emphasize that I am in no way associated with such views. Nevertheless, I feel an obligation to set forth some grave reservations I hold concerning this nomination.

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QUESTIONS RAISED BY COMMITTEE

The experience of the past 4½ years has taught us that if we ignore ethical and constitutional principles in executing foreign policy, we run the risk of seriously undermining the democratic process of government. During the past week, the Committee on Foreign Relations has wisely raised questions about Dr. Kissinger's culpability in wiretapping telephones of members of his staff and the press, and in the secret bombing of Cambodia in 1969 and 1970. You have also inquired as to his intentions regarding the invocation of executive privilege in communications with Congress. Satisfactory answers to these questions and assurances concerning future conduct are essential before confirmation can be justified.

REQUIRED ASSURANCES

Dr. Kissinger's pledge to this committee "to seek to maintain a climate of mutual trust" is encouraging, but public and congressional confidence in his and the President's commitment to the democratic conduct of foreign relations has been so severely shaken that more specific assurances are required. One has to acknowledge frankly that a "climate of mutual trust" would be a major departure from the deception and jealous guarding of power which has been characteristic of the Nixon-Kissinger foreign policy. Accordingly, Dr. Kissinger's confirmation should be withheld until and unless you receive complete assurance on the following four points: (1) that the administration will not engage in military combat not sanctioned by Congress; (2) that the administration will tell Congress and the American people the truth about its foreign activities; (3) that the administration will provide Congress with the information it needs on foreign policy; (4) that Dr. Kissinger will neither participate in nor condone any invasion of constitutional rights in the performance of his duties.

Such simple and fundamental assurances from a Secretary of State, it seems to me, normally ought to be taken for granted. But we are living in a strange time when it is necessary to go back to "square one" to make certain that the ground rules are really what we thought they were; regrettably, very little can be taken for granted.

The bombing of Cambodia in 1969, 1970, and 1973, and the hundreds of military incursions into Laos are serious examples of official deception and contempt for congressional authority. We need firm guarantees that in the event of an attack on Saigon, for example, North Vietnam would not be bombed without congressional approval; likewise, in the case of a U.S. combat role in insurgencies in Thailand and the Philippines where thousands of U.S. troops are stationed.

The administration's false reporting on the bombing of Cambodia, its pledge of evenhandedness in the Indo-Pakistan war, when it strongly supported Pakistan, and Dr. Kissinger's initial denial of knowledge of wiretaps on his staff reveal a pattern of dishonesty in dealing with the American people. All of us have a responsibility to demand the truth, and the administration has a responsibility to give it. But the crisis of confidence is presently so severe that doubts inevitably arise as to whether we can believe the administration's denial of involvement in the coup in Chile, for example.

The administration's unwillingness to provide Congress with the information it needs to carry out its constitutional responsibilities in foreign relations, its excessive recourse to executive privilege, its distrust of newsmen, its intransigence toward widely supported challenges to its foreign policy assumptions create the impression that Dr. Kissinger and the President regard the conduct of foreign relations as somehow exempt from the democratic process. We have a right to expect more openness from them. It is deplorable that the American people and Congress should have to depend so much on the press to ferret out information—by whatever means available—in order to find out what the Government is doing in foreign affairs.

COMBINATION OF POSITIONS

Combining in one person the positions of Secretary of State and Assistant to the President for National Security Affairs is an innovation with much to commend it. The incumbent with this dual portfolio has the unique opportunity to make U.S. foreign policy more internally coherent than ever before in the post-World War II era by maximizing the potential of both the State Department and the National Security Council system. This is an organizational experiment worth launching in search of a more coherent way to manage foreign affairs.

On the other hand, if the combined Secretary of State/Presidential assistant were to hide behind White House executive privilege, refusing to testify before Congress and withholding information, the new arrangement would be counterproductive for the Nation on balance. I hope Dr. Kissinger's assurances to this committee on this matter will be reflected in his actions.

NIXON-KISSINGER PREOCCUPATION WITH BIG-POWER POLITICS

I am convinced that the Nixon-Kissinger preoccupation with big-power politics is shortsighted and that if we are to secure a "generation of peace," U.S. foreign policy must show a great deal more sensitivity in relations with countries other than the Soviet Union and China. Certainly, the slighting of Japan in our contacts with China was a major blunder, and Dr. Kissinger's consistent lack of concern for Japanese views is alarming. We are now halfway through the heralded "year of Europe" without any evidence of any concrete policy to define what it means. And there is an urgent need to build a firm and cordial "tri-lateral" relationship among the United States, Western Europe, and Japan.

Our neglected relations with third world nations call for greater American commitment to development assistance emphasizing mutual respect and cooperation. With black Africa low on the totem pole of priorities, the administration sat with folded hands while Congress gave the Smith regime in Southern Rhodesia its biggest boost by authorizing imports of chrome ore in violation of international law under U.N. sanctions. Close ties and military assistance to Portugal help it to hold tightly to its African colonies. Dr. Kissinger's recent public statement supporting efforts to repeal the Rhodesian chrome amendment must be followed by high-level action by the State Department and the White House if these efforts are to succeed.

Improvements in bilateral relations with the Soviet Union and China would seem to set the stage for a new American emphasis on multilateral diplomacy, particularly in the United Nations. Since a growing number of world problems—such as environmental decay, disarmament, and law of the sea—cannot be solved bilaterally, new American initiatives are needed to strengthen the United Nations and other broad multilateral forums. But instead, this country too often buries its head in the sand with its position isolated even from its traditional friends.

The United States spiteful policy of not exchanging ambassadors with Sweden is unworthy of a mature nation. The administration's childish reaction to Swedish criticism of U.S. bombing of North Vietnam was uncalled for, and I hope Dr. Kissinger's stated intention to name ambassadors to all unfilled posts by mid-November includes the appointment of an envoy to Stockholm.

PROMISE OF MORE OPEN ADMINISTRATION

In the wake of distressing revelations in the Watergate scandal, President Nixon has promised a more open administration and his Secretary of State-designate has been emphatic on this point in regard to foreign affairs. It would be cynical simply to reject these statements by citing the record of the past 4 years and recalling that the President made an identical promise in 1969 at the beginning of his first administration. Clearly, though, without a change in the Nixon-Kissinger style, these promises cannot be kept because, heretofore, that style has been inconsistent with openness.

Without satisfactory assurances of democratic process, confirmation of the Kissinger nomination would make every acquiescing Senator a collaborator in endorsing the infringement of constitutional rights and the practice of deception upon the American people.

Thank you very much, Mr. Chairman.

Senator SPARKMAN. Thank you.

COMMENDATION OF WITNESS' STATEMENT

I want to say you have made a very fine and constructive statement. I agree in principle with you on nearly everything you said. We thank you for appearing.

Senator Aiken.

QUESTION SUBMITTED TO DR. KISSINGER

Senator AIKEN. I have no comment and no questions to ask, because there have been submitted to Mr. Kissinger several dozen questions to which he is to reply in writing. His replies will be printed in the record of these hearings. This record should be available, I would think, by next Tuesday. If the nomination is approved by the committee, then the record will be available for anyone to read it before the Senate votes on his confirmation. So I think all the questions you have raised have been asked and will be replied to in writing anyway.

Mr. FRASER. I am very happy to learn that. Thank you very much.

Senator SPARKMAN. Thank you very much.

Our next witness is Col. Curtis B. Dall.

Former Senator Ernest Gruening, I understand, has not arrived yet. So we will call up Colonel Dall, chairman of the Board of Policy of the Liberty Lobby. Colonel Dall, we are very glad to see you, sir. Will you proceed with your statement.

STATEMENT OF COL. CURTIS B. DALL, CHAIRMAN, BOARD OF POLICY, LIBERTY LOBBY; ACCOMPANIED BY ROBERT M. BARTELL

Colonel DALL. Mr. Chairman, with your permission, I would like to have my associate, Robert M. Bartell join me here.

Senator SPARKMAN. Yes, indeed. Glad to have you here, Mr. Bartell.

Colonel DALL. Mr. Chairman and members of the committee, I am Curtis Dall, chairman of Liberty Lobby, an institution consisting of American citizens who have voluntarily joined together to promote their patriotic and constitutional convictions. Liberty Lobby is fundamentally different from other pressure groups in Washington because we do not speak for any special interest but for the broad interest of the United States.

In addition to our publications, which go to more than 200,000 readers every month, more than a million listeners hear our daily radio program, *This Is Liberty Lobby*, now on 81 stations coast to coast.

CONFIRMATION OF DR. KISSINGER OPPOSED

I speak to respectfully oppose the confirmation of Dr. Henry Kissinger as Secretary of State, and my reasons for doing so are numerous. In fact, in the time allotted to me I can only sketch a few of these reasons which seem to Liberty Lobby to be the most important.

CONTINUATION OF POLICY OF INTERVENTION AND INTERNATIONALISM

Our basic objection to his confirmation is that Dr. Kissinger represents a continuation of the policy of intervention and internationalism which has devastated America and the world in the past 60 years. The underlying philosophical assumption of internationalism is that Americans are so perfect and good and wise that we have the right and even the duty to meddle into the affairs of others to make them as perfect and as happy as we are. Internationalism is not only an irresponsible and deceptive philosophy that is totally unworkable in practice, as history for the past 60 years has shown, but it is extremely damaging to the interests of the United States and trends to the total relinquishment of the most precious thing you and I possess—American sovereignty.

Since its very inception, Liberty Lobby has distributed to its members and sold to anyone who wants to purchase, copies of the Farewell Address of George Washington. As you know, every February 22d, the address is read on the floor of the Senate. It contains a strong warning against the insidious wiles of foreign influence, since history and experience prove that foreign influence is the most baneful foe of republican government. This advice, gentlemen, represents the distilled wisdom of all history, and to keep ignoring it and pretending as if

George Washington did not know what he was talking about is totally irresponsible.

As few men, Dr. Kissinger represents the antithesis of this policy—insofar, I mean, as one can make any sense out of his policy, because his written words are obtuse and unclear. But there is no doubt that his idea of foreign policy consists in becoming embroiled in the problems and quarrels of every nation on earth in the alleged search for peace, and this is, Liberty Lobby states, irresponsible, contrary to the interests of every man and woman who lives in America, and in the long run, suicidal. This great indictment of the philosophy of internationalism must no longer be shirked by reasonable men.

As evidence of Dr. Kissinger's clear intention to continue the devastation of internationalism in his pronouncement of his aim to create a "New Atlantic Charter." I was speechless when I heard this. Nothing could be more clear in historical retrospect than the so-called Atlantic Charter was a hypocritical fraud practiced on the American people for the sole purpose of preparing them for war. In fact, no Atlantic Charter even exists. It was simply a press release issued by Churchill and Roosevelt to cover up their war conspiracy 4 months before Pearl Harbor. Its provisions are so blatantly dishonest that men should cringe at such massive perfidy.

Instead of the utopia promised by the so-called Atlantic Charter, the end of the war brought slavery for 130 million Eastern Europeans, who, by the way, are fated to remain in perpetual slavery under the heel of the Red Army if the Kissinger policy should prevail. Shamefully, while there is widespread and extremely vocal concern for the "human rights" of certain favored minorities inside the Soviet Union, no one seems to give a hang about 130 million people in Eastern Europe who can testify to the humbug of the so-called Atlantic Charter.

In spite of the tragedy of Eastern Europe, sold into slavery by the signers of the so-called Atlantic Charter over the corpses of millions of military and civilian combatants, Dr. Kissinger shapes his plans for the future around a "new Atlantic Charter." If he, who is touted as an historian and a "brilliant mind," does not agree that the so-called Atlantic Charter was and was meant to be a well-planned deception on the people of America, then he is doubly unfit to serve as Secretary of State.

ENHANCEMENT OF CONCENTRATION OF POWER IN EXECUTIVE BRANCH

The second major reason Liberty Lobby opposes the confirmation of this appointee is that, should the Senate confirm him, it would represent an enhancement of the concentration of power in the executive branch and a further undermining of the power, prestige, and status of the legislative. Dr. Kissinger comes to you not only as a prospective Secretary of State, a job which he has in fact more than shared with the previous Secretary, but also as the Chairman of the National Security Council, and as such the de facto head of all intelligence operations in the United States, and chairman of the Defense Programs Review Committee, which, as I am sure this committee realizes, has the power to make recommendations to the President concerning all defense expenditures in the annual budget. Does this not

give him effective control over the Department of Defense? We are also aware that he is chairman of the "Secret Forty Committee," according to the September 11 New York Times. Pray, what is that? Certainly, very few Americans have ever heard of it, and all we are told is that it "deals exclusively * * * in covert operations."

Dr. Kissinger's power is already far greater than that of anyone else in the United States with the possible exception of the President himself. Let me point out that to confirm him as Secretary of State would not only invest this man with power greater than any one man should have, but also it would constitute de facto approval of his authority in his other positions. Please ponder that well.

To assume that he would respect the prerogative of this committee or the Congress after his confirmation is unrealistic. If the task of restoring the authority of Congress is to be undertaken by Congress, then the place to start is here by denying the confirmation of this designate.

INVESTIGATION OF DR. KISSINGER'S RELATIONSHIP WITH NONOFFICIAL GROUPS URGED

Finally and briefly, we urge that Dr. Kissinger's relationship to certain secret and semisecret, nonofficial groups be investigated for evidence of collusion or conspiracy. I refer particularly to the Council on Foreign Relations and more specifically to the international Bilderberger group. Dr. Kissinger is known to have attended two very secret meetings of this group, the latest in Woodstock, Vt., April 23-25, 1971. Among the subjects alleged to have been discussed here was devaluation of the dollar, which became a fact a few months after this meeting. The American people have a right to know more about this secret meeting, and I point out that there was a possible violation of law involved; namely title 31, chapter 10, section 551 of the United States Code, because of the illegal use of Government-provided transportation, Secret Service and FBI agents not in discharge of official duties. Gentlemen, the taxpayers have a right to know how their money is spent.

INSERTIONS FOR THE RECORD

I ask for permission to insert into the record, as documentation and extension of my remarks, our issue of Liberty Lowdown for June 1971, No. 100. Liberty Lowdown is a monthly report sent to all our members, and this issue concerns the secret Bilderberg meeting to which I have referred.

Second, I submit for inclusion into the record a copy of our emergency mailing earlier this month, containing a brief item from the Los Angeles Times which I should bring to your attention.

DENIAL OF CONFIRMATION RECOMMENDED

In conclusion, Liberty Lobby recommends that this committee deny the confirmation of Dr. Henry Kissinger as Secretary of State.

I thank you for this opportunity to present the reasoned objections of a significant sector of American opinion, and an opinion that has for its motivation only the best interests of America.

Senator SPARKMAN. Thank you very much, Colonel Dall.

The papers you asked to include are not too voluminous, are they?
 Mr. BARTELL. No, they are very short.
 Senator SPARKMAN. Without objection, they will be included.
 [The information referred to follows:]

LIBERTY. LOBBY,
Washington, D.C., June 1971.

LIBERTY LOWDOWN

SECRET WORLD SUMMIT CONFERENCE

Liberty Lowdown has penetrated the outer hard shell of secrecy around the mysterious Bilderbergers—the most secretive coterie of super-rich, leftist internationalists in the world. This story was first broken by Rep. John Rarick (D-La.), in the May 5 Congressional Record, with information supplied to him by Liberty Lobby on May 3. Other than this and the article in the May 15 Washington Observer, this tremendous story has been totally suppressed in all of the national news media.

What makes the following so vital is not only the meeting itself but the fact that the allegedly “free press” of America has cooperated in a great conspiracy to keep it secret.

The “permanent” chairman or front man of the Bilderberg group is H.R.H. Prince Bernhard of the Netherlands, royal consort of Queen Juliana. He is the only official designated as “permanent” in the Bilderberg clique—all others are “honorary” or “temporary.” But lurking ominously in the shadows behind him are the Rothschilds, Warburgs, Wallenbergs, Rockefellers, and other great international banking dynasties. For inexplicable reasons, they are highly elusive about the whole thing.

You did not read about it in the “free press” but the latest Bilderberg meeting was held Apr. 23–25, 1971, at Woodstock, Vt. Liberty Lowdown dispatched a reporter to the scene despite the tight security and secrecy maintained by about 150 state and local policemen working under a task force of FBI agents. Never before had there been such an array of law enforcement officers in the village of Woodstock (population 1,600). The Woodstock Inn is owned by Laurance Rockefeller, who lives in a spacious home on a hillside; everyone was barred from the inn except the Bilderbergers.

THE DIGNITARIES ARRIVE

When Prince Bernhard arrived in his private jet in Boston, a terse 2-page statement was released to about 30 waiting newsmen. No further information was given out about the meeting and no interviews were granted by the distinguished personages attending. As the foreign VIP's arrived in New York and Boston, three private Rockefeller planes ferried them to West Lebanon, N.H., where chauffeured limousines whisked them away to the Rockefeller estate or the Woodstock Inn.

Several foreign ministers of cabinet level rank attended. No Nixon cabinet officer was there, but Dr. Henry A. Kissinger, assistant to the President for National Security Affairs, participated in the meeting. He arrived in a White House plane, accompanied by four U.S. Secret Service bodyguards, and Lt. Gen. John W. Vogt, director of the Joint Staff, Organization of the Joint Chiefs. (NOTE: The secret guest list of the participants has been obtained as this issue goes to press, and will be sent free to any member of Liberty Lobby upon request, accompanied by a stamped, self-addressed envelope. Be sure to give Board of Policy number.)

Back in 1937, Prince Bernard, an impoverished German princeling, was working in the Paris office of I. G. Farben, when a telegram from his mother summoned him to Switzerland, where he met and wooed Princess Juliana of Holland. During World War II, Bernard was Dutch liaison officer with the British Royal Air Force in London. After the war, he was public relations promoter of the NATO alliance and the European Common Market, and helped promote the sale of Dutch products to South America. Prince Bernard was approached by the Polish liberal writer and political philosopher Retinger, with his scheme for a united Europe and eventually one-world government.

Bernard thought Retinger had a good idea, but the Dutch ministers feared that the scheme might embarrass Holland. Bernard took off for Washington, D.C., where he got support for the Retinger plan from Gen. Walter Bedell Smith, then director of the Central Intelligence Agency, and C. D. Jackson, a White House aide also closely connected with the CIA. "Beedle" Smith had been American ambassador to Moscow, where he had been thoroughly brainwashed. His first act as CIA director was to assemble all his top officials and announce, "We can't lick world communism—no counter-insurgency plans will work. We must compromise and co-exist with communism." The CIA officials were shocked.

In 1953, President Eisenhower appointed Smith Under Secretary of State, and named Allen Dulles to head CIA. The first Bilderberg meeting occurred in the Bilderberg Hotel, Osterbeek, Holland, with funds from the Ford and Rockefeller Foundations, and covert support of the CIA.

Since 1955, the Carnegie Endowment for International Peace has administered funds for the Bilderberg organization, provided by the Ford Foundation and other sources. And Joseph E. Johnson, head of the Carnegie Endowment, has been the Bilderberg honorary secretary general for the U.S. When Prince Bernard departed at noon on the second day of the recent Woodstock meeting, Johnson presided over the remainder of the conference.

ENIGMATIC WOODSTOCK FESTIVAL

The Bilderbergers have held 17 meetings. The recent 3-day Woodstock session was the third in the U.S. (St. Simons Island, Ga., 1957, and Williamsburg, Va., 1964—all three on Rockefeller-owned properties).

Bilderberg spokesmen say that Bilderberg is strictly a one-man thing, operated by Prince Bernhard without any permanent membership or even any permanent organizational structure. This is simply not true. The permanent Bilderberg secretariat is at 1 Smidswater, The Hague, The Netherlands. The secretary general for Europe is Ernst H. van der Beugel, professor of International Relations, Leiden University. And as previously stated, Joseph E. Johnson is secretary general for the U.S. In addition, a permanent international steering committee nominates the "participants" for each conference to Prince Bernhard, who issues invitations. And the "participants" (not delegates) are picked because of their involvement in the program of the agenda of the meeting. The 10 U.S. members on the international steering committee picked the 30 American participants in the recent Woodstock session.

When Mrs. Dori Parker, assistant to American Secretary General Johnson, was asked the names of the American members of the steering committee, she replied, "I am not supposed to give out that information." Not only are meetings held under heavier security than the U.S. National Security Council, but even the identity of the members of the international steering committee is secret. However, *Liberty Lowdown* was able to ferret out the names of the following members of the international Bilderberg committee: David Rockefeller, chairman, Chase Manhattan Bank; George W. Ball, managing director, Lehman Brothers, Inc.; Arthur H. Dean, senior partner, Sullivan & Cromwell; Gabriel Hauge, chairman, Manufacturers Hanover Trust Co.; Henry J. Heinz, chairman, H. J. Heinz Co.; Thomas L. Hughes, president, Carnegie Endowment for International Peace; Howard Stein, president, Dreyfus Corp.; Emilio G. Collado, executive vice president, Standard Oil Co. (N.J.); Robert O. Anderson, chairman, Atlantic Richfield Co. and chairman, Aspen Institute for Humanistic Studies; and Ian K. MacGregor, chairman, American Metal Climax.

The Bilderberg steering committee members generally nominate each other as conference participants—but not always. How the original members of this autocracy are chosen is not only a secret but how they are replaced is a secret. And even the total membership of the international steering committee is also a secret. Why do great international financiers and noted educators want to conceal the fact that they are Bilderberg committeemen? The Bilderberger operations appear more like the clandestine meetings of the dreaded Mafia or the murderous Zionist Stern Gang than the harmless get-together of world leaders for a frank discussion of international affairs. Phyllis Schlafly, in *A Choice Not an Echo*, called the group an example of a "little clique of powerful men who meet secretly and plan events that appear to 'just happen.'"

The noted British authority on internationalist groups, A. K. Chesterton, in *The New Unhappy Lords*, asserts, "If the facts concerning the Royal Institute

of International Affairs and the Council on Foreign Relations be accepted, it will be seen that the proper study of political mankind is the study of power elites, without which nothing that happens can be understood. These elites, preferring to work in private, are rarely found posed for photographers, and their influence upon events has therefore to be deduced from what is known of the agencies they employ. There are dozens of such agencies. Financial support received from one or the other or all three big American foundations—Rockefeller, Carnegie, and Ford—provides an infallible means of recognizing them. One of the most blatant of these agencies, despite its adoption of a secret society technique, is the Bilderberg group. Strange, is it not, that Prince Bernhard should be the 'front' man for a powerful left-wing secret society? . . ."

IT IS OFFICIAL—THE AMERICAN ROLE "CHANGES"

Only two topics were on the Woodstock agenda: (1) The contribution of business in dealing with current problems of social instability and (2) The possibility of a change of the American role in the world and its consequences. The first subject was scheduled for only the first day, and Dr. Kissinger apparently did not consider it very important, because he skipped it. The next morning he presented his "working paper." Discussion on his proposals lasted all day, continuing to a cocktail party hosted by David Rockefeller. This "working paper" was the most significant presentation at the closed-door parley, according to informed sources. In fact, it was a briefing of U.S. estimates and intentions regarding its "changing global role."

Ironically, only one U.S. Senator participated, Adlai Stevenson III (D-Ill.), and four Congressmen: Donald Fraser (D.F.L.-Minn.), Peter H. B. Frelinghuysen (R.-N.J.), Henry S. Reuss (D-Wis.), and Donald W. Riegle (R-Mich.), Frelinghuysen and Reuss belong to the CFR.

Gabriel Hauge also presented a working paper. Incidentally, when he was a White House aide, he was known as the "man who tells Ike what to think," according to the Wall Street Journal. A forerunner of Bundy, Rostow, and Kissinger, he held the status of American foreign policy arbiter. Now he is in a strategic spot in the power elite as chairman of Manufacturers Hanover Trust, a bank with close ties with the Zionist international banking firm of Dillon, Read & Co. Manufacturers Hanover has long been controlled by Horace Flanigan, father of Pete Flanigan, vice president of Dillon Read, now on leave while serving as a top Nixon aide. The Flanigans and Dillons have joint oil investments tied to Union Oil and Standard Oil of California; the Dillon Read firm also has close tie-ins with the Rockefellers and Standard Oil of New Jersey.

PEACE CARNEGIE STYLE

The notorious Alger Hiss left his high State Department post to become president of the Carnegie Endowment for International Peace. A few years ago, the group prepared a plan for a U.N.-sponsored military operation against South Africa. The U.S. and Soviet air forces were to cover the invasion of the republic by national forces from a number of countries. When the plan leaked prematurely before the liberals could "condition" public sentiment, a furor arose.

Three years ago Henry Kissinger and Charles W. Yost, then Nixon's ambassador to the U.N., helped prepare the *Future of the Strategic Arms Race: Options for the Seventies*. The report, published by the Carnegie Endowment, advocated nuclear power "sufficiency" rather than "superiority."

In a campaign speech on Oct. 24, 1968, Nixon declared his intention to "restore our objective of clear-cut military" superiority over the Soviet Union. This strong pro-American statement doubtless helped Nixon get votes. But a week after taking office, the Carnegie Report was issued, and Nixon has since advocated nuclear "sufficiency."

Perhaps it is more than coincidental that only a few days after the Bilderbergers met at Woodstock to make it official that the U.S. was about to experience a "change in the American role" in the world, billions of dollars were rushed to Germany to profit from American dollar devaluation, one aspect of this Nation's waning power and prestige under internationalist leadership.

Americans aware of the sinister group that met at Woodstock in April will have no difficulty in identifying those responsible for their national troubles.

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EMERGENCY P.S.!

In only a matter of days the Senate will begin hearings to confirm the appointment of Henry Kissinger as Secretary of State. Liberty Lobby will, of course, officially urge that he not be confirmed in testimony before the Foreign Relations Committee.

But this is not enough! Your personal opposition to Kissinger must be made known emphatically and immediately—and your friends must join their protests with yours without delay!

Why should Kissinger not be Secretary of State? As Nixon's National Security Advisor and head of the National Security Council Intelligence Committee, Kissinger has wielded power "second only to that of the President himself," in the words of a Senator. Few people realize that all spy agencies, including FBI, CIA, Defense, and Treasury intelligence have been reporting directly to Kissinger since Nov. 6, 1971, when Nixon turned over this horrifying power—lock, stock, and barrel—to Kissinger by Executive Order.

Now, if confirmed as Secretary of State in addition to his job as spy boss, the enigmatic Kissinger will actually wield more power than the President himself, who is gravely weakened by "Watergate"! (Strange, isn't it, how Kissinger will benefit by Watergate?!)

Henry Kissinger must not be Secretary of State because:

1. The Constitution stipulates that the President and Vice President be native-born. Certainly an unelected official with power equal to or greater than that of the President should also be native-born. Plenty of native-born Americans would make a good Secretary of State!

2. Kissinger has stated that the time is at hand for the surrender of "institutions based on the concept of national sovereignty"! He is recognized as being pro-Soviet and pro-world government. He is, in the words of a top security official, "a security risk as bad as Walt Rostow or Owen Lattimore."

3. Kissinger's appointment is a slap in the face of the oil-rich Arabs, who know where his loyalties really lie (see reprint from page 1 of Los Angeles Times). America must maintain a stance of neutrality in the Mideast, and not give Israel everything demanded.

For our own best interests—Here is what to do:

First, contact your two Senators now! Write, wire, or call them to oppose the confirmation of Henry Kissinger . . . and

Second, send a generous contribution to Liberty Lobby, which will devote every radio program to Kissinger beginning Sept. 4! Be sure to listen, and tell your friends to listen. Remember, your influence counts . . . use it!

[From the Los Angeles Times, Aug. 27, 1973]

KISSINGER, AS A JEW, WILL FACE HOSTILITY OF ARABS IN NEW POST

(By William J. Coughlin)

BEIRUT—Henry A. Kissinger, whatever his qualifications as secretary of state, will face a hostile Arab world because he is a Jew.

That already is clear from initial reaction to his appointment.

One newspaper here called Kissinger's new assignment an Israeli victory over the Arabs comparable to that of the June, 1967, war.

Another denounced him as "the Israeli Henry" and declared that the American Zionist movement forced President Nixon into the appointment.

Kissinger's assertion at a California news conference that "I will conduct the foreign policy of the United States regardless of religion and national heritage," was greeted with jibes in the Arab press.

"There is no doubt that the man will serve Israel more than the United States, as do the Jews everywhere and at all times," said Beirut's Al Moharrer.

Arab diplomats here take a similar view, although one suggested that Kissinger, because he is a Jew, might be able to wring more concessions out of Israel than outgoing Secretary of State William P. Rogers.

High officials in several Arab countries have expressed the view, that efforts by Rogers to end the Middle East deadlock were blocked by Israeli intransigence. It seemed unlikely to observers here that Kissinger will get the benefit of any such considerations.

Overall, reaction has been that the Kissinger appointment was a setback to any Arab hopes of a more even-handed role by the United States in the Middle East. That, in turn, appeared likely to increase the belligerence of Arab nations toward both the United States and Israel.

Senator SPARKMAN. Senator Aiken.

Senator AIKEN. No questions now.

Senator SPARKMAN. Thank you, sir.

Next will be Bronson P. Clark, American Friends Service Committee.

STATEMENT OF BRONSON P. CLARK, AMERICAN FRIENDS SERVICE COMMITTEE; ACCOMPANIED BY JOHN SULLIVAN, ASSOCIATE EXECUTIVE SECRETARY

Mr. CLARK. Mr. Chairman, I brought John Sullivan, my Associate Executive Secretary, with me this morning.

Senator SPARKMAN. Very glad to have both of you, sir.

Mr. CLARK. My name is Bronson Clark, and I am executive secretary of the American Friends Service Committee.

OPPOSITION TO CONFIRMATION

We speak today in opposition to the confirmation of Dr. Kissinger from the viewpoint of our experience of 54 years in work abroad in a variety of wars and variety of situations on all sides of conflict; in the operation of seminars, conferences for diplomats, including members of the American Foreign Service.

Our experience abroad has reinforced our basic belief that we cannot separate the Judeo-Christian ethic from the affairs large or small, in what we do. We think the policies and actions of Dr. Kissinger are a prime example of that separation, and in view of this and in view of the limited time, I am going to confine my testimony, in the brief 10 minutes allowed, to two major deceptions as practiced by Dr. Kissinger. I am not speaking in an attack on the man; I am talking about the policy, but you cannot separate the man from that policy.

DECEPTION CONCERNING VIETNAM WAR

The deception will be a deception which is currently practiced. Let us turn on the one in the past.

In 1969, I, along with other American Friends Service Committee representatives, held three substantial meetings with Dr. Kissinger. Our purpose was to ascertain why it was that the war was continuing to be prosecuted when the President had announced that he had intended to bring about American withdrawal.

We discovered then, for the first time, what Vietnamization really meant. By withdrawing in certain increments of American ground forces this was given as an index of our desire for peace. Actually, we discovered that what was done was a substitution of the most awesome air power in the history of modern warfare on an essentially peasant society. The tonnage of bombs it is now well known that the Nixon-Kissinger administration dropped not only on North Vietnam but

even four times the tonnage on South Vietnam as well as Laos and now even Cambodia.

I remember one meeting in May 1969 when Dr. Kissinger said to me "well, if we are not, if we have not ended American intervention in 6 months come back and tear down the White House gate." Even when he said that he had commenced the bombing of Cambodia 2 months earlier.

Is the U.S. Senate to endorse this gross deception of the Congress and the public by confirming the man whose guidance was at the heart of these policies? Not only were the Cambodian bombing and incursions into Laos in violation of the Constitution which gives Congress the right to declare war, but they violated American law inherent in treaties signed by the United States, namely, the protocols and statutes of The Hague and Geneva and the principles established at Nuremberg. Under these laws it is a crime to uproot civilian populations and force them into regroupment camps or strategic hamlets. It is a war crime to bomb villages and cities. It is a war crime to torture prisoners, let alone murder them by throwing them out of helicopters. Those are the things that happened. We now know of the step-by-step descent into the moral quagmire which finally led to the error bombing of Hanoi and Haiphong at Christmas last year. I myself went to Hanoi and personally can support the testimony of U.S. Air Force personnel who stated before the Senate Armed Services Committee on August 8 that North Vietnamese hospitals were routinely targeted as "a third priority item." I visited a North Vietnamese city named Hon Gai located north of Haiphong, a city of 80,000, in which not a building was left standing.

Then, after all 4 years of this outpouring of blood and treasure what was the result? An agreement was signed on January 27, 1973, in Paris which was not unlike the Geneva Accords of 1954. Not only that, but these terms had been available all along these 4 years. Dr. Kissinger always had the opportunity to terminate U.S. prosecution of the war in exchange for a compromise political settlement in South Vietnam. As long as the United States attempted to determine the kind of government that should prevail in South Vietnam, so long were the negotiations blocked. It was not until the recognition of the Paris Accords of the existence of the Provisional Revolutionary Government of South Vietnam . . . the so-called "Vietcong" . . . that signatures were put on the Paris agreements of 1973.

DECEPTION CONCERNING U.S. FOLLOWUP ON PARIS ACCORDS

This brings me to the second major deception that I would like to highlight in my testimony. I speak now from a background of American Friends Service Committee years of operation of a prosthetics center in Quang Ngai south of Danang, where Vietnamese are trained in the manufacture of artificial limbs, in physical therapy skills and in the rehabilitation work necessary for civilian war victims. Our firsthand knowledge and experience in the field has given us an idea of what the continuing extension of the war even beyond the Paris Accords has meant. I would like to quote one sentence which the entire article IV of the Paris Accords.

"The United States will not continue its military involvement or intervene in the internal affairs of South Vietnam." Yet, the U.S. followup in the Accords was to ask Congress for over \$2 billion for Thieu, \$651 million for economic aid and more than twice that for military aid.

It should surprise no one that our supplying aid to one of the two sides of the war will continue to fuel the war, and we know from our experience in the field that casualties are running as high as they did even before the ceasefire.

Just before the ceasefire deadline the Nixon administration, under Dr. Kissinger's guidance, shipped \$1 billion worth of modern aircraft, weaponry to the Thieu government, including F-5E's which were rolling off the Northrop assembly lines. More than that, we signed an agreement to dismantle our air bases, to avoid that we passed a piece of paper to General Thieu that said to General Thieu "You own these air bases and, therefore, how can we dismantle them." Then we turned around and signed a contract with Lear Siegler Corp. to run the Bien Hoa Air Base for a multi-million dollar contract. This is typical of the deception I am speaking about.

Out of the war room went the generals, into the war room in Saigon went the so-called MACV, thousands of civilians retired U.S. military personnel wearing sport shirts. They signed 67 corporation contracts to run the new war. ITT runs the military communications systems for the Saigon Air Force, and maintains certain other communications for the government. Lear Siegler maintains aircraft and basic electronic maintenance for aircraft. Northrop Aviation Corp. assumed a contract to train Vietnamese fighter pilots. We continue to train hundreds of Saigon's police.

Under the Paris Accords, two major political forces were recognized in South Vietnam as I have mentioned, Provisional Revolutionary Government, so-called Vietcong, and the Republic of Vietnam, the Thieu Regime. The struggle was to move from the military phase into the political phase. In order to do this there had to be free speech, according to the Accords, free press, release of prisoners, free movement of people has been agreed to. What has been Dr. Kissinger's policy in regard to this?

One day after the ceasefire one of our Quaker team heard a Saigon government loud speaker in the refugee camp in Quang Ngai "if you attempt to go back to your ancestral home in Communist areas, you will be shot." In the refugee camps and cities, a vast system established with U.S. advice and money, enforces Saigon's tight police controls. It costs the United States millions of dollars to run. Is it out in the open for all to see? The fact is that some of the funds are hidden in the USAID budget giving Congress and the public the false impression that it is "economic aid."

We have increased the Saigon police force from 20,000 to 120,000. Now every Vietnamese in South Vietnam under the Saigon control over the age of 15 must carry an ID card under the penalty of death with his photograph and fingerprints. There are rooms of massive files, a bureaucracy of surveillance which bows down on the Saigon people.

General Thieu has closed his press, his neutral press and forced enrollment of all he can reach into his own political party.

PHOENIX PROGRAM

Up to a short time ago we worked in a provincial prison and witnessed first-hand, our doctor's discovered that torture, which came about as a result of the so-called Phoenix program, this program is now known openly. On July 7, 1969 Dr. Kissinger said to me "one of the problems we are dealing with with the other side is they will not negotiate." At which point Dr. Gilbert White, our board chairman, who had just been talking with some of the delegates at the Paris negotiations said "Well, Dr. Kissinger, one of the greatest craws in their throat is your Phoenix program." As this committee knows even by Mr. Colby's own testimony, Mr. Colby headed up the Phoenix program and is now the head of the CIA, Mr. Colby's testimony was 29,000 Vietnamese have been imprisoned and 20,000 killed or assassinated.

So Dr. White said to Dr. Kissinger "well, Operation Phoenix is a craw in the throat to block the negotiations." Dr. Kissinger looked up "Operation Phoenix, Operation Phoenix, never heard of it."

The Paris peace accords called for the withdrawal of personnel associated with this Phoenix program, but Saigon issued a secret order in April 1973 to all police headquarters directing that this program be continued. It has been continued and accelerated under the code name of F-6.

HOW IS WORK OF U.S. GOVERNMENT TO BE CARRIED ON?

Well, time presses but let me say that the Council for Reconciliation and Concord called for in the Paris agreements cannot come into being with the jails full of professors, student leaders, Catholics and Buddhists alike. We operate these prisons in the sense we pay their keepers salaries. U.S. money paid for the new tiger cages. Is the work of the U.S. Government to be carried on in secrecy and by illegal and unconstitutional means? Or is it to be a healthy Government, an open one, in which our representatives and citizens can effectively debate the great issues of the day? Are we to have government leaders who do not lie to us? Who do not place us under surveillance? Or tap our telephones? Are our civil rights and liberties to have a real meaning?

So I say for the Senate to confirm Henry Kissinger as Secretary of State . . . in the absence of any indication from him or the administration that it will change the character of the policies I have discussed with you today . . . is to confirm a foreign and military policy with a shocking history of war and deceit.

We need a sign from this committee and from the Congress that a different policy is wanted.

We need to turn to the difficult but worthwhile task of building adequate international institutions. Let us bring into check a runaway military budget with its powerful corporate lobbies and put our resources into an American foreign and domestic policy of which, finally, we shall be proud, proud before each other, our children and the world family.

Thank you, Mr. Chairman.

[Mr. Clark's prepared statement follows:]

PREPARED STATEMENT OF BRONSON P. CLARK, EXECUTIVE SECRETARY,
AMERICAN FRIENDS SERVICE COMMITTEE

My name is Bronson P. Clark. I am executive secretary of the American Friends Service Committee with headquarter offices in Philadelphia, Pa.

The American Friends Service Committee has worked abroad for 56 years in programs of relief and reconstruction. It has rendered nonpartisan aid to war victims in many wars. In the Vietnam war, our medical programs have aided victims on all sides of the war and still do.

Our work includes efforts to reduce the chances of war. Ten percent of the world's diplomatic corps have participated in our off-the-record Quaker conferences for diplomats. These conferences give Foreign Service officers an opportunity for communication on some of the thorniest problems in international affairs. In 1947 the A.F.S.C. received the Nobel peace prize.

In recent years the A.F.S.C. has put more and more resources into programs in the United States. We have conducted educational programs on the great issues of war and peace, based on our firsthand experiences abroad. We have seen the damage caused by misplaced national priorities, especially as we became deeply involved with those Americans who suffer from powerlessness, hunger and poverty in the many areas of the unfulfilled American Dream. I refer to migrant farm workers, prisoners, Indians and other disadvantaged citizens of whatever race.

Our experiences and our Quaker viewpoint have given us an insight into the tragic results of misguided foreign and military policies. We have thereby reinforced our basic belief that the religious values of our Judeo-Christian heritage should not and, in the final analysis, cannot be separated from the daily affairs, large and small, of our collective life together as a society, a nation, and a developing world family.

This applies to the great issues which come before the members of this committee. In matters of power, of politics, national security, building the international structures for commerce, justice and peace—in all of this, we proceed at our peril if religious or moral values are not a part of every process.

In coming before you today, I am not the spokesman for all Friends or Quakers. Rather it is from the specific experience and point of view of the American Friends Service Committee that I speak. That experience and viewpoint leads me to speak in opposition to the confirmation of Dr. Henry Kissinger as U.S. Secretary of State.

To confirm the man is to confirm the policies in which he has been centrally involved and for which he stands.

In discussing these policies, I might raise questions about the unchecked arms race and the developing plans for new and staggeringly expensive U.S. weapons such as the B-1 Bomber and the Trident Submarine. I might ask why such weapons are thought necessary if the detente with Russia and China are as great achievements as they are described to be. I might ask why under the Nixon-Kissinger policies the sale of U.S. arms abroad has increased and why our country is the world's chief munitions salesman.

But rather than unfold the long list of points on which one might challenge the Nixon-Kissinger policies, I wish to concentrate on the area where I have first-hand knowledge. That is on the subject of U.S. involvement in Southeast Asia, past, present and future.

As Executive Secretary of the American Friends Service Committee, I took part in three long and substantial meetings with Dr. Kissinger in May, July and October of 1969 on the subject of continuing American military involvement in Indochina. President Nixon had been elected to his first term on a pledge of U.S. military withdrawal from Indochina. In the early months of his Administration I was trying to learn why the Administration was continuing to prosecute the war.

It is now a matter of public record that Dr. Kissinger as foreign policy advisor to the President participated in a gross deception of the Congress and the public. Withdrawal of American ground forces by stages was cited as an index of our desire for peace. It was depleted as "winding down the war." But in fact it was used to overcome the growing disenchantment of the American public with the war and with American casualties at the very moment when the war was being escalated by enormous increases of air power and military equipment flowing into the area. The policy of Vietnamization, of which Dr. Kissinger

was a chief architect, was not a formula for peace in Vietnam which should be evident today to the most wishful of thinkers. Rather it was a plan to use the most awesome air power in the history of modern warfare against an essentially peasant society. Consider the statistics. Pentagon figures show that the intensity of the bombing in the Nixon years was without parallel and included more than 1.5 million tons of bombs on South Vietnam, more than 1.6 million tons on Laos, and more than 237,000 tons on North Vietnam. Pentagon statistics show that what was billed as a war against North Vietnam was in fact much more a war against the people of South Vietnam. U.S. bombing of South Vietnam under Nixon was six times as intense as against North Vietnam. While U.S. military combat deaths were reduced by 50% for the total of the Nixon years, the number of Vietnamese combat deaths on all sides rose in the Nixon years to greater totals than before. That, I submit, was the real nature of Vietnamization.

In May 1969, Dr. Kissinger told me during our discussions that "if the U.S. has not ended its military involvement in six months, come back and tear down the White House gate." Yet, even while he spoke those words, he had approved the secret bombing of Cambodia and it had been underway for two months. Rather than ending American military involvement as the President pledged, the Administration with Dr. Kissinger in a central role, invaded Cambodia and stepped up the covert war in Laos at enormous cost to life and property, rupturing the very fabric of their peasant societies. These actions were contrary to public statements made at the time by the President and Mr. Kissinger.

Furthermore, at that same meeting I have just mentioned, Dr. Kissinger told me that one of the goals which he and the President had was to reduce the credibility gap and restore the confidence of the people in the White House. Even while he was telling me this, he was the advisor on the policy of bombing raids into Cambodia that were so steeped in deception that not only was Congress being lied to, but even members of the actual bomber crews were being systematically deceived as to the nature and destination of their mission.

In view of this it is shocking now to recall that in 1970 Secretary of State Rogers came before this committee and said that Cambodia is the one country where we can say with complete assurance that our hands are clean and our hearts are pure.

Is the U.S. Senate to endorse this gross deception of the Congress and the public by confirming the man whose guidance was at the heart of these policies? Not only were the Cambodian bombing and incursions into Laos in violation of the Constitution which gives Congress the right to declare war, but they violated American law inherent in treaties signed by the United States, namely, the protocols and statutes of The Hague and Geneva and the principles established at Nuremberg. The acceptance of those treaties by the Senate has the force of law for the United States and is a solemn obligation on the American people, including the military. Under these laws it is a war crime to uproot civilian populations and force them into regroupment camps or strategic hamlets. It is a war crime to bomb villages and cities. It is a war crime to torture prisoners, let alone murder them by throwing them out of helicopters. Those are the things that happened. We now know of the step by step descent into the moral quagmire which finally led to the terror bombing of Hanoi and Haiphong at Christmas last year. I do not hesitate to call it terror bombing. I have personally visited Hanoi and Haiphong and have seen what our air power did.

I can personally support the testimony of U.S. air force personnel who stated before the Senate Armed Services Committee on August 8 that North Vietnamese hospitals were routinely targeted as "a third priority item." I visited Hon Gai in April of this year, a North Vietnamese city of some 80,000 people. It had been totally destroyed by 578 U.S. air raids, mostly by tactical F-104s, F-105s, and F-111s from the Seventh Fleet. The hospital Hon Gai like many others had been badly damaged. Other observers have testified about the destruction of the six North Vietnam cities ranking in size next below Hanoi and Haiphong. Such were the fruits of our Vietnam war policies after 1968.

Finally, after all the outpouring of blood and treasure in Vietnam, the United States on January 27, 1973, signed the Paris Accords. The terms are not unlike those agreed to at Geneva in 1954. They were obtainable as terms all along. There always had been the option available to Dr. Kissinger to agree to U.S. troop withdrawal, to end the bombing, to terminate U.S. prosecution of the war in exchange for a compromise political settlement in South Vietnam. As long

as the U.S. attempted to determine the kind of government that should prevail in South Vietnam, so long were the negotiations blocked. It was not until the recognition of the Paris Accords of the existence of the Provisional Revolutionary Government of South Vietnam . . . the so-called "Vietcong" . . . that signatures were put on the Paris agreements of 1973.

Thus, in the end, a political compromise was reached, but it appears so far to have been chiefly on paper.

But the paper was not signed until a last horror had been committed. We all recall the "peace at hand" statements by Dr. Kissinger on the eve of the Presidential election of 1972. We all recall what followed: the bombing of the cities of Hanoi and Haiphong in a kind of terror blackmail that made the season of Christmas and Hanukkah a mockery. But, be that as it may, the United States did sign the Paris agreement and in it we pledged to assist in bringing about "reconciliation and concord" and to provide rehabilitation assistance to all parties, friend or foe. But what has been the record of the Administration, in which Dr. Kissinger played such a role, with respect to this matter?

That brings me to the second deception, this one currently practised by the Administration under the Nixon-Kissinger policies, with Congress and the American people once again misled.

To introduce this point I wish to note that the A.F.S.C. has for years operated a prosthetics center in Quang Ngai south of Danang, where Vietnamese are trained in the manufacture of artificial limbs, in physical therapy skills and in the rehabilitation work necessary for civilian war victims. Our first hand knowledge has given us experience in the agonizing cost to the Vietnamese of this Administration's 4-year extension of the war under the guidance of Dr. Kissinger's policies.

In Article 4, the Paris Accords state "The United States will not continue its military involvement or intervene in the internal affairs of South Vietnam." Yet the U.S. follow-up on the Accords was to ask Congress for over 2 billion dollars for Thieu, 651 million for economic aid and more than twice that for military aid.

It should surprise no one that our supplying aid to one of the two South Vietnamese parties has continued to fuel the war. Casualties are running at least as high for the South Vietnamese as before the so-called "ceasefire." The Quang Ngai hospital continues to receive many new civilian casualties. Our Quaker workers continue to report tragic case histories of shattered lives and deaths. In the first six months of so-called "peace" there were 76,000 casualties in South Vietnam compared to 80,000 in the last six months of acknowledged war.

Just before the ceasefire deadline, the Nixon Administration shipped General Thieu more than one billion dollars of aircraft and weaponry. After the deadline, Thieu was given the more advanced F-5Es rolling off the Northrop assembly lines. This was a violation of the spirit of the Accords but more importantly of the letter of the Accords, since the F-5E had not been in use and so was not a replacement plane, but a new plane. In the Peace agreement we pledged to "dismantle" our air bases. But just before the ceasefire deadline we technically turned over the title to the bases to General Thieu's armed forces, instead of dismantling them.

But, even if the arms supplies and bases suddenly changed hands just before the deadline, thus being legal only in the most technical sense, who was now to run the war?

The war room in Saigon today is filled with "retired" American military officers who wear sport shirts, not uniforms. This and other military functions are performed by more than a thousand U.S. civilians; hundreds more U.S. civilians are employed by the CIA in Vietnam. The Administration, through the Pentagon, signed contracts with 67 U.S. corporations to help run the war with American tax dollars. ITT has a contract to help General Thieu's military communications system. Lear Siegler Inc. received a contract for aircraft maintenance including basic mechanics and electronic maintenance. The company also received a 6½ million dollar contract to help run Bien Hoa air base. Northrop Aviation Corporation assumed a contract to train Vietnamese fighter pilots and many of these corporations advertised in the public media for personnel to go to South Vietnam to assume active functions under these contracts to strengthen the military forces of the Saigon government.

We continue to train hundreds of pilots for the Saigon air force. And the slaughter goes on in South Vietnam.

Thus, the Nixon-Kissinger policies support the continuation of the killing, by fueling and sustaining the war effort of one side.

But the Paris Accords recognized two major political forces in South Vietnam. The Provisional Revolutionary government . . . the so-called Vietcong . . . and the Republic of Vietnam . . . the Thieu regime . . . were to move the struggle from a military to a political level. Free speech, free press, release of prisoners, the free movement of people were agreed to. What then is the record? What does U.S. policy support in this regard?

One day after the ceasefire, our Quaker staff heard a Saigon government loud-speaker announce in a refugee camp at Quang Ngai "If you attempt to go back to your ancestral homes in Communist areas, you will be shot to death."

In the refugee camps and cities, a vast system established with U.S. advice and money, enforces Saigon's tight police controls. It costs the United States millions of dollars to run. Is it out in the open for all to see? The fact is that some of the funds are hidden in the USAID budget giving Congress and the public the false impression that it is "economic aid."

In the past 10 years U.S. aid expanded the South Vietnam police force from 20,000 to 120,000. The Computer Sciences Corporation, under U.S. government direction, developed the computer that coordinates the police operations. Every South Vietnamese over 15 years of age must have an ID card with photograph and thumb print. Families are photographed and fingerprinted to help control their movements. Hundreds of checkpoints dot the roadsides. A massive bureaucracy keeps track of people who bow under the weight of one of the most repressive regimes in the world today, significantly paid for and serviced by the United States. Thieu has closed the opposition and the neutral press and forced enrollment of all he can reach into his own political party.

Those who do not conform and comply find themselves in the prisons.

Let us look deeper at the question of the prisoners.

Our Quaker workers, up until a short time ago, provided the only medical service in one of the South Vietnamese provincial prisons. We witnessed firsthand some of the results of the "Phoenix" program, a program now known openly, but one which Dr. Kissinger would not acknowledge when I, and other Quaker representatives, met with him in his office on July 7, 1969. Dr. Gilbert White, formerly chairman of the Board of Directors of the American Friends Service Committee, was just back from Paris at the time where he had consulted with representatives of the negotiating parties. He told Dr. Kissinger, if you want to negotiate, the biggest roadblock is Operation Phoenix. Dr. Kissinger looked at his chief aide and said, What is Operation Phoenix? In other words he acted as if it never existed. I might add that William Colby, the recent Administration appointee to head the CIA, directed the Phoenix program which used kidnapping and assassination and by Mr. Colby's own report led to jailing 29,000 Vietnamese and killing 20,000 others.

The A.F.S.C. protested to the Saigon and U.S. officials regarding the torture of prisoners which our doctors discovered and we provided detailed documentation to the Senate Refugee Subcommittee about these shameful practices. Regrettably it should be noted that U.S. advisors were assigned to each major South Vietnamese prison. The Paris Peace Accords called for the withdrawal of personnel associated with this Phoenix program, but Saigon issued a secret order in April 1973 to all police headquarters directing that this program be continued. It has been continued and accelerated under the code name F-6.

No one knows for certain how many political prisoners are in Saigon jails including some new tiger cages built at U.S. government expense. We continue to think that the number 200,000 may be correct.

On humanitarian grounds, it is inconceivable that American aid should go openly or indirectly to maintain the suffering of prisoners who should have been released long since, if they ever should have been imprisoned. But apart from the humanitarian issue: there is a very practical consideration about these prisoners that is important to the U.S. Senate as it weighs the question before it.

The "Council for Reconciliation and Concord" provided for in the Paris Accords cannot go forward with any effectiveness or fairness while the Thieu government continues to imprison political leaders, newspaper editors, neutralists, professors, religious leaders including Catholic and Buddhist leaders alike, and, of course, members of the Provisional Revolutionary Government side. The AFSC has spoken about the prisoner issues many times to U.S. government officials and we feel it has never seriously been weighed by them.

Let me conclude with a few more observations:

(1) The Administration has maintained that there is a high priority for humanitarian aid in the economic aid budget for South Vietnam. But the portion of the aid budget slated for health and education has been cut from a level of 2.6% of the budget for Fiscal 1973 to 1.2% of the budget in Fiscal 1974. Even the "food for peace" program provides that food will be sold to local merchants in South Vietnam, 80% of what they pay for it then goes to Saigon's military budget.

(2) Both sides in Vietnam have committed ceasefire violations. But they pale in significance, when it comes to undercutting the Paris Accords, compared to the post-combat policies and practices of the Administration under Dr. Kissinger's guidance.

(3) Continuation of the policies I have discussed here today can only have further tragic consequences, not the least of which is the inadequate attention to social needs in the United States resulting from the gross distortion of national priorities in favor of war and military expenditures.

(4) The close support our government gives to the Thieu regime is another instance of the troubling fact that our government becomes identified with militaristic and repressive regimes. Americans have learned with dismay about the practices of the Park government in South Korea and the Marcos government in the Philippines. As long as these regimes draw support from our policies, how can we claim to be a people that can be counted on to support independence and self-determination? We are increasingly seen abroad, as well as by some critics at home, as the new imperialists ready to use or support military intervention in an effort to preserve the brand of governments we favor.

I do not need to point out to members of this Committee that the United States today is in a crisis of government. We must also acknowledge that we are in a moral crisis. Is the work of the U.S. Government to be carried on in secrecy and by illegal and unconstitutional means? Or is it to be a healthy government, an open one, in which our Representatives and citizens can effectively debate the great issues of the day? Are we to have government leaders who do not lie to us? Who do not place us under surveillance? Or tap our telephones? Are our civil rights and liberties to have meaning?

Such questions as these are germane to the consideration before you. So is the question of whether our country supports militaristic and repressive regimes rather than risk the possible consequences of self-determination. So is the question of whether our government puts a value on moral and ethical precepts that stem from the religious heritage of the people—a value higher than it puts on the short-term results of a pragmatism in which there is insufficient leeway for the claims of conscience and the proddings of morality.

So I say: for the Senate to confirm Henry Kissinger as Secretary of State * * * in the absence of any indication from him or the Administration that it will change the character of the policies I have discussed with you today * * * is to confirm a foreign and military policy with a shocking history of war and deceit.

We need a sign from this Committee and from the Congress that a different policy is wanted.

We need to turn to the difficult but worthwhile task of building adequate international institutions. Let us bring into check a runaway military budget with its powerful corporate lobbies and put our resources into an American foreign and domestic policy of which, finally, we shall be proud, proud before each other, our children and the world family.

Senator SPARKMAN. Thank you very much, Mr. Clark. We appreciate your statement. We know in the past of the good representatives that your group had here in Washington. They have appeared before us many times, and always brought good ideas.

Senator Aiken.

Senator AIKEN. I have no questions, Mr. Clark.

Mr. CLARK. Thank you.

Senator SPARKMAN. Thank you very much.

Our next witness will be Joseph H. Crown, Cochairman Lawyers Committee on American Policy Towards Vietnam, New York.

Mr. Crown, we are very glad to have you, sir, and we shall be glad to hear from you.

**STATEMENT OF JOSEPH H. CROWN, COCHAIRMAN, LAWYERS
COMMITTEE ON AMERICAN POLICY TOWARDS VIETNAM**

Mr. CROWN. Thank you, Mr. Acting Chairman. I appreciate this opportunity to present the views of the Lawyers Committee on American Policy Towards Vietnam on Dr. Kissinger's nomination.

LAWYERS COMMITTEE

Perhaps I should say a few words about the Lawyers Committee. The formation of the committee was prompted by the issuance in March 1965 of a memorandum by the State Department defending the legality of U.S. acts in Vietnam. The memorandum impressed us as a travesty on international law and constitutional law that we felt impelled that the record ought to be set straight, straightened out. We prepared a memorandum of law which documented the regrettable but inescapable fact that American involvement in Vietnam violated our Constitution, contravened essential provisions of the United Nations Charter, as well as violating the 1954 Geneva Accords which we had pledged to observe.

We sent this memorandum to 193,000 lawyers throughout the country and to some 3,700 law professors. I should say that the memorandum was also inserted into the Congressional Record by Senators Wayne Morse and Ernest Gruening, those original crusaders who spoke out so courageously against the illegality and immorality of the war. When Senator Morse left the Foreign Relations Committee he joined the Lawyers Committee as its honorary chairman.

Our consultative council is composed of 18 leading authorities on international law and constitutional law. All objective scholars, without any partisanship in the political spectrum. Among our most eminent members are Philip Jessup who, as you know, was a judge of the International Court of Justice, and our President Dean Wright, long recognized as an authority on international law, served actively with our committee until his death.

We have previously submitted for the record a comprehensive statement of our views with respect to Dr. Kissinger's nomination, and I shall only touch here the highlights, and particularly the role of Dr. Kissinger vis-a-vis the Indochina war.

DENIAL OF COMMITTEE CONSENT TO DR. KISSINGER URGED

We wish to really earnestly urge the committee to deny its consent to Dr. Kissinger. We propose that the committee do so as a dramatic demonstration of Senate opposition to the administration's lawless and ruthless course in Indochina, a course marked by an absence of legality, morality, and humanity in which Dr. Kissinger has been intimately associated as principal architect and executor. We propose that also as an expression of Senate determination to prevent further intervention in Indochina and the spawning of new Vietnameses such as now threatened in the Philippines, but most importantly, we suggest it so that it would serve notice upon the world of a reversal by the United States of the policy of unpracticed, un-

principled practice, of resort to armed force and expediency which are the touchstones of Dr. Kissinger's conduct of foreign affairs.

The debasement of international law and domestic democratic processes which have marked the administration's course throughout the past 4 years are completely consistent with, indeed if not a product of, Dr. Kissinger's political philosophy.

He has no use for the abstractions, that is the principles, of the United Nations' Charter, since these are incompatible with his geopolitical balance of power concept of international relations and his parochial view of the national interest.

In his testimony before your committee, Dr. Kissinger voiced the idea that the choice before the United States was between a policy of daring too much or attempting too little. With due deference, we think that is quite misleading. Rather we believe that the lead editorial of the New York Times yesterday stated the issues much more correctly. It is rather, "between what is right and what is wrong, between honesty and deception, between adherence to principle and pursuit of realpolitik."

The military and moral disaster that we have seen in Vietnam and Cambodia was indeed the bloody end of a long, long road.

Our committee urges that the Senate committee should not place its stamp of approval upon a man who was a principal architect of a policy which initiated a secret war against Cambodia, never authorized by the Congress, within 2 months of Mr. Nixon's inauguration in January 1969, in the face of Mr. Nixon's campaign assurances that he had a secret plan to end the war; a policy which submitted information to Congress vis-a-vis the Cambodian war which was deliberately falsified; a policy which deceived the Congress and the American people that peace was at hand at the eve of the 1972 Presidential elections, and thereafter launched the Christmas offensive of about 52 bombings of Hanoi and Haiphong.

I should tell the committee that I, together with three colleagues of the Lawyers Committee, visited North Vietnam last October at the invitation of the Bar Association of the City of Hanoi. I had occasion personally to go to Haiphong, and visit the bombed-out fishing villages, the destruction of the bombs, and to meet with children, all of whose families had been bombed out. These were heartbreaking scenes and, with due deference, we do not think that this type of terror reflects favorably on the good name of our country.

POSSIBILITY OF APPOINTMENTS JEOPARDIZING VIETNAM PEACE

The Lawyers Committee is also concerned that Dr. Kissinger's appointment may indeed jeopardize the establishment of peace in Vietnam.

U.S. RECOGNITION OF SAIGON GOVERNMENT

You will recall that Dr. Kissinger upbraided North Vietnam for its alleged lack of cooperation vis-a-vis the MIA's in Laos, but he was singularly silent as to the failure of the administration to abide by and comply with many of the commitments undertaken by our Government under the cease-fire agreement, under the cease-fire agreement that recognized the dual sovereignty of the Saigon regime and the

PRG in South Vietnam. The ceasefire agreement makes repeated references to the two South Vietnamese parties both of whom signed officially on January 27 as the established governments. Mr. Thieu did not get any wording identifying him as the sole and legitimate repository of his temporary sovereignty. In short, there remain two rival claimants in South Vietnam, the PRG and Saigon, and it is notable that in a recent conference at Algiers with 76 nonaligned nations the PRG participated as a representative of an independent state.

However, in contravention of the provisions of the cease-fire agreement, President Nixon has stated that the United States will continue to recognize the Government of the Republic of Vietnam as the sole legitimate Government of South Vietnam, and indeed has appointed an Ambassador solely to the Saigon regime. This attitude, which is evidently shared by Dr. Kissinger, can only serve to jeopardize and delay the establishment of peace in Vietnam.

DISSIDENTS AND POLITICAL PRISONERS IN SAIGON JAILS

We recall, too, that Dr. Kissinger expressed his concern for the dissidents of the Soviet Union. We want to make clear that we are deeply concerned with the fate of those courageous fighters for human rights, and indicated that he had made unofficial representations to the Soviet Union. But strangely he has expressed no concern for the tens of thousands of dissidents and political prisoners who remain in the Saigon jails.

The cease-fire agreement called for the release of Vietnamese civilian personnel captured and detained in South Vietnam, and admonished Saigon and the PRG to do their utmost to resolve this question within 90 days after the cease-fire came into effect.

Yet, despite the vast influence which the administration has with the Saigon regime there is no evidence that Dr. Kissinger has exhorted the Saigon regime to release the tens of thousands of political prisoners who still languish in the tiger cages in South Vietnam.

I should tell you that on the return from Hanoi we met with Madam Binh, the Foreign Minister of the PRG and in the most moving terms she expressed grave concern about political prisoners and this is a very serious provision which the PRG takes very seriously and yet we have no record that Dr. Kissinger has made any official or unofficial representations to the Saigon regime for their speedy release.

RECONSTRUCTION IN INDOCHINA

Finally, we are concerned about Dr. Kissinger's attitude toward reconstruction in Indochina. You will recall that under article 21 of the cease-fire agreement that stipulates that in pursuance of its traditional policy the United States will contribute toward healing the wounds of war and to postwar reconstruction of the democratic Republic of Vietnam and throughout Indochina. That provision constitutes an obligation assumed by the United States. The decisive word is "will" contribute. That term connotes a mandatory obligation, not a discretionary or permissive provision.

Although preliminary machinery has been set up for the implementation of this provision we are unaware of whether any substantive

progress is being made. We want to emphasize in the most serious terms that the failure to implement this provision which the Congress also has responsibility for, which is a central provision in the cease-fire agreement, could seriously jeopardize the entire agreement.

I can personally attest to this for at a conference I had with Premier Fan Van Dong in Hanoi last October 21, the Premier expressed his very serious concern over the reconstruction obligation, making it clear that it was a crucial provision in the settlement of the war.

It is, of course, a fundamental principle of international law that the failure of one party to fulfill an essential provision of an international agreement authorizes the other party to withhold compliance of any obligations devolving upon it. As a matter of fact, the United States invoked that principle at the time when it halted the removal of mines from the Tonkin Gulf on the claim and ground that Hanoi had failed to agree to its agreement for the successive release of prisoners of war, and what is sauce for the goose is likewise sauce for the gander.

COMMITTEE REVIEW OF ISSUES URGED

I urge the committee when it meets in executive session with Dr. Kissinger, to review each of these issues, dual sovereignty, political prisoners, reconstruction, and securing his commitment that the administration will seriously do all in its power to see that these provisions are fully implemented with deliberate speed.

CRY FOR MORAL LEADERSHIP

At this point in our history when we face a grave constitutional crisis, the country cries out for moral leadership. The Senate Foreign Relations Committee can strike a blow for morality and honesty and decency in our foreign policy. It is lamentable that that moral leadership cannot come from the occupant of the White House or San Clemente or of Key Biscayne, nor can it come from Dr. Kissinger, whose political saint is Prince Metternich, but whom historians record as the Saint of Evil.

Thank you.

[Mr. Crown's prepared statement follows:]

PREPARED STATEMENT OF JOSEPH H. CROWN, COCHAIRMAN, LAWYERS COMMITTEE ON AMERICAN POLICY TOWARDS VIETNAM

I appreciate this opportunity to present the views of the Lawyers Committee on American Policy Towards Vietnam on Dr. Kissinger's nomination.

Perhaps I should say a word about the Lawyers Committee. The formation of the Lawyers Committee was prompted by the issuance in March 1965 by the State Department of its Memorandum, "Legal Basis for United States Actions Against Vietnam." Our original memorandum was sent to more than 193,000 lawyers and 3,750 law professors and documented the regrettable but inescapable conclusion that United States intervention in Vietnam violated our Constitution, contravened essential provisions of the United Nations Charter and violated the Geneva Accords which we had pledged to observe. Our memorandum was inserted in the Congressional Record on September 23, 1965 by Senators Wayne Morse and Ernest Gruening—the two crusaders who spoke out courageously against the immorality, illegality and imprudence of American intervention in Vietnam. When Senator Morse left the Committee on Foreign Relations, he joined our Lawyers Committee as its Honorary Chairman.

Our Consultative Council is composed of eighteen leading authors on International Law and Constitutional Law—objective scholars without partisan com-

mitment to any particular segment of the American political spectrum. Our most eminent member is Phillip C. Jessup who, as you know, served as a Judge on the International Court of Justice.

Our Committee has sponsored two volumes (1) Vietnam and International Law, prepared by Professor John Fried and Professor Richard Falk and a volume on the constitutional aspects entitled "Undeclared War," by Professor Lawrence Velvel of Catholic University.

Through the long, sad history of the war, we have presented our views to the Congress, particularly your Committee and the House Foreign Affairs Committee and we have also sought to enlighten our citizenry on the crucial aspects concerning the Indo-China War.

We have submitted to your Committee a statement embodying the Lawyers Committee's position on Dr. Kissinger's nomination. I will confine myself here to the highlights of that statement, with particular emphasis on Dr. Kissinger's role in the Indo-China War.

We earnestly urge your Committee to deny its consent to Dr. Kissinger's appointment as Secretary of State. We propose that to do so would serve as a dramatic demonstration of Senate opposition to the Administration's lawless and ruthless course in Indo-China—a course marked by an absence of legality, morality and humanity—with which Dr. Kissinger has been intimately associated as principal architect and executor. We propose it also, as an expression of Senate determination to prevent further intervention in Indo-China and the spawning of new Vietnams, such as are now threatened in the Philippines, and most importantly, to signal the Senate Committee's determination to revise our foreign policy in accordance with our United Nations Treaty obligations and our commitment to International Law.

The debasement of International Law and domestic democratic processes which have marked the Administration's course through the past four years are consistent with, if not a product of, Dr. Kissinger's political philosophy. He has no use for the "abstractions" that is, the principles of the United Nations Charter since these are incompatible with his geopolitical "balance of power" concept of international relations and his parochial view of the "national interest."

In his testimony before your Committee, Dr. Kissinger voiced the idea that the choice before the United States was between a policy of daring too much or attempting too little. But that is quite misleading. It is rather, as the lead editorial of yesterday's New York Times said, a choice "what is right and what is wrong, between honesty and deception, between adherence to principles and pursuit of Realpolitik." The military and moral disaster of Vietnam and Cambodia was the bloody end of a long wrong road.

The Senate Committee should not place its stamp of approval upon a man who was a principal architect of a policy which: (1) initiated a secret war against Cambodia—never authorized by Congress—within two months of Mr. Nixon's inauguration in January 1969 (in the face of Mr. Nixon's campaign assurance that he had a "secret plan" to end the war); (2) deliberately falsified information submitted to Congress vis-a-vis the Cambodian war; (3) deceived the Congress and the American people that peace was "at hand" at the eve of the 1972 presidential elections and thereafter launched the Christmas offensive of B-52 bombings of densely populated cities of North Vietnam which outraged world opinion.

Although Dr. Kissinger in his testimony upbraided Hanoi for its lack of cooperation vis-a-vis the MIAs in Laos, he was singularly silent as to the Administration's failure to abide by and comply with the commitments undertaken by our Government under the Cease-Fire Agreement. That Agreement recognized the dual sovereignty of the Saigon Regime and the PRG in South Vietnam. The Cease-Fire Agreement consistently refers to "two South Vietnamese parties" both of whom signed officially on January 27 as established Governments. Mr. Thieu did not get any wording identifying him as the sole legitimate repository of his "temporary sovereignty." In short, there remain two rival claimants in South Vietnam, the PRG and Saigon. It is notable that at the recent Conference in Algeria of 7 non-aligned countries, the PRG participated in full compliance with international law, as a representative of an independent state.

However, in contravention of the Cease-Fire Agreement, President Nixon has stated that the "United States will continue to recognize the Government of the Republic of Vietnam as the sole legitimate Government of South Vietnam." This attitude, evidently shared by Dr. Kissinger, can only serve to jeopardize and delay the establishment of peace in Vietnam.

In this connection, the Administration's decision to appoint an Ambassador solely to the Saigon Regime jeopardizes the establishment of peace.

Although Dr. Kissinger has expressed his concern for the MIAs in Laos and his concern for the dissidents of the Soviet Union, he has expressed no concern for the tens of thousands of dissidents and political prisoners who remain in the Saigon jails. The Cease-Fire Agreement calls for the release of "Vietnamese civilian personnel captured and detained in South Vietnam" and admonishes Saigon and the PRG to do their utmost to resolve this question within ninety days after the cease-fire comes into effect.

Despite the vast influence which the Administration has with the Saigon Regime, there is no evidence that Dr. Kissinger has exhorted the Saigon Regime to release the tens of thousands of political prisoners who still languish in the Saigon jails.

Under Article 21 of the Cease-Fire Agreement which stipulates that "the United States will contribute towards healing the wounds of war and war reconstruction of the democratic Republic of Vietnam and throughout the Indo-China." That provision connotes an obligation assumed by the United States. The decisive word is "will" contribute; that term constitutes a mandatory obligation not a discretionary or permissive provision.

Although preliminary machinery has been set-up for the implementation of this provision, we are unaware whether substantive progress is being made.

Failure to implement this provision—a central provision in the Cease-Fire Agreement—could seriously jeopardize the entire Agreement.

I can personally attest to this for at a conference I had with Premier Phan Van Dong in Hanoi last October 21, the Premier expressed his very serious concern over the reconstruction provision, making clear that it was a crucial provision.

It is, of course, a fundamental principle of international law that the failure of one party to fulfill an essential provision of an International Agreement authorizes the other party to withhold compliance of any obligations devolving upon it. Indeed this principle was invoked by the Administration in halting the removal of mines from the Tonkin Gulf on the claim that Hanoi was failing to comply with its Agreement to release American POWs. What is sauce for the goose is sauce of the gander.

I urge the Committee when it meets in Executive Session with Dr. Kissinger to review each of these issues—dual sovereignty, political prisoners, reconstruction—and secure his commitment that the Administration will seriously do all in its power to see that these provisions are fully implemented.

Senator SPARKMAN. Thank you very much, Mr. Crown.

COMMITTEE EXAMINATION OF ISSUES

I note your statement at the end that you hope that the committee will examine with Dr. Kissinger these various issues you have mentioned. I believe, if you have followed the record, you will find that we have gone into just about everything that anyone could think of. We are interested in principles that you state.

By the way, you mentioned Dr. Philip Jessup. He was before our committee not too long ago. But when you mentioned him, I could not help remembering, I believe, 20 years ago when he was nominated for a very high position in the Government and the committee held hearings on his confirmation. I was named chairman of a subcommittee to hold those hearings and I presided over them. The opposition to him was terrific, as you may guess from that era of time. I remember we had a nomination of somebody to be ambassador to India and exactly the same situation arose. It is almost humanly impossible to name somebody to a responsible office without there being opposition. I am not condemning it. I think perhaps it may be good, because it does provide for a thorough and complete examination of all of these issues in which we are all interested. I just want to assure you and

all others that we have tried in these hearings to go into all of these matters with which we are concerned, and we have not finished yet. This will complete the hearings, but the committee has some meetings of its own in which I am sure that these various things will be plumbed anew.

Mr. CROWN. Senator Sparkman, I should only like to say that I am sure the committee will draw a distinction between the unwarranted criticism that had been made in opposition to Judge Jessup—I remember those times very well—and the criticism to that extent which is warranted with respect to the present designate.

Senator SPARKMAN. I agree with you that the criticism then was unwarranted, but I think we have to be careful not to take any particular side as being the correct side. We have to examine the facts presented to us from all sides, and I assure you we are going to do that.

Mr. CROWN. Well, during this dark period really, of the Vietnam war the Senate Foreign Relations Committee has really given great leadership to the country. I do not want anything I have said here to be any implication or intimation on aspersions. We have wonderful relations with the Senate Foreign Relations Committee and it is the leadership which the Senate Foreign Relations Committee gave during the war indicating its opposition which I am sure was responsible for hastening the end of that war, and I think it is to the great credit of the members of the Senate Foreign Relations Committee that they gave that fine moral leadership and all of the American people, I am sure, are grateful to you. So my criticism is directed to the Secretary of State-designate, but in no sense with respect to the critical examination and really the fine, courageous leadership that the Foreign Relations Committee has given to the country. We are really proud of all of the members of the committee.

Senator SPARKMAN. I am not criticizing your criticizing. Thank goodness in this country we have that right, and we appreciate your presentation.

Senator Aiken.

WITNESS' VISIT WITH PREMIER PHAN VAN DONG

Senator AIKEN. I note, Mr. Crown, your visit with Premier Phan Van Dong in Hanoi on October 21st. Did he at that time indicate a willingness to accept economic and technical assistance from multilateral organizations or was he concerned simply with the United States?

Mr. CROWN. The conversations that we had, Senator Aiken, were limited solely to the reconstruction obligation which were evidently described in the tentative agreement at that time and he did not in any way make any mention as to plus or minus as to multilateral or multinational reconstruction. We did not discuss that, nor did he.

ADMINISTRATION ATTITUDE CONCERNING ECONOMIC ASSISTANCE

Senator AIKEN. In that instance, however, I do not understand that the administration is unalterably opposed to cooperation in that field as were some very vigorous and outspoken members of Congress.

I believe that the administration finally said they would not agree to any economic assistance without the consent of the Congress. At that time it would be very helpful if they could have gotten the consent.

Mr. CROWN. Yes, I do agree the Congress does have an important role to play in the sharing of the question of reconstruction.

NORTH VIETNAMESE ATTITUDE TOWARD MULTILATERAL COOPERATION

Senator AIKEN. We also have heard reports that North Vietnam was not very favorably disposed to multilateral cooperation, including some of the neighboring countries.

Mr. CROWN. I might just say, Senator Aiken, not that it grew from the conference. We had with Premier Phan Van Dong a general discussion because we have had, participated in general conversations where we had opportunities to meet members of the PRG and NLF and Vietcong in those days. I have a feeling they have a concern not to dilute what they regard as the commitment and obligation of the United States for reconstruction and I think they are concerned if it were done on a multinational basis that would be somewhat diffused. That seems to me to be an impression that I received from some of the discussions that I have had with leading people of North Vietnam.

Senator SPARKMAN. You said it would be so much abused?

Mr. CROWN. Pardon, diffused, or the obligation might be somewhat diluted.

Senator SPARKMAN. Yes.

Mr. CROWN. That is the concern.

COMMITTEE VIEW CONCERNING MULTILATERAL RECONSTRUCTION

Senator SPARKMAN. I may say, if the Senator will yield, this committee, even before the agreements were made, had discussed within itself the problem of reconstruction. I believe there has been a rather strong feeling in the committee that it ought to be done on a multilateral basis. What view Congress will take when the time comes for authorizing legislation and the appropriation of funds we cannot know at this point.

Mr. CROWN. I might say that we in the Lawyers Committee kind of share a good deal of that view from the point of view that economic aid has always been, at least in the past, has had the danger of abuse by, you know, the pressure of the donor country, and that channelizing the material, say, through a United Nations development fund or through multinational agencies diminishes that. I think in that respect I think the members of our committee would share the viewpoint of the members of the Senate Foreign Relations Committee because I think there is much less opportunity for abuse where it is channeled through multinational or perhaps hopefully, through the U.N. and, I might say on that score, we had tried to do a good deal of spadework with respect both to the PRG and with Hanoi in our discussions also with the United Nations of trying to move them in, and I spent almost a solid hour and a half with some of their leading people just before I departed to emphasize they were making a serious mistake in their attitude toward the U.N. The notion it was dominated by the

United States did not seem to me to be historically realistic and we knew from the discussions we had had with the members of the U.N. they would welcome participation and I would hope we had made, and if I may say so, I think we may have had a role in the last discussion we had for inviting Secretary General Waldheim to sit in at the international conference at Paris, so I think that they are realistic and I hope they will move closely to and become a member of the United Nations and participate in the community of nations.

So I think the Senate Foreign Relations Committee thinking in multinational terms is on sound ground which I think would be in a very commendatory fashion.

U.S. PRESENCE IN HANOI

Senator AIKEN. I get the impression that both Hanoi and Washington felt that an American presence in Hanoi might not be only helpful in the reconstruction period but also be helpful in preventing further international complications which might lead to further outbreak of war. I do not know whether that was correct or not. Do you suppose that they would now be willing to accept American technicians in Hanoi?

Mr. CROWN. Well, I do not have anything positive, but I would be inclined to think so, yes, because the country's devastation is very vast, I would think they would.

Senator AIKEN. There was an uproar from many Members of Congress at that time and the result was that the administration said they would not reach any agreement without the consent of Congress, which I do not think they could have gotten at that time. Whether as time goes on the situation softens, which is the hope of the world, there might be a change of heart.

Mr. CROWN. Yes, I think the situation is fluid and we were very much impressed with their realism in viewing world affairs.

Senator AIKEN. Yes.

Mr. CROWN. And their intelligence, so I would think that reason and rationality ought ultimately to prevail.

Senator AIKEN. Personally, I believe an American presence in Hanoi would be helpful.

Mr. CROWN. Of course, on the question—

Senator AIKEN. Both politically and economically.

Mr. CROWN. Yes, and also I take it we do have a moral responsibility.

Senator AIKEN. That is right.

Mr. CROWN. To undo so much of the damage that has been done. I think that is an important thing for the good name of our country, that we, even the generous attitude we had after World War II with respect to those whom we fought Japan and Germany, here is a nation which in our view was never a threat, never threatened the United States, never threatened its security, all of the damage we have done and I might tell you it is most heartbreaking to have been there and to have seen these things, I do think that the good name of the United States requires that we make moral restitution there and heal the wounds and reconstruct that country as fast as we can.

Senator SPARKMAN. Senator McGovern, do you have any questions?

Senator MCGOVERN. No, no questions, Mr. Chairman.

Senator SPARKMAN. Thank you very much. We appreciate your appearance.

Mr. CROWN. Thank you.

Senator SPARKMAN. Now I will call on Senator Ernest Gruening, who has arrived in spite of the weather and heavy traffic. Senator Gruening, we appreciate your appearance before us again. It is good to see you here, sir.

STATEMENT OF ERNEST GRUENING, FORMER U.S. SENATOR FROM THE STATE OF ALASKA

Mr. GRUENING. Mr. Chairman and members of the Senate Foreign Relations Committee, I want to thank you for this opportunity to testify. You are about to conclude hearings to determine whether you will or will not vote to confirm the nomination of Henry Kissinger as Secretary of State. He has, in effect, in reality, if not in name, held that post for 4½ years; so the committee has a unique opportunity to appraise his future conduct from his past programs and judge what his performance in the future will be from what has been the performance under the Nixon-Kissinger aegis.

VIOLATION OF PREELECTION PROMISES

When Richard Nixon was running for election for the Presidency 5 years ago he promised the American people he would, if elected, end the war, and on the basis of that promise a war-heavy American people elected him by a small margin because his opponent, my good friend, Hubert Humphrey, could not bring himself to reverse his stand on the war, to break with President Johnson and announce his determination, if elected, to put an end to the folly into which President Johnson had plunged our Nation.

How did Richard Nixon carry out his promise to end the war? He violated it immediately by a massive and continuous bombardment of Cambodia, aggression against a country that wanted to stay neutral, an action deliberately concealed from the American people, to whom Richard Nixon lied when he told them over nationwide television, after 40 months of that bombing, that the United States had respected the neutrality of Cambodia.

Has the committee received any favorable, plausible explanation of why this costly and needless aggression was vital to American security or to any American interest? Obviously, it has not received any such plausible explanation, and so under the Nixon-Kissinger conduct in further violation of campaign promises the war was escalated throughout Southeast Asia with intensified bombing of North and South Vietnam and Laos without success in obtaining even the objectives the Nixon-Kissinger team has sought.

So the Nixon-Kissinger tandem violated the preelection promises to the American people, and with the consequences of tens of thousands, tens of thousands more American boys killed, several hundred thousand wounded, millions of Southeast Asians killed and wounded, and billions of dollars squandered which are now reflected in our steadily mounting inflation.

All this could have been avoided if Richard Nixon had ended the war in the early weeks of his administration in 1969 as the American people had every right to expect.

LACK OF HONOR IN WAR'S CONCLUSION

Now, seeking confirmation, Mr. Kissinger promises an open policy which, if it means anything, means a return to the constitutionally established joint role of the executive and legislative branches in the conduct of foreign policy. But why, on the basis of his past record of deliberate mendacity, should his promises be believed? Eight months ago Richard Nixon proclaimed that he had achieved peace with honor. Well, nothing could have been more devoid of honor in the war's conclusion than the massive bombing of a helpless peasant people who had neither planes nor antiaircraft guns with which to defend themselves. It was a massacre of noncombatants, of women and children.

I saw and heard the defense of it myself at the Third International War Crimes Commission meeting at Copenhagen last fall. The two previous meetings had been held in Oslo and Stockholm. I saw and heard a 24-year-old Vietnamese schoolteacher testify to the bomb that had hit her school. It tore her right arm off, killed 6 children outright, and wounded 10 others, some of them crippled for life. Her right arm was missing as she testified.

Have the American people become insensitive to the atrocities committed in their name? Has this committee become so? George Wald, the internationally famous biologist at Harvard from whom one of his pupils, Henry Kissinger, might have learned much but apparently did not, reported in his Penn State lecture last year, what he saw in Vietnam and I quote:

They took me through the hospital wards. There was a little boy, Chin, 3 years old, whose arm had been torn off. There was a boy, Theng, 9 years old, whose right foot was torn off, there was a girl, Quan, 8 years old, whose spinal chord had been severed by a pellet so that she was paralyzed permanently below the waist and incontinent permanently. There was a 3-month-old baby being held by her grandfather; her father was killed by a bomb, her mother wounded in her backbone and still in the hospital. There was a young man, Minh, 20, a bomb fragment had torn open his skull and damaged his brain. There were two little girls 8 and 13, sisters, both badly wounded by bullets. But more than that, her mother and brother had been killed instantly and their father had been killed shortly before so there was nowhere for them to go.

These are among the fruits of the Nixon-Kissinger policy, and this U.S. legacy will be visible for years in the armless, legless, paralyzed victims.

Unfortunately, history will record that it was the United States, we, you, who did this, and not the Nixon-Kissinger team. This team will continue to propagate the myth that the United States is fighting aggression whereas from the start the United States has been, and continues to be the aggressor.

CONGRESS FINALLY ENDED THE WAR

And, finally, it was not Richard Nixon who ended the war, with or without honor. It was the Congress which finally ended our part in it on August 15 while Richard Nixon wanted to continue.

WHAT ABOUT THE FUTURE

But what about the future? The Nixon-Kissinger team has made it plain that it has not given up. Of course, it could no longer, thanks to the Congress, continue military action, but it will try with American dollars and hired mercenaries to perpetuate its domination of Southeast Asia, and if so there will be no peace, there will be no peace as long as the Nixon-Kissinger policy of imposing their candidates and their policies on the people of Southeast Asia continues.

The cause of the continuing war in Southeast Asia; namely, the U.S. violation of its agreement to support the Geneva Accords, the betrayal of a promise of a united Vietnam choosing its own government, leaves the issue unresolved. Those who fought for it beginning a quarter of a century ago in a French rule, the Vietcong in the south, and the North Vietnamese will continue to do so. We should have been on their side for the same ends that our colonial forefathers sought here is what they sought.

The American people who have been taken in by the mistaken policy by the administration, both administrations, constantly reiterated emphasis that we were fighting Communists. Doubtless there were many among them but they were, above all, nationalists, and their economic and social doctrines were their own business, not ours, and today, and for years past, the Nixon policy continues to prop up a loathsome dictator, Nguyen Thieu whose jails are filled with thousands of political prisoners for the crime of wanting a united Vietnam, its independence and freedom from foreign control. Many have been tortured, and others outright murdered in prison?

Is that what the Senate wants to see continued? Does it want to continue to squander billions of dollars to perpetuate the Nixon-Kissinger folly? That is what we will get under the continued Nixon-Kissinger satrapy, a costly involvement without end in sight to the neglect of our overdue pressing needs at home.

DILEMMA CONFRONTING COMMITTEE

The committee obviously confronts a dilemma. If it were to reject Kissinger's nomination, he would continue, as he has been, as a Presidential adviser not subject to Senate confirmation. But the committee members could disassociate themselves from these Executive follies, could avoid becoming particeps criminis, as history may otherwise record them, by refusing to bestow the additional powers and prestige of the Secretaryship of State on one whose record casts doubt on his worthiness of it. Give him an opportunity for a few months or a year or more while an Undersecretary is in charge, to demonstrate under Senate scrutiny that a new decency, a new humanity, a new honesty, a new respect for the Constitution, and regard for the opinion of mankind will henceforth prevail in the conduct of the foreign affairs of our beloved country.

I thank you.

COMMENDATION OF WITNESS

Senator SPARKMAN. Thank you, Senator Gruening. You have given us some things that naturally we should consider very carefully. We recall the fine service that you had here with us.

Mr. GRUENING. I beg your pardon, a little louder.

Senator SPARKMAN. We do not want you to go yet.

Mr. GRUENING. Very good.

Senator SPARKMAN. I just wanted to say for the record that to my way of thinking, Senator Gruening has been one of the most remarkable men I have ever known.

Mr. GRUENING. Thank you very much.

Senator SPARKMAN. Trained as a doctor, practiced, I believe, as a doctor, and then, had all kind of activities in Alaska, then became Governor of Alaska. I recall being in Mexico several years ago, and Senator Gruening and Mrs. Gruening were with us. I learned that one of the outstanding books, a history of Mexico, which I believe they used as a school text, was written by him. He told the Mexicans some things about themselves they apparently had not known before. When he was in the Senate, it was the same thing here with America.

Mr. GRUENING. You are very kind.

Senator SPARKMAN. We welcome you here, and we have enjoyed your testimony. If I may, I will ask Senator Aiken to take over if I may be excused for just a minute.

Senator AIKEN. I have no questions to ask you, Ernest. All I want to say is whatever else you may do you do not waver. Sometimes you pay a price for not wavering.

Senator McGovern have you any questions?

Senator MCGOVERN. Senator Gruening, I want to join Senator Sparkman in expressing my personal appreciation for your advice and your influence, and your continuing influence and work. It is great to see you in such vigor again this morning. I think I was on the Senate floor with very few other people the day you made your first full dress speech warning against our involvement in Indochina. If I remember correctly it was in March of 1964. Is that correct? I think that anyone with that kind of foresight, which you held to without any wavering at all, deserves the commendation of us all. I wish it were possible for you to be awarded the Nobel peace prize. I think you deserve it as much as any other American.

We had in the recent Presidential campaign, a slightly arrogant slogan, "right from the start." That fits you and your record on the war much better and I want to commend you.

BASIS FOR PEACE IN INDOCHINA

This morning's news tells very jubilantly about the coming of peace to Laos. As I drove in to the office today, the newscasters were reporting that for the first time in 10 years peace has come to Laos, and the Pathet Lao forces, the Communist forces, have entered into a coalition with the other political forces in Laos. Apparently that is the foundation for the peace.

Do you see anything in that kind of a formula that is fundamentally different from what you were proposing 10 years ago as a possible basis for peace in Vietnam and elsewhere in Indochina?

Mr. GRUENING. Well, I cannot say that I read the terms of this new agreement, but I would like to repeat what I said a few months ago—that the only hope for peace in Southeast Asia is for us to keep out and let the people of Southeast Asia settle their own destiny. What-

ever the solution, it will be theirs and not the imposition of a foreign power.

Now, it may be that our intentions were the best at the beginning. There are various opinions about that. But why do we not apply the basic principle of self-determination. Now there may be interference from other powers, but if we do our part and keep out at least our conscience will be clear and I am convinced that a better solution will obtain. We have been down there now for a decade or more, and the situation has gone from bad to worse, and we are trying to do the same thing all over the world, imposing our ideas on other people. It is completely contrary to our own principles, our own ideals, and our own heritage. We started with a basic concept of self-determination, having a government of, by and for the people. If we would only apply that all over the world, sooner or later I am sure it is bound to work out better than any policy of interference either by us or any other foreign power. So I am very hopeful over the peace in Laos, but I am very fearful that the present administration, if it continues its policies, will continue to interfere, either overtly or covertly, and there will be no peace. And why do we not come home and mind our own business and take care of our long-neglected overdue domestic needs?

IDENTIFICATION OF DR. KISSINGER'S POLICY WITH NIXON ADMINISTRATION POLICY

Senator McGovern. Senator Gruening, I agree fully with your position. I think you are quite right in identifying Dr. Kissinger's policy as the Nixon administration's policy. They were one and the same thing. As a matter of fact, when Dr. Kissinger was asked a question about how he felt about the President, he said "I agree with the President." Then he added, "It is almost irrelevant whether we like each other and it is almost like asking me whether I like my arm." He went on to say that on all the major decisions they saw eye to eye.

BASIS FOR DENYING CONFIRMATION

But if it is true that Dr. Kissinger represents the President's view, on what basis do we deny confirmation to the administration that is in power of the men the President wants to serve with him? Presumably a President is going to pick those men who carry out his policy. On what constitutional grounds would we have a right to object to Dr. Kissinger's confirmation?

Mr. Gruening. Well, you have the constitutional grounds to deny confirmation to any man whom you do not consider qualified.

I do not think there is any doubt about Mr. Kissinger's ability. He is an able man, but his policies in the past have been part of the administration policy of concealment and deception, and this is very alarming. You want to be able to feel once you have confirmed him, and that confirmation is irrevocable, and he will be free to do what he pleases, that you can trust what he says, that he will come clean, that he will tell you what is happening, that he will not deceive you, and he will not conceal, it, and you have a perfect right to suspect that might not happen on the basis of the past record.

Now, I hope that will not be the case. We all want a decent foreign policy, which we have not had now for some years, and this is a non-partisan thing. Johnson got us into this war by deception and it has been continued under Nixon and Kissinger, and I hope we can break away from that. That was the burden of my remarks, and I am very confident that you agree with that.

EFFECT OF DENYING CONFIRMATION

Senator McGovern. I thoroughly agree, Senator Gruening, with the indictment of the Nixon-Kissinger record on Vietnam. I think it is an outrage that the war was not ended 5 years ago. But the only point I am making is that if, in fact, Dr. Kissinger is carrying out the policy the President wants, and they have no basic policy disagreement, it would seem to me that denying him confirmation as Secretary of State simply means that he stays there in the White House and continues to run the policy in concert with the President. Then we are deprived even of the opportunity to cross-examine him in public.

I would like to think that maybe some of these questions we have put to Dr. Kissinger over the last week may give him pause on some of—

Mr. Gruening. Well, maybe it will be a new Kissinger. We have had new Nixons at various times. They have not proved very different. But I do think that the Senate Foreign Relations Committee and the Senate and the Congress certainly have a responsibility and a duty to help shape foreign policy and if it feels that policy is being shaped in such a way with which it disagrees it has every right to do what it can to shape it in the way it wants.

INSISTENCE ON POLICY COMMITMENTS FROM MR. KISSINGER SUGGESTED

And maybe the beginning of that would be, if it does not deny confirmation to Dr. Kissinger, which it probably will not, is to at least insist on as many commitments that you hope will be kept to shape the policy in a way that the Senate believes it should be shaped.

You want to stop aggression; you want to stop deception; you want to go back to a policy that is consistent with our own traditions and heritage, and I hope that in the course of these hearings you have gotten or will get before the hearings conclude as many commitments from Mr. Kissinger as is possible and hope that after his confirmation those commitments will be kept. I believe that is as far as you can go.

But I felt it desirable in my testimony to stress the record which was a record of mendacity, deception, not merely Kissinger himself but the Kissinger-Nixon team. They have been gold dust twins; they have shaped the policy of the United States, and I think they can both be held responsible for what has happened.

I hope the Senate, I am confident the Senate in these hearings and before these hearings conclude, will try to impress upon him as far as possible what the Senate's views are and what the Senate's hopes are, and hope that those ideas will prevail because obviously the Senate's views are far saner than those of the administration.

Senator McGovern. I appreciate fully your suggestions on that score, Senator Gruening. I think you are right, that we have to stress as hard as we can to get certain understandings and certain commitments from Dr. Kissinger.

PRINCE SIHANOUK'S ATTITUDE TOWARD U.S. BOMBING

I interrogated him the other day on his contention that Prince Sihanouk actually approved American bombing of Cambodia. I do not believe that. In response to that Dr. Kissinger said he would provide certain information indicating that Prince Sihanouk did, in fact, support the bombing. The information he supplied does not back up his argument one bit. As a matter of fact, it leaves us right where we were before, with me firmly convinced that Prince Sihanouk did not approve of the bombing. We have had no evidence yet from Mr. Kissinger, although he promised to provide it to the committee, that would support his side of the case. If the documents he has sent here thus far are designed to show that we had the cooperation of the Cambodian Government when we were bombing them, it just will not wash. So we will have to go into that matter more, and there will be other things that we will have to interrogate him about.

DILEMMA OF DENYING OURSELVES PUBLIC CROSS-EXAMINATION

But I raise these questions simply because I do think it puts a member of the committee who feels, as I do, that the Kissinger-Nixon policies have been a disaster, in a very serious dilemma to then have to vote on the question of whether we want to deny ourselves the chance to at least give him a title where we can call him up here and cross-examine him from time to time. We cannot do that now and I think there is something to be said for giving him the title that he holds in any event. He is running the major foreign policy decisions and he is doing it without public cross-examination by the Congress. So perhaps there is something to be said for that side of the argument, too.

Mr. GREENING. Well, I think at least these hearings have dramatized the folly of our past policies under this administration and I am hopeful in consequence of that that Mr. Kissinger will come closer to a policy which Congress approves.

Of course, there is no justification whatever for our invasion of Cambodia. No vital interest of the United States was involved and, of course, that applies to our whole Southeast Asian misadventure. There never was any justification for going in there 10 years ago. We were lied into the war, as you all know. The Tonkin Gulf episode was spurious. The Senate was denied the information, that was in President Johnson's hands before he went on nationwide television, that the attack had not taken place. There was a telegram from the captain of the *Madbox*, Captain Herrick, the one man who knew, as no one else did, what had happened or what had not happened in the Gulf of Tonkin, who said in effect:

Hold it. It is very doubtful whether any such attacks have taken place. The earlier reports were due to freak weather effects and I suggest complete re-evaluation before action.

That telegram was in the hands of Secretary of Defense McNamara and Lyndon Johnson at 2 o'clock in the afternoon of August 4, 1964, and yet 7 hours later when the Senate leaders and the House leaders convened to hear from President Johnson what he wanted the Congress to do, namely, to pass the Tonkin Gulf resolution, this telegram was deliberately concealed from them and it was deliberately

concealed from the entire Congress during the next 3 or 4 days while they were debating it. Obviously, the Members of Congress, if they had known about that telegram, they never would have voted for the Tonkin Gulf resolution. They never would have given Lyndon Johnson the power to plunge us into a war and this ghastly tragedy would have been averted.

So we were deceived, we were lied into the war and that will be eternally on the conscience of Lyndon Baines Johnson, wherever he now is. It is a tragic thing. [Laughter.] And this kind of thing has continued to various degrees ever since, and it is long overdue that we can have a government whose word we can trust, and that is the great issue before this committee in this particular hearing, and I am very hopeful that your hearings, what you have said to Mr. Kissinger, what you tried to impress upon him, and the obvious desirability, I think Mr. Kissinger would like to emerge from his service as Secretary of State with a record that he can be proud of. I do not think he wants to continue this kind of deception, even though he has practiced it, and I am hopeful that will take place, but I am not too optimistic, and I hope the members of the Foreign Relations Committee will keep that caution alive and continue to watch it carefully, because this is an issue vital not only to this committee, to the Congress, but to the American people.

We have gone through a crisis unprecedented in our history with tragic results, results that will be with us for generations to come, to a certain extent perhaps forever.

We can never live down some of these things that I have read to you today. It is a horrible thought that we, the United States, have been guilty of the kind of butchery of innocent little children that has been incidental to our policy, a policy pursued for no good purposes whatsoever.

Senator McGovern. Thank you very much, Senator Gruening.
Mr. Gruening. Thank you.

VOTES AGAINST GULF OF TONKIN RESOLUTION

Senator SPARKMAN. Senator Gruening, I believe there were only two votes against the Gulf of Tonkin resolution.

Mr. GRUENING. Beg pardon?

Senator SPARKMAN. Two votes against the Tonkin resolution.

Mr. GRUENING. There were two, Wayne Morse's and mine.

Senator SPARKMAN. That is right. I recall it quite well. Thank you very much, Senator Gruening. We have enjoyed having you with us.

Our next witness is Rev. Douglas Moore, Black United Front, Washington, D.C.

STATEMENT OF REV. DOUGLAS MOORE, CHAIRMAN, AND ABSALOM F. JORDAN, JR., FIELD CHAIRMAN, THE BLACK UNITED FRONT

Reverend MOORE. Thank you. I do not want any discrimination from the press: they cut things off for the little people.

Seriously, Mr. Chairman, we are very glad to be here. It is unusual for a Methodist priest to be talking to two Methodist members of the

Senate Foreign Relations Committee. I am an ordained Methodist minister, I served in Africa as a missionary for 5 years. I studied at Boston University School of African Studies and also University of Monrovia and have been a student of African affairs as a scholar and as one who is a descendant of Africa.

Mr. Chairman, we are very happy that your committee permitted us to come to speak on these issues. Although some of us may cynically say it is an exercise in futility, I think it is an exercise in faith in the democratic process.

I am the chairman of the Black United Front, which has chapters in Washington, D.C., in the States of Illinois, Kansas, Missouri, Massachusetts, Florida, and other States like Texas. We receive no money from anybody. We receive no money from the Government; we receive no money from foundations, private or public. So, therefore, what we say is not because we are involved with anybody except an interest in what happens to black people.

BLACKS' VIEW OF DR. KISSINGER AS U.S. FOREIGN POLICY ARCHITECT

When blacks look at Dr. Kissinger as the architect of American foreign policy, we feel that he is the epitome of the philosophy of benign neglect of America on the foreign scene as Moynihan is on the domestic scene. Benign neglect has been Dr. Kissinger's attitude toward Africa and African problems.

This policy stems from his foreign policy that is based on close American collaboration with Europe, the Soviet Union, the People's Republic of China, and Japan. The objective of this policy is to structure new international political stability under the management of the industrialized powers. His view is to reduce conflict by building a network of interdependence between the West and former cold war enemies. Consequently, we have the wheat deal for Russia and China and Soviet acquiescence in U.S. "end the war—peace with honor" diplomacy in Indochina, and I might add that the wheat deal is penalizing American families for the high cost of bread.

As Secretary of State, Dr. Kissinger will seek to institutionalize this new policy of international stability. This will be disastrous for Africa. This myopic view of foreign policy can only bring nightmarish results in the future of Africa. Such a preoccupation with Europe as over against upgrading and developing new policies for Africa will lead this country to some dangerous pitfalls in the years to come. The record is quite clear on Dr. Kissinger: he is a Europeanist or a Eurocentric. His policies, even his proclamation "this is the year of Europe," reflects the man's total attitude toward Africa.

EFFECT OF DR. KISSINGER'S CONFIRMATION OF AFRICA

Africa is not important to Dr. Kissinger, or for that matter, Latin America. Joseph Kraft in the January issue of Harper's magazine, in an article entitled "In Search of Kissinger," said "When Africa, Latin America, or economic affairs come up, the White House, in effect, is out to lunch." The confirmation of Dr. Kissinger, we feel, will not be welcomed by Americans of African descent. Africa has not been important to him as the mastermind of Nixon's foreign policy.

Dr. Kissinger's policy of stability or law and order will inevitably reinforce the U.S. acquiescence to white minority domination in Southern Africa. Such a policy can only lead to a bloodbath in Southern Africa, as well as the further polarization of races in the United States. As the liberation forces move closer to liberating the land the Portuguese and Rhodesians will become even more repressive and barbaric.

Our indirect intervention will switch to direct intervention. This is the logical development of Dr. Kissinger's stability and Eurocentric foreign policy. Black Americans were highly indignant at President Nixon's snub of President Kaunda of Zambia and then Chairman of the nonaligned nations, who came to the United States on a mission from the nonaligned nations which carried him to the major capitals of the world; but was vulgarly refused an audience with the President. It is inconceivable that this would have happened to Mrs. Golda Meier. This snub we accuse Mr. Kissinger of, for it is he who advises the President what to do or not to do in foreign matters. The snub was uncouth, arrogant, and degrading.

Portugal is a part of NATO and as is well known, is the "poor man of Europe." How can the poorest nation in Europe fight three major wars? It is because of the U.S. indirect economic assistance; because of our Azores Agreement which Dr. Kissinger will preside over in its renewal discussions; and finally, because of our being a part of NATO which serves as a blind for funneling U.S. money into Mozambique, Angola, Guinea-Bissau. Dr. Kissinger is responsible for the Europeans' bully boy Portugal's capacity to wage a most barbaric war against the people of Angola, Mozambique, Guinea-Bissau, as well as napalm. In fact, Mr. Chairman, the first time I ever heard of the use of napalm was in 1962 in Angola when I saw women and children who were burned, in the Congo.

The recent massacre in Mozambique by Portuguese and recently by Rhodesian troops has brought no reaction from Dr. Kissinger or the State Department. Why? Because he is a Eurocentrist who practices stabilizing politics. Yet, we find a persistent probing in our relations with the Soviet Union about the status of Jews. The State Department, National Security Council, and many Senators talk about how Jews are being treated in the Soviet Union and how Russia ought to change its policy before receiving aid or political considerations. To our knowledge, there have been no massacres of Jews in Russia. Black Americans are incensed that there is no interest by Dr. Kissinger in what is happening to our people in southern Africa. What about the murder of the gold miners in South Africa, the massacre that Roman Catholic priests have spoken about in Angola, the massacre of 600 Methodist preachers on Palm Sunday in 1964 by the Portuguese, and what about the murder of the gold miners in South Africa just a few days ago? How long will Dr. Kissinger be concerned about what happened to Jews in Russia and not what happens to our people in Africa?

EFFECT OF U.S. EUROPEANIST VIEW OF WORLD

Our Europeanist view of the world has closed our eyes to the repugnant regime in South Africa, and Southern Rhodesia and the Portuguese, Southern Rhodesia. Mr. Chairman, is a case in point. Two hundred and fifty thousand European settlers dominate 5 million

Africans and yet Mr. Clark MacGregor, president of a great aircraft company that builds helicopters, accidentally, privately goes to Rhodesia and on Rhodesian television talks about the American Government may be thinking about changing its policy. As an administrator, if anyone for the Black United Front made such a statement I would know about it, and I would think it is unbelievable that Mr. Kissinger did not know that Mr. MacGregor was about the business of reinforcing his Eurocentrists policies in southern Africa.

Our Europeanists bias did not permit military action as a solution to the Rhodesian rebellion. Our Government said it was ineffectual. We opted for economic sanctions. Yet, this country violated U.N. sanctions by permitting the Byrd amendment and importation of chrome. Our Rhodesian policy is a reflection of the demonic aspect of our American foreign policy. On one hand, the world condemns us for our involvement in Vietnam and we arrogantly and doggedly stayed under the pretext of defending a people's right to self-determination.

But on the other hand, we are quiet about freedom being taken away in Rhodesia and the world calls for universal sanction against Rhodesia. We go just the opposite way and we refute them and renege on them. We have become again the laughing stock of the world as well as blatant renegers on our treaty obligations under the charter of the United Nations which we freely signed, law and all. Southern Rhodesia is in violation of U.N. Rhodesian Resolution 232 as well as in violation of Executive Order 11322 and there are certain persons who have responsibilities for enforcing that order, the Secretary of State, the Secretary of Commerce, and the Secretary of the Treasury, and in coordinated concert with other agencies are necessary, and yet we know that the Rhodesian information center still operates here in Washington, D.C., spilling out its spurious propaganda. We know that PanAm, TWA, Hertz, and Avis are violating the law by doing business in Rhodesia, and we have talked about law and order, and that this is a rule of law. We ask a very fundamental question of Mr. Kissinger, what passports do the Rhodesians live or operate in the United States on? It cannot be a British passport. So in fact, we have de facto functionally recognized them as a government.

U.S. companies have large investments in South Africa, over a billion dollars. When the virtually repressed majority rises up, what will our policy be? At the present time, because of our Eurocentric foreign policy, we are going to be caught short.

BLACK AMERICAN DEMONSTRATION AND REQUESTED MEETINGS

Two years ago, 30 to 40,000 black Americans demonstrated in Washington, D.C., they wanted a change in U.S. policy toward our ancestral land, and particularly toward southern Africa. Dr. Kissinger has ignored our cry for justice in southern Africa but he has made sure that the Jews in Russia be heard. We have asked that he meet and when the heroic leader of Guinea-Bissau was in this country his aides sought a meeting with one of Mr. Kissinger's underlings, but they would not even listen or talk to him. And this reminds me of the arrogance of John Foster Dulles in relationship to the Chinese of Mr. Chou En-lai of how that remained as a bitter pill. How many others have been turned off by this arrogant man?

BEST COPY AVAILABLE

Mr. Kissinger has met with the Jewish community about what happens to Jews in Russia but never upon our asking and request has he ever met with the black Americans who have a deep interest in what happens in Africa. This, we feel, is racist.

MEMBERSHIP OF NSC STAFF

And when we examine the staff of the National Security Council reported to be at 79, they have a funny numbers game, but anyhow, 79 last week, we note there is not one black in a policymaking position. There are Catholics, there are Jews, and Protestants, all white. Dr. Kissinger is responsible for this. Why are there no blacks in policymaking positions on the National Security Council? Certainly, black men died in Vietnam out of proportion to our number, our quota, to carry out his demonic and deathlike policy. Is it because he feels there are no competent blacks in the area of foreign policy? Is it because he does not believe that blacks can pass the security tests for this Nation or is it in fact that Dr. Kissinger is a racist? Because of the composition of the National Security Council staff, we say he is a functional racist.

CONFIRMATION WILL NOT ADD TO WORLD STABILITY OR PEACE

Mr. Chairman, in our judgment, for the record, the Black United Front does not believe that the confirmation of Dr. Henry Kissinger will add to the stability or peace of the world because his Eurocentric foreign policy can only lead to bloodshed and further polarization of blacks and whites in this country over our deeper and deeper involvement in southern Africa.

U.S. POSITION ON GENOCIDE

We also, Mr. Chairman, would bring to your attention the position of this Government on the whole question of genocide and how it affects black people in this country as a foreign policy issue. Mr. Jordan.

Mr. JORDAN. Mr. Chairman, I want to augment our chairman's testimony by raising an additional question for Mr. Kissinger's discussion.

Senator SPARKMAN. Just a minute. Has your name been given to the reporter?

Mr. JORDAN. Yes, it has, Absalom Jordan.

Senator SPARKMAN. All right.

Mr. JORDAN. Well, we feel Mr. Kissinger's attitude toward blacks has adequately represented the philosophy of benign neglect, we feel that the overall treatment of black people in this country is more analogous to callous neglect. Our concern is that the advice and consent necessary from the Senate for the ratification of the treaty against genocide has been held in abeyance and opposition against the treaty is capitious.

In 400 years of black presence in this country, the United States has failed to deal with black people in a way which would demonstrate concern for them as human beings. While my cynicism is tempered with a chimerical hope, I am cognizant of this country's failure to col-

laborate with blacks in building a country worthy of our Founding Fathers' dream.

The United States is culpable for the murder of 13 blacks in South Africa just as it is culpable for the murder of George Jackson. But more importantly, blacks are circumspect of the opposition to the ratification of the treaty—for it would permit aberrations in the treatment of men culminating in the perpetration of the same type of atavistic action against blacks that were performed against the American Indian, European Jews and more recently the massacred in Mozambique.

Our question to Mr. Kissinger is whether the President and he will extend themselves beyond effete rhetoric with respect to this treaty and fight as diligently for its ratification as he has to uphold the President's veto of five bills passed by the Congress.

Our concern is this country's failure to oppose genocide and this goes beyond our concern for black people in this country but extends to our black brothers and sisters in our motherland.

Corporations in this country are deeply involved in the economics and politics of minority ruled African nations and because of this country's failure to ratify the treaty against genocide. These companies feel no obligations to interfere in the internal affairs of that nation.

However, if the policy of this Nation is to prohibit genocide, then it become the responsibility of all Americans to act accordingly.

Considering the successes of Mr. Kissinger both with Mr. Nixon and in the Senate of the United States, we would suggest that Mr. Kissinger demonstrates that he is an efficacious administrator and we would raise the question as to whether or not the administration has demonstrated duplicity with respect to the ratification of a treaty against genocide.

It is our conjecture that the administration will not oppose genocide because this country contemplates genocide against the blacks of this Nation and also against blacks throughout the world and, therefore we raise the question of whether Mr. Kissinger will fight within the Senate to insure that blacks will be spared the fear of genocide in the same way he and his family were spared from the horrors of Nazi Germany's desire to eliminate the Jewish people.

Thank you.

Senator SPARKMAN. Thank you very much. Thank both of you gentlemen. You exceeded the time a little bit, but they were very forceful statements and we are very glad to have had you.

Reverend MOORE. Thank you, Mr. Chairman.

Senator SPARKMAN. Our next witness is Mr. John D. Hemenway, National Association of Pro America, Washington, D.C.

Mr. Hemenway, will you come around, please, sir.

STATEMENT OF JOHN D. HEMENWAY, NATIONAL ASSOCIATION OF PRO AMERICA, WASHINGTON, D.C.

Mr. HEMENWAY. Thank you, Mr. Chairman.

Senator SPARKMAN. Mr. Hemenway, we had the pleasure of having you before the committee on a previous occasion and we welcome you again.

Mr. HEMENWAY. Yes, sir. Thank you very much.

Senator SPARKMAN. Your statement, I believe, will exceed the 10 minutes we requested. I hope you are prepared to summarize it or else let part of it be placed in the record.

Mr. HEMENWAY. Yes, sir. I will do my best and, as a matter of fact, Mr. Chairman, there is a little table of dates that I will submit later on for the record, and I will proceed with a summary of the testimony.

Senator SPARKMAN. Very well, sir. You handle it as you see fit. The entire statement will be included, as you know.

Mr. HEMENWAY. Thank you, Mr. Chairman.

NATIONAL ASSOCIATION OF PRO AMERICA

As you noted, I represent today the National Association of Pro America. Pro America was founded in 1933, by the way, as an educational, patriotic, volunteer organization whose membership consists of middle-of-the-road Americans of moderate views. Speaking quite personally, Mr. Sparkman, you might be interested that we have a chapter in Birmingham, Ala.

Senator SPARKMAN. I have a very good friend there who I believe is a very good friend of yours, Dr. Leslie Wright.

REASONS FOR OPPOSING DR. KISSINGER'S CONFIRMATION

Mr. HEMENWAY. Yes, sir. To summarize the position of Pro-America, I would like to say that we oppose the confirmation of Dr. Henry Kissinger as Secretary of State for a number of valid reasons, in four general categories. Dr. Kissinger's professional judgment is poor. The disastrous grain deal with the Soviet Union is merely the most recent example, and probably not the most disastrous.

Second, Dr. Kissinger's foreign policy appears to have no general strategy to it. It is based on highly dubious assumptions for which there is little or no evidence. Yet, these assumptions are so basic to everything that underlies everything we are doing in foreign policy today. I think the committee owes it to itself and to the Nation to do what they have been doing and press even harder to examine what is the basis of the premise, and I will list three of them:

That the Soviet Union has ceased to be a revolutionary power and is now a status quo power interested to play according to the rules.

The assumption that merely by increased commercial and cultural ties we will somehow accelerate the conversion of the Soviet Union into a status quo power.

And third, the Sino-Soviet split is permanent and so severe that we can build a policy on that split.

The third major reason we oppose the nomination and confirmation is that there are several serious constitutional institutional problems with the confirmation and I will go into that in a moment, and then most importantly, Senator Sparkman, as you mentioned, I have been before this committee before, we registered the belief that Dr. Kissinger's administrative ability is hardly proven and this comes at a time when he will be Secretary of State in a State Department that needs reform, when you need in fact, a very capable administrator. I think that several of his own personnel appointments, that of

David Young, that of Helmut Sonnenfeldt, whose confirmation for Undersecretary of the Treasury has been held up for a number of months for reasons that I think a number of Senators even on your committee will understand. The Chairman, Mr. Fulbright, is a member of the Finance Committee.

There is another appointment which is quite a strange one, the appointment or at least the offer of the ambassadorship to the Soviet Union to Mr. Armand Hammer, who had the good sense, of course, to turn it down, but this must have been approved by Mr. Kissinger and it suggests an inability, perhaps, to make the right kind of personnel decision when he goes into a large bureaucracy that is going to be desperately in need of capable administration.

GRAIN DEAL WITH SOVIET UNION

Mr. Chairman, the grain deal with the Soviet Union is so bad that I have not personally met anybody in Washington who is prepared to defend it and yet it was handled as a foreign policy matter and the national security adviser, Mr. Kissinger, was seemingly responsible for its execution.

As early as January 31, 1972, 11½ years ago, Dr. Kissinger evidently was aware of an impending deal. He had a full year to get all of the details down and yet at the confirmation hearings held of Mr. Sonnenfeldt, one of his principal aides, it turned out that this man did not know what rate of interest was being charged the Soviet Union on the loans that were made for the wheat. He did not know what the discount rate of the United States was. The committee determined he did not know a lot of economic facts that one would have thought any staff member on the NSC would have known if they were engaged in a wheat deal of this, a grain deal of this proportion. Is it any wonder, therefore, that frankly, Mr. Chairman, we were taken, and now the housewife has to pay a lot more at the grocery store for her weekly groceries. We have sold our wheat for \$1.50 when now the current price is \$5. The Soviet Union will be able to take this wheat, indeed there are reports, as you well know, that they are selling the wheat that we sold them on the world markets for a profit and, at the same time, turning it to political advantage.

I cite then the wheat deal as one major mistake of Mr. Kissinger.

MR. KISSINGER'S NONINTERFERENCE DOCTRINE

Then, there is Mr. Kissinger's extremely confused noninterference doctrine. He claims that our foreign policy does not permit the United States to interfere in domestic affairs. Well, Senator, we had a seminar on foreign affairs recently up on the Hill. We had 10 foreign policy experts in the caucus room of the House, we put out this press release. I think you probably have a copy of it, it was distributed to every Senator on the committee which summarizes 6 hours of discussion on the Kissinger foreign policy. Now, one of the amazing conclusions of that seminar was that we do not have a foreign policy in most of the world, there is no consistent line. We go from crash landing to crash landing. We respond to events. We do not have a standard policy.

Well, the noninterference doctrine is one of these things. Mr. Kissinger told you that he was all for repeal of the Byrd amendment. What is that if it is not direct interference in another nation's affairs and, to boot, probably a strategic mistake. It forces us to buy low-grade chrome ore from the Soviet Union, certainly not our strategic friend, and reject high grade ore which Rhodesia has turned out in the past has sold to the Soviet Union and is in turn sold back to us so while he is against interference in that country, excuse me, for interference in that country he seemingly is against interference in other countries. The doctrine again shows an inconsistency in foreign countries. He has not thought about his strategy and he desperately needs to do that.

MR. KISSINGER OUGHT TO BE QUALIFIED FOR PRESIDENCY

Well, I thought, I have a couple of other examples here that I will leave for the record. Mr. Chairman, but I want to mention in passing something that our membership wants to have the Senators give serious attention to. Senator Javits already has mentioned in the record that Mr. Kissinger is ineligible for the Office of the Presidency and he mentioned it was a great honor, and it is a great honor, for a man who is a naturalized American to rise to the pinnacle of his profession, and to be qualified for this office. But if he is in line for the named succession in a time of programs impending constitutional crisis, we feel that he ought to be qualified for the Office of the Presidency. We feel that the Senators ought to consider very seriously whether the second man in line in succession after Speaker Albert should the President and Vice President be, for some reason be removed from office, should in fact be qualified for that office. That is a constitutional problem. An institutional problem involves the NSC machinery. It is quite clear, and was clear before the rather splendid explanation to Senator Symington's questions on committee structure where Mr. Kissinger is chairman of this committee and that committee and chairman of another committee, it is quite clear why Mr. Kissinger wants to maintain his NSC position. It is to retain power. As just Secretary of State he might be put in the position that William Rogers has been for the last few years. The only way he can guarantee that and keep pure is to keep his NSC position where he is not only Secretary of State but he can overrule by virtue of his committee positions, anyone who gets in his way bureaucratically. I am not so sure that that is consistent with the principles of good government. It sounds to me like high-handed bureaucracy.

MOLLENHOFF-KISSINGER STANDOFF

Now, that gets me to the last point I want to briefly skim over. We have not only Mr. Kissinger's appointment. David Young. Armand Hammer whom he approved of but, of course, was not appointed, Helmut Sonnenfeldt, as a measure to judge his ability to judge, but we also have an interesting spectacle a couple of years back in 1970 of the Mollenhoff-Kissinger standoff.

Mr. Clark Mollenhoff is a man who is known to all the newsmen present; he is a man of extremely high integrity. Two of your col-

leagues, Mr. Chairman, that is specifically Senator Curtis and Senator Williams of Delaware, on the occasion of his retirement from the executive branch of Government back in 1970, expressed the highest praise. I will read Mr. Williams of Delaware's statement, it comes from the Congressional Record of June 2, 1970. Mr. Williams of Delaware:

The suggestion was made that there would be those in certain quarters who would be glad Mr. Mollenhoff was leaving this position because they feared him. I have known Clark Mollenhoff for a number of years. I will state that no man in America need have any fear of Mr. Mollenhoff, and I emphasize, unless he had heretofore done or had contemplated doing something that was unethical as far as the government was concerned. In that instance, Clark Mollenhoff would be a most dangerous man to have in public office because he would expose such activities regardless of who or what political party was involved.

Well, I am sure that anyone in the Senate who has had an experience with this courageous journalist would echo that kind of a comment. But the reason I mentioned this at all is that the press around May and June of 1970 was filled with comments of a dispute between Clark Mollenhoff and Henry Kissinger. On two occasions prior to March 1970, Mr. Clark Mollenhoff reported to Dr. Kissinger and also to General Haig, who was promoted from colonel to four stars in 3 years, you will remember, there were serious security charges against Helmut Sonnenfeldt. There is no public record of any action taken by Dr. Kissinger or General Haig. Now these matters are now in the Finance Committee's record in connection with his confirmation, so I will not take your time to go into them. They are a matter of record.

Now, on the 11th of March Helmut Sonnenfeldt's name was forwarded, presumably with Mr. Kissinger's approval, to be an FSO-1. That is like entering the Army with the rank of major general. On the 19th of March, that is only 8 days later, there are a lot of press reports claiming that Dr. Kissinger is upset, is the word that was used, by Presidential counselor Mollenhoff's inquiry into the matter of Biafra. Now, the press reports make it clear what Mr. Mollenhoff was doing was investigating reports that someone somewhere in the State Department or the NSC structure was undercutting the Presidential order to see to it that America does what it could to keep the Biafrans from starving. In other words, it was the kind of humanitarianism which I personally believe is a thread that ought to run throughout our foreign policy. America does give a damn, America does care about the other fellow in trouble. America is, does feel that he is his brother's keeper.

Well, Mr. Mollenhoff was looking into that matter. A few days later Senator Thurmond was alerted and he opposed the Sonnenfeldt nomination which he called a strange nomination. This is now Mr. Kissinger's right hand man for Europe, for the Soviet Union, engineered in part the wheat deal, has been given credit for the opening in China. It is one of, I say, his unfortunate personnel choices.

DISPUTE BETWEEN MR. MOLLENHOFF AND STATE DEPARTMENT

Now, on the 18th of May the never exhaustible Clark Mollenhoff opposite another front, according to the press, and he gets into a fight with the State Department requesting an antiadministration petition

signed by 250 employees of the Department of State. Deputy Under Secretary Macomber refuses to give a Presidential counselor a copy of this unclassified document. Well, a few days later, 12 days later, Mr. Mollenhoff announces his resignation.

Now, in August after Mr. Mollenhoff leaves the White House, the Senate confirms Mr. Sonnenfeldt as an FSO-1. Subsequent to that David Young, Mr. Kissinger's appointment secretary, goes to work in activities that have been made infamous by the Watergate investigation. A few months after that Mr. Hunt, with no White House rank whatsoever, requests and gets top secret sensitive cables from the State Department with, from the the same person who had refused Clark Mollenhoff unclassified documents.

ADMINISTRATIVE RECORD OF MR. KISSINGER

Well, there are in the record, and you will have this in the chronology that I submit to you, Senator, other evidences of the strange attitude of Dr. Kissinger toward fair play and investigations in general, personnel assignment in particular. You know as well as any man in this country the kind of trouble the State Department is in personnel-wise. They need help; they do not need an addition to the problem. I submit that when you examine the evidence that our reason for not recommending that this committee recommend Senate confirmation of Henry Kissinger is also valid. That his administrative record is unproved and some inquiry ought to be made into his capacity as an administrator before he is put in charge of a very large and very important agency of the Government. That ends my summary, Senator.

Thank you.

[Mr. Hemenway's prepared statement follows:]

PREPARED STATEMENT OF JOHN D. HEMENWAY, REPRESENTING NATIONAL ASSOCIATION OF PRO AMERICA ON THE CONFIRMATION OF DR. HENRY KISSINGER TO BE SECRETARY OF STATE

Mr. Chairman, the National Association of Pro America, founded in 1933, is an educational, patriotic, volunteer organization whose membership consists of Americans with moderate middle-of-the-road views. You may be interested in the fact that, among our many chapters in about twenty states we have a chapter in Birmingham, Alabama.

Pro America opposes the confirmation of Dr. Henry Kissinger as Secretary of State for a number of valid reasons. For your convenience I shall summarize these reasons by category and then provide several illustrative examples in the following material.

SUMMARY: EVIDENCE SUGGESTING THAT DR. KISSINGER SHOULD NOT BE CONFIRMED

I. Dr. Kissinger's professional judgment is poor.—The disastrous grain deal with the Soviet Union is merely the most recent example—and not the most disastrous. His confused doctrine of "non-interference" in internal affairs is another.

II. Dr. Kissinger's foreign policy appears to have no strategy.—It is based on highly dubious assumptions for which there is little or no evidence. Three premises which are crucial to and underlie most of the Kissinger foreign policy are so unsupportable that they must be considered premature: (1) the premise that the Soviet Union has ceased to be a revolutionary power and now is a status quo power interested in playing according to the rules; (2) the assumption that increased commercial and cultural ties will accelerate the conversion of the USSR into a status quo power to provide us with "peace in our time"; and

(3) the assertion that the Sino/Soviet split is permanent and so severe that US policy and a new balance of power can be built upon it.

Not only is there little evidence to support the above basic assumptions underlying Dr. Kissinger's foreign policy, there is a considerable body of evidence to the contrary.

III. *Serious constitutional and institutional problems.*—Arise in connection with Dr. Kissinger's confirmation.

IV. *Dr. Kissinger's administrative ability is unproven.*—At a time when the Department of State badly needs reform. Selection of a number of persons by Dr. Kissinger to sensitive tasks provides evidence that there is something wrong. I have in mind Mr. David Young, now indicted; Mr. Helmut Sonnenfeldt, whose confirmation as Treasury Under Secretary has been held up for a number of valid reasons; and the selection of Mr. Armand Hammer to be US Ambassador to the Soviet Union. Mr. Hammer, a friend of Lenin and about every other leader in the Communist Pantheon, had the foresight to decline the appointment.

For the reasons summarized on the previous page, Pro America believes that Mr. Kissinger's nomination as Secretary of State should not receive the advice and the consent of the Senate.

Last Saturday, September 8, due to the fact that the Senate Foreign Relations Committee was examining the credentials of Dr. Kissinger, a seminar of ten experts was convened to consider US foreign policy, under the auspices of the University of Plano (Plano, near Dallas, Texas). As Dr. Morris, President of the University of Plano explained, the various senators questioning Dr. Kissinger were not coming to the essence of US foreign policy. Pending the publication of a monograph on the seminar, a summary for the press was prepared and distributed for the use of each senator/member of the Foreign Relations Committee on 11 Sept. A copy is submitted as an attachment to this testimony.

The seminar findings reveal an astonishing similarity between the concerns regarding US foreign policy and peace expressed by Alexander Solzhenitsyn on September 11 and those voiced three days earlier by the ten experts meeting on Capitol Hill. Dr. Morris pointed to this similarity in a telegram sent yesterday, September 13, to Solzhenitsyn. A copy is attached for your information.

With the conclusion now of these preliminary remarks, a more detailed examination of the evidence suggesting that Dr. Kissinger should not be confirmed follows:

I. UNFORTUNATE DECISIONS POSSIBLY REFLECTING BAD JUDGMENT

(1) *The grain deal with the Soviet Union*

It is so bad that no one I have met in Washington wants to defend it. Mr. Helmut Sonnenfeldt acknowledged on May 15 at his confirmation hearing that the administration erred (i.e., Kissinger/Sonnenfeldt erred) in concluding the arrangements. Recent statements by Federal Reserve Chairman Burns and Secretary of the Treasury Schultz indicate that bad judgments and faulty policy assessments were involved for which Dr. Kissinger is responsible.

The Soviet grain deal was handled as a foreign policy matter and National Security Adviser Kissinger was responsible for its execution.

This blunder has cost us many billions of dollars, so far, and it has endangered our national food supply for the first time in our history. It has permitted our own food to be used as a political weapon against us in a decade when food is increasingly important as a weapon for peace.

The financial losses incurred by Dr. Kissinger in this one calculation would be sufficient to run the Department of State for the next 15 years, at the present budgetary levels. In fact, you could run the Department of State on the interest on that money alone, calculating at current rates of at least 8%, without ever using up capital.

As early as January 31, 1972—one and one-half years ago—Dr. Kissinger formally notified the Secretaries of State, Commerce and Agriculture of the Soviet interest in buying large quantities of U.S. grain. He permitted no effort to inform U.S. farmers and the general public, thereby insuring secret negotiations with the Russians. It is odd that President Nixon, who is said to admire President Wilson ("Open covenants, openly arrived at") has a chief of staff who covets such secrecy.

In effect, we have permitted the Soviet Union to have the luxury of both guns and butter. If the housewife must pay high prices and suffers from the rampant inflation, she should know that evidence suggests that it was triggered by the grain deal. If Moscow outstrips us in the arms race and can also maintain her marginal standard of living, it is because the West provided the resources—on credit. Dr. Kissinger has set up a Marshall Aid program for the preservation of Communism which was in one of its periodic agricultural crises.

A memorandum being circulated by Senator Jackson has been quoted in the press as saying: "The grain sale brought food to the Russians, huge profits to a few grain corporations, and more inflation to the American people. Selling twenty-five percent of our wheat crop created a demand situation and a sympathetic price rise of other grains which, in turn, created other shortages such as soybeans. . . . These higher grain costs pyramided into higher costs for feeding poultry and livestock and eventually the large increases were reflected in prices to consumers in higher costs of meats, eggs, poultry, butter and other commodities."

The Soviets shrewdly have accomplished what many traders in commodities have tried and failed to do—they cornered the market—and Dr. Kissinger helped them. It is now the Russians who have surplus grain to offer to the world, not the nation whose economic system produced that grain. It is inevitable that this grain will be used as a political weapon against our own freedom and that of people all over this globe. The Soviets will be able to make political adventures involving grain pay handsomely, as well, for their grain, purchased on credit for \$1.50 per bushel is now worth \$5.00 per bushel. By selling far below world prices they can use it for political purposes and still make a handsome profit. The United States, for its part, now has a stake in the stability of the current Soviet leadership, to which it has a loan outstanding.

It is said that, for all of Dr. Kissinger's impressive academic background, he is weak in economics. Perhaps his staff can compensate for him? One of his principal assistants (for Europe and the Soviet Union) is Mr. Helmut Sonnenfeldt, who, as Dr. Kissinger's protege, was nominated to be Under Secretary of the Treasury to direct East-West trade matters. At his May 15, 1973 confirmation hearing, Mr. Sonnenfeldt did not know the current U.S. discount rate, what the U.S. government must pay for the money it borrows to service our own debt, and he could not state the interest rate which had been given to the Soviet Union. In other words, Dr. Kissinger's immediate staff was ignorant of the basic facts needed to conclude such arrangements wisely. Is it any wonder that the President is ill advised?

(2) *Mr. Kissinger's confused "noninterference" doctrine*

Mr. Kissinger takes the position that the United States should avoid interfering in the internal affairs of another state. This appears to be the principal given reason for not trying to bring some relief to persecuted minority groups in the Soviet Union such as Soviet Jewry and intellectuals such as Sakharov and Solzhenitsyn.

"Noninterference" is a favorite State Department theme and therefore a comfortable posture for Mr. Kissinger. But as a doctrine it is dead wrong.

By contrast, the Soviet Union interferes constantly in American domestic affairs. For example, during his visit to the United States, Brezhnev received his comrade in revolution, the Secretary General of the American Communist Party. The American Community Party is dedicated to the overthrow of the government of the United States by any means, including violence, if that is expedient.

Surely Kissinger must know the primitive fact that the purpose of any nation's foreign policy is to influence the domestic affairs of other nations, at least to the degree necessary to stimulate a foreign policy responsive to our own needs. Dr. Kissinger's assertions before this Committee that the US could not interfere in behalf of Soviet scientists Sakharov and Solzhenitsyn was identified by a panel of ten experts on foreign policy as the application of a moral double standard. At these same hearings (Friday, 7 September) Dr. Kissinger supported a move to repeal the Byrd amendment. In effect, he thereby advocated direct interference in the internal affairs of another nation, an act he takes at the jeopardy of US strategic interests. The Congress passed the Byrd amendment because, by refusing to buy chrome ore from Rhodesia, we cut off our noses to spite our faces. Deprived of Rhodesian ore by our own actions, we were forced to buy chrome ore of an inferior quality from the Soviet Union, the only other source of ore needed

for strategic purposes. Not only was the Soviet ore more expensive, it was of a lower quality. The Soviet Union, which was not encumbered by "noninterference" compunctions of Mr. Kissinger and the US Department of State, purchased its own chrome ore from Rhodesia at a lower price and at higher grades than its own ore.

Mr. Kissinger is also on record as opposing the Jackson amendment which is supported by Senator Buckley of New York and others, presumably because of this "noninterference" doctrine. This measure is calculated to make some small gesture in behalf of oppressed minorities, although Soviet Jews probably would be the most immediate beneficiaries.

From my two years service in Moscow as a US diplomat, I know a little about this problem. In fact, I was denounced by the Soviet Union in an anti Semitic tract called "Judaism Without Embellishment". The book was translated, in part by B'nai Brith and awakened such ugly memories in the West that the Soviets decided to withdraw it. It was one of my official duties to keep track of the official State policy in the Soviet Union of persecuting various religious minorities, whether they were Roman Catholic, Jews, Uniates, or Orthodox—all suffer from various degrees of persecution.

Americans expect to try to help people in distress. Americans everywhere can be expected to reject Dr. Kissinger's views that we should turn away—at least turn our official face away. These injustices should concern us and trouble us. If we do not admit that we are our brother's keeper, we are less civilized than we all would like to believe.

Personally, I cannot understand why Mr. Kissinger turns his official back on his co-religionists and the other groups being persecuted in the Soviet Union. If I were sitting on this Committee, I would be afraid that this might reflect a character flaw.

Press reports claim that Metternich is a hero of Dr. Kissinger's. Metternich suppressed the liberties and freedom of minority groups for the entire 40 years he was Foreign Minister in the Austrian Empire. As he suppressed liberty everywhere, he also lied and maneuvered his way through the councils of Europe in the name of "stability" and "peace."

Frankly, Senators, if Metternich is Dr. Kissinger's hero, I believe the American public would like a Secretary of State with a hero whose principles are more compatible with American ideals. I am reminded that when Dr. Kissinger came to work in the White House we used to couple the words "peace" and "freedom". Now we seem to be searching only for "peace". Whatever happened to "freedom"

(3) *Kissinger's attempt to give away U.S. Naval nuclear propulsion technology*

Admiral Hyman Rickover must be one of the greatest Americans of our generation. As much as any single American Admiral Rickover must be credited with providing us all in the free world with adequate security. For years, however, Admiral Rickover has had to guard U.S. nuclear secrets from misguided American officials who wish to win praise or some other intangible benefit by offering to share U.S. nuclear propulsion technology with our friends overseas.

Dr. Kissinger supported one such scheme. A specific proposal supported by the State Department and Kissinger/Sonnenfeldt was resisted by the Pentagon. There was a fight at every level of the NSC machinery. Admiral Rickover himself deplored this give-away project in unclassified testimony he gave before the Joint Committee on Atomic Energy. The matter finally reached the ear of the President, thanks to the vigilance of then Presidential Counselor Clark Mollenhoff and the President simply over-ruled the State Department view favored by Kissinger and Sonnenfeldt. Every bureaucratic trick was used by those persons who control the NSC machinery to promote their partisan view.

Everyone makes mistakes and sometimes what comprises error is capable of interpretation. According to Stephen Graubard in "Kissinger, Portrait of a Mind", for example, "Kissinger opposed any recognition of the East German regime . . . and had to support German unification, whatever its misgivings." Since formal recognition appears to be around the corner, Dr. Kissinger's own view on that subject must have changed. Many Americans, myself included, consider the change a mistake. There are other illustrations, such as the 1971 decision to give the Soviet Union a mission in Berlin without any compensating gesture from the Soviet Union at all. This "achievement" has paved the way for the permanent de jure partition of Germany, in violation of our solemn treaty obligations.

II. U.S. FOREIGN POLICY UNDER KISSINGER APPEARS TO HAVE NO STRATEGY

Close examination reveals that US policy has no underlying strategy. Further, the Senate Committee has not probed for any broad strategy underlying Dr. Kissinger's policy. In their questioning, Dr. Kissinger has protected himself by attempting to limit his response to a specific problem faced under specific conditions. It is obvious that in the foreign policy world of the "pragmatists" around Dr. Kissinger, we go from crash landing to crash landing.

On September 12, news commentator Howard K. Smith summarized our South American policy by saying, "There is no policy." Four Days earlier, the ten foreign policy experts discussing US foreign policy on the eve of the Kissinger confirmation hearing had come to that same conclusion with regard to US policy world wide. Under Dr. Kissinger's direction, the panel members concluded, US foreign policy stands for no principles that can be clearly identified; the policy is merely an ad hoc reaction to events.

In the case of Germany, as I have stated, four years ago (and 20 years before that) we stood for the reunification of Germany in peace and freedom. We now are about to permit de jure division of the country by the recognition of East Germany. This is no brave new innovation or new initiative on our part; the evidence suggests that this simply is a mistaken course. As long as I can remember, there have been persons who wanted to recognize East Germany, or Communist China.

Trips to Moscow or Peking; recognition game plans for Mongolia and Albania; normalization of relations with Cuba all have been subjects for "thinking pieces" for years. The novelty of these actions does not make them wise.

Nowhere is the lack of a general strategy of foreign policy more evident than in Asia. Great gains are claimed as accruing from the President's trip to Peking. Is it not fair to ask just exactly what are these great gains? On the other hand any claimed advantages of the President's trip to Red China have been more than offset by serious long-lasting disadvantages that include: (1) A general setback to democracy in Asia; (2) near collapse of the friendly Sato government in Japan; (3) expulsion of the Republic of China (Taiwan) from the U.N.; (4) the near or imminent collapse of Cambodia; and (5) the necessity to introduce martial rule in the Philippines.

Solzhenitsyn's writings have recalled Munich and it might be well to reflect on that. In the mid-thirties, Stanley Baldwin had to confess to the House of Commons that he had not called for rearmament against Hitler because the Baldwin government would have fallen as a consequence. The United States has now slipped to second place militarily, and the strategic balance has shifted against us. What has become of the Nixon strategy of parity and "bargaining from strength"?

Clearly the Nixon Doctrine is not a strategy for peace.

The Nixon Doctrine can justly be criticized for its imprecision. It provides yet another indication that there is no identifiable U.S. foreign strategy. How can anyone believe that the Paris Agreements actually produced "Peace With Honor", a claim advanced for this Agreement which permits North Viet Nam to keep hundreds of thousands of its troops in the territory of South Viet Nam? In fact, is not the Kissinger policy simply to "get out", i.e. to abandon our allies, but, if possible, without evident embarrassment to the administration?

III. SERIOUS CONSTITUTIONAL AND INSTITUTIONAL PROBLEMS

This nation has been through several crises in recent years; it is now in the midst of a Constitutional crisis.

Senator Javits has noted that Mr. Kissinger is ineligible for the Office of the Presidency. This means that, even if he is second in line in the named succession after Speaker Albert, should the President and Vice President be removed from office, he could not serve.

Pro America always has followed Constitutional issues with deep concern. We feel that the Senate should weigh carefully possible consequences of confirming a man to a position high in the order of succession who is not a "natural born citizen" as required by Article II, Section 1 of the Constitution.

The NSC Machinery poses another problem. There really is no way for solving Inter-Departmental disputes at any level except to appeal them to the next higher level.

The real reason Dr. Kissinger seeks to hold two positions, Advisor to the President and Secretary of State, simultaneously has not been stated unequivocally. Let us bring it out into the open. The reason goes to the manipulation of the endless conferences and governmental machinery arising from the NSC machinery. The final arbiter has been Dr. Kissinger, the President's Advisor, in most cases.

Whenever a Department feels its own vital interests are threatened by a matter in which its view does not prevail, it escalates the fight—in an attempt to reach the President—or Dr. Kissinger speaking for the President. That is why the President is such a busy and harassed man; that also is why Dr. Kissinger is such a powerful man.

That also is why Dr. Kissinger wants to hang on to his second position. It represents power. Archimedes wanted only a place to stand and a lever long enough to move the world. Dr. Kissinger as both (a) Secretary of State, and, (b) Presidential Advisor on National Security Affairs would have a place for both feet.

A pertinent question, perhaps is this: would Dr. Kissinger move the world in the right direction?

IV. DR. KISSINGER'S ADMINISTRATIVE ABILITY IS UNPROVEN

One critical test of a good executive is the ability to select subordinates wisely. If only for that reason, one must consider Dr. Kissinger's selections of subordinates. The wisdom of his choices is not always apparent.

(1) *David Young*.—Can one ignore Dr. Kissinger's selection of David Young to be his appointments secretary? Now that Mr. Young is under indictment, the American public will have to presume that the Senate Foreign Relations Committee has thoroughly looked into that matter in executive session, because it is clear that it has not been examined thoroughly in public sessions.

(2) *Armand Hammer*.—The selection of Mr. Armand Hammer as a candidate to be U.S. Ambassador to the Soviet Union is even more mystifying. That the post was offered to Mr. Hammer in fact was confirmed by the Washington Post on August 27, 1973 (p. A-28) when a spokesman for the Occidental International Corporation informed the press that the post had been offered to Hammer, but that he could not accept such a post because of obligations to his company and its stockholders. Armand Hammer has had a close relationship with top Soviet leaders since 1921. A personal friend of Lenin, Hammer's father was one of the founding members of the American Communist party. Armand Hammer is an "insider" with the present Soviet regime and its top leadership and he always has been. Surely Dr. Kissinger, the president's advisor on National Security Affairs had to approve this choice before it was made. Why did he permit such an unwise selection? Mr. Hammer showed better judgment in rejecting the offer than did those who offered him the post. Conflict of interests, if not ideology, are obvious. There is no point in dwelling on this case which I use only as an illustrative example of trouble in the personnel department. As Secretary of State, Dr. Kissinger will have responsibility for many such appointments.

(3) *Helmut Sonnenfeldt*.—The failure of Kissinger's aide Sonnenfeldt to receive confirmation as Under Secretary of the Treasury because of lack of qualifications (see, for example, Congressional Record of May 23, 1973, page E 3428) and certain security charges is a matter of record. Details of the alleged security breaches were published in Human Events (August 25, 1973, p. 3) and there is no need to go into them here.

Taken together—and there are other examples—these cases suggest that personnel selection is not Dr. Kissinger's talent—yet that is what he will have to do as Secretary of State.

(4) *The Mollenhoff/Kissinger stand-off*.—There is a far more serious matter in personnel/administration involving deep-seated attitude toward service under the President (I refer to the office, not the man). I now refer to a series of clashes, recorded in the press, that took place between Mr. Clark Mollenhoff, when he was Counsel to the President, and Dr. Henry Kissinger.

The evidence strongly suggests that Dr. Kissinger is guilty of wrong doing.

It is a matter of record that the Second Session of the 85th Congress (Concurrent Resolution No. 175) set forth a Code of Ethics for Government Service which states, in part: "Any person in Government service should: . . . uphold the Constitution, laws, and legal regulations of the United States . . . and never be a party to their evasion . . . expose corruption wherever discovered."

A chronology of events recorded for the most part in the press tells a story suggesting that Dr. Kissinger does not welcome impartial inquiries:

Two occasions prior to March 1, 1970.—Mr. Clark Mollenhoff informs Dr. Kissinger and also Gen. Haig (who was promoted from colonel to four star general in three years) of serious security charges against Helmut Sonnenfeldt. There is no record of any action having been taken on the basis of Mr. Mollenhoff's information.

March 11, 1970.—Name of Helmut Sonnenfeldt, Dr. Kissinger's principal aide is forwarded to the Senate for lateral admission into the career diplomatic service as an FSO-1. (This is equivalent to entering the army as a major general.)

March 19, 1970.—Press reports that Dr. Kissinger is "upset" by Presidential Counselor Mollenhoff's inquiry into Biafra. Mollenhoff is investigating reports that persons in the Department of State or NSC are defeating the President's desire to give aid (food) to Biafra.

March 26, 1970.—Senator Thurmond opposes the Sonnenfeldt nomination which he calls "strange" and in violation of career principles. (Cong. Record of March 26, 1970, p. S4644.)

May 18, 1970.—Presidential Counselor Mollenhoff requests a copy of anti-Administration petitions signed by 250 employees of the Department of State and related agencies who signed it to demonstrate their opposition to US involvement in Cambodia. Deputy Under Secretary Macomber refuses to give Presidential Counselor Mollenhoff a copy of this unclassified document.

May 30, 1970.—Mollenhoff announces his resignation, effective July 1.

August, 1970.—Senate confirms Sonnenfeldt after Mollenhoff leaves the White House.

Subsequent (?).—Dr. Kissinger's appointments secretary David Young begins work that leads to his indictment.

Subsequent (?).—Mr. Hunt, with no White House rank, requests and gets top secret sensitive cables from the State Department. Deputy Secretary Macomber provides Hunt with highly classified documents.

December 1971.—(1) Request made of Sonnenfeldt to appear at a hearing under oath to clear up contradictory statements (Hemenway Hearing). (2) High aide of Dr. Kissinger takes what appears to be an attempt at reprisal against Hemenway, an employee at the Pentagon.

May 15, 1973.—First day of Confirmation Hearings for Helmut Sonnenfeldt to be Under Secretary of the Treasury. Hemenway introduces evidence that his entrance into the Foreign Service was fraudulent and records security violations. (See Congressional Record of May 23, 1973, page E 3428; May 24, 1973, page E 3500; May 24, 1973, page E 3477; May 29, 1973, p. E 3537; Aug. 3 1973, p. E 5444.)

In the light of the revelations of the Senate select committee hearings it seems evident from even this partial record that Counselor Mollenhoff's efforts to pursue an investigation in the name of the President was being defeated by officials who were applying two sets of standards simultaneously. The evidence seems to suggest that Dr. Kissinger was obstructing him in this effort.

Deputy Under Secretary Macomber, who was in a position to play a key role in Helmut Sonnenfeldt's fraudulent lateral entry into the Foreign Service, also appears to have blocked legitimate inquiries for Dr. Kissinger when they were initiated by Mr. Mollenhoff. The question remains why this would be done, since both men were working for and supporting the President.

Evidently Dr. Kissinger did not always feel like a supporter of the President. In 1968, just after Mr. Nixon had defeated Mr. Rockefeller decisively, Rockefeller supported Kissinger is reported by Bernard Collier in the Boston Globe to have said, "That man Nixon is not fit to be President." Serving President Nixon with much zeal would appear to have required a great deal of flexibility from Kissinger.

In evaluating the worth of the above chronology, it might be useful to recall the statements in praise of Clark Mollenhoff made by two senators (page S-8172 of the Congressional Record of June 2, 1970.):

"Mr. CURTIS: I wish to add a word of praise to Clark Mollenhoff who has displayed honor, integrity, and great ability. I hope the time comes when he will again consent to serve in public office. As a reporter, he was diligent and a thorough investigator. He is fair and he is honest. . . .

"Mr. WILLIAMS of Delaware: . . . the suggestion was made that there would be those in certain quarters who would be glad Mr. Mollenhoff was leaving this position because they feared him. I have known Clark Mollenhoff for a num-

ber of years. I will state that no man in America need have any fear of Mr. Mollenhoff unless—I emphasize unless—He had heretofore done—or had contemplated doing—something that was unethical as far as government is concerned. In that instance Clark Mollenhoff would be a most dangerous man to have in public office because he would expose such activities regardless of who or what political party would be involved."

You will recall that just over two years ago this Committee heard testimony from me to the effect that the Department of State personnel system was "sick and corrupt." This very Committee refused to confirm the Director of Personnel of the Department of State to an ambassadorial assignment at that time because of facts brought out in the hearing.

There is ample evidence to suggest that the man before you today also is not worthy of the trust that this high post demands.

Then, in addition to the personnel matters just discussed, there is the record of foreign policy: let's look at Dr. Kissinger's record in foreign policy.

A ROUND-UP OF DR. KISSINGER'S RECORD IN FOREIGN POLICY

For the last 25 years, i.e., ever since the end of WWII, when the United States emerged as a "super power" conscious of its international role in international affairs, the USSR has set certain goals for itself vis-a-vis the West.

For much of this time Soviet policy has been conducted within the framework of "peaceful coexistence." According to the Philosophical Encyclopedia in Russian, III, 452-454, Peaceful coexistence is defined as: "a specific form of class struggle between socialism and capitalism in the international arena. . . . The policy of peaceful coexistence which is carried out by socialist countries represents a powerful factor hastening the global revolution process. . . . Peaceful coexistence does not exclude revolutions in the form of armed uprisings and just national liberation wars against imperialist oppression which takes place within the framework of the capitalist system."

With regard to the United States and the west an eminent Soviet affairs expert summarized the goals of "peaceful coexistence" as follows: "(1) The Soviet Union has demanded that East Germany be recognized and given status equal to that of West Germany; (2) Moscow has demanded talks to demilitarize or limit the military powers of the NATO military powers; (3) The Soviets have demanded the removal of US forces from Europe; (4) The Soviets have demanded of France the neutralization and expulsion of NATO from French territory; (5) the Communists have demanded American retreat from Southeast Asia; (6) Soviets have demanded a general program of reducing US military capacity and superiority; and (7) The Soviets have demanded generous commercial credits and economic assistance from the West."

For years Moscow's ideologues have claimed that the accomplishment of these goals would be a tremendous victory for the peaceful coexistence doctrine of communism. And, in truth, today all of these goals appear to have been very nearly accomplished. Yet Dr. Kissinger and certain of the media who support his foreign policy present the achievement of these Soviet goals as "concessions," and US giving in to these long term Soviet goals is viewed as a US "victory".

We can not stand too many "victories" of the peaceful coexistence kind. Most of the above "victories" have been achieved during Dr. Kissinger's period of stewardship over US Foreign Policy. For the last four years Dr. Kissinger has been Secretary of State in all but name.

In determining how he will cast his vote in the matter of the confirmation of Henry Kissinger, each senator need ask himself only one question: Is the policy we have seen for the past four years the policy of a Metternich, building up the strength and influence of his nation from that of a second rate power, or is this a policy of a Chamberlain or Baldwin converting his nation from a great power into one that is second rate.

We would do well to heed the warnings of Soviet Scientist Sakharov who specifically addressed the foreign policy being pursued by Henry Kissinger. Mr. Sakharov urged the West to make detente conditional on democratization of the of the Soviet system: "Detente without democratization, a detente, when the West in fact accepts our (Soviet) rules of the game in this process, such a detente would be dangerous. It wouldn't solve any of the world's problems and would mean a capitulation to our (Soviet) real or exaggerated strength. By liberating us (the USSR) from problems we can't solve ourselves, we could concentrate on accumulating strength. And as a result the whole world would be disarmed and

facing our uncontrollable bureaucratic apparatus."—(Wash. Eve. Star-News, Aug. 22, 1973.)

Since Henry Kissinger will not heed Mr. Sakharov's levelheaded warning, the Senate should.

SOLZHENITSYN/SAKHAROV SUPPORTED BY ACADEMIC PANEL

The similarity of concerns regarding world peace expressed by Alexander Solzhenitsyn on September 11 and those voiced three days earlier by a panel of American foreign affairs panelists meeting on Capitol Hill was noted in a telegram sent today to Nobel laureate Solzhenitsyn in the USSR.

The cable was sent by Dr. Robert Morris, president and chancellor of the University of Plano, Dallas, Texas, whose university sponsored the ten-man panel discussion in the Caucus Room of the House of Representatives in the Nation's Capital.

The text of the cable reads: "Telegram to Mr. Alexander Solzhenitsyn: You and your brave associates do not stand completely alone. An academic panel with ten participants, meeting on Capitol Hill, Washington, D.C., last Saturday (September 8) expressed the wish that you and Dr. Sakharov, with your feet planted firmly in reality, could question Dr. Kissinger before the Senate Foreign Relations Committee. Dr. Kissinger's assertions that the U.S. could not attempt to interfere in behalf of you and your fellow scientist Sakharov was considered as an application of a moral double standard. It was this academic group, under the auspices of the University of Plano, Plano, Texas, and not the Senators that challenge the assumption of Dr. Kissinger's policy that: (1) the U.S.S.R. was no longer a revolutionary force; (2) that unilateral economic nourishment of communism would produce stability; and, (3) that the Sino/Soviet split would endure.

"All free men should support you in your gallant efforts for freedom and personal liberties everywhere.

"(s) ROBERT MORRIS,
Chancellor, University of Plano.

The above telegram was sent to Mr. Solzhenitsyn through TASS, the official telegram agency of the U.S.S.R., and a copy was sent to the U.S. Embassy in Moscow. Contact: John D. Hemenway, Dean, University of Plano in Washington Cd (202) 244 4819 and 244 5085.

[From the Congressional Record, Sept. 11, 1973]

SOME POINTED QUESTIONS FOR KISSINGER HEARINGS—PART III

(By Hon. John M. Ashbrook of Ohio in the House of Representatives)

Mr. ASHBROOK. Mr. Speaker, a variety of pertinent questions for the Kissinger hearings now in progress before the Senate Foreign Relations Committee were implicit in the views expressed by 10 panelists at a foreign policy seminar held here in Washington last Saturday, September 8. The seminar, sponsored by the University of Plano in Dallas, Tex., covered a variety of issues of topical importance in a wide-ranging review of current foreign policy over an extended period of 6 hours. A summary of the seminar and its findings was released by Plano University today, a copy of which I insert in the Record at this point.

ACADEMIC PANEL VOICES CONCERN OVER KISSINGER FOREIGN POLICY

Dr. Kissinger's foreign policy regarding the Soviet Union is built on premises, the ignoring of which could bring disaster to the United States, an eminent American specialist on Soviet affairs warned in Washington this week.

Dr. Joseph Schiebel, Director of Georgetown University's Russian Area Studies program, was one of ten experts who examined Kissinger's foreign policy critically and extensively during a public seminar on Capitol Hill.

Some of the most basic premises of the Kissinger/Nixon foreign policy were questioned and shown to be without actual foundation by these experts.

Scheduled for the week during which Dr. Kissinger's testimony is being heard by the Senate Foreign Relations Committee, the six-hour panel discussion pointed to the failure of certain senators on the Foreign Relations Committee to question Dr. Kissinger critically on substantive matters and the evident deterioration of US foreign policy and decline in US prestige abroad.

"Questions (regarding Kissinger's Soviet policy) seem to be coming from an unusual source, namely the Russian intellectuals—the Russian scientists—rather than from the lips of the Senators," observed Dr. Robert Morris, President of the University of Plano.

"This is something for us to be ashamed of," responded Professor Schiebel.

Meeting in the historic Caucus Room of the House of Representatives, other seminar participants included Allan Brownfield, noted journalist; David Lichenstein, general counsel of Accuracy in Media, Inc.; Alan Bock, Editor of the *Pink Sheet on the Left*; Paul Deac, Executive Vice President of the National Confederation [NCAEG]; government economist Reed Irvine; Mr. Miroslav Gregory, Executive Vice Chairman, Washington Chapter [NCAEG]; retired US diplomat and Soviet expert John Hemenway, who also is Dean of Plano University in Washington; and, Secretary General of the Freedom Leadership Foundation, Gary Jarmin.

Several participants found the current Kissinger/Nixon foreign policy to be reminiscent of Chamberlain's disastrous Munich policies of the nineteen-thirties.

KISSINGER'S WHEAT DEAL WITH SOVIETS

Soviet purchase of US wheat and shipment (on US credits) was identified as a principal cause of current inflationary pressure in the United States. Statements by Federal Reserve Chairman Burns and Secretary of the Treasury Shultz were cited to establish that bad judgments and faulty policy assessments for which Dr. Kissinger is responsible were involved in the US/Soviet wheat transaction.

NO EVIDENCE TO SUPPORT BASIC FOREIGN POLICY PREMISES

Professor Schiebel of Georgetown summarized three premises crucial to and underlying the Kissinger foreign policy which, he thought, may be premature and are unsupportable:

(1) The assertion that the Soviet Union has ceased to be a revolutionary power and now is a *status quo* power interested in playing according to the rules;

(2) The assumption that increased commercial and cultural ties will accelerate the conversion of the USSR into a *status quo* power to provide us with "peace in our time."

(3) That the Sino/Soviet conflict is permanent and so severe that US policy and a new balance of power can be built upon it.

Dr. Schiebel observed that not only is the evidence to support these assumptions inadequate, there is a good deal of evidence to the contrary.

THE BYRD AMENDMENT AND KISSINGER'S CONFUSED "NONINTERFERENCE" DOCTRINE

The ten experts agreed that US foreign policy implementation necessarily involved an attempt to influence the domestic affairs of other nations, if only to stimulate a foreign policy response to our needs. Dr. Kissinger's assertions that the US could not attempt to interfere in behalf of Soviet scientists Sakharov and Solzhenitsyn was seen as an erroneous application of a moral double standard. In the same hearing Dr. Kissinger professed support of a move to repeal the Byrd amendment, thereby proposing action—if not advocating it—tantamount to direct interference in the internal affairs of a foreign country.

THE ROLE OF THE FOREIGN RELATIONS COMMITTEE

The ten experts wondered why the Senate Foreign Relations Committee did not inform the public of the issues by putting the right questions to Kissinger. The belief was expressed that many Americans are not aware of certain fundamental questions that are not being pressed by the Committee and that a disservice is performed not facing up to hard questions and issues.

Dr. Morris of the University of Plano noted that the most incisive questioning concerning the wisdom of US foreign policy seemed to be coming from an unusual source: Russian intellectuals and Soviet scientists.

Several panel members expressed their concern that, during the first day of his hearing Dr. Kissinger was allowed to retreat into the specific details of specific questions severely limited both in scope and implication. No senator probed for Dr. Kissinger's broad strategy of the US foreign policies under his direction.

A consensus developed among the panel members who concluded that, under

Dr. Kissinger's direction, US foreign policy stands up for no principles that can be clearly identified. In the view of the panel, the ideology of American freedom and a search for human dignity and freedom should underlie all US policy. Instead, under Kissinger, for all practical purposes there is no US foreign policy; it is all *ad hoc* reaction to events.

The ten experts want the US Senate to demand answers to vexing problems and to require a satisfactory general outline of the strategy of US Foreign Policy before Kissinger is confirmed, rather than *after* he leaves office, when many men suddenly become very wise.

MANY OTHER AREAS DISCUSSED BY THE SEMINAR OF EXPERTS

The Nixon Doctrine was criticized for its imprecision—yet another indication that there is no identifiable US foreign policy, merely "pragmatic" reaction to a series of events. Allan Brownfeld remarked that not one senator questioning Dr. Kissinger wondered aloud what the US actually had gained from the Moscow or Peking trips or whether the Paris Agreements actually had produced "Peace With Honor", a claim advanced for the Agreement which permits North Viet Nam to keep hundreds of thousands of its troops in the territory of South Viet Nam. In fact, panel experts concluded that the Nixon/Kissinger policy was simply to "get out", i.e., to abandon our allies, but, if possible, without evident embarrassment to the administration.

The Soviet Government was characterized as a "bureaucratic despotism". Panelists agreed that such tyrannies must be resisted wherever they are found, whether it is in the US in the form of OEO encroachments on liberty or threats against liberty from foreign despotisms. To protect what America stands for, the ten foreign policy experts believed it essential to project America's idealism overseas and, when and if necessary and practicable, to interfere in the affairs of another nation in order to promote developments that are in the US national interest. At this time, all ten of the experts believed that the Soviet Union needs western technology, western food, western help and friendship. Therefore the US should not consider providing these valuable considerations without advancing US interests and American idealism in the process. The Kissinger/Nixon foreign policy has failed to exploit this advantageous situation in the interest of freedom.

A common denominator for common action was suggested by Dr. Morris, the President of the University of Plano. President Morris observed that, "Since there is a moral imperative for all men to 'love your brother' and since all of mankind is his brother, every American should work for his brother's interests, which include his liberty and freedom. On the positive side, therefore, American foreign policy efforts should be directed in the interests of the liberty and freedom of all men." Dr. Morris' view was compatible to the views of the other panel members.

"Solzhenitsyn and Sakharov 'twist slowly in the wind'", thanks to Kissinger's foreign policy, declared Alan Bock. The West watches these men bravely and shrewdly fight to be free men and, by their actions, undermine the legitimacy of their authoritarian government, which is alien to U.S. foreign policy objectives. Despite dire warnings from Soviet intellectuals of the highest rank and credentials, concerning the intentions of the Soviet leadership and the risk to peace, United States policy of detente seems wedded to the concept of "peaceful co-existence."

Nixon's Asian Policy has been calculated to create the propaganda image of a "generation of peace" by "grand slam" tactics, according to Allan Brownfeld, who believes that the Nixon/Kissinger style of diplomacy is "dangerously ineffective." He declared that any advantages of the trip to Red China have been more than offset by serious long-lasting disadvantages that include:

- (1) A general setback to democracy in Asia;
- (2) Near collapse of the friendly Sato government in Japan;
- (3) Expulsion of the Republic of China (Taiwan) from the UN;
- (4) The near or imminent collapse of Cambodia;
- (5) The necessity to introduce martial rule in South Viet Nam.

"The United States is now militarily No. 2," according to John Hemenway, former Pentagon official, retired U.S. diplomat, and Soviet-German specialist. Hemenway wondered why the President had his facts wrong. Hemenway recalled President Nixon's assertion to the VFW in New Orleans a few weeks ago to the effect that the U.S. will not be allowed to slip to No. 2, militarily. Yet that is

exactly where we are. The strategy of "bargaining from strength," considered by all of the panel members as essential in negotiations with the Soviet Union appears to have been abandoned in fact, although the rhetoric continues.

A Steady Deterioration of U.S. Foreign Policy was noted by all ten experts of the panel, who, in various different ways, noted the total absence of any moral direction or purpose in U.S. policy which seems to have lost its direction under the Nixon/Kissinger leadership.

Curiously, during the six-hour discussion of U.S. Foreign Policy of the William P. Rogers era, Secretary of State Rogers' name was seldom mentioned. There was little doubt in the mind of any panelist that the real Secretary of State in the "Rogers" era was Henry Kissinger.

A Haunting Memory of Munich was recalled by historical precedents presented by Professor Schiebel who drew an analogy of the present period with U.S./Soviet relations in the thirties in which intense U.S. interest in detente, commercial ties, and technological aid to Moscow nevertheless culminated in the Ribbentrop/Molotov Pact, ending all hope in the West for "Peace in our Time". John Hemenway recalled British PM Stanley Baldwin's dreadful "confession" to the House of Commons in which he admitted that he had not advised preparedness when Hitler was rearming. Baldwin thereby left Chamberlain in the lurch to face up to Hitler at Munich, totally unprepared. Hemenway saw a parallel in the present failure of the Senate Foreign Relations Committee critically to examine Kissinger by drawing out the real issues.

A Profound Change may be taking Place in U.S. Policy, reflected Dr. Morris of the University of Plano. University President Morris said that, "Judging from yesterday's (the first day) Hearings, we do not seem to be coming to the essence of U.S. foreign policy." Dr. Morris explained that the seminar of ten experts was hastily convened because the Senate Foreign Relations Committee now is examining the credentials of Dr. Kissinger to be Secretary of State. These important events made it imperative for the academic world to examine our foreign policy in an open-minded way so that we might give some guidance and direction to its furtherance.

Senator SPARKMAN. Thank you very much. I understand this discussion you had about Mr. Mollenhoff—

Mr. HEMENWAY. That will be submitted to you this afternoon.

Senator SPARKMAN. That is a separate document?

Mr. HEMENWAY. Yes, sir, it is a separate chronology.

Senator SPARKMAN. Without objection, it will be printed in the record.

Mr. HEMENWAY. Thank you very much.

Senator SPARKMAN. Senator Aiken.

Senator AIKEN. No questions, Mr. Chairman.

Senator SPARKMAN. Thank you very much, Mr. Hemenway.

Mr. HEMENWAY. Thank you, sir.

Senator SPARKMAN. Glad to have you.

Mr. HEMENWAY. Thank you, sir.

Senator SPARKMAN. Next is William A. Small, president, Federation of American Arab Organizations of New York. We are glad to have you, sir. We have your paper and you present it as you see fit.

STATEMENT OF DR. WILLIAM A. SMALL, PRESIDENT, FEDERATION OF AMERICAN ARAB ORGANIZATIONS, NEW YORK, N.Y.; ACCOMPANIED BY M. T. MEHDI, EXECUTIVE DIRECTOR

Dr. SMALL. Mr. Chairman and Mr. Aiken, my name is Dr. William A. Small, president of the Federation of American Arab Organizations. It is our great pleasure to appear on behalf of the Federation of American Arab Organizations to share with you our thoughts on the nomination of Dr. Henry Kissinger. We believe that Dr. Kissinger

is a competent man who has demonstrated his diplomatic skills with ability and distinction. He is also a scholar and a historian, which should add to his ability in conducting the foreign policy of the country.

With the end of the Vietnam war and hopefully, with the termination of the conflict in Cambodia, America will have to become more and more concerned with the Middle East. President Nixon has indicated twice that the Middle East has the highest priority on the agenda. Dr. Kissinger will have to be dealing in the Middle East with 18 Arab States and with three Moslem countries (Turkey, Iran and Afghanistan) which are sympathetic with the Arab position. He also must deal with Israel.

Dr. Kissinger has stated that his religious background will not affect his policy decisions, and we believe that he is, intellectually, honest in so stating his position. We are not so sure, however, that Dr. Kissinger, as other Zionist Jews, can emancipate himself emotionally from the traditional link to Zionism and the Jewish state.

It is of the utmost importance that the prestige and position of the American Secretary of State should be at such a height that it would significantly affect the views of the countries of the areas and guide them toward accepting American goodwill and induce them to establish better relations with the United States. He does not have to be "acceptable" to those countries as an ambassador should be, but in order to establish good relations it is important at least not to have unnecessary obstacles to hinder the development of good relations.

U.S. POLICY CONCERNING MIDDLE EAST CONFLICT

As you know, Mr. Chairman, there is a bitter conflict in the Middle East between Israel and the Palestinians in which the Palestinians are supported by fellow Arabs and Israel is supported by the United States. We were gratified when the President said in his last press conference that both Israel and the Arab States are at fault. This was the first time an American President had considered Israel to be at fault. We were, however, unable to believe our ears when the President maintained that America was not "pro-Israel, nor pro-Arab." America has indeed been pro-Israel and its pro-Israeli policy has been demonstrated by the sending of hundreds of phantom jets and billions of dollars to the Jewish state.

ISRAELI STATEMENTS ABOUT U.S. JEWS

Mr. Chairman, the Israelis have stated time and again that American Jews are "Israelis residing in exile," and are "potential residents of Israel and Israeli occupied Arab lands." Mr. David Ben-Gurion, the first Prime Minister of Israel and a Zionist thinker has stated that a Jew in America regards Israel as his government. In the Government of Israel Yearbook 1953-54, p. 35, Mr. Ben-Gurion wrote as follows:

When a Jew in America or in South Africa speaks of 'our government' to his fellow Jew, he usually means the Government of Israel, while the Jewish public in the various countries view the Israeli ambassadors as their own representatives.

The Atlantic issue of Newsweek, July 9, 1973, page 56, provides an interview with Dr. Nahum Goldman, former president of the World Zionist Organization in which he tries to define the relationship between the Israeli Jews and the Jews outside the Jewish state. Dr. Goldman says that the Jews outside Israel—such as the American Jews—are junior partners of the Israeli State while the Israeli Jews are the senior partners.

Mr. Chairman, there are many such assertions by Zionist Jewish leaders, and there is enough circumstantial evidence to show that large numbers of American Jews have indeed behaved as Israeli partners.

To the Arab delegations at the United Nations, the behavior of Ambassador Arthur J. Goldberg in 1967 was identical with the actions of the Israeli Ambassador Michael Comey. Many prominent American observers of the Goldberg behavior concur with the Arab position.

DR. KISSINGER'S TIES TO FORMER AMBASSADOR RABIN

Dr. Kissinger's special ties to the former Israeli Ambassador to Washington, Mr. Yitzhak Rabin, create a great deal of anxiety and apprehension throughout the Arab world and among all Americans concerned with the Middle East and American interest in that part of the world. According to the Jerusalem Post, August 28, 1973, page 4:

"Professor Kissinger's handling of the Middle East hitherto was always discreet, even at times of major crisis like the Syrian armored invasion of Jordan, when—as U.S. analysts revealed—he virtually established a two-man war room, with then Ambassador Yitzhak Rabin. He also became closely involved during Premier Golda Meir's visits to Washington. His relationship with Rabin was a kind he maintained with only a handful of other foreign envoys. He took pains to let the State Department play its rightful role front stage.

DR. KISSINGER SHOULD PUBLICLY RENOUNCE ALL ZIONIST CLAIMS

In the light of all above Zionist assertions that American Jews are junior Israeli partners, and in the light of the fact that most American Zionist Jews, including Ambassador Arthur Goldberg, have indeed behaved as partners of the Israeli State, and in the light of the strong ties between Dr. Kissinger and the Israeli Embassy in Washington, and because there is a great apprehension that Dr. Kissinger's appointment as Secretary of State will aggravate the crisis of United States-Arab relations and the energy shortage—in the light of all these, we believe that it is imperative that Dr. Kissinger should publicly renounce all Zionist claims that he has any ties, emotional or philosophical or political, to the foreign State of Israel.

Mr. Chairman, we believe that such a declaration by Dr. Kissinger will eliminate the apprehension felt in America and in the Arab world and only then Mr. Kissinger could perform a useful function in the interest of America and in the interest of international peace.

Thank you, sir.

SENATOR SPARKMAN. Thank you very much, Dr. Small. Has the gentleman with you been identified for the record?

DR. SMALL. Yes, Dr. M. T. Mehdi.

DR. MEHDI. I have a brief statement, sir, that if Dr. Kissinger renounces the assertions of the Zionists we believe that his contribution to the energy crisis and the elimination of the energy crisis will be of

utmost value. Otherwise, there will be no communication between America and the Middle East, which today we have to establish.

Senator SPARKMAN. Yes. That in effect, is the concluding statement that Dr. Small gave us. Thank you. Senator Aiken.

Senator AIKEN. Well, I think Dr. Kissinger did comment on this situation on the first day of his appearance before the committee. Anyway, what he said will appear in the record of the hearings.

Dr. SMALL. Sir, this is a public denouncement of these ties?

Senator AIKEN. It is hard to remember back. There have been so many questions asked him, but I think this was one of them. I believe he commented on it during the first day of his hearings. I do not guarantee it, but it appeared then. Anyway the record of the hearings will be made available next week.

Dr. MEHDI. What Dr. Kissinger said was that his religious and national heritage will not affect his policymaking decisions. We want a little bit more positive than this. We want a public denunciation of the Zionist claims to his being a junior Israeli citizen.

Senator AIKEN. These are innumerable. Heavens knows how many questions have been submitted in writing to which he is supposed to reply in writing for the record and this may be one of them. Anyway, he comes before our committee again Monday.

QUESTIONS PUT TO DR. KISSINGER

Senator SPARKMAN. I want to join with Senator Aiken with reference to all of the questions that have been put to him. We have made a real effort to cover the whole field and to cover the whole world. Of course, the President of the United States, the Secretary of State, and the Congress all have a different idea about all sections of the world. We have made an effort to cover all of it and I believe you will find that true when you read the printed record of the hearings.

Thank you very much, gentlemen.

Dr. MEHDI. Thank you.

Senator SPARKMAN. Our next witness is Mr. Saul H. Mendlovitz of Rutgers University. Committee of Concerned Scholars for a Just World Order. Did I pronounce your name right?

Mr. MENDLOVITZ. Close, Mendlovitz.

Senator SPARKMAN. Right.

Mr. MENDLOVITZ. Right.

Senator SPARKMAN. Thank you very much. We are very glad to have you. We have your paper and you may proceed.

STATEMENT OF PROF. SAUL H. MENDLOVITZ, RUTGERS UNIVERSITY, COMMITTEE OF CONCERNED SCHOLARS FOR A JUST WORLD ORDER

Mr. MENDLOVITZ. I assume my paper will be in the record and I will just say a word about the proceedings that have gone thus far. We are thankful you have given us this opportunity, although I must confess I feel I am in the top half of the ninth inning, two men out with a pinch-bitter and the score is 9 to 0 against me.

The atmosphere in the past week and in this room is that Henry Kissinger's appointment is a foregone conclusion, and while we are

exploring deeply some of the issues we will be concerned with even Senator McGovern, I take it, feels that it is appropriate to make him the next Secretary of State.

Senator SPARKMAN. May I say in that connection—

Mr. MENDLOVITZ. You may interrupt me and I will take my 2 minutes back, Senator, OK?

FUNCTION OF COMMITTEE CONCERNING APPOINTEE

Senator SPARKMAN. I just want to mention something that I thought of while Senator McGovern was talking and something we have to keep in mind. I believe sometimes people overlook it. That is that our only job is to consider the adequacy of the appointee. We have the power to recommend either confirmation or nonconfirmation. We do not have the power to appoint or to choose somebody ourselves. We have for consideration only that one that is submitted to us by the President. So it is a matter of deciding whether or not it is an appropriate nomination and not whether or not we could name a better one.

Mr. MENDLOVITZ. I am glad you made that clear to the group, although, Senator, I was aware—

Senator SPARKMAN. I know that.

Mr. MENDLOVITZ [continuing]. Of what the functions of this committee were. I really did not come down here on a rainy day for the purpose of getting myself in the record. I come with the pinch-hitter's feeling that perhaps we might change just one.

REASON FOR OPPOSITION TO APPOINTEE

We are opposed, as our paper shows, to the appointee, potential appointee, because we think he is morally unfit for the job. We believe that his appointment would be a serious blow to the establishment of a just world order, and what is more, we honestly believe that the world policy, foreign policy which he wishes to promote is incapable of being carried out and is immoral, and I will speak mostly to the last issue and I will forego the first issue that he is morally unfit, although that seems to me sufficient reason alone to deny him this office.

DEMONSTRATION IMPACT OF MR. KISSINGER'S APPOINTMENT

But on the demonstration impact many of my colleagues and I have had an opportunity to travel throughout the globe over the past 10 years and we are very much involved with politics and social life of our own community, and we have discovered, as you probably do, that the United States in which it does both domestically and foreign has a great impact on both the substance and style of the way the world political community operates.

We feel very much that if Henry Kissinger were appointed Secretary of State we would be demonstrating both to the global political community and to our own citizens that we were going to go about the conduct of the next 4 and perhaps the next 10 years as business as usual. We are about to appoint a man to the Office of Secretary of State who, if he were brought before an appropriate tribunal, would certainly be charged as a war criminal, and I am not saying he is one but if

there were—these were standards of conduct we set up in Nuremberg which we promoted, which we are trying to see the world aspire to enforce and we are now in the great act of cynicism about to appoint this man to be Secretary of State. This will mean that societies throughout the globe when they think of the Secretary of State and the foreign ministers they ought to appoint will think of men who are adroit, clever, brilliant but whose lack of moral sensitivity or presence of moral sensitivity have nothing to do with the position he is about to get.

WORLD AT PRESENT MOMENT

I move to what I think is our most important point, and it has to do with the world view of the potential appointee. If you will permit me a professor's prerogative, I will just stay 3 or 4 minutes on how we see the world at the present moment. We begin with the notion, with the reality, that the global village is not merely rhetoric but is a psychohistorical fact. For the first time in human kind over 95 percent of the human race understands that they live on the same globe. That has all occurred in our own lifetime. This is equivalent, I would say, to the people in the 15th century and the early 16th century suddenly discovering the earth is round and not flat. We have—the changes in attitudes and images and the way we view the world are undergoing very dramatic change. What we need now is a kind of leadership which looks to a new governance of the world community in terms of those changes. We think thoughtful and responsive people throughout the globe have developed and thought through a set of five global political problems. They are well known to everybody here. They are war, they are poverty, social injustice, ecological imbalance, and alienation. We believe that these five problems are interrelated, that there is no way of solving one without looking at the other four.

Furthermore, we believe that they provide the opportunities for what we call world order values and those would be peace, social justice, ecological stability, participation, and economic well-being.

KISSINGER DOCTRINE OF FIVE-POWER WORLD

What we see in the Kissinger doctrine of the five power world is an inability to deal with those five problems. What we understand him to be saying is that we should revert to a view of the world in which the, in which a concert of power of the five major powers of the world should by tacit agreement and some formal treaties agree to the governance of the community, the global village, and as we understand that, what it will amount to is a moderation of the hostilities amongst the big five without participation, as some of my colleagues up here, of Africa, Latin America and Asia in the decision as to what that governance will be. We find that to be an impracticable and unworkable world community. We do not think it will handle, for example, the nonproliferation of weapons. It will mean that there will be a premium for India, for Brazil, for those powers who are near nucs in order to get into that club to become nucs.

We think the escalation of the arms race in the third world is likely now to increase rather than decrease. If we look at the environmental world then the attempt to establish environmental standards, that

would be beneficial for the big five but harmful in terms of the development for the underdeveloped world, are nowhere mentioned by Mr. Kissinger.

When it comes to South Africa we find Mr. Kissinger strangely silent on what the world community ought to be doing with regard to what is an immoral and illegal regime. We find, therefore, that in the long run, within the next 15 or 20 years, the attempt to establish a five-power world will not work and furthermore, we find it is impracticable.

REASONS COMMITTEE MEMBERS FEEL COMPELLED TO VOTE FOR
DR. KISSINGER

All of these matters are in our documents and I will not take any time, further time and I am sorry Senator George McGovern has left, because I want to pick up the points he made. As I understood Senator George McGovern and as I understand other members of the Senate Foreign Relations Committee, they are really opposed to the appointment of Henry Kissinger as Secretary of State. What compels them to vote for him, hopefully, at least, some of you will abstain since this is an unjust and immoral appointment, what compels you to vote for this man at this point, as I understand it, is some notion that the President is entitled to have his own Secretary of State to implement his policy, and there is some notion of executive privilege. If you did not, if you do not put him in that office he will retain the position he always has had as counselor to the President and you will not get him up here on the Hill to testify.

I find both of those reasons unpersuasive and, furthermore, I think they are invalid. I think that on the second issue, on the second matter, that you will not get him up on the Hill. I think a good deal more work has to be done on the constitutional basis for that executive privilege, and it seems to me that in fact, under appropriate circumstances those executive privileges, they are not to be found in the Constitution. They are an interpretation of the Constitution, and I would advise that we go to the writings of Professor Berger of Harvard and look more closely at whether that privilege really prevails over the way it has been exercised in the past so I would look more closely at that.

As to the question of whether we want a Secretary of State that carries out the policies of the USA, I would take it that is really the guts of the matter. I would remind the Senators when Judge Haynsworth and Judge Carswell were nominated for the Office of the Supreme Court of the United States. This Senate denied that confirmation, not on grounds I would say of incompetence but of moral unfitnes for the office. They did so because they understood that it would mean to the black community and to the white community that to put segregationist people into positions of power at the time we were trying to integrate this society was an immoral and terrible act.

One of the reasons I am down here is not because my colleagues on the campus have urged me to come alone but we did our soundings in our own communities and we find in the land that we know, the local communities of which we are part, there is a great deal of concern, uneasiness and of hostility to the appointment of Henry Kissinger as the next Secretary of State, and the reason there is no out-

cry is, to be perfectly frank with you, they feel they cannot fight it, that it is a foregone conclusion but they find it a very, very disquieting kind of thing.

I, therefore, would urge upon the Senators to think back to the times when this body has refused to give its consent for other confirmations in other contexts and to look much more carefully at some of the arguments which have been made by those of us who are opposed to his confirmation.

Thank you very much.

[Professor Mendlovitz' prepared statement follows:]

PREPARED STATEMENT OF PROF. SAUL H. MENDLOVITZ, COMMITTEE OF CONCERNED SCHOLARS FOR A JUST WORLD ORDER¹

SUMMARY OF POSITION

The Committee of Concerned Scholars for a Just World Order opposes the confirmation of Henry Kissinger as Secretary of State for the following reasons:

- (1) We consider him morally unfit for the position.
- (2) The demonstration impact of his appointment would be a severe blow to the possibility of establishing a just and humane world order.

¹The following is a partial listing of scholars who would like to be recorded as opposing the confirmation of Henry Kissinger as Secretary of State. They wish to associate themselves with the statement of the Committee of Concerned Scholars for a Just World Order, although in some cases they may not agree with all the details of the statement submitted to the Senate Foreign Relations Committee:

Frank Askin, Rutgers University
 Robert Bard, University of Connecticut
 Richard J. Barnett, Institute for Policy Studies
 Hugo A. Bodan, Tufts University
 Charles Boltz, Princeton University
 William Bender, Rutgers University
 Norman Blernbaum, Amherst College
 Alexander Brooks, Rutgers University
 Bernice Carroll, University of Illinois
 Noam Chomsky, MIT
 William Coffin, Yale University
 Vera Countryman, Harvard University
 William Davidson, Haverford College
 James de Paghter, South Eastern Massachusetts University
 Richard A. Falk, Princeton University
 Irene Gendzler, Boston University
 Alan Gewirth, University of Chicago
 Carl Goldstein, University of North Carolina
 Signe Goldstein, Bennett College
 Willard Heckel, Rutgers University
 Virginia Held, City University of New York
 Edward S. Holman, University of Pennsylvania
 Richard Hudson, War and Peace Report
 George Katch, Amherst College
 Carolyn Kent, Columbia University
 Edward A. Kent, City University of New York
 Arthur Kinoy, Rutgers University
 Christopher Lasch, University of Rochester
 Robert J. Lifton, Yale University
 S. Lurice, MIT
 Leo Marx, Amherst College
 Everett Mendelsohn, Harvard University
 Saul H. Mendlovitz, Rutgers University
 Sidney Morgenbesser, Columbia University
 James Rachels, University of Miami (Florida)
 Mark Raskin, Institute of Policy Studies
 Sara Ruddle, New School for Social Research
 Mike Sacharoff, Temple University
 Nathan Shapiro, Montefiore College of Medicine
 Annamay Sheppard, Rutgers University
 Henry N. Smith, University of California, Berkeley
 Wilmer Stratton, Earlham College
 Lura Tuter, S. Eastern Massachusetts University
 George Wald, Harvard University
 Franklin Wallin, Colgate University
 A. M. Washburn, Institute for World Order
 Richard Washserstrom, UCLA
 Howard Weaver, Yale University
 Thomas Weiss, Princeton University
 Robert P. Wolff, Amherst College
 Beverly Woodward, Contact Mag.
 Howard Finin, Boston University

(3) The foreign policy he proposes is both immoral and inadequate to deal with the global political and social problems of our time.

We, the Committee of Concerned Scholars for a Just World Order, oppose the confirmation of Henry Kissinger as Secretary of State. Like many other citizens and a number of groups who are testifying here today, we oppose his confirmation because of his moral unfitness for the office. Illicit wire tapping, deception of Congress and of the American people, secret and massive bombing, and deep involvement in the most brutal use of armed violence against human beings in the post World War II era, are sufficient reason to deny his confirmation. We wish however, to go beyond his past performance and raise two matters which we consider have not been sufficiently discussed in connection with this appointment.

First, we believe that the demonstration impact that this appointment will have throughout the world, will be a severe blow to the possibility of establishing a more just and humane world order. Having taken the lead at Nuremberg in establishing standards of conduct for officials of state, with regard to the use of violence and crimes against humanity, it is an act of the greatest cynicism to put Mr. Kissinger into the position where he would act as our chief foreign policy officer. Indeed were an appropriate tribunal to be established, Mr. Kissinger would today face charges as a war criminal. This appointment will confirm to the people of the world that the leadership of this society has decided that "business as usual" is our policy, and that one of the top managers in our recent brutality is to execute this business. For a world which is groping for a new political and moral foundation, the appointment of Henry Kissinger to the office of Secretary of State is therefore an egregious error.

Second, and more important perhaps, our opposition to Mr. Kissinger's appointment to this post, has to do with his overall view of the world and of the position of the United States in this world. And here we should like to provide a summary analysis of our position.

We believe it is necessary to accept seriously not only the rhetoric but the reality of the term "the global village". As we see it, the fact that the overwhelming majority of humankind understands for the first time in history that human society encompasses the entire globe, is a phenomenon equivalent to our understanding that the globe is round rather than flat. It is having an enormously dramatic impact on the images and the attitudes we have with regard to the authority structures of the international community, as well as those of our domestic societies. Thus it is that many thoughtful and responsible individuals throughout the globe are beginning to discuss quite seriously the governance of the global village.

There is increasing recognition that we now face five major global problems. They are: war, poverty, social injustice, ecological instability, and alienation. Many of us see these problems and the effort towards their solution as presenting the opportunity for a realization of the most basic human values. We wish therefore to work towards acceptable conditions of economic well-being, social justice, ecological stability, participation in political process throughout the globe, and peace. And we do not believe these can be achieved without the creation of new kinds of global institutions and new kinds of transnational cooperation.

As we see it these five problem areas are closely interrelated, and in order to achieve a humane and just world order, there will have to be appropriate trade-offs for the various regions of the world, in accordance with the uneven development in solving these problems that exists in different regions. Establishment of appropriate environmental standards for global survival can only be accomplished if we also take into account the development needs of the underdeveloped world. Vigorous political and perhaps even world community enforcement in connection with the illegal and immoral practices of the South African regime is necessary if we are to achieve both social justice and the minimization of violence.

So far as we are able to ascertain the only tradeoffs presented by Mr. Kissinger are those between the major centers of power. This century provides abundant testimony that such "balance of power" arrangements cannot create the much discussed "stable structure of peace". The problems of proliferation of nuclear weapons as well as the escalation of the arms race, creation of environmental institutions to provide for survival of human society, formulation of appropriate energy and agricultural policies to meet the needs of all human beings, are unlikely to be met in a just fashion under this kind of a regimen. Instead there will

have to be a balancing of interests and that should most emphatically include the interests of those who are now most powerless and weak.

What is in the end most dangerous about Kissinger's appointment is his view of this country's role in the world. The secret method of the Nixon-Kissinger world order design is to regulate the relations of the five major centers of power with moderation, while permitting them to satisfy their appetites for riches, exploitation and expansion, at the expense of the poor and the weak. In other words, the old colonial formula of the few at the expense of the many, in a new guise.

Our prospects as a nation and as a species depend on shedding such a short-sighted and indecent view of international relations. In the coming decades we must build a global political community, based on the well being of all parts of the planet, on safeguarding resources and environmental quality, and on respect for human dignity. Such a unified view of human destiny and national interest is light years away from the outdated great power fantasy that animates the political imagination of Henry Kissinger.

SAUL H. MENDLOVITZ,
*Chairman, Professor of International Law,
Rutgers Law School.*

Senator SPARKMAN. Thank you very much.

WITNESS' POSITION AT RUTGERS UNIVERSITY —

Thank you. By the way, what is your position at Rutgers University?

Mr. MENDLOVITZ. I am professor of international law at Rutgers. Senator SPARKMAN. Professor of international law?

Mr. MENDLOVITZ. Yes.

APPROPRIATE TRADE-OFFS TO ACHIEVE JUST WORLD ORDER

Senator SPARKMAN. There is one thing I wanted to ask you about. You say there are five problem areas closely interrelated, and in order to achieve a humane and just world order there will have to be appropriate tradeoffs for the various regimes. I do not quite know what you mean. Do you mean you have to neglect some and favor others?

Mr. MENDLOVITZ. No, just the contrary.

Senator SPARKMAN. Trade between them, go ahead.

Mr. MENDLOVITZ. Well, I am sorry, I guess that is a shorthand jargon phrase that we now use.

Senator SPARKMAN. The reason I ask is that is because we do have these areas of the world and it is a problem with us all the time.

Mr. MENDLOVITZ. Right.

Senator SPARKMAN. Try to——

Mr. MENDLOVITZ. If you will permit me to disclose for just 30 seconds, I think what has appeared over the past 10 years in the academic community has developed a frame of reference for now viewing the global political community which we call a world order frame of reference, and these five global problems which I have suggested seem to interrelate and in order to deal with one of the problems one must think now of dealing with the other problems so when talk about tradeoffs, for example, we look at the environmental problem and in trying to establish environmental standards, let us say, with regard to the use of the internal combustion machine or let us say, with regard to the use of DDT, we are immediately forced to think of how would that affect the developing areas of the world where if they are to develop

the cheap and inexpensive use of DDT as contrasted with other kinds of fertilizers, the cheap and inexpensive use of the internal combustion machine without governors on them or without seeing something that would clean it, is the kind of thing we are talking about. It is that kind of tradeoff we are talking about.

Senator SPARKMAN. I see what you are talking about. I misinterpreted it. I thought you were referring to geographical tradeoffs.

Mr. MENDLOVITZ. No. It turns out they are geographical anyway, it turns out but nevertheless, they are problem area tradeoffs.

Senator SPARKMAN. Senator Aiken.

Senator AIKEN. No questions. You asked my question. Mr. Chairman.

Senator SPARKMAN. Thank you very much, Professor.

Mr. Nicholas Camerota, Jr., National Youth Alliance, Washington, D.C. Come around, sir. We are very glad to have you, and you may submit your statement as you see fit.

STATEMENT OF NICHOLAS CAMEROTA, JR., NATIONAL YOUTH ALLIANCE, WASHINGTON, D.C.

Mr. CAMEROTA. I have with me a copy of a statement which I believe is in your possession now and I ask that this be submitted into the record.

Senator SPARKMAN. Is this what you submit to us? -

Mr. CAMEROTA. That is correct.

Senator SPARKMAN. Very well. That will be printed in full.

Mr. CAMEROTA. But in addition to all of this, I would ask the committees' indulgence to allow two photographers from our organization to come up and take photographs at this time.

Senator SPARKMAN. What, one of yours?

Mr. CAMEROTA. All right?

Senator SPARKMAN. I suppose anybody can take photographs. We let all of these people take them. But go right ahead with your statement.

THREAT REPRESENTED BY DR. KISSINGER'S CONFIRMATION

Mr. CAMEROTA. I do not want to exceed the 10-minute time limit. It is getting very late this afternoon, so I will simply confine myself to a few remarks and most of them will be extemporaneous. First of all, I am thankful to have the opportunity to address the committee this afternoon regarding the confirmation of Henry Kissinger for Secretary of State but in the opinion of the National Youth Alliance, Kissinger's confirmation would represent a great threat not only to the internal security of the United States, but to our foreign relations as well.

PROMOTION OF SECURITY RISKS BY MR. KISSINGER

Now, reviewing Kissinger's record as Chief of the National Security Council, objectively it would seem that Kissinger is in the habit of promoting security risks. Pentagon papers revealer Daniel Ellsberg was himself one of the national security risks, as a result of Kissinger's

promotion and we ought to pause momentarily to consider the fact that Ellsberg was responsible for procuring a job for James Schlesinger with the Rand Corp.

Two other outstanding security risks promoted by Kissinger are Morton Halperin, a defense witness for Ellsberg, and Helmut Sonnenfeldt, whom we have heard a great deal about this morning, who also leaked confidential information to foreign nationals.

SOVIET WHEAT DEAL AND SEARCH FOR DÉTENTE

Now, in considering the international scene, however, Kissinger's brilliance as a politician was readily evident in his now handling of the wheat deal with the Soviet Union and one would suspect Soviet citizens would hail with enthusiasm, supporting Kissinger's confirmation since they were certainly on the right side of that wheat deal, but Americans cannot afford wheat prices considering Kissinger's master stroke cost the taxpayers some \$400 million and completely clobbered the small wheat farmer.

Of course, this is just one result of the highly praised détente we have been seeking to commence and despite this search for this very elusive détente and all of Kissinger's peace overtures, even the New York Times can continue to print articles entitled "Soviet Military Continues Tough Line Toward the West," and "New Younger Soviet Generals Thought To Stress the Offensive," this comes from the April 23d issues of the Times this year.

Now, the increase of the already considerable Soviet nuclear arsenal amply states the Times claim. On the other hand, Kissinger's thoughts can be seen in the May 26 SALT agreement which was signed by President Nixon which granted Soviets 35 percent numerical superiority in nuclear weapons. When we praise Mr. Kissinger in light of his actual foreign policy accomplishments to date instead of his rave reviews in the press we can only be appalled at the series of catastrophes that this supposed diplomatic genius has wrought for America, and I suppose many of us tremble for the future as a result of this.

PEACE WITH HONOR IN INDOCHINA

Now considering his so-called peace with honor in Indochina, what Kissinger did was sort of a sleight of hand show which was accompanied by a lot of fast patter while American troops pulled out ignominiously leaving the fighting going on in full range and hundreds of POW's, missing in action still not accounted for. It is bitter indeed to realize 50,000 young Americans gave their lives in Indochina thinking they would put an end to communism, and Mr. Kissinger came along and with a few sessions at the conference table rendered all that sacrifice and pain useless.

DÉTENTE WITH MOSCOW AND PEKING

His détente with the two Communist powers, Moscow and Peking, the advantages to the American people are less apparent. In order to get Red China into the U.N., Kissinger treacherously slipped the knife into our longtime ally Taiwan and then yanked the rug out from

under Japan and in general caused frankly, some euphoric feeling throughout the Asiatic Pacific area, all to the great advantage of the Communist Chinese but hardly of any advantage to ourselves.

RAND CORP. STUDY

But in spite of all this, Kissinger should not really be thought of as a dove in spite of all the peace proposals and everything else, mainly because he had arranged a contract that a study should be undertaken by the Rand Corp. of California which would attempt to keep out Russian reaction to U.S. atomic attack on Egypt. One can only wonder whose interests Kissinger was protecting, since that study was taken and done without the knowledge of either the Secretary of State or Defense.

FACT THAT MR. KISSINGER IS JEWISH

For we must consider the fact that Kissinger is Jewish and, therefore, has a personal stake in the fortunes of another nation, that nation being Israel. And with the cessation of large-scale military involvement in Indochina, the Middle East itself becomes our No. 1 foreign problem, and in attempting to conduct negotiations Kissinger is going to be in an extreme disadvantage by being Jewish. As a matter of fact, we have quoted from the Los Angeles Times of August 27, 1973, which bears upon this issue, "Kissinger, whatever his qualifications as Secretary of State, will face a hostile Arab world because he is a Jew."

APPOINTMENT'S EFFECT ON POSSIBLE ARAB-ISRAELI SETTLEMENT

Kissinger's appointment almost certainly destroys any chance of the possibility of peaceful settlement of the Arab-Israeli dispute. He has already demonstrated his willingness to commit American military planes to that region. So before this committee he had stated that he had advised, he advised the President, to send American troops into Jordan in 1970 when Syrian tanks rumbled into that land where the American puppet king was holding sway mainly to insure that we did not lose this very valuable ally and a real Arab nationalist leader could take over there. Obviously, that was one decision where we had to pull Israel's chips out of the fire.

MAN WITH DIVIDED LOYALTIES

The main point with regard to Kissinger, the one I feel needs to be stressed over and over again, is a man with divided loyalties cannot serve the best interests of the American people.

The National Youth Alliance represents what we believe to be a majority of people in this country, white gentile Americans, and because of this we feel that a man from a minority background, a man who has divided loyalties cannot do the sort of job we want to see done in the Middle East.

I know in my capacity as an organizer for the National Youth Alliance, having gone to many college campuses throughout the country, that the feelings that you see on college campuses is very much

against Kissinger's confirmation for reasons I had stated earlier. Many of these young men and women feel that Kissinger's ethnic background and so on, the possibility of committing U.S. troops into the region is quite real, all of Kissinger's statements notwithstanding.

POSSIBLE CONSEQUENCES OF MR. KISSINGER'S APPOINTMENT

So again, I believe that having Henry Kissinger appointed as Secretary of State may have disastrous consequences for this country and for the majority of people in this country.

If there are any questions you would like to ask me with regard to any of these statements, I would be glad to answer them.

[Mr. Camerota's prepared statement follows:]

PREPARED STATEMENT OF NICHOLAS C. CAMEROTA, JR., ON BEHALF OF THE NATIONAL YOUTH ALLIANCE

The National Youth Alliance is opposed to the confirmation of the nomination of Henry Kissinger to be the secretary of state for the United States. The Kissinger nomination is contrary to the best interests of the American people on a number of grounds, including the following:

NEED FOR UNDIVIDED LOYALTY

First, the man who serves as secretary of state and conducts the relations of the United States with other states must have an undivided loyalty to the United States. He must have no national, racial, or religious ties to another state which may bias his conduct of the affairs of his office to the detriment of the interests of the United States.

Mr. Kissinger, as a Jew, cannot help but feel a personal stake in the fortunes of Israel (as occupied Palestine is generally called under the present Jewish regime there). Regardless of his protests to the contrary, it would be foolhardy for Americans to assume that Mr. Kissinger will always put American interests ahead of those of Israel, the state which claims to represent the interests of all the Jews of the world and looks on all Jews, including him, as members of a single community of interest. In view of the deep American involvement in the Middle East and President Nixon's assertion that the Middle East now represents America's highest priority in foreign affairs, America cannot afford to have as secretary of state a man exposed to even the slightest temptation to sacrifice American interests to Israeli interests.

KISSINGER'S POOR JUDGMENT OF CHARACTER

Second, the man who serves as secretary of state must have sufficient good judgment to properly fill a large number of highly sensitive posts with trustworthy men. The national security of the United States will be critically dependent on such good judgment. Unfortunately, Mr. Kissinger has demonstrated deplorably poor judgment in his past appointments of persons to fill sensitive posts in connection with his National Security Council duties.

Three such appointments which may be mentioned in this regard are Daniel Ellsberg, Morton Halperin, and Helmut Sonnenfeldt, all of whom, incidentally, are also Jews. Mr. Kissinger appointed Daniel Ellsberg to a National Security Council position in 1969, shortly before Ellsberg began stealing highly sensitive secret documents of the United States government. Ellsberg then revealed those secret documents to unauthorized persons, including foreign nationals, in an attempt to undermine the American military forces in Vietnam.

ELLSBERG, SCHLESINGER, AND KISSINGER

The relationship between Ellsberg and James R. Schlesinger, currently secretary of defense, should also be noted here. It is similar to the Kissinger-Ellsberg relationship, in that Ellsberg brought Schlesinger into national security work through recommending him for a position at the Rand Corporation, just as Kis-

singer had earlier brought Ellsberg into the National Security Council. The prospect of having two Ellsberg intimates—Mr. Kissinger and Mr. Schlesinger—both with the same minority ethnic background, simultaneously occupying the two cabinet posts most concerned with the national security, can only raise the gravest misgivings on the part of all thoughtful and patriotic Americans.

CATASTROPHIC POLICY TOWARD COMMUNIST NATIONS

Third, the policies of the secretary of state during the next three years will vitally affect the national interests of the United States. If Mr. Kissinger becomes secretary of state and is allowed to continue his policies of the last four years, the nation will be exposed to grave jeopardy and will, perhaps, suffer irremediable harm.

Consider the consequences of Mr. Kissinger's policies which we have already experienced. Guided by Mr. Kissinger's policy, the United States withdrew from Vietnam, having achieved nothing of value to the American people and leaving behind hundreds of still-unaccounted-for MIA's and POW's. The sacrifice of 50,000 American lives was nullified by a policy, first of vacillation, half-measures, and crippling restrictions on the use of American military power, and then of virtual surrender under the guise of "peace with honor." All Mr. Kissinger's flitting back and forth from Paris to Washington and all his clever and hopeful news conferences could not change the grim reality of America's Vietnam catastrophe, even if they did serve somewhat to distract public attention from it at the time.

Likewise, consider Mr. Kissinger's policy of detente with Communist China and the Soviet Union. What has that brought to America but dishonor, economic hardship, and military disadvantage? The Soviet wheat swindle of 1972 is the principal economic consequence of Mr. Kissinger's policy of detente America has so far experienced, and it has been a painful experience indeed.

Mr. Nixon's signing of the strategic-arms-limitation agreement in Moscow this spring, which has given the Soviet Union a staggering numerical advantage in offensive nuclear missiles and warheads over America, is the principal military consequence of that policy to date, and it is a terribly dangerous consequence. There is no tangible advantage to be gained by continuing to develop closer ties between America and the two communist powers, and the moral price to be paid is enormous.

REJECT KISSINGER

America cannot afford—and may not survive—three more years in which her foreign policy is subject to Mr. Kissinger's ethnic bias, his amply demonstrated lack of good judgment in the choice of subordinates for sensitive national-security positions, and his catastrophically ill-advised tendency toward accommodation of and collaboration with communist governments.

The National Youth Alliance strongly and emphatically urges and beseeches this Committee to reject the nomination of Henry Kissinger.

NATIONAL YOUTH ALLIANCE,
Washington, D.C., September 14, 1973.

NYA OPPOSES KISSINGER CONFIRMATION

The attached statement was presented to the Senate Committee on Foreign Relations today by Mr. Nicholas C. Camerota, Jr., who testified against the confirmation of the nomination of Henry Kissinger to be secretary of state.

Mr. Camerota was a spokesman for the National Youth Alliance. He is a leader of the group's Action Unit in Springfield, Massachusetts. He is a 23-year-old graduate student majoring in political science and philosophy at American International College, in Springfield. Mr. Camerota has been active as a NYA organizer on the AIC campus for the last three years and has spoken on behalf of NYA to many student groups in Massachusetts and Connecticut.

NYA is an action-oriented organization of American patriots, most of them under 30 years of age. Their goal is to build a better America by awakening in Americans a sense of racial, cultural, and national identity to replace the alienation, rootlessness, and neo-liberal cosmopolitanism which now threaten the continued survival of the nation and the race.

Senator SPARKMAN. Thank you very much.

Senator Aiken.

COMMITTEE PROCEDURE

Senator AIKEN. No, Mr. Chairman. I understand this concludes the open hearings and we will meet again Monday morning with final consultation and an interview with Henry Kissinger. I might say that if he is approved as Secretary of State, I should hold the President responsible for the kind of work that he does. If he is not approved than I have very strong suspicions that he will continue to exercise an influence in formulating and carrying out our foreign policies, perhaps as much as he would have if he were approved. But I do not know about that now. We will know next week what happens.

COMMITTEE'S FUNCTION

Senator SPARKMAN. Mr. Camerota, you were in here, I believe, when I reminded the audience that this committee's function is to determine the competence, the adequacy. We have no appointive right. So regardless of what kind of an individual we might think of would be a good one, we cannot name him. We can only say yea or nay to the nominee that the President presents.

NO OTHER SUGGESTIONS FOR POSITION

Senator AIKEN. I might say, John, that I have had no suggestion of anybody else for the position. There were a good many people who were sorry when Secretary Rogers left but—

Senator SPARKMAN. I was one of them.

Senator AIKEN. Yes, we all were, but I think no other nominees were presented to me.

Senator SPARKMAN. We certainly appreciate your presentation, and we appreciate the cooperation of all of the witnesses this morning. We have finished up on time, and this concludes our public hearings. We will have Dr. Kissinger here again Monday. Will any part of the hearings Monday be public? No, it is closed session Monday.

Thank you very much, and the committee stands adjourned.

[Whereupon, at 12:30 o'clock p.m., the committee was adjourned subject to the call of the Chair.]

[Committee staff note: The executive hearings with Attorney General Richardson and Deputy Attorney General Ruckelshaus on September 10, 1973, and with Mr. Kissinger on September 17, 1973, are in the process of being sanitized and will be published shortly.]

APPENDIX

RESPONSES OF DR. HENRY A. KISSINGER TO QUESTIONS SUBMITTED BY SENATOR CURTIS FOR THE RECORD

Question 1. In recent weeks, the press has reported a spiraling wave of repression within the Soviet Union as the mistreatment of Andrei Sakharov, the Soviet physicist, and Alexander Solzhenitsyn, the novelist, and others attest. Thus, it appears to be a necessary corollary of detente that as government-to-government relations between the United States and the Soviet Union improve, Soviet society becomes more repressive, secretive, and totalitarian. This seems to me to be a repetition of our experience with the Soviet Union during World War II where our respective governments were quite close during the war, but the post-war orgy of political repression at home and military aggression abroad by the Soviet government brought on the cold war. What precautions will you recommend that will insure the American people against the possibility that the Soviet regime will use detente to increase their military power for later use, and facilitate the suppression of the liberties of their own citizens?

Answer. I addressed many of these issues at length in my September 7, 1973 testimony before the Senate Foreign Relations Committee. In addition I have the following comments.

First, the maintenance of our own defense posture is essential to preserving a stable strategic balance with the USSR. Second, we must pursue the negotiations for strategic arms limitations to secure that balance at the lowest levels consistent with our security. Thirdly, we should continue, as we have over the past four years, to engage the USSR in discussions on concrete security issues so that measures of detente will rest on a foundation of mutual interests rather than merely an improved climate.

As I indicated in my testimony there is a limit on how much we can influence the domestic structure of other nations. In any event, I believe that the relaxation of international tensions and greater exchanges offer the best long-term hope for improving the lot of the Soviet people.

Question 2. Last year, in its ratification of the ABM Treaty and the Executive Agreement on offensive weapons, the Congress expressed the view that any permanent agreement on strategic arms would provide for parity in such arms; we cannot "live with" a situation where the Soviet Union enjoys a four-to-one advantage in ballistic missile payload capacity permanently. This stipulation was supported by the Administration. What steps will you take to insure that our negotiating posture is consistent with the will of the Congress on these matters.

Answer. We, of course, fully agree with the Congress that negotiations must result in a stable strategic balance. This represents our fundamental negotiating approach.

There is a disparity in ICBM payload, and we are concerned about it. It is only one of the strategic factors, however. We have at present other offsetting advantages such as superior technology, better accuracy, MIRVs, and more submarine-launched missile payload and bomber payload.

One of our concerns is that the Soviet advantage in ICBM payload could be exploited by further technological advances, particularly MIRVs, in ways which will have adverse consequences for strategic stability. For this reason we are seeking a permanent agreement that constrains qualitative improvements, including MIRVs.

Question 3. To what extent do you believe that recent Soviet weapon developments, such as more accurate warheads and MIRVs (when coupled with their already numerical advantages) represent a threat to America's basic deterrent?

Answer. The USSR is now testing at least four new ICBMs. At least three

of them have MIRVs. If it turns out that these MIRVs have the size and accuracy to attack our Minuteman silos, serious questions would be raised concerning the future survivability of our ICBMs and the purpose for which the Soviets are acquiring this capability.

It is important, however, to maintain perspective and recognize that a deployed capability is many years away for the USSR. It may be possible to limit these developments in SALT. In addition, other elements of our strategic forces, such as our bombers and our submarines, will continue to provide us with an adequate strategic deterrent if we go ahead with appropriate improvement programs.

As the President has repeatedly emphasized, we will ensure that the strategic balance is maintained.

Question 4. Given the long lead time necessary to get new weapons programs underway, how long can the United States afford to wait before beginning new deployments to offset these Soviet developments?

Answer. We believe that the programs we have asked for will help meet our strategic needs in the next decade. We are also examining concepts to enhance the survivability of our ICBM forces or reduce our dependence on them. For the present these programs are sufficient, but Congressional support for them is vital.

Question 5. Given the status of the Soviet developments, does our continued reliance on Minuteman—even MIRVs make sense?

Answer. Minuteman is not vulnerable today, and it will not be for the remainder of the decade. We believe, therefore, that we can continue to depend upon Minuteman for some time to come. We, of course, depend on other strategic forces as well, such as bombers and submarine-launched missiles.

Nevertheless, a major issue that SALT must address is the possible vulnerability of ICBM forces in the next decade. Our own defense planning must involve the consequences of such vulnerability and possible offsetting measures.

Question 6. You have talked many times of the need to consult closely with our European and Asian (notably Japan and Taiwan) allies on matters affecting common interests. Do you believe that this has been accomplished during your tenure in the Administration?

Answer. The President has stated from the beginning of his Administration that consultation with our allies is central to the conduct of our policy. This consultation is constant and is institutionalized at several levels and in several channels:

The President has visited Western Europe four times. He made an extensive tour of Asia in 1969. He has had four Summit meetings with Japanese Prime Ministers and hopes to visit Tokyo in the near future. He has met in the U.S. with allied leaders periodically, and more frequently than with any others.

Secretary Rogers and I have paid frequent visits to Western Europe and Japan for high-level political discussions. I personally have visited Japan three times in 1972 and 1973 and visited several countries in Asia on several occasions. There are regular Cabinet-level meetings of the Japan-US Committee on Trade and Economic Affairs. There are constant exchanges of visits at the Cabinet level between the U.S. and allied countries.

The President has long held the view that genuine consultation is a matter not just of communication but of developing positions cooperatively on issues of common interest:

Our consultations with our NATO allies from the very beginning of the US-Soviet SALT negotiations have insured that US positions have always protected allied interests.

The Atlantic Alliance in 1970 completed a major collective review of Alliance defense strategy.

Our consultations in NATO on MBFR and the European Security Conference have helped develop common allied positions from which to pursue detente with the Communist countries in Europe.

Extensive discussions at the Summit level with our allies preceded the President's visits to Peking and Moscow and the Brezhnev visit to the U.S.

The President's Year of Europe Initiative in 1973 is a major effort to develop, cooperatively, a fresh affirmation of partnership with our Atlantic allies and Japan. This has our highest priority.

Question 7. Were the Europeans consulted in advance—as opposed to being informed—that the “B” had been dropped from the MBFR talks?

What is the significance of the change; are you no longer insisting that the Soviets withdraw more weapons and troops from the NATO front than the allies? And how do you feel about the Soviets using this interim period, like they did the interim period of SALT, to build up their stockpiles?

Answer. Dropping the “B” has no substantive significance.

Various terms have been used to describe the subject—mutual force reductions, reciprocal reductions, mutual and balanced reductions. In the West MBFR has been the most recent acronym, but in the Vienna preparatory talks all of the countries involved agreed that the title of the conference would be “Reductions of Forces and Armaments and Associated Measures in Central Europe.” The U.S. position, which we will continue to develop with our allies, will take full account of all the factors—including the geographical advantages of the Warsaw Pact—in arriving at possible reduction measures.

Obviously if either side takes advantage of negotiations to undertake a major build-up of forces this would seriously jeopardize the success of those negotiations.

Question 8. There is much pressure in both the House and the Senate of the United States Congress to unilaterally reduce our troops in Europe. Now I know that you have indicated your opposition to such policy, however, at some point, the popular consensus is America's contingent in Europe will be halved. This will probably entail the withdrawal of the seven thousand tactical nuclear missiles which are under U.S. Command. Given this predicament, the Europeans have already indicated their interest (as has Japan) in the further development of their nuclear weapons systems. What role do you believe the United States should play, if any?

Answer. First of all, we disagreed with the premise that there will be a 50 percent reduction in American forces in Europe. Even in a hypothetical situation created by such an action this would not necessarily mean the withdrawal of all nuclear weapons. In fact, the Administration has pointed out the unilateral withdrawal or reduction of conventional forces, without reciprocity, might lead to an increased reliance on nuclear forces. That is why we strongly favor negotiated mutual reductions of forces, and why we have urged the Alliance to strengthen its non-nuclear capabilities.

Question 9. In the fall of 1971, following Taiwan's expulsion from the United Nations, the Congress considered and rejected the nullification of the 1958 Formosa Resolution, thus reinforcing once again the Congressional determination to maintain the integrity and credibility of the United States treaty commitments. What steps would you recommend with specific regard to our defense commitment to Taiwan that would leave no doubt in anyone's mind as to our intentions to prevent the absorption of Taiwan by Communist China by force?

Answer. First, there must be a certain reservation about your premise: we have no indications that the People's Republic of China now intends to use force to bring Taiwan under its control. Secondly, our view was clearly expressed in the February 1972 Shanghai Communiqué which affirmed our “interest in a peaceful settlement of the Taiwan question by the Chinese themselves.”

As regards our defense commitment to the Republic of China, we have stated repeatedly that we continue to honor that commitment. We are also continuing a modest security assistance program—now largely consisting of sales—to assist the Republic of China's defensive capability against possible attack.

Question 10. A recent study conducted by economists at the Library of Congress for the House Foreign Affairs Committee stated that the economic advantages to

the United States from trade with the Soviet Union will necessarily be small for the foreseeable future. If the economic benefits are likely to be small for the United States—even if they are large for the Soviet Union—specifically, what political benefits from this trade will accrue to the United States which would justify the build-up of Soviet economic potential by American technology?

Answer. First of all, we do not believe that our economic advantages from trade with the USSR would necessarily be small for the foreseeable future. For example, assuming that there is MFN for the USSR, we have envisaged about two to three billion dollars in trade over the next three years, with the US probably having a favorable balance.

In testimony before the Senate Foreign Relations Committee of September 7, I addressed some of the political aspects of an expanded economic relationship with the USSR. Now that our political relations have improved, our economic relations should be normalized so we can advance over a broad front toward an increasingly stable relationship with the USSR. We are at a stage where advancement in the economic area is important for further improvement in our overall relations.

Question 11. The press has had frequent reports of threats by the East German regime to interfere with the access routes to West Berlin because citizens of East Germany have made a decision to leave the country and escape to West Berlin. Thus, despite the "détente" rhetoric, the simple problem of the free movement of people between East and West Germany remains with us. What steps will you recommend that will provide for our negotiating posture at the Conference on Security and Cooperation in Europe (CSCE) that will tie a political détente in Europe to the meaningful adherence to the notion of a free movement of people, information and ideas between Eastern and Western Europe?

Answer. In the preparatory work and the Ministerial meeting of the CSCE, the U.S. has consistently supported the principle of freer movement of people, information and ideas. This is now on the agenda of the committees that will begin their work on September 18. The U.S. will continue vigorously to support practical measures to bring this exceedingly important principle to life. The agreements reached would apply fully to all participants, including the German Democratic Republic.

Question 12. Dr. Kissinger, as a scholar of international relations, you expressed the belief that the path to stability comes not from seeking peace, but from an accepted legitimacy among the great powers about the nature and scope of the international system. You also stated that stability will only result if we are willing to set certain principles, values, and goals above peace. What do you, then, as a man now in a position to implement some of your earlier ideas, perceive to be the purpose of this country in the coming decade. And how do you perceive the international system and the threats to that system?

Before you reply, I would like to add one further thought. In your writings as a scholar, you stated that at times a nation must recognize that there will be revolutionary powers which will accept no compromise in their quest to upset the status quo. Do you see any revolutionary powers in the present international system. I would cite North Vietnam in Southeast Asia and the Arab countries in the Middle East, and how do you propose to counter the intent of these revolutionary powers?

Answer. The thoughtful questions that have been raised involve issues of great scope. I could not do justice to them in a brief written reply.

It would be much more productive to discuss these matters personally. I would be pleased to do so at a mutually convenient time.

RESPONSES OF DR. HENRY A. KISSINGER TO QUESTIONS SUBMITTED BY SENATOR HANSEN FOR THE RECORD

Question 1. Dr. Kissinger, the National Petroleum Council in its recent report, "U.S. Energy Outlook," estimated that if current trends continue, we will be importing over half our oil, or 9.7 million barrels per day, by 1975, and that

by 1980 66% of total oil supply, or 18.4 million barrels of oil per day, will be imported. The NPC added that most of this will be coming from the Middle East. Do you have any reason to believe that within the next five years the U.S. could exist without Middle Eastern oil?

Answer. There appears to be no near-term alternative to increasing imports of oil from the Middle East.

We have excellent relationships with our principal Middle Eastern suppliers of oil, Saudi Arabia and Iran, and we do not foresee any circumstances in which they would cut off our supply. If an emergency, such as a war, were to deny temporarily the supply of oil from the Middle East, we would have to resort to special measures, such as drawing down oil stockpiles and rationing. We are working now on the necessary contingency plans.

Over the longer run, as the President emphasized on September 8, the domestic alternatives we are pursuing such as offshore exploration and accelerated programs in such areas as coal and nuclear energy, should make us self-sufficient by the next decade.

Question 2. The Arabs have repeatedly indicated by their words and their actions that their enthusiasm for selling the United States the oil it needs will be closely linked to a change in attitude with respect to the U.S. political position regarding the Middle East. The Israeli occupation of the Sinai Peninsula is a particular thorn in their side. Even if Arab countries declined to refuse further sales of oil to U.S. companies and merely froze production at current levels, such action could wreak havoc with our petroleum based economy. Could you tell us what approach you would have in mind as Secretary of State and chief foreign policy adviser to the President in dealing with this issue?

Answer. The U.S. has an important interest in an Arab-Israeli peace. This is true for a number of reasons, all being just one of them. We have stated repeatedly since 1969 that we will do all we can to help the governments involved reach a settlement.

But the U.S. by itself cannot produce a solution. A settlement has to come from a serious effort by the governments involved to reach an agreement that reflects the legitimate interests of all parties. There must be a decision by Arab and Israeli leaders that they want a negotiated settlement and are prepared to make the difficult decisions that will be necessary to carry through a settlement.

So we are committed to do what we can to help achieve an Arab-Israeli settlement, but the crucial decisions are not ours primarily.

Question 3. Although many feel that no matter what U.S. action is taken short term dependency on Middle Eastern oil will be an unavoidable reality, many have suggested that an expedited leasing program—particularly on the Atlantic continental shelf, an area of the country most dependent on Middle Eastern oil—could help mitigate our dependence on such oil. It has also been suggested that a crash program should be initiated to develop our coal, oil shale, geothermal energy resources, among others. Easing of sulfur restrictions and other environmental adjustments are also seen as a means to mitigate foreign dependence.

Do you see any relationship between a dramatically expanded domestic energy effort and the ability of the United States to retain an independent attitude with respect to foreign policy matters pertaining to Israel?

Answer. For a variety of domestic and foreign policy reasons, we must make every reasonable effort to reduce our dependency on foreign supplies of energy. The President's energy program aims in part at this by measures such as facilitating accelerated production of conventional energy sources, an energy conservation program, and accelerated funding for energy research and development efforts.

Apart from the concrete benefits to the U.S. in increasing the actual availability of energy, such efforts will broaden our sources of energy. This should make it apparent to oil producers that the higher oil prices go, the more economic it will become to produce energy from other sources.

In any event, oil is only one of the factors that affect our policies toward the countries of the Middle East. We shall continue to be guided by our fundamental interest in the achievement of a stable and enduring peace in which the security and independence of Israel and all its neighbors are assured.

RESPONSES OF DR. HENRY A. KISSINGER TO QUESTIONS SUBMITTED BY SENATOR EDWARD M. KENNEDY, CHAIRMAN JUDICIARY SUBCOMMITTEE ON REFUGEES, FOR THE RECORD

1. The Congress and most Americans commend and support many of the foreign policy initiatives undertaken by President Nixon's Administration, particularly in charting new courses and new relationships with the People's Republic of China and the Soviet Union. However, in the effort to build what the President and others refer to as a "structure for peace," it appears that most of the effort is being directed toward relations among the Great Powers.

The question many Americans are asking, is how a durable and genuine structure of peace can be built if it fails to consider more fully the interests of Third World countries, and the massive and growing humanitarian and survival problems affecting the vast majority of mankind in these countries. Too often, the Administration's failure to recognize the interests and problems of Third World countries—including massive human tragedies from political-military conflict or national disaster—has seemingly resulted in a non-policy on the part of the Administration toward the interests and concerns of the developing countries. The Secretary of State must consider whether the United States can successfully contribute to building a lasting structure for peace without giving far greater priority and substance to the developing and humanitarian problems which affect so much of mankind and the peace of the world.

Question 1. a. In the context of this Administration's foreign policy, how does Dr. Kissinger generally define the place and role of "Third World" interests and concerns in building a structure for peace?

b. What new initiatives—involving such things as foreign assistance and diplomacy—is Dr. Kissinger prepared to advocate in according greater priority to the interests and concerns of the "Third World" countries?

Answer. We accord great importance to the "Third World" and this area will receive even closer attention during the next few years. Relations with major powers have dominated the headlines in recent years—and perhaps this is inevitable. But now that certain breakthroughs have been made, a larger degree of concentration can be focussed on the developing nations.

It is dangerous, however, to generalize about the "Third World" or even to define its membership; the countries that are usually put into this category cover a wide range geographically, politically, socially and economically. It is difficult, if not impossible, to postulate interests and concerns for such a disparate grouping and then attempt to fit such an artificial construct into the structure for peace.

Because of their great diversity we must generally approach the problems of these nations on a country-by-country or a regional position; some have a stronger interest in international issues; and some share our values more than others. Obviously these differences will to a considerable extent determine the nature of the contribution that the individual states can make to any structure of peace.

In the long run, no structure of peace will be possible if the bulk of the world's people are dissatisfied. They must be able to acquire the kind of stake that will in their view, make the structure just. This is an immense task in which we have a major role to play along with others who have the means to contribute. Our contributions in areas such as trade and aid depend heavily on the Congress, and I look forward to working together with it in further improving our performance.

I would not attempt now to describe any broad program of increase diplomatic initiatives that we might undertake toward "Third World" nations. Progress will have to be accomplished on a country-by-country and area-by-area basis. We will be undertaking a series of studies and reviews of our relations with

many of the "Third World" countries to see how we and they can work together more effectively.

Question 1. c. In Bangladesh, still recovering from the dislocations and destruction of the civil strife in 1971, what is Dr. Kissinger's understanding of our country's responsibility towards current food shortages in that country and Bangladesh's urgent need for general humanitarian and economic assistance? And, in the current West African food crisis, what is Dr. Kissinger's view of the nature, level and scope of our government's responsibility to aid those nations affected by the Sahelian drought?

Answer. Bangladesh.—The United States has made generous contributions of food, essential commodities and cash to Bangladesh. This assistance has helped meet the urgent food and other needs of millions of persons affected by the civil war and has helped revive economic activity. US relief and rehabilitation assistance totalled \$431 million as of June 30, 1973, comprising approximately one-third of the total of all bilateral and multilateral aid. [A table providing further details of U.S. assistance is attached.]

Our primary concerns in Bangladesh continue to be humanitarian in nature. For this reason, future US development assistance will concentrate on increasing food production through programs in agricultural and rural development, and on family planning.

The US has been the leading international donor of aid to Bangladesh. I believe that we, together with the other developed nations, have a responsibility to continue to assist that country as generously as our resources permit.

West Africa.—The United States has taken the lead in responding to the present food crisis in West Africa. We have allocated more than 500 million pounds of grain to meet identified and projected needs in the Sahel Region during the past year. More than 60 percent of the grain has been delivered, and the rest is on its way or scheduled to move over the next few months. As members of an FAO-sponsored team we are now preparing to examine the requirement for additional food inputs to the Region. As such needs are identified, we will work with other donors to insure no threat of mass starvation arises. In addition to major food inputs, we have also provided emergency funds to buy medicines, blankets and canvas tenting for refugees, feed for livestock, and planes to fly grain to remote regions.

Our assistance, coupled with efforts of other donors, has been a fine example of international cooperation. We will continue emergency food shipments and related disaster efforts for as long as such support is needed.

The United States will also work with the countries of the Sahel, and other members of the international donor community, including the United Nations, to help develop medium- and longer-term programs aimed at recovery and rehabilitation of the Region. Substantive details and magnitudes of these programs have not yet been determined.

Question 1. d. In this connection, what kinds of initiatives does Dr. Kissinger advocate regarding people interests and problems in the Middle East—including the Palestinian refugees—which would contribute to building a structure for peace in this area of the world?

Answer. The single most important contribution to bettering the lives of the people in the Middle East would be a peace settlement in which all parties would have a stake. The US Government has said that any peace settlement should, among other things, address the legitimate interests of the Palestinians. In particular, the United States, in cooperation with other countries, would be willing to do its share to help resolve the human dimension of the Palestinian refugee problem in a future peace settlement. It is our view that this could go a long distance toward the normalization of political relations in the Middle East, which in turn would contribute to the building of a structure of peace in that area.

U.S. HUMANITARIAN ASSISTANCE TO BANGLADESH AS OF JUNE 30, 1973

[By funding source in millions of dollars]

	South Asia relief appropriation		Contingency fund Fiscal year 1971	Other funding sources	Public Law 480 (Title II)		Grand total
	Fiscal year 1972	Fiscal year 1971			Fiscal year 1972	Fiscal year 1973	
Public Law 490 (Title II)					90.7	64.3	
Food grains					86.0	35.6	
Edible oil					21.2	9.2	
CSM MSB					2.5	19.5	155.0
Grant to Bangladesh	115.0	88.0					
Essential commodities and food	40.9	73.0					
Rehabilitation projects/activities	74.1	15.0					203.0
Grants to UN (UNROB)	35.3	3.5					38.8
Grants to US voluntary agencies	14.3	2.8					
CARE	.7			4.6			
Catholic Relief Services	8.0						
International Rescue Center	1.6	1.1					
American Red Cross	1.0						
Medical Assistance Programs	.9						
Foundation for Airborne Relief	.9						
Church World Service	1.0						
Community Development Foundation	.2						
International Voluntary Services	.05	.7					
Asia Foundation		.7					
Seventh-Day Adventist Welfare Services		.1					
World Relief Commission		.2					
Asian-American Free Labor Institute		.03					21.7

Question 2. In Indochina, what is Dr. Kissinger's view of American humanitarian responsibilities toward rehabilitating the peoples and countries of the region?

Generally define American policy toward the post-war rehabilitation and reconstruction of Indochina, including such things as immediate and long-term objectives, anticipated priorities, and so forth.

What department, agencies, and offices within our government have been responsible for post-war planning in Indochina?

How should our country's contribution to post-war rehabilitation and reconstruction be implemented—through international agencies, bilateral arrangements or both? What considerations are defining these channels for Indochina generally and for each country in the area?

What role is anticipated for the United Nations, its specialized agencies, and other international or regional organizations in participating in the post-war rehabilitation and reconstruction process? Does our government anticipate the creation of a special international agency along the lines previously created in Korea, Bangladesh, and elsewhere?

What kinds of arrangements and funding levels are anticipated in our government's post-war assistance to North Vietnam? Among other things, does our government anticipate an American presence in North Vietnam?

Apart from the general economic or reconstruction assistance as envisioned in the cease-fire agreements, does Dr. Kissinger believe that the United States should consider providing immediate humanitarian assistance for such things as rebuilding destroyed medical facilities and housing in North Vietnam?

If, under the provisions of cease-fire agreements or other arrangements, for the individual countries of Indochina, different political authorities function within the same country, will all such authorities be responsible and eligible for administering post-war assistance? In South Vietnam, for example, what is the anticipated role of the PRG in rehabilitating areas under its control? Elaborate our government's views on these kinds of problems in South Vietnam, Laos, and Cambodia, and our policy on providing humanitarian assistance to people in all areas of these countries.

Answer. We believe that large-scale economic assistance to Indochina is essential for the next few years in order to maintain a durable peace, to meet urgent humanitarian needs, and to promote the economic reconstruction and recovery of the area. Direct assistance to those groups of people most severely affected by the war—refugees, disabled persons, orphans—is needed both to help improve their living conditions and assist in their reintegration into the social and economic life of their countries. Equally essential is the need to promote economic recovery without which the pressing human needs of the area can only be met temporarily. The reconstruction of the economy of Indochina involves not only the physical repair of roads and bridges and houses and hospitals, but the reestablishment of healthy economies and societies in which useful and productive jobs are available, and which can themselves support the costs of providing adequate medical care, education and social services. In our view, economic assistance in Indochina must be provided so as to support and accelerate the transition from war-time conditions of poverty and dependence, to peace-time conditions of relative prosperity and economic independence.

The East Asian Bureau of the Department of State and the Supporting Assistance Bureau of the Agency for International Development have been primarily responsible, in coordination with the National Security Council and other agencies, for planning and implementing U.S. assistance efforts in Viet Nam, and for conducting international negotiations concerning this subject.

We favor broad international participation in postwar assistance to Indochina. One possible mechanism would be a Consultative Group arrangement along the lines of the one that has been established in Indonesia. Such a group could include the bilateral donor countries and international financial institutions and agencies such as the World Bank, the Asian Development Bank, the IMF and the U.N. and its specialized agencies. In the existing consultative groups, the international banks and agencies have played a very important role in working closely with the host government, assessing economic conditions, proposing economic policies and programs, preparing development programs and projects and coordinating the activities of the donors. While providing valuable services within an international framework, the consultative group structure permits great flexibility for the individual donors which can select those programs and projects they wish to undertake and maintain control over the expenditure of their funds.

Recently the Government of South Vietnam requested the World Bank and the Asian Development Bank to establish such a Consultative Group for South Vietnam. Those institutions agreed to explore this possibility and consultations are now under way. We hope to see an international aid structure of this type extended to Laos and Cambodia at an appropriate time. The North Vietnamese have indicated a preference for direct bilateral assistance rather than multi-lateral aid or bilateral aid coordinated through a Consultative Group. While we do not anticipate the establishment of a special international agency for Indochina in the near future, we do foresee an important role for the U.N. agencies throughout the region through their regular program activities.

Though we have had extensive discussions with representatives of the Government of North Vietnam, these have been recessed pending assurance that the North Vietnamese are observing all of the provisions of the cease-fire agreement. No requests for aid funds for North Vietnam will be made until we are satisfied as to North Vietnamese adherence to the agreement. Any discussion of aid levels or implementation procedures would be premature prior to completion of the talks.

Our assistance in South Vietnam, Laos, and Cambodia is now channeled through the Governments of those countries. However, we are not opposed to humanitarian-type assistance being given to people in non-government controlled areas of Indochina. Of course, this must be worked out in a way satisfactory to the legitimate Governments in the area and we are hopeful that appropriate means can be found to provide such assistance.

Question 3. In 1969, a report of the Judiciary Subcommittee on Refugees Recommended that the President create by Executive Order a Bureau of Humanitarian and Social Services, to be headed by an Assistant Secretary within the Department of State. The creation of such a Bureau would serve to coordinate and give greater priority and standing to our government's humanitarian policies and programs. The thrust of this proposal was later incorporated in the Petersen Report on the reorganization of the Agency for International Development and foreign aid programs. The Proposal was recommended, as well, in President Nixon's subsequent Foreign Aid messages to the Congress. In 1970-1971, the Subcommittee on Refugees worked closely with the National Security Council staff in an effort to implement the proposal. On April 12 of this year, Senator Pearson and Senator Kennedy introduced the proposal as an amendment to the Foreign Assistance authorization bill for fiscal year 1974. The Department of State and AID opposed the amendment's adoption, and it failed in Committee. However, in its report on the bill, the Foreign Relations Committee stated that although the Committee "has not acted to report new legislative authority for the creation of such an official [bureau], the Committee wishes to make plain its view that the need for improved coordination remains acute, and urges appropriate action by the Administration to meet this need, thus possibly avoiding the need for legislative action."

What are Dr. Kissinger's views on the establishment of a Bureau of Humanitarian and Social Services within the Department of State along the lines initially recommended by the Subcommittee on Refugees?

Answer. I am of course fully aware of the Judiciary Subcommittee's interest in having a Bureau of Humanitarian Affairs established within the Department of State. As you noted, back in 1971 this Administration supported the creation of such a Bureau as part of the President's legislative proposals in the area of foreign assistance. As you also know, those proposals were not acted upon by the Congress. Therefore, the Administration took a number of executive actions to improve coordination and give greater priority to our government's humanitarian policies and programs. The Agency for International Development consolidated its humanitarian activities under one operational bureau. Full, high level coordination of disaster relief operations was provided for major disasters, such as those in Bangladesh, the Philippines, the Sahel and now Pakistan, by the designation of the Deputy Administrator of A.I.D. as coordinator.

By the same token, the Secretary's Special Assistant for Refugee and Migration Affairs assures that high level coordination is provided in refugee relief operations—for example, the Bengali refugees in India, Soviet Jews, and the Southern Sudanese refugee repatriation program. The apparent effectiveness of these measures leaves me reluctant to commit myself to the establishment of a Bureau of Humanitarian Affairs at this time. I can assure you that I plan to involve myself closely in these programs and will be prepared to take whatever

action is required to assure that our Government's humanitarian policies and programs are effective and receive the attention and priority due them.

Question 4. What are Dr. Kissinger's views on how the United States can help contribute to a better response within the international community toward humanitarian problems and concerns?

a. In December 1971, the United Nations General Assembly passed a resolution authorizing the Secretary General to establish a high-level position within the Secretariat to coordinate disaster relief, which was considered by many as a first step towards the creation of what some have called a permanent United Nations Emergency Service. What initiatives is the Administration prepared to take in assisting the United Nations to develop such a capability for responding more effectively to humanitarian problems around the world? What is Dr. Kissinger's understanding of the Administration's policy toward the creation of a United Nations Emergency Service, along the line previously recommended by the Subcommittee on Refugee, and what role should the United States play in support of such an emergency service?

Answer. The concept of United Nations humanitarian assistance is a commendable activity which the United States has traditionally supported. The United States initiated action within the United Nations to create the office of the United Nations Disaster Relief Coordinator (UNDRC) in 1971 and the Administration has continued to encourage its activities as provided for by General Assembly resolution. We believe that the UNDRC, along with other United Nations agencies which deal with such matters as refugees and assistance to children, currently provide the mechanism to enable the United Nations to respond to humanitarian appeals throughout the world. Although I am not familiar with details of the proposed United Nations Emergency Service, I should be prepared to consider the proposal with interest.

Question 4. b. Many members of Congress and Many Americans deplore the Administration's advocating reductions in America's contribution to the specialized agencies of the United Nations and other international humanitarian organizations. What is Dr. Kissinger's view on the current level of American contributions to international humanitarian organizations, such as UNICEF, World Health Organization, United Nations High Commissioner for Refugees, International Committee of the Red Cross, League of Red Cross Societies, and other international bodies?

Answer. The Administration agrees with, and is in the process of implementing Public Law 92-544, dated October 25, 1972 which had as its goal the reduction of the U.S. rate of assessment to 25 percent in certain agencies of the UN system whose assessments the United States has agreed to honor as a condition of membership. This provision does not, of course, apply to programs and funds to which the United States contributes voluntarily as a result of a perceived national interest. Most humanitarian programs are funded through such voluntary contributions.

Accordingly, I will examine the current level of the US voluntary contributions to international humanitarian organizations on a case-by-case basis and would plan to recommend a level of contributions to the Congress based upon the importance of the program in the light of competing needs and degrees of US interest.

UNICEF, which was established in 1946 to meet the emergency needs of children arising out of World War II, continues to provide such assistance—Nigeria, Bangladesh and Nicaragua are examples. But the agency's major emphasis is now on long-range development programs for children.

The US has strongly supported UNICEF over the years. This support has been manifested by our cash contribution to the organization: \$15 million was contributed in FY 1972 and FY 1973 and \$18 million will probably be decided on for FY 1974.

ICRC—The US regular annual contribution to the International Committee for the Red Cross is authorized by law (PL 89-230, October 1, 1966, 89th Congress) at a maximum of \$50,000. In addition, the US Government made a special contribution of \$1 million to the ICRC on June 30, 1971 for humanitarian and disaster relief and assistance to war victims. This contribution was in addition to those made for specific programs, such as humanitarian relief in Bangladesh, Nigeria-Biafra, and Indochina.

The League of Red Cross Societies is a federation of national red cross societies and does not receive regular contributions from governments.

For fiscal year 1974 the Administration has asked the Congress for modest increases in our contributions to the United Nations High Commissioner for Refugees and for the International Committee on European Migration. It should be remembered that, in addition to our regular contributions, the United States has made substantial special contributions to various United Nations and other international organizations for emergency relief and refugee programs, such as Bangladesh, Sudanese refugees and Jewish emigrants from the USSR.

Question 4. c. Proposals have been suggested to give the United Nations Economic and Social Council a permanent and continuing role in responding to humanitarian crises around the world. This would be similar to the Security Council's role in the political-military area. What is Dr. Kissinger's view of authorizing the Economic and Social Council's humanitarian intervention in massive people problems resulting from natural or man-made disasters?

Answer. During the past few sessions of the United Nations Economic and Social Council (ECOSOC) one of the most widely discussed subjects involved various recommendations concerned with measures to strengthen the Council. An overall objective of the United States has been to obtain Council agreement on measures to revitalize ECOSOC and to permit it to function as a principal organ of the United Nations as laid down in the United Nations Charter. In response to the question of "authorizing the Council's intervention in massive people problems resulting from natural or man-made disasters" it should be noted that the Rules of Procedure of the Council provide that special sessions may be held by decision of the Council, or at the request of (1) a majority of the members of the Council; (2) the General Assembly; or (3) the Security Council (rule 4). It would thus appear unnecessary to give the Council, in addition, a permanent and continuing role in responding to humanitarian crises. We have at the present time an example of this procedure. The Government of Pakistan has indicated its interest in calling a special session of the Council to respond to the recent Pakistani floods and has sought our views. We have supported this move and a majority of Council members have agreed to hold such a meeting on Monday, September 17, 1973.

Question 5. It is anticipated that a diplomatic conference will be convened next year by the International Committee of the Red Cross to revise and update the Geneva Conventions of 1949—including those relating to weapons of war, non-international armed conflict, and the protection of civilian populations.

Given the difficult and bitter experience of the United States in Indochina, and the massive destruction caused by the new technology of war, can Dr. Kissinger generally elaborate the Administration's position on the revision of the Geneva Conventions?

What progress can we expect in this area?

What specific provisions of the Geneva Conventions does Dr. Kissinger believe need revision?

What are his recommendations in this area?

Answer. The Administration supports the efforts under way to strengthen and develop international humanitarian law applicable in armed conflicts. The United States has and will continue to participate actively in this work.

The Swiss Government has convened a diplomatic conference on this subject, scheduled for Geneva, February 20 to March 29, 1974. A second session of the conference a year later will probably be required to complete the work. The conference will consider two draft protocols to the 1949 Geneva Conventions which have been developed by the International Committee of the Red Cross as the end product of a series of conferences of government experts held over the last two years. One of the draft protocols deals with international armed conflicts and the other with non-international armed conflicts.

The United States Government received the final drafts of the protocols at the end of August. We have just begun our study of the revised proposals, and we expect that it will require considerable time to develop positions for the February diplomatic conference.

We can, however, indicate at this time general areas in which we think progress will be possible.

Our first priority has been to develop provisions aimed at improving the implementation of the existing law. If current law is not lived up to there is little hope that new rules will have much impact. Thus, the United States has submitted proposals which would make more likely the appointment of a Protecting Power or substitute organization to help ensure compliance with Geneva Convention provisions covering treatment of POW's and others, because we consider that outside inspection is the surest way to improve implementation of the law. We would like to establish a requirement that parties to an interna-

tional armed conflict accept the ICRC if no other Protecting Power or substitute were accepted.

A second area where we can expect advances is that of protections accorded to the sick, wounded, and shipwrecked. In this area we also hope for major advances in the protection accorded to medical transports, particularly medical aircraft, including medevac helicopters.

Another area where there is considerable potential for progress is in broadening somewhat the categories of irregular combatants in international armed conflicts entitled to receive prisoner-of-war treatment.

Finally, we are hopeful that a protocol dealing with internal conflicts can be developed that will be a significant advance over the current basic protections accorded to victims of armed conflicts of this nature by Article 3 common to the four 1949 Geneva Conventions.

Far more difficult are some of the proposals relating to the means and methods of warfare. I refer in particular to provisions relating to area bombardment, to certain prohibitions on attacks, and to proposals which are likely to be advanced by various countries for the limitation or restriction of certain specific conventional weapons. We favor and shall strongly support efforts to increase protection of civilians and to promote respect for human rights during armed conflicts. However, we firmly believe that such improvements in the law must be carefully considered and framed so that they will be acceptable to states and workable in practice. In this area of international law, as in others, the development of new conventions which predictably will be ignored in practice is not progress; on the contrary, it is likely to foster disrespect for the law and further denials of the human rights the conventions are designed to protect.

You may be assured that we shall exert our most thoughtful and determined efforts to the improvement of the Geneva Conventions.

Question 6. A difficult and sensitive issue in our foreign policy formulation is what the American response should be to the suppression of human rights within another nation. The persecution of dissidents and religious groups in the Soviet Union; the jailing and mistreatment of political prisoners in Greece, Brazil, South Vietnam, and other countries; the massacres in Burundi and the Portuguese territories of Africa; and similar developments in other parts of the world pose difficult problems for American foreign policy?

Should such events or developments be a consideration in the formulation and implementation of American foreign policy? If so, why, in the recent past, is there a record of official silence on so many of these issues—such as occurred over Pakistan's actions in East Bengal in 1971? Should the United States be silent? What factors should be considered in a decision to speak out against the suppression of human rights or mass killings in another nation? What kinds of actions can the United States Government usefully take in such situations?

Answer. I addressed those issues at length in my testimony before the Committee. Let me recapitulate some of the major elements in our approach.

The United States stands emphatically for such basic principles as human liberty, individual rights, freedom of movement, and freedom of the person. On the other hand, the protection of basic human rights is a very sensitive aspect of the domestic jurisdiction of the governments with whom the United States has to conduct foreign policy.

On the international level we will cooperate and advocate enforcement of human rights. In our bilateral dealings we will follow a pragmatic policy of degree. If the infringement on human rights is not so offensive that we cannot live with it, we will seek to work out what we can with the country involved in order to increase our influence. If the infringement is so offensive that we cannot live with it, we will avoid dealing with the offending country.

If we are to be true to our principles we can never imply that we are acquiescing in the suppression of human liberties. But at the same time I believe it is dangerous for us to make the domestic policy of countries around the world a direct objective of American foreign policy for the reasons I have stated in my testimony.

Question 7. In addition to the growing international energy crisis, there is also developing a world-wide food crisis.

How would Dr. Kissinger define our country's international food responsibilities and what measures would he advocate by the international community for a better allocation of food supplies?

What is Dr. Kissinger's understanding of the Administration's position regarding the future allocation of PL 480 food? There appears to be a growing imbalance in our government's overseas food allocations, between dollar sales and food for security purposes (under Title I of PL 480), and humanitarian donations (under

Title II). In our foreign policy considerations, why is it more important to sell food to the Soviet Union at the expense of helping to feed starving people in West Africa or Bangladesh?

Answer. The world food situation is an extremely important issue and is under intensive review within the Government.

We must continuously weigh the competing claims for our agricultural output. Quite suddenly, we confront a serious problem affecting not only the recipients of commodities financed under PL 480 but the many nations dependent in whole or in part on our agricultural exports.

PL 480 legislation requires that commodities exported under either Title I or Title II of PL 480 be in excess of amounts needed for domestic consumption, adequate carryover stocks and anticipated dollar exports. In the absence of export controls, no limitations are placed on dollar sales. At present supplies are short, because commercial demand is heavy. Commodities available for PL 480 must be limited to the amount which will not, in the judgment of Secretary of Agriculture, interfere with commercial sales, or result in an inadequate carryover. The impact of PL 480 on market prices, particularly when prices of farm products are at a record high, must also be given due weight.

As to the various claims, I feel that we must contribute our fair share of food aid to combat hunger and malnutrition, to promote general economic development in the developing countries, and to provide emergency food aid to countries that are hit with natural disasters. We should also urge other nations to increase their share of providing food assistance to developing countries.

I would advocate that the international community adopt policies to share the responsibility for providing world food needs. This is one of the topics now being considered in the FAO and the OECD. It is also a subject of the interagency study I have requested on the world food situation.

PL 480 Title II is not the only way in which humanitarian requirements are met. This year we have switched some of our food aid for Bangladesh to Title I and we have just provided wheat for emergency food requirements in Pakistan under Title I. In short, providing food for those in the world who would otherwise go hungry has received the highest priority in PL 480 allocations this year, even though area programs have had to be reduced.

Because of the legislative restrictions placed on PL 480, the choice between dollar sales to the Soviet Union or any other country and feeding starving people is not solely a matter of foreign policy. In point of fact, however, the US is providing food to Bangladesh and to the Sahelian zone of Africa. In response to United Nations requests, the US will contribute about half of all the grain supplied as aid to Bangladesh during CY 1974. Similarly, the US is by far the largest single donor of food for drought relief in Central West Africa—about 50 percent of the grain donated so far. It is true however that the current allocations of commodities for PL 480 shipments in FY 1974 will severely limit the capacity of the US to respond to disaster situations.

Question 8. Just as our national leadership cannot build an effective "structure for peace" by failing to recognize the important interests and concerns of Third World countries abroad, so also can not our national leadership build a "structure for peace" without a fuller involvement of Congress and the American people at home.

What new initiatives does Dr. Kissinger advocate to involve a broader segment of the Congress and the American people in the making of United States foreign policy? And what new initiatives does Dr. Kissinger advocate to seek that basic public support without which, as he has so often stated, no foreign policy can truly be effective?

Answer. I addressed these issues extensively in my opening statement before the Senate Foreign Relations Committee and in my subsequent testimony.

We discussed in particular executive-legislative relations in its various forms. As I stated, if I am confirmed, I will meet promptly with the Chairman and ranking member of the Committee to work out procedures to promote this goal.

I also pointed out that if our foreign policy is to be truly national, we must also deepen our partnership with the American people. This means an open articulation of our philosophy, our purposes, and our actions. Equally we must listen to the hopes and aspirations of our fellow countrymen. I plan, therefore, on a regular basis, to elicit the views of America's opinion leaders and to share our perspective freely. The closer and more effective consultation which I will have with the Congress is another means of involving the public, through its elected representatives, more deeply in the foreign-policy-making process.

Question 9. How does Dr. Kissinger generally define the role and priority of economics in the formulation and implementation of America foreign policy? What new initiatives will he take; organizationally within the Department of State, vis-a-vis such other Executive Branch agencies as the Department of the Treasury, and how does he define the role and function of the International Economic Policy Council?

Answer. Economic issues are as much the subject of inter-governmental relations—of conflict, negotiation, and compromise—as are so-called “political” issues. Furthermore they have a high political content. One has only cite such examples as oil, or multinational corporations, or foreign aid to recognize the political nature of economic issues. Foreign policy must address these issues.

The policy-maker needs to assess the full consequences of a proposed course of action—the economic as well as the political and security implications. Economics is in this sense an integral part of the making and execution of foreign policy.

As to priorities, one cannot assign an abstract ranking to the various facts such as political, military, economic, humanitarian, etc. These various and sometimes conflicting elements can be considered and weighed only in context. As a general rule, however, we must be careful not to decide important economic questions on a purely technical basis; the political framework is an essential consideration.

I have not yet determined whether, or what, new initiatives organizationally within the Department of State or vis-a-vis other Executive Branch agencies are necessary to improve the functioning of the Department of State on international economic matters. This is receiving my urgent attention, and I will keep this situation under review as I gain experience.

In any event, I plan to have the Department play a leading role and continue to work closely with other agencies in the consideration of economic aspects of foreign policy issues.

The role and function of the International Economic Policy Council are (1) to clarify options among agencies on economic issues so as to permit informed decision-making; (2) to recommend policies to the President; and (3) to initiate interdepartmental studies on economic issues that may need further exploration.

RESPONSES OF DR. HENRY A. KISSINGER TO QUESTIONS SUBMITTED BY SENATOR HUGHES FOR THE RECORD

Question 1. Did the President know of and approve the special security procedures for the Cambodia bombing which involved the use of dual reporting channels (one accurate, the other with falsified figures)? If not, who made the decision to set up the false reporting system?

Answer. This issue was addressed in my testimony of September 7, 1973. As I said then, the President did not know of the dual reporting channels. The President and the NSC unanimously did agree on the need for secrecy, however, for the reasons that have been explained. It was in carrying out this requirement that special double accounting procedures were developed within the Department of Defense.

Question 2. Who made the decision to tell only certain members of Congress about these operations? Why were the Speaker of the House, the Majority Leader of the Senate, the Chairman of the Senate Foreign Relations Committee, and most members of the Foreign Relations, Armed Services, and Appropriations Committee not informed?

Answer. While a number of key Congressional leaders were consulted on the Cambodia bombing operations, a more thorough and systematic procedure would have been desirable. This failed to happen not because of any decision to deceive Congress about those justified and successful operations which saved American lives and speeded the achievement of Vietnamization.

Rather it was a consequence of the deteriorated state of trust and cooperation between the branches and the lack of adequate consultative procedures between Congress and the Executive, as well as among the interested committees of Congress.

An improved climate of trust and cooperation, the attainment of which will be one of my highest objectives, should go far toward insuring full communications on such matters in the future.

Question 3. What documentary evidence is there for the claim that Prince Sihanouk "acquiesced" in the U.S. bombing? If there is such proof, why was it necessary to continue to withhold this information from the Congress and the public at the time and even after Sihanouk's ouster in March of 1970?

Answer. I covered this question in my testimony of September 7, 1973. We have supplied the committee with a copy of Prince Sihanouk's press conference of May 13, 1969. Committee members have also been given access to correspondence between the President and Prince Sihanouk during this period.

Two other specific examples of Prince Sihanouk's views on the bombing were cited in a June 25, 1973, briefing by the Department of State spokesman who cited telegrams from State Department files of the period reporting the following:

In a January 10, 1968 meeting with U.S. emissary Chester Bowles, Sihanouk stated that he did not want any North Vietnamese in Cambodia, and further stated that while he could not say so officially, he wanted the United States to retaliate against these North Vietnamese forces with "hot pursuit" or bombing in the unpopulated border areas of Cambodia.

In a conversation on August 22, 1969 with Senator Mansfield, Sihanouk pointed out that there had not been Cambodian protests of bombings in his country when these hit only Viet Cong forces and not Cambodian villages or population. Sihanouk's tacit consent for the bombing was indicated as well in a public toast to Senator Mansfield on August 21, 1969 wherein he expressed hopes that "frontier incidents . . . do not assume proportions of a nature to jeopardize" U.S.-Cambodian friendship.

These documents show that the Prince as a minimum acquiesced in the bombing of unpopulated border areas since it was in his power to protest such bombing at any time, and he never did. Indeed his correspondence at the time was very friendly and forthcoming including an invitation to the President to visit Cambodia. Furthermore, in July 1969, several months after the bombing was initiated, Sihanouk renewed diplomatic relations with the United States which had been broken off in 1965.

This need for secrecy has also been covered previously. Sihanouk was most anxious not to be put into a position in which he was obliged to admit that he was aware of, and had acquiesced in, the bombing. Given the disparity in the strength of the North Vietnamese field army and the small Cambodian defense forces, and in view of the sensitive diplomatic aspects involved, an explicit acknowledgement of the bombing would have obliged the hard-pressed Cambodian Government officially to request cessation of the bombing.

In view of these sensitive diplomatic considerations and with the unanimous recommendation of the members of the National Security Council, the President ordered that the bombing be kept secret.

After Sihanouk's ouster we did not publicize the earlier bombing primarily because of our negotiating efforts with Hanoi. We were working for a settlement in private talks. We did not wish to charge the atmosphere or force North Vietnam into a retaliatory effort which might jeopardize the negotiations.

Question 4. Was Dr. Kissinger ordered to convey to the North Vietnamese threats of further escalatory actions (beyond the secret operations in Laos and Cambodia) if Hanoi did not respond appropriately?

Answer. We did not engage in threats during the negotiations. Our approach was consistent throughout. We wanted to negotiate a settlement as rapidly as possible—this was our strong preference and highest priority. In the meantime we launched the Vietnamization program. During this process, and failing a settlement, we made it very clear—publicly and privately—that we would protect American lives and emphasized to Hanoi that it should not take advantage of our withdrawal. Thus in our statements and negotiating proposals we stressed our desire for agreement; at the same time we left no doubt in Hanoi's mind that we would take whatever defensive actions were required if it stonewalled the negotiations and stepped up attacks.

RESPONSES OF DR. HENRY A. KISSINGER TO QUESTIONS SUBMITTED BY SENATOR ABOUREZK FOR THE RECORD

Question 1. Does the Administration intend to allow our aid to continue to be given to countries who now practice the repression and internment of its citizens for political purposes?

Answer. As I stated in my testimony, the primary concern of our foreign policy must be the international conduct of the countries with whom we are dealing. We are, of course, deeply concerned, both as human beings and as a government, about the abridgement of human rights and liberties anywhere in the world. We have expressed and we will continue to express this concern in appropriate ways.

Wherever the issue arises in international forums as an international question, the United States will join with other nations and advocate enforcement of human rights. In our bilateral relations with other states, we will follow a pragmatic policy of degree: If the infringement of liberty is not so offensive that we cannot live with it, we will try to work out what we can in our relations with the country involved in order to have a constructive influence. Where the action of a country is so morally repugnant to us that we cannot live with it, we will avoid dealings with that country, and that includes adherence to internationally agreed sanctions when adopted to which we are a party.

Question 2. What will be the State Department policy in regard to providing financial support to national police forces, prisons, or internal security forces in foreign countries either directly or indirectly through other programs?

Answer. As a general proposition the development of national police forces should be the responsibility of the nations concerned and should not involve a major commitment by the United States. But there are unusual circumstances in which we should provide some assistance in the efforts of countries to develop a civil security institution that is responsive to the needs of the people and helps to provide a framework for economic and social growth in a climate of freedom.

We are confident that our Policy Assistance programs have made and continue to make a genuine contribution to development. However, the Administration is mindful of the many criticisms of this program in recent years.

Accordingly, we believe that each of the Policy Assistance programs should be reviewed to determine its desirability and utility. Moreover, each country program should be evaluated to determine whether it makes a positive contribution in terms of current U.S. foreign policy objectives and interests and whether it should be continued, modified, or eliminated. We are prepared to undertake such an evaluation.

Question 3. There has been a great deal of activity by the State Department in restricting the admission of Arab students into this country. First of all, the reasons are not made clear and I would like to know the reasons why their entry is restricted. Secondly, assuming that if the reasons are that they happen to be on the wrong side of the Middle East conflict, why do we single out those students who wish to be educated and to travel in this country and also why do we not accord them the same treatment as we do those on the other side of this conflict?

Answer. There is no policy to deny visas to Arab or other foreign students. As one of the measures adopted to combat terrorism, certain visa applications (of whatever kind; e.g., student, tourist, temporary worker) are subject to special screening procedures that delay, usually for a few days, such applications. Only a handful of visas have been denied as a result of this screening procedure. If the Arab student applicant is otherwise qualified, he receives his visa.

RESPONSES OF DR. HENRY A. KISSINGER TO QUESTIONS SUBMITTED BY SENATOR PEARSON FOR THE RECORD

Questions 1. Why was no timetable established in the Paris Agreement for the accounting of our missing and the return of our dead? 2. Do you believe our government should take a stronger public position on the failure of the other side to live up to the terms of the Paris Agreement in accounting for our missing men? 3. Why have our known dead not been returned? 4. Should you be confirmed as Secretary of State, what are your plans for resolving the missing in action issue?

Answer. In view of the interrelationship of these questions concerning the status of the POW's and MIA's, the following single answer will respond to all four questions.

As I indicated in response to similar questions from Senators Church and Case, the Administration shares your concern about the Communist side's failure to live up to its obligations. The Vietnam Agreement, signed on January 27, 1973, contained specific requirements for accounting for the missing and return of the

dead. No timetable was specified because we hoped action on this humanitarian matter would begin at once, without being linked to other aspects of the Agreement, and that efforts would continue as long as it was required, until satisfactory results were obtained. In any event it was impossible to predict how long even an all out genuine process would take, and we didn't want to have an arbitrary cut-off after which the other side might claim it need make no further efforts.

We are seriously dissatisfied with the other side's performance on this subject—it has been one of the most unsatisfactory aspects of the implementation of the Agreement.

I can assure you, however, that we are determined to seek scrupulous fulfillment of the Agreement signed last January 27 and to secure as full an accounting as possible of all our men throughout Indochina. In an address on Armed Forces Day, May 19, 1973, the President expressed the Administration's concern in the following words:

"The cooperation which North Vietnam promised to give us in making a full accounting for Americans listed as missing-in-action has not been satisfactory. And I can assure you that we must and will insist that this promise, this pledge, this solemn agreement be kept, because just as America never broke faith with our prisoners of war, I can assure you today we will not break faith with those who are reported missing in action. They must all be accounted for by the North Vietnamese."

The Administration has taken a number of steps to seek compliance with the accords:

During my trip to Hanoi February 10-13, we provided files concerning the circumstances involved in cases of our missing personnel.

This information was supplemented by complete lists given to the Communist side by the U.S. delegation on the Four-Power Party Joint Military Team (FPJMT) of all U.S. personnel missing in Indochina and lists of those we list as having died but whose remains were not recovered.

The U.S. delegation to the FPJMT has pressed repeatedly for further information. The team visited North Vietnam twice in May and viewed the graves of 23 U.S. pilots identified as having died in captivity. However, there has been no progress on exchange of information on repatriation of remains.

The U.S. delegation to the FPJMT has also raised questions concerning the international journalists missing in Cambodia, and we have worked closely with the committee of journalists seeking their release.

The U.S. Embassy in Laos has repeatedly raised with representatives of the Pathet Lao side the subject of the many U.S. personnel missing in Laos, and we have taken this matter up with the North Vietnamese as well. We have been promised that upon the implementation of the Laos protocol, which is schedule to be signed September 14, we will be able to search in Laos. We, therefore, expect to receive more information on the fate of our personnel who are missing there.

Search teams from the Joint Casualty Resolution Center (JCRC) located in Thailand have conducted operations in Government-controlled areas in South Vietnam and have found some remains on the basis of which some cases may be resolved. Regrettably the other side has refused to cooperate in this effort and has effectively barred the JCRC from searches in Communist-controlled sections of South Vietnam as well as in Laos and North Vietnam. However, we have stressed the peaceful, open and humanitarian nature of the JCRC, and we will continue to press for cooperation by the other side in the JCRC's efforts.

On June 13, 1973, in a Joint Communiqué signed by the Democratic Republic of Vietnam and the United States, the two parties reaffirmed their solemn commitment to implement fully the January Agreement, including in particular the provisions for accounting of all of the Missing in Action throughout Indochina.

On July 29, 1973, the U.S. Government delivered a diplomatic note to the Democratic Republic of Vietnam strongly protesting the continuing failure of North Vietnam and its allies to fulfill their obligations and calling for prompt action by the Communist side. (A complete text of the note is attached for your information.)

I have pointed out in my testimony that one of the results of our continued disengagement from Indochina is that the pressures and incentives we have available are also shrinking. However, the other side clearly understands that we will continue to insist on full compliance and that we will not be able to proceed

with the Agreement's economic assistance provisions for example, until we have achieved more satisfactory compliance. We will, of course, use diplomatic pressure to the extent that it is available to us, and we will continue to make it clear to the North Vietnamese that normalization of relations with them, which we would otherwise seek and welcome, is severely inhibited by their slow compliance with the missing-in-action provisions of the Agreement.

TEXT OF U.S. NOTE CONCERNING MISSING IN ACTION DELIVERED TO THE DEMOCRATIC
REPUBLIC OF VIETNAM, JULY 29, 1973

In view of the fact that more than six months have elapsed since the signing of the January 27, 1973 Agreement on Viet-Nam and more than six weeks since the signing of the Joint Communiqué of June 13, 1973, the USG notes with serious concern that the Democratic Republic of Viet-Nam has failed to comply with Article 8B of the Agreement and paragraph 8E of the Joint Communiqué which require the parties to "Help each other to get information about those military personnel and foreign civilians of the parties missing in action, to determine the location and take care of the graves of the dead so as to facilitate the exhumation and repatriation of the remains, and to take any such other measures as may be required to get information about those still considered missing in action." Although there have been continuing discussions of these subjects in the FPJMT, the Democratic Republic of Viet-Nam has refused to cooperate in the necessary actions to implement this basic humanitarian obligation.

The United States Government has provided complete lists of American personnel listed as missing in action with requests for information. No information has been provided. The United States Government has repeatedly sought to arrange the repatriation of remains of Americans who died in captivity. No remains have been repatriated.

The accounting for the missing and the repatriation of remains are purely humanitarian obligations unrelated to other issues. They could have been largely carried out by now if a spirit of good will and cooperation had been manifested on this subject. This would have brought solace to the families and loved ones of the more than 1,300 Americans listed as missing, and of those who have died but whose bodies have not been returned.

The United States Government calls again on the Democratic Republic of Viet-Nam to help get information on the military personnel and foreign civilians of the parties missing in action. This can be accomplished promptly by responding to the request for information on the lists that have already been provided. The United States Government would be pleased to provide additional data on specific cases to assist in getting such information. The United States Government also requests the Democratic Republic of Viet-Nam promptly to accomplish the exhumation and repatriation of remains, and to enable the JCRC to carry out its humanitarian mission.

Question 5. While the Secretary of State is supposed to be the President's principal foreign policy advisor, recent Secretaries have played a secondary role in some aspects of the formulation and conduct of American foreign policy. For example, in international economic affairs, Treasury has been dominant, in military assistance policy, DOD has been in charge, and in trade policy, Commerce has played a dominant role. Do you believe that the Department of State should resume its former status as the principal agency guiding all aspects of American foreign policy or are you content with the current interdepartmental sharing of responsibility?

Answer. The contention that other agencies are "dominant" or in "charge" of the areas you mention is incorrect. The State Department has had a role in all of them; the diplomatic aspects of any issue should be carefully weighed. On the other hand, foreign policy is an increasingly complex activity, and other departments such as Treasury, Commerce, and Defense have clear responsibilities in certain areas, some of which are established by statute.

The NSC system under this Administration is designed to ensure that all agencies have a fair hearing and that our various activities are coordinated. The State Department plays a leading role in this process.

If I am confirmed, I hope to strengthen this role still further. The President has pointed out that one of the reasons for my nomination was to move more of the policy-working process out of the White House and into the State Department. At the same time, in my continuing responsibilities as Assistant to the President, I will help to assure that other agencies continue to have the opportunity to present their positions and reflect their responsibilities.

Question 6. There is a widely accepted belief that the morale of the Foreign Service is low, that many of its most promising officers are leaving the service and that these conditions will have an adverse effect on U.S. foreign policy. Do you accept the validity of these assertions? If so, what specific measures do you plan to take to revitalize the Department of State?

Address: I addressed this issue in my opening statement and during the hearings. As I testified, one of my highest priorities, if I am confirmed, will be to reinvigorate the Foreign Service and the State Department. I will seek to do this by promoting a sense of excitement and mission. The greatest boost to morale can come from participation in policies that are important and that further the national interest. Now that certain policy foundations have been laid, we are able to bring the Foreign Service more closely into the foreign policy process and exploit to the utmost their talents and experience.

Certainly if the most promising officers leave the Foreign Service this would have an adverse effect. But we have no intention of letting this happen. We will seek to attract and keep personnel of the highest calibre.

Question 7. From time to time, the Policy Planning Bureau of the Department of State has played an important role in the formulation of medium and long-term plans for American foreign policy. Currently, Policy Planning does not seem to be particularly active. How would you propose to organize the Department to plan long range foreign policy directions and goals?

Answer. I plan to strengthen the role and capability of the State Department's Planning and Coordination Staff both in analyzing problems and in considering various approaches to their solutions, including medium and long-range planning. More generally, I plan to emphasize the requirement for all parts of the State Department to think of the long-range implications of our policies and to reflect them in tactical and short-term actions.

Question 8. There has been speculation based, in part, on your writings that now that major shifts in U.S. foreign policy have been accomplished, you intend to "institutionalize" the changes; that is, to establish within the federal bureaucracy, personnel, policies and procedures designed to carry out diplomatic functions for implementing new relations with China, the Nixon Doctrine, and an increased emphasis on international economic affairs. Is this speculation correct? If so, how do you plan to accomplish this so-called "institutionalization" of the recent changes in U.S. foreign policy?

Answer. As I have indicated, the major changes undertaken during the President's first term required to a great extent diplomacy conducted on a rather restricted bases. However, we must now build on the foundations that have been laid with a view to creating a more permanent structure that we can pass on to succeeding Administrations. I believe this requires a greater institutionalization of foreign policy in general, with the bureaucracy fully understanding and effectively implementing various initiatives. In particular one of my principal functions, if I am confirmed, will be to make sure that the extremely capable professionals in the Foreign Service and the State Department will now be brought more directly into the foreign policy process. It is these professionals who will be here long after this Administration has gone and who will be able to carry on those policies which have been found to be valid.

RESPONSE OF DR. HENRY A. KISSINGER TO A QUESTION SUBMITTED BY SENATOR SAXBE FOR THE RECORD

Question. My friend and colleague Senator Saxbe visited Bangladesh during the recent Congressional recess. He informs me that the Bengalis are very appreciative of the assistance provided by the United States since their independence. However, he was told that there will be a food shortage from mid-November to January of this year when the new crop is harvested and distributed.

As you know, their food deficit was caused first by the war in 1971 and the drought in 1972. When this nation declared its independence, it had a short fall of 2.5 million tons of food grain and therefore relied on supplies from the United States and India. Last year we furnished 800,000 tons of food. This year on March 31 the United States Delegate to the AID meeting in Dacca pledged 500,000 tons of wheat. To this date, we have committed 280,000 tons. The first 200,000 tons, which consists of a grant, has already arrived while the 80,000 tons of P.L. 480 is

now being purchased. This assistance plus the diversion of 200,000 tons of food grain by the Soviets has held off the famine until mid-November.

Because of the world food shortage and possibility of export controls, I am aware of the difficulties involved. However, do you believe we can fulfill our pledge of 220,000 tons of wheat before the critical period of mid-November?

Answer. As you know, because of the heavy worldwide demand for US wheat, only limited amounts are available this year for assistance programs. Consequently we have not been able to make as much wheat available as we would have liked for a number of needy nations, including Bangladesh.

At the time of the meeting in Dacca on March 31–April 1, 1973, we believed we would be able to provide 500,000 tons between then and the end of the year. We couched our pledge, however, in terms of dollar amounts and noted that it was subject to budgetary and supply constraints.

Bangladesh has already received a large share of worldwide US food contributions this year. We are looking at Bangladesh's further needs along with those of other countries and will do our best to help meet them. At this time, we cannot state that we will be able to provide another 220,000 tons of wheat by mid-November, but as Senator Saxbe noted, there is wheat in the pipeline from the US; there is also wheat from other donors that is scheduled to arrive during the fall.

Even if a serious shortage materialized in mid-November in Bangladesh, this should ease within weeks since the harvest comes in early December.

RESPONSES OF DR. HENRY A. KISSINGER TO QUESTIONS SUBMITTED BY SENATOR BUCKLEY FOR THE RECORD

The first five questions asked by Senator Buckley were submitted also by Senator Curtis and the answers have already been given to the Committee.

Question 6. In view of the increasingly repressive character of the Soviet regime as detente proceeds, would you, as Secretary of State, urge the Administration to change its present position, with respect to the Jackson Amendment, and press for its adoption? Do you feel it is unreasonable to tie an explicit component of detente—increased U.S. trade with the Soviets—to a modest reduction in one of the principle sources of international tension between the two nations, namely the right of a citizen to emigrate from one nation to another? If you do, are you saying that you oppose attaching any political conditions to our economic dealings with the Soviets?

Answer. I oppose the adoption of the Jackson Amendment for the reasons fully explained in the present hearings. There are, of course, important political considerations to be weighed in all of our economic dealings with the Soviet Union, but in our view the conditions contained in the Jackson Amendment do not represent a balanced consideration of political, economic and humanitarian factors.

During my testimony I addressed extensively the relationship between foreign policy and the domestic policies of other nations.

RESPONSE OF DR. HENRY A. KISSINGER TO QUESTIONS SUBMITTED BY FORMER SENATOR SPONG FOR THE RECORD

Question 1. In general terms, what do you consider to be the principal obstacles, from the standpoint of procedures, processes, and institutions, to the effective conduct of our foreign relations?

Question 2. How do you view the personal role of the Secretary of State, as distinguished from his role as head of the State Department, in the total process of our foreign relations, particularly in relation to the Presidency; and how do both of these roles of the Secretary of State differ from that of the President's National Security Adviser?

Question 3. What precisely do you have in mind when you speak of "institutionalizing" the foreign policy process?

Question 4. Can one individual serving both as Secretary of State and as the President's National Security Adviser really manage to reconcile the two functions of being the President's primary foreign policy adviser and of administering the Department of State, and aren't there potential conflicts and contradictions between the two?

Question 5. Do you see a need for legislative action, or for any other kinds of action to strengthen or improve the position of the Secretary of State?

Question 6. With respect to the Department of State, including the Secretary in his organizational position, how do you view its function in forming, and in carrying out foreign policy? Is there any distinction between its roles for these two functions?

Question 7. What do you see as the major weaknesses of the foreign affairs bureaucracy, and what steps do you plan to take, if confirmed, to make State's bureaucracy more effective?

(Is it really going to be possible for State as an institution to be more involved in foreign policy making, as opposed to implementation, than it has been?)

Question 8. If you are confirmed as Secretary, how do you plan to use the current NSC Staff—will you take some of its members with you to the Department of State and operate more or less as before, or will it be necessary to adopt a new way of doing things in order, to use your word, "to institutionalize" the foreign policy process?

(What do you envision the division of labor to be between the NSC Staff and the top staff at State?)

Question 9. Can you suggest any organizational changes, or legislative actions, which might help "institutionalize" the proposed Legislative-Executive partnership in foreign affairs which you have spoken of recently, just as you plan to "institutionalize" the policy process on the Executive side?

Question 10. What criteria should be applied regarding information about the nation's foreign policy which would allow the fullest possible disclosure to Congress and the public while still protecting vital national interests?

Question 11. What do you see as the major problems involved in coordination among the various Executive Branch agencies, and what steps do you propose to take to improve matters in this area?

Question 12. Assuming that your nomination can be taken as an indication of an intent to have the State Department assert a more effective leadership role among the several agencies involved in foreign policy, what must be done to make this a reality? Could such devices as greater use of programming systems or a unified foreign affairs budget, if properly used, enhance State's ability to lead in dealing with other parts of government?

Question 13. How do you feel about the idea of a "Permanent Under Secretary" or "Executive Under Secretary" of State, who would be the number two or number three man in the Department, and whose function presumably would be to assist the Secretary in pulling together substantive policy and administrative support, and possibly to supervise interagency coordination efforts?

[Note: This has been frequently suggested, especially by the Herter Committee in 1962 and by the American Foreign Service Association 1968 report, *Toward a Modern Diplomacy*]

Question 14. We are constantly reminded today that one of the dominant features of foreign policy is the inextricability of domestic and foreign policy issues. Agricultural sales abroad and the energy crisis are shining examples. How do you see this problem being dealt with organizationally, and what are some of the ways in which you as Secretary of State expect to take an active part in solving such problems?

Question 15. Do you have an understanding with the President and other officials such as the Secretary of the Treasury, the Chairman of the Council on International Economic Policy, and the Special Trade Negotiator about the division of responsibilities in the area of foreign economic policy, and more generally, what is in store here?

Question 16. What sort of balance do you think there should be between career and noncareer Ambassadors, and do you plan to use your influence to argue for a larger proportion of career Ambassadors? Is there really any justification for using noncareer Ambassadors?

Question 17. In your opinion, what are the major criteria for effective planning in foreign affairs, and what modifications do you see as necessary in State's planning techniques, as well as those in use in other parts of government?

Question 18. What are your views about the desirability of eliminating some current programs in foreign assistance and in the information area, and moving the remaining activities of USIA and AID into the State Department?

Question 19. What do you see as the proper future approach of the United States to participation in international organizations and multilateral agencies,

both in terms of policy and in terms of how the U.S. government organizes itself to deal with these organizations?

Question 20. What do you see as the major difficulties facing State, and the government as a whole, in the acquisition and use of intelligence information for assisting policy makers, and what suggestions will you make to improve matters in this area?

Question 21. What purposes do you expect the Secretary of State's annual foreign policy report to serve, and do you expect to continue to produce such a document, or will there be just the President's report from now on?

Answer. The twenty-one questions submitted by former Senator Spong are extremely thoughtful and go to the heart of the system and process of foreign policy making.

I attempted to address many of the issues raised in these questions in my opening statement, and in subsequent testimony. On most of the questions I am still deliberating and consulting. Indeed many of them are logical agenda items for the consultations with the Foreign Relations and Foreign Affairs Committees that I plan if I am confirmed.

These questions warrant serious thought and a thorough treatment in any answers for the record. For this reason I prefer to take more time, drawing upon the discussions I intend to have with Congressional leaders, and to submit answers at a later date.

RESPONSE OF DR. HENRY A. KISSINGER TO A QUESTION SUBMITTED BY SENATOR
CASE FOR THE RECORD

Question. What are your views on politically federating the NATO nations, a project approved over the past 23 years by several Secretaries of State as well as by several Presidents including Secretary Rogers and President Nixon as late as this past spring—1973?

Answer. The President has consistently supported the concept and goal of Atlantic Union, and he reiterated his support last spring, as the Senator has noted. Should I be confirmed by the Senate, I would, of course, also support this goal. This is, however, a very long term project, which involves the future of the many nations of the Alliance. The United States cannot prescribe for the Europeans either the methods or pace of progress.

RESPONSE OF DR. HENRY A. KISSINGER TO A QUESTION SUBMITTED BY SENATOR
AIKEN FOR THE RECORD

Question. There has been much concern in recent years, going back even to the time of President Eisenhower, that the role of the military in the formulation and execution of foreign policy has been excessive.

Will you please give me the benefit of your comments on this concern, including the number of military officers now detailed to the State Department and the positions which they occupy, the role of the State Department in determining the nature and extent of overseas military bases arrangements (such as the forward base agreements in Greece), the formulation of the assumptions on which U.S. force deployments are based, JCS assumption regarding the interrelation of U.S. and foreign forces in specific areas, and the "requirements" on which foreign military aid are based?

Answer. Military considerations obviously occupy a primary role in the formulation of foreign policy. A strong military capability has been a foundation for the diplomatic progress we have made over the past years in such areas as arms control, relations with China and the Soviet Union and the Vietnam peace agreement. Thus it is critical that our foreign policies be formulated in a context of continuous and close consultation and cooperation at all levels between the State and Defense Departments. In fact, at the start of the Administration, the President created the expanded National Security Council system expressly for this purpose. The NSC system provides a systematic process for the integration of military, diplomatic, and economic factors into a coherent national security policy in which no one of these factors receives undue emphasis.

I believe this system has been successful in striking the delicate balance between these competing considerations. Moreover, we have explicitly set out to ensure our foreign policy objectives and national interests determine our mili-

tary strategies and forces rather than vice versa. If confirmed I will continue to guard against the tendency for military resources to dictate or unduly influence the form of our foreign policy objectives. This will continue to be a primary objective of the National Security Council system which I shall continue to help to manage.

In this context let me address your specific questions.

MILITARY OFFICERS ASSIGNED TO STATE DEPARTMENT

There are twenty-two military officers currently detailed to the Department. Four of these are assigned as military watch officers in the State Department Operations Center, primarily to assist in liaison with National Military Command Center (NMCC) in the Pentagon. Of the remaining 18 military officers fifteen are associated with the State-Defense Officer Exchange Program. A list of these officers and the offices to which they are assigned is attached. The increasing interdependence of the Departments of State and Defense in the field of international affairs has long pointed to the desirability of creating in each Department a reservoir of selected and especially trained officers who, by virtue of their experience, would be singularly well-prepared to deal with matters of common interest. In recognition of this, the State-Defense officer Exchange Program was initiated in the early Sixties to afford intensive politico-military training for upper-middle grade foreign service and military officers with relatively long periods of service ahead of them.

The broad and disparate background and professional competence of these exchangees has been invaluable in consideration of politico-military issues of concern to the Departments to which they are assigned. The military officers participating in this program, as well as their foreign service counterparts detailed to the Pentagon, are assigned for normal two-year rotational tours of duty. The billets are generally at the action officer level; and none of the exchangees are assigned office directorships.

OVERSEAS BASING

The Department of State not only plays a major role within the NSC system in determining the nature and extent of overseas military basing arrangements, but also in negotiating base arrangements with foreign countries when we are assured that the requirement is necessary and consistent with our larger foreign policy interests.

For example, it was inevitable that homeporting in Athens would be seen by some, regardless of our actual motive, as an act of support for the Greek Government. Recognizing this, the Department of State insisted that all reasonable locations in the Mediterranean be exhaustively explored by DOD. This study required a full year to complete and concluded that Athens was, by a considerable margin, the best location for the proposed homeporting in view of our extensive security equities in the Mediterranean area and the central role of the Sixth Fleet in sustaining those equities. Even then, the Department of State undertook an extensive review of the political considerations before endorsing the Defense proposal. As previously noted such a review, based on political as well as security criteria, is characteristic of the State Department's role regarding all overseas Defense basing requirements.

THE FORMULATION OF THE ASSUMPTIONS ON WHICH U.S. FORCE DEPLOYMENTS ARE BASED

Among the primary assumptions underlying our force deployments is, first of all, the deterrence of aggression by demonstrating to potential enemies and to our allies the U.S. resolve to honor our commitments. Our force deployments are also designed to assist our allies in collective defense in the event they are attacked; and to provide the President with the flexibility necessary in responding promptly to contingencies.

In support of these objectives and because our forces are designed in large part to supplement and complement the forces of friends and allies abroad, we pursue a strategy which is intended to safeguard U.S. interests and to honor U.S. treaty commitments. Furthermore, the U.S. will provide a shield if a nuclear power threatens the freedom of an allied nation or of a nation whose survival is vital to U.S. security.

In cases involving other types of aggression, we will provide military and economic assistance when required in accordance with our commitments and when in the national interest. However, in accordance with the Nixon Doctrine we will look to the nation directly threatened to assume the primary responsibility for providing the manpower for its own defense.

ASSUMPTIONS REGARDING THE INTERRELATION OF U.S. AND FOREIGN FORCES

In regard to this question, I would like to defer to former Secretary of Defense Melvin Laird who said in his FY 72 Budget Statement that in planning our forces we need to plan for optimum use of all military and related resources available to meet the requirement of Free World security. This approach—Total Force—includes both active and reserve components of the U.S. and of our allies. In addition, we take into account those capabilities of our allies that will be made available through local efforts, or through provision of appropriate security assistance programs. As I have pointed out in my testimony this approach has already resulted in substantial reductions of our overseas forces.

THE REQUIREMENTS ON WHICH SECURITY ASSISTANCE IS BASED

These requirements are a combination of: 1) the national security and foreign policy considerations of the U.S.; 2) the military needs of each recipient country depending on its existing military inventory and need for modernization, the amount of economic resources available to that country, and the degree of both the external and internal or insurgency threats facing it; 3) the need, in certain countries, to supply some level of assistance in order to accomplish essential politico-military objectives, such as preserving access to essential military rights and facilities; and 4) the will of the country to defend itself and to contribute appropriate resources to that defense effort.

[From the desk of DON DuMONT—founder—God's Own People of U.S.A., Chicago, Ill.]

ARTHUR M. KUHL,
*Chief Clerk, Committee on Foreign Relations,
U.S. Senate, Washington, D.C.*

Mr. Chairman and members of the Senate Foreign Relations Committee, for the record my name is Don DuMont and my mailing address is simply Chicago 60647. This statement follows my request of August 24th covering the salient points of my testimony in opposition to the confirmation of Dr. Henry Kissinger as Secretary of State, the letter acknowledging same of August 31st from your Acting Chief of Staff and telegram of September 10th from your Chief Clerk denying, unfairly I believe, a personal appearance before your Committee in Public televised hearings: but suggesting that you would be "glad to receive a statement of reasonable length for inclusion in the record".

As a Christian I do not swear in absentia, nor would I do so if present before your Committee to "tell the truth, the whole truth and nothing but the truth, so help me God" as did the nominee very casually and unconvincingly prior to his questioning; but in accordance with instructions in the Word of God for those who love and try to serve Him and in accordance with the laws of this American Republic under God I do so affirm for the record.

As a very brief personal statement for background information on myself, I submit copies of to whom it may concern dated Dec. 5th, 1949 and the greatest day . . . for me dated July 22nd, 1970 and story on the Chicago Today editorial page May 29th, 1973 with my comments as part of this record for the glory of God and our Republic—incidentally a word I have heard mentioned not once by anyone on either side of the witness table as applying to this country but only to the phony so-called "People's Republic of China", whose subjects have nothing to say concerning any "watergates" developing in that land where God is officially excluded as in Communist Russia as well.

May I suggest before getting to the issue at hand of Dr. Kissinger that a republic without Godly leadership and strict adherence to its restraining Constitution is just as bad and probably worse than the democracy everyone seems to think this country is erroneously would be without a Godly citizenry. Democ-

racy without God is a formula for anarchy and let's not forget it, and would be satisfactory only in a genuinely Christian country which we have not yet arrived at because of our resistance to God's instructions to His created beings.

Now for the record, it is my considered opinion publicly expressed that consideration of President Nixon's Special Assistant for National Security, who never received "security clearance" to the best of my knowledge due to typical "Tricky Dick" maneuvers at the time of his appointment, to become *in addition* the Secretary of State is the utmost of folly unless the Foreign Relations Committee is prepared to embrace without reservations the One New World envisioned by the Nix-inger policies (short form of Nixon-Kissinger) without God in their deliberations. Frankly, their highly publicized "detente" with the Communist slave masters in Russia, China and elsewhere—with Castro nearby as a possible next target for detente—indicates a complete lack of spiritual perception on their part and on that of our citizens who seemingly fail to realize that this "detente" is just another way of spelling "surrender" of our basically Christian principles to enemies of God and humanity under Satan's direction, and certainly not pleasing to the God of this nation so tremendously blessed under Him.

In a world where God's restraining but unseen hand is the only real deterrent to an atomic holocaust, it would seem that at long last His plans for eternal peace here and hereafter should receive some consideration from the staid Foreign Policy Committee, which under its present and previous leadership has been too often endorsing the misguided efforts for "Peace in our time" of every President to my personal knowledge since Franklin Roosevelt started the "detente" with Russian Communists in 1933, against the advice of most all responsible contemporaries. Surely our current world mess is of our own doing, not His.

Incidentally, two prepared speeches on this subject considered dishonoring to God by many of God's people because of their "humanistic" character were never delivered because President Roosevelt died the day in 1945 he was scheduled to deliver it, and President Kennedy was assassinated in Dallas in 1963 the day before it was to be given. The Nixinger team I believe is treading on similar shaky ground, and the Committee might well help in their best interests by denying the suggested nomination along with the disapproval of "peaceful coexistence" deals and "favored nation" status for our newly discovered "friends".

Another well-prepared and delivered speech by former President Herbert Hoover on the occasion of his 80th birthday at West Branch, Iowa which I attended August 10th, 1954 during the Eisenhower Administration contained a very significant paragraph concerning the Communists which very mysteriously was omitted from his otherwise meticulously followed text and ignored by the press in their news items. I called it to the attention of the U.S. Senate via its then Vice-president Richard Nixon, had acknowledgements from his personal secretary Rose Mary Woods and officially from his staff that the material would be laid before the Senate when the 84th Congress convened and that a notice to this effect would appear in the Congressional Record and the Senate Journal at that time—so its on the record. Because it challenged administration policies concerning Russia since 1933 and preceded by only a few weeks the appointment of Herbert Hoover, Jr. by President Eisenhower, with whom the ex-President had gone fishing in the Rocky Mountains right after his speech spoken in his words in "the spirit of St. Paul", as Assistant Secretary of State, I believe it is fruitful to bring to light even at this late date for consideration belatedly of the wisdom of the eliminated paragraph which read as follows—"Sooner or later a new line of action will become imperative. What the free world needs above all things is a spiritual mobilization of the nations who believe in a Supreme Being against the Red tide of atheism. No appeasement, no compromise, no agreement can dam back this tide. Nor can such devices long endure".

I have never been able to get a satisfactory explanation for these missing words of wisdom especially after an additional 19 years of experience with the complete lack of reliability of Communist promises. It would seem that President Hoover would not look favorably on Dr. Kissinger's appointment as he appears in many ways to be a better representative for a Communist slave world rather than an ardent advocate for a free world under God—as does also his mentor in the White House whether he's in Washington, San Clemente or Key Biscayne in his seeming campaign to become the First President of the World.

There are millions of Americans—yes Republicans—who believe the Kissinger appointment might be far more catastrophic than other top level Presidential appointees of Watergate “fame” for whom the President is accountable. Surely any confirmation should be withheld, regardless of Kissinger’s and Nixon’s desire for speedy action, until the Committee on Presidential Campaign Activities completes its work.

When a humble candidate for President as was this writer during the 1972 campaign, who prays every night for the salvation of his incumbent President, and writes to him in deep Christian concern on many occasions for his country, was treated as a “security” risk on several occasions during the campaign and again recently on August 10th when Presidential top domestic affairs adviser Melvin Laird visited the National Legislative Conference in Chicago, as covered in a Sun-Times story and my letter to the columnist, it is high time to have a clearer understanding of what SECURITY stands for. Security for whom and for what?

Every member of your Committee and every other U.S. Senator received copies of *The Republican Retort* of which I am Editor during 1969 & 1970 covering many subjects and reviewing a few highlights in my ministry starting in 1949 for the glory of God and the salvation of our Republic and except that I “know that all things work together for good for those who love God and are called for His purposes”, I am not too happy about being denied an opportunity to present this statement in person and *request again* a hearing where I may be questioned to your hearts content on these matters and the Christian approach to solve the many problems before this country domestically and internationally?

Knowing of our Presidents propensity for and the Committees interest in tapes of all kinds, I am enclosing a tape (in Committee files) of a WIND program called for the record of August 19th past—which was sent to the President’s Deputy Press Secretary on August 26th for comment—which may be of interest. A recording of this statement is on the other half of the cassette for your convenience and information.

In closing with thanks for your rapt attention to this written message or tape recording, may I put a little different twist to something the President said in his State of the Union message of September 10th. He said “There can be no monopoly of wisdom on either end of Penn Ave—and there should be no monopoly of power”. May I say there can be *no wisdom* in these places without supplementing our human knowledge with a fear or better a love of God—and remind you all in love that Jesus Christ said that all power was given Him by the Father. Fact or fantasy? If anyone amongst you are watching the prophetic clock with any regularity, especially as it applies to Israel, His time is very near.

Sincerely,

DON DUMONT.

AN OPEN LETTER TO: FRIENDS OF ISRAEL IN THE U.S. SENATE—REJECT KISSINGER’S NOMINATION AS U.S. SECRETARY OF STATE, TO BAR HIS BEING FORCED TO “BEND OVER BACKWARDS”: FAVOR KREMLIN-ARABS; ALSO BECAUSE HE CANNOT BE PRESIDENT, SHOULD NOT BE IN THIS OFFICE

Friends of Israel must act quickly to block Senate approval of Kissinger’s nomination, because as Secretary of State he would be forced to “bend over backwards” in favor of Kremlin-Arab interests (in order to avoid the appearance of favoring Israel) due in part to the oil situation and to the other factors noted below—besides the grave question as to the illegality, if not unconstitutionality, of a naturalized citizen being placed in line of succession to the Presidency which is barred to him by the Constitution; per a statement issued today by a former New York lawyer (retired) now of Philadelphia. The points in his statement are as follows:

1. *The Question of illegality, if not unconstitutionality*, raised by others, as to any such naturalized citizen being placed in this office—4th in line of succession to the U.S. Presidency under U.S. Code Title 3, Sec. 19—is so grave as to be a bar to the nomination’s being approved; the country’s best interests being paramount so that the burden of proof in this connection must be satisfied completely by those supporting the nomination, else it fails. Only a native is permitted by the Constitution to be President (Art. 2, Sec. 1, Clause 4); so the purpose of the Succession Law will be defeated by making Kissinger Secretary of State.

2. *In his News Conference Aug. 23rd*, Professor Kissinger made it clear he is aware that his being a Jew and a naturalized citizen (born in Germany) raises

questions in this regard: he stated he would conduct foreign policy "regardless of religious or national heritage." One aspect was highlighted in Bernard Gwertzman's article in the Washington Post of Aug. 26th in which he observed that heretofore Kissinger has left the Middle East to the State Department to handle: "partly because Mr. Kissinger was sensitive to the possibility that, as a Jew, he could be suspected of partiality to Israel." As the N.Y. Times reported—dispatch by Juan de Onis from Jidda, Saudi Arabia—on August 25th, Arab oil for the U.S. is questionable:

"A conservative ruler with strongly anti-Communist views, King Faisal has been showing increasing displeasure with the large degree of American support for Israel in the Middle Eastern conflict, which he feels is not moving toward a just settlement.

"LIMITATION ON OIL EXPORTS

"He has indicated to the United States that Saudi Arabia may be prepared to limit the amount of oil she will export to meet Western needs, and particularly the increasing United States demand, if there is not a 'correction' in American policy in the Middle East."

This inclination of Arab countries to cut oil production and shipment to the USA is increased greatly by their already having huge quantities of declining dollars and do not like many more.

3. *King Faisal and other Arab leaders will be increasingly inflamed against the USA* each day that passes with Professor Kissinger in office as Secretary of State: always suspicious he is secretly playing his favorite game of power-politics so as to favor Israel—no matter how much he "bends over backwards" to give the opposite impression. He will be suspect by everyone.

4. *Professor Kissinger's being Secretary of State will play into the Kremlin's hands* in every way, particularly in its secret manipulations internationally—especially in Arab lands in seeking to use oil etc. against USA interests and to make the USA-Israel tie a loss to both. In his above-mentioned Press Conference, Kissinger commented that: "The President has repeatedly stated that the Middle East is an important area, perhaps the most dangerous area . . ." Kremlin leaders are gloating over the "4 Aces hand" dealt them by the President in nominating as head of the State Department—spokesman for the USA to all the world—this vulnerable Professor; and they will play their power-politics cards with infinite skill, guile, to our disadvantage.

5. *These developments will further disadvantage Israel*, make her role more difficult—compounding the disfavor toward her in the USA and elsewhere; for instance the Washington Post commented in its lead editorial on Aug. 26th against "Israeli Annexation" of war-captured lands in violation of: "the principle of 'the inadmissibility of the acquisition of territory by war,' as so defined in the 1967 Security Council Mideast resolution which the United States sponsored." American and world opinion has also condemned Israel for her official air-piracy in the recent past. Professor Kissinger's being Secretary of State will add a great burden of practical difficulties for both Israel and the USA—always to the Kremlin's gain and delight. The N.Y. Times lead editorial of Aug. 28th states:

"American policies toward the Middle East involve far more than oil; it is conceivable that sound reasons will arise in the months and years to come for modifying the strong military and diplomatic support which Israel has long enjoyed from the United States."

This "modifying" will come easily, in the face of such "sound reasons," because this support by Presidents from Truman to Nixon has been due primarily not to love of Israel but to get votes and big money from Jews in the USA—as the New York Times and Washington Post have repeatedly reported over the years; for instance the latter published on May 6, 1973 excerpts from the diary of Eddie Jacobson (the late business partner and intimate of Truman) revealing that Truman backed Israel's creation etc. in 1948 to get Jews' votes, win his re-election. As to Nixon, these newspapers published in 1972 various accounts of Nixon's similar vote-bids. The same applies to strong support of Israel by most members

of Congress: vying for Jews' votes. This cynical support of Israel—so inflammatory of Arabs' hostility toward the USA—has been carried to the extent over the years of Israel's being classified as "The 51st State" as in the article published in the N.Y. Times (Op-ed page) June 5, 1971 reprinted below.

6. *Kissinger's joking about "Watergate" and the Constitution*—N.Y. Times Aug. 23d—exemplifies his notorious lack of any capacity for moral leadership; per his reported statement: "The illegal we do immediately. The unconstitutional takes a little longer." Elitist, professorial "humor" such as this disqualifies for high office because it reflects callous disregard for basic American values—notably the integrity of constitutional government and traditional principles—which Kissinger (with his Old World background and related code and values) knows little about and cares less; including the American people's deep aversion over the generations to anti-moral, destructive Old World balance-of-power politics which is his chief love, field of expertness and main claim to fame—all utterly repugnant in the eyes of The American Ideal of 1776 and the Constitution, barring the USA from such a role, partly because it is always war-breeding endlessly, per the BRITISH-American policy since 1939.

7. *Kissinger will wholly lack credibility and moral standing with foreign governments*, as the operating Executive for years (to continue while Secretary of State) of the National Security Council: officially responsible for policy and actions of the CIA's "dirty tricks" operations including overthrow of foreign governments—including Prince Norodom Sihanouk's in Cambodia per his new book: *My War With the CIA* reviewed in Washington Post Aug. 26, 1973, mass murders and tortures in Vietnam per the "Phoenix" project: assassinations of government leaders—indirectly of course—such as Diem in Vietnam and Mossadeq in Iran; etc., etc. "NSC-CIA Kissinger" is his inescapable character and label. As William V. Shannon's article N.Y. Times Aug. 28th, Op-ed page, states, Kissinger has been Nixon's "closest confidant" as to foreign policy featured by "four years of ruthless war, secret bombing and false reports, of shameless deceit of ordinary citizens and open contempt for the constitutional authority of Congress, of crafty manipulation of the press and wiretapping of his own staff . . . all these brutalities, illegalities and deceptions . . ." Kissinger's public character is inescapably fixed.

8. *No professorial Elitist should be Secretary of State*, least of all this worst one, characterized by unlimited arrogance (of which he has boasted), amorality, scorn for all of America's basic values traditionally especially in foreign affairs, evil record officially. Philadelphia, Pa. August 28, 1973

HAMILTON A. LONG.

ISRAEL—THE 51ST STATE?

(By David G. Nes)

OWINGS MILLS, Md.—A Middle East settlement as envisaged in U.N. Resolution 242 will depend very largely upon the degree of influence the U.S. is willing to apply to persuade Israel that her ultimate survival depends on acceptance by her neighbors and international guarantees, rather than on any specific frontiers secured by continuing military superiority.

All reports from our diplomatic missions abroad indicate that the world community—including Britain, France, and our other NATO allies—look to the United States to exercise toward this end the leverage inherent in our "special relationship" with Israel. A full understanding of this relationship is essential in considering the great responsibility Secretary of State Rogers has borne in his attempts to achieve an Arab-Israeli negotiated settlement.

When President Truman said in October of 1948, "We are pledged to a State of Israel, large enough, free enough, and strong enough to make its people self-supporting and secure," the stage was set for the gradual establishment of an association between the U.S. and another country unique in our history. Today, that association is far closer in all areas—defense, economic collaboration, intelligence exchange, common citizenship, and mutual diplomatic support than enjoyed, for example, between the U.S. and Great Britain. Unique also is Israel's almost total immunity from criticism in this country.

In dollars and cents, our assistance to Israel through the years, both governmental and private, has been prodigious. During the period between 1948-1969, United States Government economic aid totaled \$1.3 billion, while dollar transfers from private sources amounted to \$2.5 billion, a total of \$3.8 billion, or \$1,500 per capita on a current population of 2.5 million. This greatly exceeds, on a per capita basis, our assistance to any ally and compares to \$35 per capita to the peoples of thirteen neighboring states. Since 1969, our assistance to Israel has greatly increased. Dollar transfers in 1970 reached \$800 million and in 1971, will approximate \$1.5 billion. A further increase is anticipated for 1972.

Until 1967, we assured Israel a continuing supply of modern military equipment through West Germany and France and thus were able to avoid Arab hostility on this score. However, with the conclusion of German "reparations" and de Gaulle's change in Middle East policy, we have—since 1967—become the exclusive purveyor of arms to Israel. Of greater significance is the fact that qualitatively, we have provided aircraft, missiles, and electronic systems in some cases of greater sophistication and greater strike-capability than those furnished our NATO and SEATO allies.

A few months ago, the House of Representatives passed an amendment to the Defense Procurement Bill giving the President "open-ended" authority to transfer military equipment to Israel without total cost limitation. As former House Speaker McCormack remarked, "... I have never seen in my 42 years as a member of this body, language of this kind. . . ." The Senate on Dec. 15 last, by a sixty-to-twenty vote, killed the Williams' amendment to the Defense Appropriations Bill, which would have restricted the President—as with Cambodia—from sending U.S. troops into Israel without Congressional permission.

In the area of nuclear weaponry, the United States has also pursued an exceptional position vis-à-vis Israel. During the years when we were pressing over one hundred nations in the world community with whatever diplomatic, economic and military leverage we might have to adhere to the nuclear non-proliferation treaty, Israel alone was exempted from strong representations. Meanwhile, Israel reportedly has produced nuclear weapons designed for Phantom aircraft delivery.

In the exchange of intelligence, our cooperation with Israel is unprecedented. During the months prior to the June 1967 hostilities, the military intelligence requirements levied by Washington upon the Cairo Embassy, C.I.A. and military intelligence staffs were very largely based on Israeli needs. The effectiveness of the Israeli air strikes on June 5, 1967, was assured in part, at least, by information on Egyptian air fields and aircraft disposition provided through U.S. sources. With respect to political and economic information, it was State Department practice at that time to provide the Israeli embassy in Washington with copies of those Middle East embassy reports considered of interest.

On the question of dual citizenship, Israel also enjoys an exceptional position. Under the Israel Law of Return, an American Jew entering Israel for permanent residence is automatically extended Israeli nationality. Consequently, there are now some 25,000 residents of Israel who possess both American and Israel citizenship and are entitled to the protection of the United States Government in the event of war.

Last summer, in a series of White House statements we would seem to have extended our commitments to Israel to include the "occupied territories," her continued military superiority, and the preservation of her "Jewish character."

Only history can render a total explanation for this very special U.S.-Israel relationship. Suffice to say, it has now reached a point where Israel's security and welfare is not only considered vital to our own, but where our reaction to its possible compromise is more intense than would be evident with any of our NATO or SEATO allies. In essence, Israel has become our 51st state. As one State Department wag put it, "Where Israel's survival to be seriously threatened, we would be in World War III in two minutes—with Berlin, it might take several days!"

It is because of this frightening reality that the Administration has assumed world leadership in seeking a negotiated settlement, and Secretary Rogers has been concentrating on reopening the Suez Canal as a first step.

(David G. Nes, now retired from the Foreign Service with the personal rank of Minister, was chargé d'affaires in Cairo before and during the June war of 1967.)

STATEMENT OPPOSING HON. HENRY KISSINGER BY KILSOO HAAN

Honorable Chairman Fulbright and Honorable members of the Senate Committee on Foreign Relations:

As per request of Mr. Kuhl, the Senate Committee Chief Clerk I hereby submit my opposing view against Honorable Kissinger appointment as the new Secretary of State based upon the following 4 specific reasons.

REASON NO. ONE

Based on my 38 years of underground intelligence experience, the U.S.-Soviet "Detente on Soviet Terms" is pregnant with grave contingencies in the foreseeable future, the second half of this decade.

Mr. Kissinger played the significant role as prelude to the consumation of the President Nixon signing of the "No Inspections" SALT Treaty, the "detente on Soviet terms." In essence, was an official act, tantamount to un-American official act against the best interest of America. President Nixon gave away, he deliberately gave away 564 ICBM's and 240 submarine long-range missiles more to Red Russia and less to Pentagon.

The most alarming fact is that Mr. Kissinger, the Chief official on National Security Affairs and President Nixon obviously knew of the advance reports and information which disclosed the Soviet 30 Year Master Plan, How to Defeat and Destroy America; The Soviet 1973-1976 plan, the final phase of Soviet war preparation and the Soviet plan which calls for the Stockpile of Ample Essential Food Supplies for the preparation for an atomic war against America.

Despite of these advance reports and information related to the Soviet war plans and war preparations, Mr. Kissinger and President Nixon pushed the United States-Soviet "detente on Soviet terms."

On Sept. 19, 1971, at the height of Mr. Kissinger's secret negotiations with the Communist regimes. Secretary of Defense Laird warned, "I cannot give you assurance that United States will not fall into second place behind Russia in the 1973, 1974, 1975 period." It seems obviously clear that Mr. Kissinger, if he becomes the new Secretary of State he may be in official position to make America "Fall into second place behind Russia in 1973, 1974, 1975 period."

As an American citizen, I pray and hope the Senate Committee on Foreign Relations will not fall into Kissinger-Nixon conspiracy and help the Nixon Administration to place America in the second place under Soviet Sphere of Influence, in the name and spirit of Peace In Our Generation.

REASON NO. TWO

Upon the return of President Nixon to Washington, based on the alleged secret agreement or understanding, the Secretary of Defense Laird, ordered the "Cancellation" of U.S. "Laser" Ballistic Missile Defense Program. Was this necessary? In Aug. 1973, Secretary of Defense Schlesinger admitted that Red Russia too had tested the "Multiple Missile Warheads." Furthermore, our report revealed that the Soviet Laser Weapons For Military "will be" militarily operational by late 1975." Honorable Senator, please picture the balance of this decade when Red Russia will have converted 564 ICBM's and 240 Submarine long-range missiles into 704 Nuclear Multiple Missiles with big warheads aimed at America.

Mr. Kissinger and President Nixon are the two officials who have made it possible to bring about the United States-Soviet "detente on Soviet terms."

REASON NO. THREE

Honorable Senators, did you know Mr. Kissinger and President Nixon had advance information that Red Russia had adopted the plan to stockpile essential food supplies which must be protected from atomic radiation in time of an atomic war?

The Soviet High Command explained that, "An atomic war is impossible without an ample reserve of essential food supplies and these food supplies must be protected from radiation."

Mr. Kissinger and President Nixon, as the prelude to the secret negotiation of the United States-Soviet grain deal, had "Kill" Congressman Neal Smith's House bill, "To establish a strategic commodity reserve of wheat and grains," in the Senate in late 1971.

Soon after, the United States-Soviet grain deal secret negotiations began. Hence, by July and August 1972, the United States-Soviet grain deal was consummated and approved by President Nixon.

There can be no doubt that Mr. Kissinger and President Nixon were less concerned with the future need of food supplies of the U.S. citizens and more concerned and pre-occupied to help Red Russia's plan to stockpile essential food supplies and to please Red Russians.

REASON NO. FOUR

Based upon Jack Anderson's July 1, 1973 news column; early in 1973, White House cut off the heart of navigation and communications of U.S. Nuclear Submarine Fleet and U.S. Air Force, 600 planes including B-52's, the "Loran" authorizations, the 1973 Pentagon budget and thus cripple the U.S. First Line of National Defense.

To understand the significance of this White House conspiracy, may I once again call your attention to the United States-Soviet detente on Soviet terms, under it, President Nixon gave Red Russia 564 ICBM's and 240 submarine long-range missiles more than to the United States. Why?

It seems this spirit of "detente on Soviet terms" prevailed over the White House budget cutters, hence the White House conspired to cripple the smooth and efficient operation of the U.S. nuclear submarine fleet and the U.S. Air Force, operation of 600 planes, including B-52's.

Ask yourself this revealing and telling question. Why was it necessary for "The Joint Chiefs, without informing the White House, quietly dispatched the mysterious 'Captain Marvel' and three other top emissaries in civilian clothes to spread the alarm in Congress?"

The article further stated, "In such cloak and dagger fashion, Murphy, (Congressman Murphy's Coast Guard Committee which handles Loran authorizations) was tipped off what information to request from the Joint Chiefs . . ."

Thank God Congressman Murphy's Committee restored the 1973 Pentagon budget, the "Loran Authorization."

In concluding my opposition to Mr. Kissinger's appointment as the new U.S. Secretary of State to replace Honorable Rogers, may I be permitted to point out this ominous advise, which is to have been said by the Soviet military, Master General Grecko who is at present one of the most powerful influences, who advocates war, an atomic war against America in the Soviet Politburo, (Reader's Digest Oct. 1970 issue.)

"The Americans are fooling themselves. The only war to fight to win is an atomic one, and that is what we shall be prepared for." On August 22, 1973, the Soviet physicist Andri Sakharov dared to warn the Western Powers, "detente on Soviet terms could lead to a disarmed world facing a a Soviet Union armed to the teeth and dangerous." God help America !

BACKGROUND OF - Korean Underground. By Kilssoo Haan

This non-government underground was operated under the Sino-Korean Peoples' League since Feb. 1932, soon after Japan invaded Manchuria on September 18, 1931. Its purpose was to assist the U.S. and U.S. Intelligence against Japan. The first confidential conference was held in July 1933 at Fort Shafter, Hawaii between the Hawaiian Headquarters of U.S. Army Intelligence and the head of the League, Dr. Haeik Kim. In 1934 the late Captain Willis W. Bradley of U.S. Navy was named as the un-official advisor to the Korean Underground work.

REMARKS OF THE KOREAN UNDERGROUND INTELLIGENCE

1. War between Japan and United States was inevitable. On April 20, 1933 Kilssoo Haan submitted a document titled, "War With Japan Inevitable" to U. S. Secretary of War Honorable George Dern.
2. Helping America was, in reality, mutually helpful to China and Korea.
3. America was the pillar of the democratic way of life and the hope of deterring Japan from absorbing China.
4. The balance of world peace and the stability of small nations depended on a strong America, an enlightened U. S. foreign policy and an informed America in general.
5. Christianity and Christians in Asia would be wiped out if Japan became the master of Asia and the Pacific.

Senator Guy M. Gillette of Iowa, member of the U.S. Senate Foreign Relations Committee, wrote in 1936 - "Mr. Haan was a valuable and helpful witness and it seemed to me that he is in possession of information and in control of certain channels of information."

In Jan. 1944 we informed the U.S. government - **PLAN - "The Three Power Alliance and a United States-Japanese War."**

It revealed that in the Opening Period, Japan was to send a "Peace Envoy" to Washington, and during the peace talks, Japan was to carry out a sneak attack on the Hawaiian Islands.

The Advisory Commission to the Council of National Defense on February 7, 1941, replied:

"Your suggestions have been brought to the attention of proper authorities in the defense."

Summer Wells, former

Under-Secretary of State, said:

The Japanese assault on Pearl Harbor in December 1941 had been accurately predicted by alert Korean exiles."

DAY OF INFAMY

The New York Times

In 1946 it was reorganized to assist U.S. and U.S. Intelligence against the Russian-led Chinese secret plan: the implementation of the Sino-Soviet Eurasian Monroe Doctrine.

SUNDAY, JANUARY 18, 1942.

"A year ago, when presumably the plan first came to the attention of the State Department, it conceivably seemed too fantastic and implausible for consideration."

Red China

Dec 14, 1946

"Soviet Russia to assist the Red Chinese to overthrow Generalissimo Chiang Kai-shek and his government, and to expel all the imperialist Americans out of China. Time tablet: 'By 1950'..."

Generalissimo Chiang Kai-shek and his nationalist government in December 1949 had to flee to Formosa.

Korean War

June 25, 1950

Congressman Willis W. Bradley of Long Beach, Cal. retired captain in the U.S. Navy and friend since 1934, wrote in 1951, saying: "I know you must feel badly about this whole Korean situation - you had the information which could have gone a long way toward preventing the fiasco we have had so far."

Vietnam

May 1, 1950 to U.S. Central Intelligence Agency

General Twining, chairman, The Joint Chiefs of Staff, on September 3, 1959 wrote to Congressman McClellan:

"my staff has contacted the Department of State and the Central Intelligence Agency in their efforts to evaluate the information transmitted to you by Mr. Haan..."

Cuban Crisis 1962

Regarding the Cuban crisis, Senator Margaret Chase Smith, a member of the U.S. Senate on Armed Services, on Nov. 18, 1961, would "Time has certainly proved the accuracy of your intelligence analysis."

SOVIET RUSSIAN SPACE PROJECT

Soviet Russian Space Project, June 20, 1948 to U.S.

It revealed that Soviet scientists and engineers were working on their first space ship. And that by 1955 Russia had launched the Sputnik.

Note: In October 1957 Soviet Russia launched its first Sputnik.

SOVIET 3-MAN SPACE PROJECT... report

The Soviet Union had a 3-man space ship, the Vostok, launched in 1961. The Soviet Union had a 3-man space ship, the Vostok, launched in 1961. The Soviet Union had a 3-man space ship, the Vostok, launched in 1961.

Mid-east March 31, 1957

The Secretary of Defense Robert S. McNamara, in 1957, said: "The Soviet Union had a 3-man space ship, the Vostok, launched in 1961. The Soviet Union had a 3-man space ship, the Vostok, launched in 1961. The Soviet Union had a 3-man space ship, the Vostok, launched in 1961."

FIRST STRIKE MILITARY PREPARATION

December 1, 1961 REPORT

In March 1961

adopted the

"FIRST STRIKE DOCTRINE"

SOVIET 30 YEAR MASTER PLAN

Submitted by Kilsoo Haan

KOREAN UNDERGROUND REPORT

February 11, 1947 To CIA

The Soviet 30 year Master Plan.

How to Defeat... America!

LET US FACE

THE TRUTH

SOMETHING TO THINK ABOUT

In 1946, the US Secretary of State said: "The Soviet leaders are busy with the 30 year plan."

In March 1950, The Soviet High Command assured Chairman Mao, "This will happen when the shrike learn to whistle."

KOREAN UNDERGROUND REPORT, Soviet

SURPRISE ATTACK PLAN.

The Soviet High Command in March 1950.

adopted the First Strike Pearl Harbor Doctrine Against America. (Confirmed in Oct. 1962)

America Must Prevent the Dec. 7, 1941, Errors.

DEPARTMENT OF STATE

Dear Senator Humphrey:

Thank you for your inquiry of March 2, enclosing Mr. Haan's letter to you. . . .

There is no evidence, however, of an operational Communist master plan as described in Mr. Haan's letter. . . .

THE CHRISTIAN SCIENCE MONITOR

Geoffrey Godsell
Overseas News Editor
On February 1, 1973
informed me:

"With... your record, any sane person cannot afford to dismiss your warnings relevant to the 1970's about Soviet plans to infiltrate and extend Moscow's influence in the world. I agree with you in the sense that... I believe the USSR will be poised to exploit every advantage which the USA may unwittingly offer it..."

"Is the US making the same errors of judgement as it did prior to December 7, 1941? What if the Korean Underground reports relating to the 'Soviet 30 Year Master Plan' on how to defeat and destroy America are correct?"

1941 Honorable Frank Knox, U. S. Secretary of the Navy, wrote:

1952 "Your facts and predictions have been borne out by the passage of time"

1952 "Your past comments have shown you know what you are talking about" - Sherman Adams

1958 "Your patriotism and interest in our country's defense will always be remembered" - LBJ

1962 "Time has proved the accuracy of your reports" Sen. Margaret Chase Smith

Soviet Empire
Formerly Russian
in Oct. 1946
declared,

"Victory in war is determined by the ability to organize the defeat of America."

2-24, 1950,

Mao Plan Links China To Soviet War Machine

United Tribune, Oct. 2, 1952

'Next War, Last For U.S.' Says Russian Leader

APRIL 27, 1975

Soviet, China

Unite to

Aid Viets:

Kosygin

March 12, 1971

Congress of the United States
House of Representatives
Washington, D. C.

May 29, 1947.

I have had a long talk with Admiral... of the first intelligence... of the documents to... of the documents to...

I cannot be sure what final result... of this conversation as I was... of the time... of the time...

I believe that only future developments... of the time... of the time... of the time...

I am sure of my more assistance... of the time... of the time... of the time...

Laird Warns

Sept. 19, 1971

WASHINGTON, VA (AP) - Secretary of Defense Melvin R. Laird said... of the time... of the time... of the time...

Sincerely yours,
David M. Abshire
Assistant Secretary for Congressional Relations

Submitted by Kilsoo Haan

/s/ Willie W. Bralley

David M. Abshire
Assistant Secretary for
Congressional Relations

To the US making the same errors of judgement as it did prior to

December 7, 1941? What if the Korean Underground reports relating to the "Soviet 30 Year Master Plan" on how to defeat and destroy America are correct?

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"Your past comments have shown you know what you are talking about" -

1958 "Your patriotism and interest in our country's defense will always be remembered" - LBJ

1958
1962

"Time has proved the accuracy of your reports" Sen. Margaret Chase Smith

12
1587

NOMINATION OF HENRY A. KISSINGER

1587

HEARINGS BEFORE THE COMMITTEE ON FOREIGN RELATIONS UNITED STATES SENATE NINETY-THIRD CONGRESS

FIRST SESSION
ON
NOMINATION OF HENRY A. KISSINGER TO BE
SECRETARY OF STATE

PART 2

[Executive Hearings Held on September 10 and 17, 1973;
Made Public October 4, 1973]



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NOTE: Sections of these hearings have been deleted at the request of the Department of Justice and the Executive Office of the President. Deleted material is indicated by the notation "[Deleted]."

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[EXECUTIVE SESSION]

NOMINATION OF HENRY A. KISSINGER

MONDAY, SEPTEMBER 10, 1973

UNITED STATES SENATE,
COMMITTEE ON FOREIGN RELATIONS,
Washington, D.C.

The committee met, pursuant to notice, at 9:30 a.m., in room S-116, Capitol Building, Senator J. W. Fulbright [chairman], presiding.

Present: Senators Fulbright, Sparkman, Mansfield, Church, Symington, Pell, McGee, Muskie, McGovern, Aiken, Case, Javits, and Scott.

Also present: Mr. J. T. Smith, Department of Justice.

The CHAIRMAN. The committee will come to order.

OPENING STATEMENT

We are meeting in executive session to discuss the availability of what I think is called a summary of the study made by the FBI on the question of taps of various members of the executive branch plus some members of the press. It is the matter which arose in the hearing the other day. It seems to me to be quite relevant to the nominee, Dr. Kissinger's procedures, which he has followed in his present position and which presumably he could or would follow in his new position as Secretary of State, in addition to being the director or the head of the National Security Council. I am never quite clear what Mr. Kissinger's title is in the National Security Council. Is it proper to call him the Director of the National Security Council?

STATEMENT OF HON. ELLIOT L. RICHARDSON, ATTORNEY GENERAL; ACCOMPANIED BY WILLIAM D. RUCKELSHAUS, DEPUTY ATTORNEY GENERAL

Mr. RICHARDSON. No, I don't think it is.

The CHAIRMAN. The head of it?

Mr. RICHARDSON. It is the President's National Security Advisor. Indeed he is staff director to the Council itself.

The CHAIRMAN. As I understand it, the report which we have requested is not a summary of the wiretaps as such. We do not ask for the raw material, but it is a comprehensive report on the origin and discussion of the 17 taps. It contains simply a summary of the results of the taps. It is also my understanding from the other day that there were no compromises of national security really revealed. That is not particularly the point that is interesting to me. What interests me is the procedure which is followed in these cases by the

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executive branch. It seems to me that all of this is quite relevant to Mr. Kissinger's role and his new role as Secretary of State.

PRECEDENT OF MR. BOHLEN

We had a precedent for this type of thing when Mr. Bohlen, I believe, was nominated as Ambassador. The question was raised, I believe, about what the FBI files showed about him. He was rumored at least in the press to have had some unusual or unorthodox habits. We resolved it by appointing a subcommittee of this committee to look at the raw files as I recall it. Senator Sparkman, I believe was a member of that and Senator Taft.

They were delegated to look at the files themselves. That resolved that particular question and, as you know, everything worked out all right.

It was against that background that it seemed to me quite proper for the committee to be given the benefit of an examination of the summary. That is about all I have to say.

ATTORNEY GENERAL'S POSITION

Mr. Attorney General, what is your position on this matter?

Mr. RICHARDSON. Mr. Chairman, speaking for the Department of Justice, my approach to this is that we would like to be as helpful as possible to the committee with respect to the question of the procedure followed by the executive branch as you put it a moment ago. We recognize that this procedure and more especially Dr. Kissinger's role in it is clearly relevant to the deliberations of the committee with respect to his nomination.

It is necessary, however, to point out that the report to which you referred does, in fact, contain summaries of the so-called raw data found in certain of the wiretaps with respect to individuals. This information, we believe, could prove embarrassing to them without being material to the question of Dr. Kissinger's own role.

Senator JAVITS. May I ask you about one word? You now use the word "material"; you used before the word "relevant"; now which is it? You said this procedure is clearly relevant to the confirmation of Dr. Kissinger. Now you said material.

Mr. RICHARDSON. Sorry to have to confess, Senator Javits, that although I may be a lawyer I used the word interchangeably.

Senator JAVITS. OK. They mean the same thing.

Mr. RICHARDSON. They did certainly in this context.

Senator JAVITS. Thank you.

Mr. RICHARDSON. What I am really trying to say is that we would like to give the committee all the information that the report contained and that Bill Ruckelshaus and I possess with respect to Dr. Kissinger's role. We would like, however, to draw a line at information that has to do solely with individuals who were tapped and which derives from those taps. The best way to do this it seemed to us to be, therefore, to prepare a memorandum to the committee based on the report. This memorandum should be available in a few minutes. It is being reproduced at the moment, and in anticipation of that perhaps it would be useful if I gave the committee some background information as to the origin of the report and what its full scope is.

ORIGIN AND SCOPE OF REPORT

Now, as you recall when Bill Ruckelshaus was appointed as the interim director of the FBI there arose a question in the course of the Ellsberg trial then proceeding in California as to the possible tainting of evidence in that case by information obtained through wiretaps that had just become known to the court, and that led to the instituting of a comprehensive search by Mr. Ruckelshaus to discover what records could still be found of those wiretaps.

The report in question was a report to him summarizing all the information that was eventually rounded up. It was meant to be a summary of all 17 taps, including who requested them, their duration, and what information was discovered.

The report contains the names of the individuals tapped and some information about them that, as I mentioned earlier, could prove embarrassing to them. In this connection it has long been firmly established policy of the Justice Department that this kind of material should not be disclosed unless an overriding public interest makes it essential.

BOHLEN PRECEDENT

The chairman referred a few moments ago to the Bohlen precedent under which a subcommittee was empowered to look at the actual FBI file. That would be analogous to creating a subcommittee in this instance to look at the FBI file on Dr. Kissinger himself. We are not aware of any consideration that does make it a matter of overriding public interest for the committee to see those portions of the report that have to do only with information about individuals that was found as a result of the taps.

On the other hand, as I say, we have sought to extract from the report and make available to the committee all that the report reflects with respect to the procedures followed, and Dr. Kissinger's role in these procedures.

Perhaps I might pause here, Mr. Chairman, before giving a summary of what the report shows. I anticipate distributing the memorandum to you and seeing what questions the committee may have at this stage.

ACCURACY OF LIST PRINTED BY NEWSPAPERS

Senator AIKEN. May I ask, Mr. Chairman, was the list of 17 printed in some of the newspapers an accurate list?

Mr. RICHARDSON. We have never confirmed or denied the accuracy of the list, Senator Aiken, and we think there are grounds of official concern in doing so. It is a matter essentially of whether or not by a process of inclusion and exclusion in cases of this kind we do or do not by implication confirm in some instances because we failed to deny.

OPINION OF 17 PEOPLE LISTED CONCERNING RELEASE OF INFORMATION

Senator AIKEN. But my question really amounts to this: Of the 17 names, I believe, that were listed in some of the newspapers, whether accurate or complete or not, have any of those 17 people expressed any opinion as to whether what the FBI learned should be released or not or given to the committee? Have you heard from any of those 17 people, including the members of the press?

Mr. RICHARDSON. There is a lawsuit that is presently pending on the part of Mr. Halperin against——

Senator AIKEN. Of whom?

Mr. RICHARDSON. Mr. Morton Halperin.

Senator AIKEN. Yes.

Mr. RICHARDSON. Who was, had been, a member of the National Security Council staff. He has brought a suit against Dr. Kissinger and General Haig, and I think others, in which the Justice Department is now representing the Government officials who are named as defendants. There have been other cases in which there has been some communication directly by individuals who have seen themselves named with Mr. Ruckelshaus, and I would like to ask him to comment on that.

Senator AIKEN. I really want to know if any are opposed to divulging any information which was learned as a result of tapping their wires or are they perhaps in favor of it?

BACKGROUND OF WITNESS' DECISION NOT TO DIVULGE RESULTS

Mr. RUCKELSHAUS. Senator, maybe I can give you some background of my own thinking.

Prior to divulging the results of the investigation that the FBI had that led to the discovery of the records involved in these 17 wiretaps I had myself given consideration to the revealing of the names. One of the documents which we will submit to the committee as soon as the memorandum arrives is a transcript of a statement that I made at a press conference in which I described the investigation and what we discovered from it on May 14 of this year. In there I stated to the press that I had decided not to reveal the names because of the potential harm to the individuals involved and that I simply could not anticipate and I was finally persuaded not to do so because it was clear to me that if the Government authenticated that these individuals had been in fact tapped and some unknown harm was done to an individual because of his name being associated with the Government's suspicion of him in the past of having been the source of leaked information there is no way that I could undo that, no way the Government could undo that. If, on the other hand, we made a mistake for not releasing the names for one reason or another we could always rectify that by releasing them.

I have since become convinced that I was correct in not releasing the names because some of the individuals involved still work for the Government. As you pointed out, there have been press stories stating who the names were from citing unnamed sources, but there never has been any Government authentication that these names were in fact the subject of wiretaps, and I am convinced that there is no way we can tell what the impact is going to be on an individual if there is an official statement by the Government, yes, this person was tapped.

Now, in the case of Halperin, the Justice Department does provide to the court the names of—in camera for the judge sitting in camera—the names of individuals who may be defendants or associated with the defendant against whom a wiretap by the Government was instituted or who was overheard. The court then makes the judgment as to whether these names should be given to the defense or whether

they should be released. But in this instance, the release of the names themselves does not seem to serve any purpose such as that of releasing them to a court in the public interest.

WHO GAVE LIST TO PRESS?

Senator AIKEN. Do you know who gave the list to the press?
Mr. RICHARDSON. I do not know. [Deleted.]

RELEVANCY OF KNOWING PROCEDURES NOMINEE FOLLOWED

The CHAIRMAN. Under our system when we are asked to approve a nomination of a man—whom most of us, including myself, greatly respect for his personal ability and his personal charm and everything else that goes with it—the procedures which he has followed in his role as the head of the National Security Council, and now Secretary of State, seem to me to be very relevant to our estimate of his future conduct of this office. It does not necessarily mean at all, in my opinion, if he ordered all the taps and asked for them that he should not be confirmed, but at least we would know where we are. I think we ought to be a party to the knowledge of the way the procedures are carried on.

I would not see any reason, really, why the committee should not know how the nominee has operated. We gather from what we have already read in the paper that Mr. Kissinger did request these taps. He gave the reason the other day in public session that he thought the national security was involved and that it was in that respect that he thought they were justified. There were 17 different taps. One of them, of course, as we all know, is now a member of the staff of this committee who was at that time a member of the staff of Dr. Kissinger.

This does not, in my opinion, reflect upon [deleted]. He does not seem to be very offended about it. It is a practice that has grown up. I don't think many of you approve of it as a procedure, but it seems to me the committee ought to know about it and go on from there as we we did with the Bohlen case. Senator Sparkman, you were one of the participants in that incident. It was resolved and we went ahead. Mr. Bohlen was confirmed. But from the point of view of the committee it would seem irresponsible for us to move on in the dark without resolving the question of whether this was a procedure which has been followed. It may be that the taps are justified, and that this is something we can look forward to in the future, that we will all be tapped. Maybe the members of the committee have been tapped. I don't know, but, I think, we ought to know just how we run our Government.

WHAT COMMITTEE IS ASKING FOR

Senator SCOTT. I think we are entitled to know Mr. Kissinger's role in it. I am very leery about looking at those raw files.

The CHAIRMAN. We are not asking to look at the raw files. We are asking to look at the study which was prepared by Mr. Ruckelshaus as to the nature of the operation. We are pretty well informed that nothing violating or seriously violating, if at all, the national security was discovered in these taps. I don't know that there is anything that is going to compromise them, but it is a procedure involved in how

we are going to run our Government that seems to me to be very interesting.

Senator SCOTT. Could the Attorney General break down the categories of these wiretaps? Are they all alike, all 17 of them, or did they fall into different categories?

HEARING PROCEDURE

Senator JAVITS. Mr. Chairman, would the Senator yield, may I respectfully suggest as always we follow some procedure. I would like to question the witnesses very closely and I await on the ruling of the Chair as to how we should go about it.

The CHAIRMAN. I was waiting for the Attorney General to proceed with his statement and then we will have the usual questioning.

Senator JAVITS. All right.

BOHLEN CASE

Senator SPARKMAN. Mr. Chairman, before you move on, you referred to the Bohlen case. You remember we were at an impasse on that when the Chair appointed Senator Taft and me to go down and check.

I don't know just what may be implied by the term, "the raw files." We saw everything that was in that and I suppose that was it. We came back and reported to the committee. Senator Taft made a very strong statement on the Senate floor. I made a mild one, but we both came up with this feeling that we would never want to be investigated by the FBI on the basis of the supposed facts that they had in their files. Much of it, I think, was utterly ridiculous, and the statement was made to the committee and on the floor of the Senate, and we promptly moved to approve Mr. Bohlen's confirmation.

REVEALING INFORMATION SUPPORTED

I don't see that there would be anything hurtful in revealing this information. I would like to know if all of his aides that were connected with the—I understand this was connected with the National Security Council, wasn't it, and involved leaks that were given. In fact we saw those leaks in the papers ourselves at that time. They thought it was highly important. But if they were all tapped why then we might be concerned with all of them, all of us as a general principle. We are particularly concerned with one who is now on the staff of our committee and it seems to me we would be entitled to have full information on them.

The CHAIRMAN. Go ahead, Mr. Attorney General.

INFORMATION'S IMPORTANCE TO COMMITTEE AGREED WITH

Mr. RICHARDSON. There is certainly no disagreement between the committee and Mr. Ruckelshaus and myself with respect to the importance to the committee of the information about the procedure followed and Dr. Kissinger's role in it. The memorandum which has just been distributed to you in effect embodies all the information that can be gleaned from the report in that respect and it might be useful if I proceed from page 2 of this memorandum before we resume questioning.

SPECIAL PROGRAM OF WIRETAPS

In order to find the source of the leaks that have become of concern to the administration in the spring of 1969, a special program of wiretaps was instituted in mid-1969 and terminated in February 1971. The information thus obtained was made available to senior officials responsible for national security matters in order to curtail further leaks.

Mr. Ruckelshaus, as he said earlier, in a press conference on May 14, 1973, elaborated further on this background. In all, 17 individuals were tapped as part of this special program. In each case a request for authorization was submitted to Attorney General Mitchell by the Director of the FBI, J. Edgar Hoover. All the requests for authorization were signed by J. Edgar Hoover and approved by John N. Mitchell.

The individuals tapped fell into three categories.

1. Governmental employees who had access to sensitive information;
2. Newsmen who had printed leaked information;
3. Governmental employees who were discovered from the taps themselves as possibly involved in the leaks.

Thirteen of the taps were governmental employees and four were newsmen. The first taps were installed in May 1969 and the last were taken off in February 1971. They ranged in length from 1 to 21 months.

The FBI report to Mr. Ruckelshaus reflects the concern over the leaks of sensitive information transmitted to the Attorney General and the Director of the FBI in early May 1969 by the President and Dr. Kissinger. The FBI records on which this report was based do not, however, reflect all the deliberations that led to any given wiretap or the relevance to the leaked information of all the taps placed. Some names to be tapped were generated by consultation between the NSC staff and William Sullivan, the FBI Assistant Director for Domestic Intelligence. When the NSC supplied a name the request for authorization to the Attorney General recited that fact with little elaboration by the FBI. This reflected the FBI's traditional role as the sole agency in the Federal Government that conducted national security wiretaps.

DR. KISSINGER'S ROLE

As best can be determined from the FBI records, Dr. Kissinger's role included expressing concern over leaks of sensitive material and when this concern was coupled with that of the President and transmitted to the Director of the FBI, it led to efforts to stem the leaks, which efforts included some wiretaps of Government employees and newsmen. His role further involved the supplying to the FBI of names of individuals in the Government who had access to sensitive information and occasional review of information generated by the program to determine its usefulness. Any further elaboration of his role would have to come from Dr. Kissinger himself.

This is all that can be found in the report. The rest of the report deals with the summary of information obtained about these individuals from the taps themselves.

I should elaborate a little, I think, because Mr. Ruckelshaus and I have talked to Dr. Kissinger in order to supplement our own under-

standing of what occurred. Dr. Kissinger was, as he pointed out, new to his role of the National Security Council staff and totally unfamiliar with the uses of electronic surveillance of any form.

He did, however, feel deep concern, as did the President, and indeed those of us in the Department of State, I having happened to be there at the time, over the leaks. According to Dr. Kissinger, what originated here really was apparently a proposal by the director of the FBI, J. Edgar Hoover, to employ in this instance a technique that had been used in other comparable instances, and so the question then was who will be tapped. Well, an obvious prospect for this were the reporters who had printed leaked information, and we thought that this might turn up someone who over the phone transmitted additional information. [Deleted.]

The other likeliest prospect so far as the White House staff were concerned with the members of the National Security Council staff themselves who had access to the information that had been disclosed, and so Dr. Kissinger was asked to furnish the names of those individuals and undoubtedly the furnishing of those names led to the fact that in certain instances they were made the subject of electronic surveillance. But it does not appear that he had other than one, a sharing of the concern over the leaks, and, two, an originating role in supplying SC staff names, any direct part in the process whereby these wiretaps were instituted.

Senator MANSFIELD. It does not appear you say.

Mr. RICHARDSON. It does not appear.

ORIGIN OF REQUESTS FOR TAPS

The CHAIRMAN. Does it appear that Dr. Kissinger went to the President and asked for these taps?

Mr. RICHARDSON. No.

The CHAIRMAN. He did not initiate the idea of asking for the taps?

Mr. RICHARDSON. No, unless it is fair to say that you have to take together the report which undertakes to reflect what the records show, and Dr. Kissinger's own recollection of what occurred as to which, of course, he is a better witness than we are, but the FBI records indicate that there were requests for wiretaps of identified individuals, in one case by Dr. Kissinger and in two instances, on his behalf by then Colonel Haig.

[Deleted.]

SEPTEMBER 10, 1973, MEMORANDUM FROM ATTORNEY GENERAL

Senator AIKEN. May I ask, Mr. Chairman, is this statement classified?

Mr. RICHARDSON. No.

Senator AIKEN. OK.

[The document referred to follows:]

OFFICE OF THE ATTORNEY GENERAL,
Washington, D.C., September 10, 1973.

MEMORANDUM

To: Senate Committee on Foreign Relations.

From: Elliot L. Richardson, Attorney General.

Subject: Role of Henry A. Kissinger in placing of wiretaps to stem leaks of sensitive material affecting our national security in the period May 1969 to February 1971 as reflected in Justice Department records.

The report which a member of the staff of this Committee requested from the Justice Department just prior to Henry Kissinger's confirmation hearing last Friday and which was alluded to in the hearings themselves was not written for the purpose of discovering the role of Dr. Kissinger in the placing of the questioned wiretaps. The report requested by then FBI Acting Director William D. Ruckelshaus was meant to be a summary from the FBI files of all seventeen taps including who requested them, their duration and what information was discovered. The report contains the names of the individuals tapped and some information about them that could prove embarrassing to them. It has long been Justice Department policy that this kind of material should not be disclosed unless an overriding public interest makes it essential.

It is hoped that this memorandum, which attempts to glean from the report in question Dr. Kissinger's role in the placing of the wiretaps, meets what we perceive to be this Committee's legitimate concern for that role.

BACKGROUND

On May 22, 1973, the President made the following statement with respect to the rationale for the taps in question:

By mid-1969, my Administration had begun a number of highly sensitive foreign policy initiatives. They were aimed at ending the war in Vietnam, achieving a settlement in the Middle East, limiting nuclear arms, and establishing new relationships among the great powers. These involved highly secret diplomacy. They were closely interrelated. Leaks of secret information about any one could endanger all.

In order to find the source of the leaks, a special program of wiretaps was instituted in mid-1969 and terminated in February, 1971. The information thus obtained was made available to senior officials responsible for national security matters in order to curtail further leaks.

I also attach for your information the opening statement in a press conference held by William D. Ruckelshaus on May 14, 1973 which elaborates further on the background of this matter. In all, 17 individuals were tapped as part of this special program. In each case a request for authorization was submitted to Attorney General Mitchell by the Director of the FBI, J. Edgar Hoover. All the requests for authorization were signed by J. Edgar Hoover and approved by John N. Mitchell.

The individuals tapped fell into 3 categories:

1. Governmental employees who had access to sensitive information.
2. Newsmen who had printed leaked information.
3. Governmental employees who were discovered from the taps themselves as possibly involved in the leaks.

Thirteen of the taps were governmental employees and four were newsmen. The first taps were installed in May of 1969 and the last were taken off in February of 1971. They ranged in length from one to 21 months.

THE KISSINGER ROLE

The FBI report to Mr. Ruckelshaus reflects the concern over the leaks of sensitive information transmitted to the Attorney General and the Director of the FBI in early May, 1969 by the President and Dr. Kissinger. The FBI records on which this report was based do not, however, reflect all the deliberations that led to any given wiretap or the relevance to the leaked information of all the taps placed. Some names to be tapped were generated by consultation between the NSC staff and William Sullivan, the FBI Assistant Director for Domestic Intelligence. When the NSC supplied a name the request for authorization to the Attorney General recited that fact with little elaboration by the FBI. This reflected the FBI's traditional role as the sole agency in the Federal Government that conducted national security wiretaps.

As best can be determined from the FBI records, Dr. Kissinger's role included expressing concern over leaks of sensitive material and when this concern was coupled with that of the President and transmitted to the Director of the FBI, it led to efforts to stem the leaks, which efforts included some wiretaps of government employees and newsmen. His role further involved the supplying to the FBI of names of individuals in the government who had access to sensitive information and occasional review of information generated by the program to determine its usefulness. Any further elaboration of his role would have to come from Dr. Kissinger himself.

WILLIAM D. RUCKELSHAUS, ACTING DIRECTOR, FBI, PRESS CONFERENCE, MAY 14, 1973, 2:00 P.M.

Mr. CONMY. Good afternoon. This is an on the record news conference with William D. Ruckelshaus, Acting Director of the FBI. Mr. Ruckelshaus has a brief statement, after which he'll be pleased to respond to any questions. There are hand microphones on the sides of the room may I suggest it will be easier for all of us to hear if you use those when you do ask your questions. There is a background paper on wiretapping that's available to you. You may use it as you see fit. There is also a text of Mr. Ruckelshaus' statement and a full transcript of the entire news conference will be available, hopefully, later today.

Mr. RUCKELSHAUS. Gentlemen, I'd like to read this statement, in its entirety so that we have this problem in context before your questions.

Shortly after assuming this job, my attention was drawn to several newspaper and periodical accounts of electronic surveillances, better known as wiretaps, having been placed on telephones of government employees and newsmen in an effort to stem the leaks of information related to highly sensitive foreign policy issues. Upon inquiry, I was informed by FBI employees that these surveillances had been performed and that the records relating to them were missing from the FBI files. Also the question had been raised in the Ellsberg trial whether information from these alleged taps had been used by the prosecution in any way and thus tainted the evidence.

As a result of this information, I immediately ordered an investigation into the facts surrounding the taps and the missing records. The investigation was started Friday, May 4, 1973, and was conducted under my personal supervision by highly skilled FBI personnel at Headquarters. Forty-two separate interviews were conducted, all by Headquarters personnel, and included travel to Phoenix, Arizona; Tampa, Florida; Savannah, Georgia; New York City; and Stamford, Connecticut.

The investigation revealed that from May, 1969, to February, 1971, based on consultations between the Director of the FBI and the White House, certain wiretaps were instituted in an effort to pinpoint responsibility for leaks of highly sensitive and classified information which, in the opinion of those charged with conducting our foreign policy, were compromising the Nation's effectiveness in negotiations and other dealings with foreign powers.

There was a total of 17 wiretaps placed for this purpose. Four were placed on newsmen as the potential recipients of leaks and thirteen on government employees as the potential sources. The taps were on for varying lengths of time during the period in question; two for as little as 30 days and one for as long as 21 months.

These requests were handled in the same way as other requests involving national security for a number of years and in prior Administrations. When a government agency or the White House requests surveillance the request is studied by the senior officials of the FBI, and if the Director approves, authority is then requested from the Attorney General. If he approves, as was done in this case, the surveillance commences, summaries are prepared from the logs, which are transmitted to the interested agency, or as in this case, the White House.

Because of the sensitivity of these particular surveillances, the records were very closely held; first in the Director's Office and then on the Director's orders under the custody of Mr. W. C. Sullivan who was an Assistant to the Director.

The investigation indicates that sometime in the summer of 1971, after the taps were all taken off, Mr. Sullivan contacted Mr. Robert Mardian, who was then Assistant Attorney General in charge of the Internal Security Division, and informed him of the nature of these records and recommended that they be transferred to The White House. According to Mr. Mardian, the recommendation was made on the claim by Mr. Sullivan that Mr. Hoover might use the records in some manner against the Attorney General or the President. Mr. Sullivan does not affirm Mr. Mardian's claim. There is certainly no proof that Mr. Hoover had such intention but the charge had its desired effect. According to Mr. Mardian, he informed Mr. Mitchell, who in turn informed The White House. The records were taken from the files by Mr. Sullivan, who ordered them given to Mr. Mardian, who delivered them to The White House.

When the FBI discovered the records were missing upon Mr. Sullivan's retirement in the fall of 1971, it commenced an inquiry which ended when Mr. Hoover was informed by Mr. Mitchell that the records had been destroyed. It should be noted that Mr. Mitchell has denied making such a statement to Mr. Hoover. This conflict cannot be resolved because of Mr. Hoover's death. Mr. Mitchell, however, confirmed that the records were moved to The White House.

In any event, the FBI accepted the premise that the records had been destroyed, and when I assumed my present position, I had no reason to believe that the records were still intact. It was not until last Thursday night that our investigation revealed, during an interview with Mr. Mardian in Phoenix, that the records probably still existed and might be in The White House.

The next day the records were located in The White House, having been filed in a safe in Mr. Ehrlichman's outer office.

Unfortunately, the records were not located in time to respond to Judge Byrne's inquiries about the potential taint of evidence in the Ellsberg trial. The interception of Ellsberg's conversations all occurred when he was either a guest of Morton Halperin, National Security Council, or conversing with him. It was one of those conversations of Mr. Ellsberg which I had informed the Judge on Wednesday, May 9, 1973, had been remembered by one of our employees who had monitored the tape. Of course, whether the location of the records would have had any effect on the Judge's decision is not for me to say.

On Saturday an FBI Agent and I went to The White House, identified and retrieved the records and they now rest in the FBI files.

The investigation was conducted with skill, speed and effectiveness by the FBI and resulted in the full retrieval of the records. I believe it is in the public interest to reveal these facts so that this story can be put in proper perspective.

Now I have two more points that I want to make, gentlemen. One is that I recognize how very emotional the question of wiretaps is in our society, and I asked at the time this investigation started that a history of the use of electronic surveillances or wiretaps in the FBI or by the FBI be prepared. The handout that you now have or is available is the result of that inquiry. I felt that the history was informative and good enough that it warranted being handed out at this press conference so that again these taps can be placed in that historical perspective. Secondly, since I am sure it will be one of the first questions, I want to touch on the reasons why I have not revealed the names of the 17 people who were placed under electronic surveillance during the course of this effort to stem the leaks. At first I felt it was probably a good thing to reveal these names in the interest of openness and letting the public know precisely what happened. And upon reflection I concluded that the potential harm to be done by the release of these names outweighed the good that could result in the openness of revealing them. The potential harm is clear to the employees of the Government in that their positions in the Government since they were at least once under suspicion and most, if not all of them, have since been exonerated, might be jeopardized. It's less clear as to the newsmen as to why the names would not be released, but again, upon reflection and a certain degree of agonizing I concluded that the potential was still there for some harm to be done by revealing their names to the public. And I was finally persuaded by the realization that if I made a mistake in releasing the names there was nothing I could do about it, but if I make a mistake in not releasing them I can always rectify that mistake by doing so later. So in response to any of your questions as to what these names are, or who is involved, my answer will be the same and that is that I will neither confirm nor deny that any of the names that you request are the subjects of this surveillance. I'll now attempt to answer your questions.

LEAKS RESULTING IN SUBMISSION OF PARTICULAR NAME

The CHAIRMAN. Could you indicate what leaks, for example, occurred that resulted in the submission of a particular name? Does this occur in the summary?

Mr. RICHARDSON. No, it does not. The summary only contains the sort of general background that was described by Mr. Ruckelshaus in his May 14 statement and later by the President in his May 22 statement.

ATTORNEY GENERAL'S REQUESTS FOR TAPS

The CHAIRMAN. Does the summary indicate whether or not the Attorney General requested any names to be tapped?

Mr. RICHARDSON. There are two instances—I want Bill to hear this—the chairman's question was does the summary indicate any

instance in which the Attorney General requested or originated a request for a wiretap, there are two.

Mr. RUCKELSHAUS. Yes, there are.

Mr. RICHARDSON. In every other case his role simply appears to have been that of approving the use of the wiretap.

ATTORNEY GENERAL'S DENIAL OF ASKING FOR TAPS

The CHAIRMAN. I thought that the Attorney General had said at sometime or another that he had never asked for specific names to be tapped?

Mr. RUCKELSHAUS. Mr. Chairman, I think I can answer that question. There had been stories that appeared starting in Time Magazine back in February of 1972 indicating the existence of these taps. There had been denials by Attorney General Mitchell of the existence of these taps starting then, and as the press conference record indicates this denial was, in effect, belied by the existence of the signed authorizations by the Attorney General himself on all 17 of these taps that were installed.

APPROVAL OF AUTHORIZATIONS

The CHAIRMAN. Did he sign the authorizations in blank and allow Mr. Kissinger to fill in the names?

Mr. RUCKELSHAUS. Mr. Kissinger never had anything to do with the authorizations themselves. That would be a request form that was sent from the director of the FBI requesting authorization to install a given wiretap to the Attorney General. On the bottom of that form would be a line for approval by the Attorney General.

The CHAIRMAN. Did he not approve them in blank?

Mr. RUCKELSHAUS. No, I am sure he did not.

The CHAIRMAN. In batches of three or four, is that not true?

Mr. RUCKELSHAUS. I am sure he did not approve these in blank, Mr. Chairman. But in fact signed them as he would receive them from the director of the FBI.

INITIATION OF TAPS

The CHAIRMAN. Is it fair to say that all but maybe one or two were initiated by Mr. Kissinger?

Mr. RUCKELSHAUS. No, I don't think that is fair to say that he initiated the taps themselves. I think the names were generated from a number of sources, including the members of the NSC staff who might have access to the information that was leaked. I think also some of the names were generated by the FBI when they overheard in the given wiretap names of people who might have been the source.

JUSTIFICATION OF AND RATIONALE FOR TAPS

The CHAIRMAN. Take [deleted] who was [deleted] to [deleted]. What in the world would be the excuse for tapping his phone? What could be the justification? This puzzles me as a matter of procedure. I am not particularly interested in what they found out, but it seems very odd to me that they would initiate a tap, and especially if Mr.

Kissinger initiated the tapping, of a [deleted]. If he would do that I don't know that he would not tap any member of this committee or the Majority Leader or anybody else. What is the excuse for it? This is what bothers me. What is the rationale?

Mr. RUCKELSHAUS. I think again, Mr. Chairman, the rationale would have to be access to information. The question of whether that justified it or not, I think is a question that we are not really equipped to answer. But the rationale was he would fit into the categories that are named in the memorandum, category 1.

OBSESSION WITH SECURITY

The CHAIRMAN. What this indicates is such an obsession with security that there is no limit in our Government. I am puzzled by it. Take the concern about the Pentagon papers. I read the Pentagon papers. They were an awful bore. Why you cared about them being published is beyond my comprehension and it seems silly to me why you care. You brought the suit.

Senator SCOTT. I would like to second that.

The CHAIRMAN. That is what puzzles me. Parts of this don't bother me.

PROCEDURE FOLLOWED IN TAPPING QUESTIONED

It is the procedure that you follow. Our Government has come to where all of us are going to look at each other and wonder if we are going to be tapped. I used to be asked, "are you being tapped." I always said that I have no reason to think I am tapped because I am not important enough. I sort of passed it off as a joke. I did not think it was worthwhile for anybody to tap my phone and I never believed it was. When I had a conversation with you I asked you and you said none of our members had been tapped. I did not have any reservations that you did not tell me the truth about it because why should we be. But this is most peculiar. I can see why maybe [deleted] who worked for him was not loyal or even [deleted] but you go over here to the Department of Defense. You have [deleted] over in the State Department who was a [deleted] and I think [deleted]. Why in the world were such people tapped? If you had that kind of suspicion, I would think you would fire them. There is something about the procedure that seems very peculiar to me.

Mr. RICHARDSON. Mr. Chairman, I don't think there was a question of specific suspicions attached to any individual. It was a question of their access to the information. In the case of NSC members the names were chosen solely on the basis that they had seen the information in question in the case of [deleted] it was they had access to the NSC process.

Senator CASE. On what basis do you make that assertion, on your own knowledge?

Mr. RICHARDSON. No, I base it on the FBI records indicative of the fact that there are certain common denominators among the names and one common denominator is a role which on its face entailed access to the information. This accounts for the names of NSC staff and of [deleted] not any grounds of suspicion per se.

STORIES CONCERNING SALT NEGOTIATIONS UNDER BEECHER BYLINE

—One of the, the Chairman touched on the question of concern with leakage, I remember vividly myself as a member of the State Department, the concern we had to certain stories under the Beecher byline with respect to SALT negotiations. This is as simple a problem as the kind of situation the homeowner faces in trying to sell his house. He would just as soon not have a neighbor tell a prospective buyer what his fallback price is, and we were in a what we thought was a highly critical and even portentous negotiation with the Soviet Union, and to find that information which we believed to have been held by very few people in the executive branch was being printed with a high degree of accuracy in Beecher's stories was considerably worrisome.

Senator CASE. This was an earlier experience of yours?

Mr. RICHARDSON. Yes. And one of the consequences of this, Mr. Chairman, is that it tends to inhibit the kind of free discussion within the executive branch that ought to exist in the evolution of policy. The result of the leaks was progressively over time to narrow the group of people who participated in policy deliberations. In the case of SALT, for example, the size of the group shrank and shrank. The result of SALT, I think, has been good, but it meant that people in the State Department who would ordinarily, and I think desirably have been involved were not involved.

The CHAIRMAN. Mr. Sparkman.

COMMITTEE STAFF MEMBER

Senator SPARKMAN. Mr. Chairman, as I understand while we may be concerned and interested in all of the names on this list, the one we are particularly concerned with right now is a member of the staff of this committee.

The CHAIRMAN. [Deleted]. I hoped you would ask that.

Senator SPARKMAN. [Deleted] was a member of Mr. Kissinger's staff, as I understand, or a member of the staff of the Security Council. What was his position at that time?

Mr. RICHARDSON. He was [deleted] in a position such that all NSC written material, incoming or outgoing went through him.

Senator SPARKMAN. And that was the reason that he was included in the list of 17?

Mr. RICHARDSON. That certainly would have been a reason for his name to be furnished among the staff named?

Senator SPARKMAN. Was there anything found that was objectionable so far as he was concerned?

Mr. RICHARDSON. Nothing in any information available to Mr. Ruckelshaus or to me indicates any finding at all.

Senator SPARKMAN. What about the other 16?

The CHAIRMAN. Before you finish that, was the tap discontinued when he came on this committee? Did it continue beyond?

Mr. RUCKELSHAUS. Mr. Chairman, as I related to you in our earlier conversation that you alluded to a moment ago there has never been in the case of any staff members that were on the letterhead that you supplied to me or any members of this committee any wiretap placed on them by the FBI.

The CHAIRMAN. Did the tap already placed continue beyond his employment in the NSC?

Mr. RUCKELSHAUS. It was not continued or there was not a tap on [deleted] while he was a member of the committee staff.

Senator SPARKMAN. This committee?

Mr. RUCKELSHAUS. This committee staff.

The CHAIRMAN. It was discontinued then when he left the NSC?

Mr. RICHARDSON. Mr. Chairman. May I make an off-the-record statement?

The CHAIRMAN. Well, yes.

[Discussion off the record.]

GUARDING AGAINST LEAKS

Senator SPARKMAN. Mr. Chairman, you say you are walking a very narrow line. I think all of us ought to because we don't like to see these leaks that really concern important matters in the SALT talks, which were important, and other things that at that time were important. So far as I am concerned I have been asked lots of times if I felt my telephone was bugged and I said I had no idea and I did not care. They can bug mine any time they want to, but I do think we ought to be very careful. I am just saying this; it may not even be pertinent to the hearings this morning. But I hope we will get out of this situation and at the same time I know we have this job of guarding against leaks that might prove harmful to our country. That is all I care to ask.

The CHAIRMAN. Senator Aiken.

LEAKING NEWS TO ACHIEVE STATUS IN DISTRICT

Senator AIKEN. I used most of my time, Mr. Chairman. I simply would like to say I have noticed during the years I have been here that leaking classified or important news to certain newspapers appears to be one way of achieving status in the District. That is all I have.

DID DR. KISSINGER INITIATE ANY REQUEST FOR TAPS?

The CHAIRMAN. Mr. Ruckelshaus and Mr. Richardson, to the best of your knowledge did Dr. Kissinger initiate, I repeat, initiate, any request for taps?

Mr. RICHARDSON. The only answer I can give you to that insofar as we can construct the picture as a whole, no. It is true, on the other hand, that he or Colonel Haig on his behalf are identified in three instances in the formal requests for authorization submitted to Attorney General Mitchell as having requested taps.

The total picture, however, as reconstructed is one in which a decision was made as a result of a deliberative process involving the President and Kissinger and the director of the FBI that individuals on the NSC staff who had, or others who had access to this information should be the subject of taps, so that the decision that this would be done was not a Kissinger decision, even though for purposes of the form submitted to the Attorney General he is in some cases identified as the originator.

The CHAIRMAN. To the best of your knowledge he did not originate any of these requests?

Mr. RICHARDSON. Although he is identified in the FBI records as having requested taps directly or through Haig, my discussions with Dr. Kissinger have convinced me that he was not the originator, in the fundamental sense of the word, of any of these taps.

Mr. RUCKELSHAUS. Senator, in the President's statement of May 22 of this year in which he discussed this series of taps, he specifically states that he authorized the program among which were included wiretaps on certain individuals to try to stem these leaks and I think it was this authorization under which Dr. Kissinger was operating in supplying names either himself or through Colonel Haig to the FBI that resulted in taps.

Mr. RICHARDSON. That is all, Mr Chairman.

The CHAIRMAN. Senator Case.

Senator CASE. Thank you, Mr. Chairman.

NECESSITY OF COMMITTEE REPRESENTATIVE SEEING FBI REPORT

Mr. Chairman, I would like, if I could, to find some way in which we can reconcile this matter, but I can't find any way in my mind in which we can do it without a representative of this committee who is responsibly chosen, whomever the Chairman wants, perhaps one on each side, seeing the FBI report. This I think would be true in any event, and I think it be particularly true that we would be regarded and I would regard myself as negligent if we did not insist on the best evidence, and this is not impugn either the Attorney General or Mr. Ruckelshaus in any way.

They are giving us, I am sure, and they have given me privately, the best information about this, but I think we ought to see it or have it seen by a representative of this committee as the best evidence because we will be regarded as not doing our job if we don't and the public won't be satisfied unless we do this. Against the background of the misrepresentations that have been made to us in oral testimony by the highest officials of our Government, I think we would be just wrong with anything less, and while this is not exactly the same as seeing the files of a man under consideration for appointment himself or the files regarding him, it is, I should think, although somewhat less of an extreme concession to congressional prerogatives for us to see this, how the executive branch of the Government works. The purpose, as we all know, is to find out not only what has been done but what is likely to happen in the future, chiefly for two reasons: One, to give the American public as good an idea as they can get of the extent to which officialdom has the right to pry; and, two, and more particularly this new department or department new to this man, wonders what it must expect in all of its branches as far as supervision goes.

EFFECT AND USE OF WIRETAPS

Now, certainly it is not necessary to make an argument on behalf of wiretaps. All I can say is on that score, whether a person minds it or not, the device is one which potentially gives one man authority over another, control over another, and renders that second person, a person tapped, in case of any kind of thing that may be harmful to

him, of which he may be afraid or something of that sort, puts him in the control of the person who has that information to a degree which is intolerable and therefore it is something never to be used except in the most extreme circumstances. We have, as a committee, the duty on this occasion to make that point.

The CHAIRMAN. That is the point I am trying to make myself.

COMMITTEE REPRESENTATIVES NOT REQUIRED TO PASS JUDGMENT ON 17

Senator AIKEN. May I ask one question there. Would the representatives of this committee be required to pass judgment on the guilt or innocence of the 17 people?

The CHAIRMAN. No; that is not involved. It is the procedure that is involved.

Senator AIKEN. But if one of them was found——

PROCESS OF INITIATING ELECTRONIC SURVEILLANCE

Mr. RICHARDSON. May I make one comment, Mr. Chairman, in reply to Senator Case's statement. It should be clear both with respect to the past and certainly the future that the Secretary of State or the adviser to the President for national security affairs would not have in any event the power unilaterally to initiate electronic surveillance of any individual.

It should be reemphasized that in each instance here the specific request for authorization came from the Director of the Federal Bureau of Investigation who himself obviously bears responsibility with respect to techniques of investigation employed in the U.S. Government and in each instance, the request for authorization was approved by the Attorney General, and certainly as far as the future is concerned, any situation which was deemed by Dr. Kissinger to potentially justify, and I am not sure there would be any, given the history of this situation, but if it were to arise, the Secretary of State would come either to the Director of the FBI, Chief Clarence Kelly or to me, and we would have to exercise independent responsibility as to whether or not this technique would be employed.

The CHAIRMAN. Senator Church.

NO COURT ORDERS OBTAINED FOR 17 TAPS

Senator CHURCH. In connection with any of these 17 taps, I take it that no court order was ever obtained?

Mr. RICHARDSON. No.

CHANGE IN LAW CONCERNING WIRETAPS

Senator CHURCH. Has there been a change of the law in this respect as a result of subsequent court decisions or does it still lie within the power of the Attorney General himself to sign off a request by the Director of the FBI and wiretap anyone who may be thought suspect?

Mr. RICHARDSON. There has been a change in the law since the wiretaps in issue here. This was reflected in a decision of the Supreme Court of the United States in so-called *Keith* case, the *U.S. v. United States District Court* handed down in June of 1972. That decision held that the Constitution forbade the use of electronic surveillance

without a court order against citizens of the United States in situations involving a threat only to the internal security of the United States. In other words, a situation involving concern with domestic violence or subversion.

The case did not reach the situation of the American citizen in a context involving a concern with national security. The position of the Government is that where the national security is involved there is still authorization for electronic surveillance without a court order against a U.S. citizen.

At any rate, as a result of the *Keith* decision in June of last year there were, there were then in effect six or seven wiretaps against U.S. citizens or organizations in situations not involving national security, and those wiretaps were removed and, there are none now in effect in that type situation.

DID COURT UNDERTAKE PRECISE DEFINITION OF NATIONAL SECURITY?

Senator CHURCH. In the *Keith* case, did the Court undertake to set forth a precise definition of national security?

Mr. RICHARDSON. No, they did not.

They recognized in a good deal of the language of the opinion that the Omnibus Crime Control Act adopted in 1968 I think, did contain a recital to the general effect that the Congress did not intend one way or another by creating provisions for the Court authorized wiretaps in certain types of criminal cases to affect one way or another whatever inherent power the President might have to obtain electronic surveillance in national security cases; that issue has been dealt with in a number of lower court decisions which have invariably sustained the power of the executive branch to use electronic surveillance in national security and foreign intelligence situations. This authority was confirmed most recently in the decision 2 or 3 weeks ago here in the District of Columbia by Judge Pratt, *Zweibon v. United States*. This issue is, of course, presented in the lawsuit brought by Morton Halperin against Dr. Kissinger and others.

HEARING PROCEDURE

The CHAIRMAN. Gentlemen, unfortunately we have an open meeting at 10:30. Dr. Kissinger I presume is over there. I don't know what to do about the procedure because it is obvious if we hang around we are going to go far over the time. I wonder if we should perhaps recess until, say, 4 o'clock this afternoon when we will have time to go into this matter. What does the committee wish to do about it?

Senator JAVITS. Mr. Chairman, my feeling is if we limited each of us to 5 minutes it is very important to know what we are going to question Dr. Kissinger about.

The CHAIRMAN. What can I do? Shall I go over and start the hearing with Dr. Kissinger?

Senator JAVITS. Yes.

Senator PELL. Or five-----

[Discussion off the record.]

Senator JAVITS. Mr. Chairman, I would suggest we each have 5 minutes.

Senator CHURCH. I have completed my questions.

The CHAIRMAN. Will you notify Mr. Kissinger we will be a little late.

Senator Javits.

Senator JAVITS. Is Senator Church through? Thank you.

COULD WITNESSES BE COMPELLED TO TESTIFY CONCERNING FBI
ELECTRONIC SURVEILLANCE?

Mr. Attorney General, do you believe that you could be compelled to testify in a relevant case to what you know and what Ruckelshaus knows about these FBI electronic surveillances?

Mr. RICHARDSON. You mean in an individual case?

Senator JAVITS. Yes.

Mr. RICHARDSON. Conceivably. I think it is a question hard to answer in the abstract but there could certainly be circumstances which justified it.

WHY IS INFORMATION DIFFERENT FROM OTHER SECRET MATERIAL?

Senator JAVITS. Well now do you consider that we, in our official duty, which is what we are questioning you about, are in any different situation from either you or Mr. Ruckelshaus, considering the fact that we too represent an independent branch of the Government with a reason for knowing? You have lots of things that are secret that are given to us now. Why should this be put in some different class from any other secret material? We are entitled to secret material as much as you are, you know about it, why shouldn't we?

Mr. RICHARDSON. No question, of course, Senator Javits, as to the right of access of this committee to secret materials. The issue here, however, is simply whether or not the committee does have a real reason to see information with respect to the individuals who are wiretapped or information obtained as a result of those taps as distinguished from any information that we have with respect to Dr. Kissinger's role.

PROCEDURE CONCERNING NAMES AND DR. KISSINGER'S ROLE
SUGGESTED

Senator JAVITS. Mr. Attorney General, would you, therefore, see any objection to the following procedure: Give us the names, the 17 names; we examine Dr. Kissinger in executive session under oath, as to his initiation or any connection with those surveillance requests or anything else related to them, and based upon that testimony, for us to see whatever, in the opinion of the chairman of our committee and the ranking minority member and the Attorney General, becomes relevant by virtue of Dr. Kissinger's testimony under oath on individual names?

Mr. RICHARDSON. I would have to give some further thought to that, Senator Javits. It had been my view that we should seek to establish a line between whatever we could furnish or Dr. Kissinger could furnish directly with respect to his role, on the one side, and the corroboration officially of the list of names or the specific information

developed with respect to an individual, on the other. And if we are to depart from that distinction, I would have to do so only as the result of a little more deliberation than is possible here.

Senator JAVITS. Well, Mr. Attorney General, if I may explain myself further, the Attorney General has already said that this particular inquiry, line of inquiry, is material. He said material equals relevant to Dr. Kissinger's confirmation. We cannot begin to make inquiry without the names. Certainly we have a right to know the names in order to find out from Kissinger what he did or did not initiate and what he did or did not practice respecting a given name. All I say is we want that first. We have a right to it. When we have it then we question him, that is the next step. Then we must again prove relevance, if we wish to go further, and it seems to me that that will depend upon Dr. Kissinger's testimony.

I proceed upon the theory that there is nothing in this, in my judgment, that will stop his confirmation. But I also proceed from the theory that members of this committee with legitimate concern, have a right to know, and I have a right to know. So I say let us start with what is an essential beginning. We can't question him. All we know is the name of Mr. Halperin. Other than that we know nothing. We can't question him about his relationship to these taps without a list of the names of the people tapped. It seems to me, Mr. Attorney General, that if you are protected, or to whatever extent you are protected, insofar as the list is concerned, only, that is a proper first starting point. We are protected, too.

Mr. RICHARDSON. I certainly would not want to reject out of hand that possible method of procedure; and if the committee were to conclude that that is the procedure it wishes to follow, I would give the committee a very prompt response to it from our point of view.

Senator JAVITS. Thank you, Mr. Attorney General. My time is up.

The CHAIRMAN. Senator from Missouri.

Senator SYMINGTON. Thank you, Mr. Chairman.

TIME PERIOD OF COMMITTEE STAFF MEMBER'S TAP

Mr. Ruckelshaus, in your statement you say, "The taps were on from May 1969 to February 1971." In early 1969 [deleted] came with the committee and left Dr. Kissinger's employ September 1969 and joined this committee in October 1969. As a result of what the Attorney General said, was the tap taken off very quickly?

Mr. RUCKELSHAUS. I think—

Senator SYMINGTON. If it went from May of 1969 to May of 1971 and he went to work for the committee in October 1969, inasmuch as he was the one I dealt the most with on certain matters, I am interested.

Mr. RUCKELSHAUS. As the Attorney General related, Senator Symington, there was in respect to this member of the committee staff a very short period of time in which a tap was on, and this was an instance of about a month starting in May of 1969 so that he was not subject to any electronic surveillance while he was a member of the committee.

Senator SYMINGTON. Senator Javits' question is pertinent because we would like to know why the tap was put on and why it was taken off so quickly.

Mr. RICHARDSON. The reason it was put on was simply that papers flowed through his hands. It was not a question of the existence of any suspicion.

Senator SYMINGTON. He resigned, was not discharged.

Mr. RICHARDSON. That is true.

REASONS WITNESS KNOWS MR. EHRLICHMAN DOES NOT HAVE TAPS

Senator SYMINGTON. How do you know Mr. Ehrlichman has not a copy of these tapes? It is easy to copy a tape.

Mr. RUCKELSHAUS. Well, the records are fairly voluminous, Senator, and what I think Mr. Ehrlichman did simply—Mr. Ehrlichman simply held the tapes as custodian from the White House after they were transferred from the FBI to the White House.

HAS ACTION BEEN TAKEN AS RESULT OF TAPS?

Senator SYMINGTON. Have you taken any action against anybody as a result of information you received on these taps?

Mr. RUCKELSHAUS. The FBI has taken no action at all.

Senator SYMINGTON. If I may quote my colleague from New York, they may be raw to us but they are not raw to you. You know the facts; we don't. Based on the information in the tapes, has any action been taken with respect to anybody who was tapped?

Mr. RUCKELSHAUS. I think Dr. Kissinger would be the best witness to that, Senator, because the purpose of the taps themselves was to discover whether any of these individuals was the source of leaks and there could be no way you could tell from that information just exactly how it could be put together with other information that could lead to that conclusion.

Mr. RICHARDSON. [Deleted.]

VIEWERS OF RAW FILES AND POSSESSORS OF FBI REPORT

Senator SYMINGTON. Would you file for the record, Mr. Attorney General, those people in the Government who have seen the raw files in this particular case, and also the names of anybody outside the Government who has a copy of the FBI report?

Mr. RICHARDSON. I certainly can't do the latter because no one outside the Government should have seen it. We do not know how the names have been disclosed.

Senator SYMINGTON. That would be my next question, do you know who released the names of those tapped?

Mr. RICHARDSON. No.

Senator SYMINGTON. Mr. Ruckelshaus mentioned it in the statement.

Mr. RICHARDSON. He has a suspicion, I think.

Mr. RUCKELSHAUS. I don't know. I have no firsthand information as to who put out the names.

Senator SYMINGTON. Could you give us a list of all people who have seen the raw files, in the Government and outside?

Mr. RICHARDSON. Well, the raw files I don't know that we can, this would be hard to reconstruct. We could identify some names.

Mr. RUCKELSHAUS. The problem is, Senator, I am not trying to be evasive; there are a number of employees in the FBI who are mechanically involved in any wiretapping operation who might have information that we would not necessarily know about. They might have bits and pieces of the information because of their monitoring responsibilities or transcription responsibilities.

Senator SYMINGTON. Mr. Sullivan was obviously opposing his chief, Mr. Hoover. Inasmuch as Mr. Mitchell denies what was supposedly said by Mr. Hoover, et cetera, it would be interesting to find out all the people involved, a list of those you think have seen the raw files.

Thank you, Mr. Chairman.

The CHAIRMAN. Senator Scott.

INITIATOR OF MONITORING NEWSMEN

Senator SCOTT. I think I will save time by asking one question and that is on the newsmen. The newsmen, of course, would not be within the category of the governmental employees with access to sensitive information. Is there anything in the files that would indicate that the monitoring of the newsmen was initiated in the first instance by Dr. Kissinger?

Mr. RICHARDSON. [Deleted.]

Mr. RUCKELSHAUS. The answer is somewhat ambiguous. There is—and I think that we best be very clear on that and again because of the manner in which the authorization was originally made by the President to institute this program to stop the leaks the transmissions by the FBI of requests to the Attorney General for authorizations sometimes contained the request as having come from either Colonel Haig or Dr. Kissinger when this may be—may have been a form that was agreed upon for getting authorization from the Attorney General to make a given wiretap. This may not reflect exactly what happened or how an individual name came up. It may be impossible to reconstruct Dr. Kissinger's role from the FBI records. This does not mean the FBI records are deliberately inaccurate or are meant to cover up the true facts. In order to satisfy this committee, I think you would have to ask him that question personally. The Attorney General and I are just really not in position to be able to answer that with assurance. [Deleted.]

Mr. RUCKELSHAUS. However, having been a Director of the FBI for 75 days, I know that the general procedure in the FBI was that, where a given national security wiretap was originated by information the FBI had, there was a very elaborate request made of the Attorney General justifying his authorization for a given tap, but where the FBI received a request from the National Security Council, this elaboration was not, as a rule, made.

Senator CASE. Could that elaborate procedure be avoided by having a Director get Henry Kissinger to say "Let me have the dope?"

Mr. RUCKELSHAUS. Sure.

Senator CASE. In other words, the authorizing document does not necessarily, in itself, tell the full story.

Mr. RUCKELSHAUS. That's possible.

Senator CASE. I think we ought to know if Mr. Kissinger is going to lend himself to that kind of a practice. It is a matter of some relevance, too.

Mr. RICHARDSON. As Mr. Ruckelshaus has pointed out, the answer to Senator Scott's question about newsmen is ambiguous, in that newsmen who printed stories containing leaked information fell into one of the originally designated categories. I think it is clear from the record that the idea of doing that did not originate with Dr. Kissinger.

Senator SCOTT. That is what I was really trying to get at. That he is not the person who thought of the idea of tapping the newsmen. That is all I wanted to get at.

The CHAIRMAN. Senator Pell.

Senator PELL. Thank you, Mr. Chairman.

SECURITY VIOLATION NOT INDICATED BY TAP

Did the tap on [deleted] in any way indicate that he had violated security?

Mr. RICHARDSON. No.

Mr. RUCKELSHAUS. The answer is "No."

NO MEMBER OF COMMITTEE HAS BEEN TAPPED

Senator PELL. Also, Mr. Attorney General, I wanted to confirm this again. Is it correct to say that no member of this committee, to the best of your knowledge, has been tapped?

Mr. RICHARDSON. Yes, none has.

Senator PELL. Is that your view?

Mr. RUCKELSHAUS. That is true, Senator, but because a similar request was made by the chairman when I was in the FBI and I made a search and I can state categorically that is true.

KEITH DECISION'S LIMITATIONS ON WIRETAPPING

Senator PELL. Thank you. Somewhat further afield the *Keith* decision cited earlier, saying that no citizens of the United States can be tapped, still leaves in the field of national security, foreign embassies, or foreign people.

Mr. RICHARDSON. Well, the decision is not, does not necessarily exclude U.S. citizens who are involved in some situation of foreign intelligence or national intelligence or espionage. What it says is you can't use taps without a court order in situations involving domestic subversion, violence and the like.

Senator PELL. Does this mean now you cannot use taps going after the Mafia or organized crime?

Mr. RICHARDSON. No, but you can't do so without a court order. In other words, in going after organized crime we do seek and obtain court orders under title III of the Omnibus Crime Control Act.

Senator PELL. And would you have to have that court order in order to put one on?

Mr. RICHARDSON. Yes.

The CHAIRMAN. Senator McGee.

LIST OF NAMES REQUESTED FROM MR. KISSINGER

Senator McGEE. Do I recollect correctly about Friday's hearing that in response, in essence, to some of these questions about Mr. Kissinger's role that Dr. Kissinger replied, as I remember, that when the FBI, the President, Mr. Kissinger, whoever was involved, maybe the Attorney General, made the decision collectively, that Mr. Kissinger was asked to submit the names of those who would have had access in his agency to the leaked information for purposes of checking it out.

Mr. RICHARDSON. Yes.

Senator McGEE. Is that a correct recollection?

Mr. RICHARDSON. Yes.

Senator McGEE. That should remind us, at least of one of the factors present in the Kissinger position. Whether he would modify it in an executive session we would have to find out.

Mr. RICHARDSON. There was the only list of names as to which he would have information not equally available to other people.

Senator McGEE. He was asked to submit that list to determine their relationship, if any, to specifically leaked information.

Mr. RICHARDSON. Yes.

Senator McGEE. Were there any factors associated with the leaks but not associated with the sensitive diplomacy that entered into the decisions that were made?

Mr. RICHARDSON. No, certainly not as to that list. It is possible with respect to two or three names on the list as to which there is no obvious relationship to National Security Council staff or the distribution of National Security Council papers. In any event these are individuals, and I think this is clear from all the information available to us as to whom Dr. Kissinger was entirely unaware that there was any tap at all.

Senator McGEE. Is there anyone on the list of 17, obviously other than the 4 newsmen, who did not have known access to the leaked material?

Mr. RICHARDSON. Could you repeat that?

Senator McGEE. Yes. Is there anyone on the list of 17, except for the 4 newsmen obviously, who did not have access to the known leaked material?

Mr. RICHARDSON. Yes, there were in two or three instances and these are the same individuals to whom I referred in response to your earlier question.

Senator McGEE. Thank you, Mr. Chairman.

REQUEST FOR TAP

The CHAIRMAN. Did [deleted] request the tap on [deleted].

Mr. RICHARDSON. No.

The CHAIRMAN. Did Mr. Kissinger?

Senator CASE. He can't answer that question.

Mr. RICHARDSON. I am not sure—I don't think his name figures.

Senator CASE. Who did ask for the tap on [deleted]?

Mr. RUCKELSHAUS. All of these people with access to the information were generated, those names were generated pretty much the same way.

Senator CASE. But it is very odd that [deleted] would not have asked—it is very odd that Dr. Kissinger would have asked for a tap on [deleted].

Mr. RUCKELSHAUS. Mr. Chairman, I think what would have happened would be that the request would come from the President or the director of the FBI—there are people who would have access to this information could have been the source that [deleted] name may have been generated in that fashion.

Mr. RICHARDSON. He was the principal point of contact for [deleted] with the National Security Council staff.

The CHAIRMAN. Senator Muskie.

ABANDONMENT OF PAST RESTRAINTS

Senator MUSKIE. Mr. Attorney General, I won't try to belabor any points that were made. I have always believed there are certain gray areas in the relationship between the Presidency and the Congress that are better left undefined, areas such as the impoundment of funds, executive privilege, and classified information. We have been able to avoid precise definitions over the years because of the practice of restraint on the part of both the Presidency and the Congress.

What troubles many of us is that there is so much evidence that the restraints that have been honored in the past have been abandoned by some and that abandonment could lead to a society in which some men are more equal than others. That is really what is at the heart of our inquiry here. I do not detect in this discussion this morning any real revulsion against the notion that in national security, there must be a guideline for the use of this technique. But when restraints are abandoned in secret, then there is no check against the abandonment. This is what Senator Case is speaking about. This is what all of us are speaking about. So I express that as a matter of philosophy and I think it underlies this whole discussion.

For instance, in this list of 17, and I have not verified it—I have no way of verifying it—at least two are names of people who were closely associated with me in a foreign policy advisory role throughout 1970 and most of 1971. I am naturally curious and interested as to whether or not when they became associated with me and were no longer associated with the executive branch, they were still subject to electronic surveillance. If they were, there is a possible inappropriate purpose as well as the continuance of an appropriate purpose. So the line becomes very obscure. And I think as a society we have a right to know whether that line is slowly being breached and undermined to the detriment of the credence of all of us. So I am interested in Senator Javits' suggestion. I am not sure it is the only one, but it is a specific one, and I think we need to resolve some pertinent questions that were put this morning. I am not going to repeat them or try to find another set of words to put them in, but simply state the philosophical view and illuminate the point.

INITIATIVE FOR PRESIDENT'S AUTHORIZATION OF WIRETAPS

I will make this one point. Mr. Ruckelshaus emphasizes that these wiretaps were originated under the President's authorization. I would be curious to know whether or not that authorization was the result of some initiative taken by some person other than the President.

Somebody must have recommended to him that this technique be used. Who was the one person? Was it several? Did it include Dr. Kissinger? It is of concern to us to know where these ideas originate, what their motivation is, and whether or not there are greater responsibilities of people whose inclinations are in this direction.

PROCEDURES FOR USE OF ELECTRONIC SURVEILLANCE

Mr. RICHARDSON. May I comment briefly, Senator Muskie, because I think you have, as have others, including Senator Case, appropriately touched on the fundamental issues involved here. First, I would like very briefly to assure the committee that so far as Mr. Ruckelshaus and the present director of the FBI and I are concerned we are dedicated to seeking to assure that the policies, procedures, guidelines employed in this area are as clear and as communicable as possible and that they restrict the use of electronic surveillance to as narrow an area as possible, and that they demand as clear as possible a showing of justification. We share the feeling that this is a technique that should never be used except on a very compelling showing, and we regard it as our responsibility to make sure that the procedures require that showing and that the showing is properly evaluated up to and including an evaluation by myself.

CHECKING ELECTRONIC SURVEILLANCE THROUGH LEGISLATIVE BRANCH

Senator MUSKIE. Could I put a question to you? The separation of powers doctrine represents an approach to government never previously taken. That is, the way to avoid abuse of authority is to divide it into compartments and then to provide an additional check.

Mr. RICHARDSON. Yes.

Senator MUSKIE. It seems to me that the possibilities of electronic surveillance are so great unchecked that we must find a way to check it. The only way to check it is through the legislative branch. Would you agree with that?

Mr. RICHARDSON. Yes, in principal I would, and this is why Mr. Ruckelshaus and I encouraged Mr. Kelly in his confirmation hearings before the Senate Judiciary Committee to express a generally affirmative approach, respond to the idea of establishing an oversight subcommittee for the FBI. He did this and in fact the subcommittee has now been established, and one of the reasons why we felt, and Chief Kelly agrees, that this is desirable is that it is a way of providing an element of check on the exercise of this power that heretofore has not been in existence.

I believe also we have been exploring how best to make communicable the policies and procedures that are followed, and I hope that we are continuing with that idea at some point we could make these more widely understood [deleted].

The CHAIRMAN. Senator McGOVERN.

PLACEMENT OF NATIONAL SECURITY DEMAND AHEAD OF OPEN SOCIETY

Senator McGovern. Mr. Chairman, I am going to yield my time just with one observation. I think not only in this case but in many others it is now clear that we have placed the demands of national security ahead of the requirements of an open society. I think it is something that is going to have to be gone into much more thoroughly, not simply with reference to Dr. Kissinger's confirmation but many things that have come to light in the last few months. That is all I want to say at this time.

PUBLICATION OF STATEMENTS OF ATTORNEY GENERAL AND
MR. RUCKELSHAUS

Senator Sparkman. Mr. Chairman, may I ask this question. Are the Attorney General's statement and that of Mr. Ruckelshaus to be published in the transcript after editing?

The Chairman. He stated that the statement he made, written, is not classified. It can be given to the public.

Mr. Richardson. Yes. We have not—

The Chairman. So far as the executive hearing, it always has to be sanitized and the usual procedure will be followed in that case.

Senator Sparkman. I said after being edited.

COMMITTEE ACTION CONCERNING DENIAL OF SUMMARY

The Chairman. As I understand it, the situation is that the Attorney General has declined to make available the summary. Now what the committee does about that will have to be decided in executive session later. I agree with the Senator from New Jersey. I am not satisfied to accept the statement made without having a subcommittee at least of this committee take a look at the summary.

Senator Javits. Mr. Chairman, I am prepared to make a motion whenever we get into executive session to follow the procedure which I outlined to the Attorney General. He says that if we do agree that that is what we want that he would then give us, an immediate, relatively immediate, answer. Senator Muskie has suggested, very kindly, that my suggestion is a good one but maybe there will be others. I would hope, Mr. Chairman, that the Chair will get the committee together this afternoon so that we may in the regular way move whatever anybody wants to.

The Chairman. I would like to do that this afternoon.

Senator Javits. We can meet at 4 o'clock if you would like. We ought to go over there. I hate to keep Dr. Kissinger waiting. Is 4 o'clock about right. We will meet here in executive session at 4 o'clock.*

Mr. Richardson. Thank you, Mr. Chairman and members of the committee.

[Whereupon, at 11:05 a.m., the committee recessed.]

* [Committee business meeting; unpublished.]

[EXECUTIVE SESSION]

NOMINATION OF HENRY A. KISSINGER

MONDAY, SEPTEMBER 17, 1973

UNITED STATES SENATE,
COMMITTEE ON FOREIGN RELATIONS,
Washington, D.C.

The committee met, pursuant to notice, at 11:15 a.m., in room S-116, the Capitol Building, Senator J. W. Fulbright [chairman], presiding.

Present: Senators Fulbright, Sparkman, Mansfield, Symington, Pell, McGee, Muskie, Humphrey, Aiken, Case, Scott, and Griffin.

Also present: Senator Goldwater.

Also present: Mr. Marcy of the committee staff.

OPENING STATEMENT

The CHAIRMAN. We are very pleased to have you, Dr. Kissinger. I would say just by way of preliminary, and then I want to call upon Senator Sparkman and especially Senator Case and then the rest of the members, that the discussion that we have had really, if I can try to summarize it, is that it is the procedure of decisionmaking, particularly with regard to wiretapping in which we are interested. It is not the substantive material which you discovered in wiretapping. But I think I speak for the committee in saying that the procedure of wiretapping without the most stringent, if I could use the proper word, restrictions upon its being used is what concerns the committee more than anything else. I believe I speak for everybody and that is the consensus.

One other thing that concerns us very much is the combination of the two offices of head of the National Security Council, and of the State Department. I believe most of us feel that this also is a precedent which will narrow the bases on which future decisions are made and the number of people who participate in important decisions even further. Those are the two, I believe, outstanding questions. That is by way of preliminary explanation of the nature of the discussion here this morning in the committee.

Senator Sparkman, would you like to start the questions?

Senator SPARKMAN. I will ask him one or two questions, Mr. Chairman.

WITNESS' ATTITUDE TOWARD PRACTICE OF WIRETAPPING IN FUTURE

Based upon the principle of the discussion we have had this morning relating to this question of when and under what conditions we will have wiretapping, the committee, I think, is unanimous in its feeling

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that such a thing ought to be used only in extreme circumstances. The Attorney General has, for instance, given a statement—you have seen that statement that he made——

Mr. KISSINGER. Yes.

Senator SPARKMAN [continuing]. Of the conditions under which he would invoke wiretapping. I think the whole committee indicated its desire to know from you not so much what has been done in the past—we have gone over that several times—but what you propose with reference to this practice in the future.

TESTIMONY OF HENRY A. KISSINGER, NOMINEE TO BE SECRETARY OF STATE—Resumed

Mr. KISSINGER. Mr. Chairman, the issue of wiretapping is one about which I feel rather strongly, which has given me a great deal of personal anxiety and, therefore, I am very glad to answer this question. As I have attempted to point out on a number of occasions, a great deal depends not only on the form and procedures but on the attitudes.

I would like to make two points. First, I never recommended the practice of wiretapping. I was aware of it, and I went along with it to the extent of supplying the names of the people who had had access to the sensitive documents in question. Despite some newspaper reports, I never recommended it, urged it, or took it anywhere. Indeed, the thought that I might be in a position to do this in the fourth month of a new administration which I joined as an outsider is in itself inconceivable.

Second, while I confess I thought it was necessary, in the light of the explanations that had been given to me by both the Director of the FBI and the Attorney General, to the effect that this was a common practice, of which I had no independent knowledge but which I accepted, I nevertheless disassociated myself from all further internal national security matters as soon as I could. And if you will look at the history of what has come to be known as the Watergate affair, I did not participate in any discussions or have knowledge of any of these activities, nor did I read the reports of these wiretaps, even those confined to national security matters, after the early spring of 1970.

Now then, what will be my attitude in the future? I cannot conceive a circumstance in which I would recommend a wiretap on a subordinate in the State Department. If there were some great security matter and if the constituted law enforcement authorities would recommend such a thing, then my tendency would be to adhere strictly to the criteria set out by the Attorney General. I cannot now foresee a circumstance in which I would recommend a wiretap, and certainly not for newspaper leaks.

Senator SPARKMAN. I will not pursue that further. We did want a statement from you as to what your policy would be.

STATE DEPARTMENT'S POLICYMAKING ROLE

I hope that in handling the State Department you will do what I believe you would, and that is put new life into the Department, and make it truly the alter-ego of the President in our international rela-

tions. I have a feeling that we may have lapsed into a kind of easy-going-along with the State Department, and not played as vigorous a role as we might. That is my own personal hope. I believe you will do it. Of course, I would follow the assurance you have given us in working closely with this committee.

Mr. KISSINGER. In three administrations, Senator, it is true that the State Department has gradually declined in its policymaking aspect. There are a variety of reasons for it. Some of them have to do with the fact that it is easier to make decisions rapidly in a small circle. It has to do also with the internal organization of the State Department, which is more geared to clearing cables than to making long-range policy; therefore, whenever there is a major decision to be made, the tendency of the State Department has been not to make it, for the State Department has not had the quality of producing the policy options but has rather confined itself to drafting the instructions.

Now, it is my firm intention to restore the State Department to its policymaking role. I have a number of personnel changes in mind. One of the most important will be to reinvoke the policy planning staff and give it a central role also in the development of policy, in making sure our day-to-day policy is geared to our long-range policy. One of the reasons why I accepted the President's nomination is my hope of turning the State Department into a principal policymaking adviser to the President.

Senator SPARKMAN. That is all, Mr. Chairman.

The CHAIRMAN. Senator Case, would you like to ask questions?

Senator CASE. Thank you, Mr. Chairman.

LEAKS WHICH LED TO WIRETAPPING

Dr. Kissinger, I would like to ask you for the record to answer as specifically as you can, what the leaks were that disturbed you and when they occurred.

Mr. KISSINGER. That led to the wiretapping?

Senator CASE. Yes.

Mr. KISSINGER. First, Senator Case, you have to remember that this happened 4 years ago, and that chasing down leaks was not my central preoccupation. The leaks that I now remember—the first that I remember—rather graphically concerned the substance of a National Security Council meeting on the Middle East.

Senator CASE. When was that?

Mr. KISSINGER. Since it happened when President Eisenhower was still alive, it must have been in February 1969.

Senator CASE. You remember it quite specifically?

Mr. KISSINGER. I remember it quite specifically.

Senator CASE. That was the one you referred as to having—

Mr. KISSINGER. Because I was not aware of the fact that President Eisenhower could use such graphic language. Having visited him in the hospital, I thought he was in a rather weakened state, and when I heard that language on the telephone and the way it was expressed, it left a rather deep impression on me.

Another leak that I remember had to do with the deliberations concerning the shootdown of the EC-121, the reconnaissance plane off the shores of North Korea.

Senator CASE. When was that?

Mr. KISSINGER. That was in April 1969.

Senator CASE. What was the nature of that leak?

Mr. KISSINGER. As I remember it now, and I do not remember it very well, it had to do with the internal deliberations of the President and his advisers as to the courses of action that might be taken including the consideration of military actions that had been planned and then rejected.

Senator CASE. Was this a matter that was discussed in a wide circle within this group?

Mr. KISSINGER. It was discussed in a small circle within the National Security Council.

Senator CASE. One, three, four, five people?

Mr. KISSINGER. That would have been discussed among the Secretary of State, the Secretary of Defense, the Director of the Central Intelligence Agency, the Chairman of the Joint Chiefs of Staff, and my office. We had a small working group meeting at the White House with the deputies of all these individuals, working out a scenario of the diplomacy and the military actions that could be taken, and so forth.

Then, of course, I remember the Cambodian leak.

Senator CASE. When was that?

Mr. KISSINGER. Early May 1969.

The CHAIRMAN. What was the Cambodian leak? What do you mean by that?

Mr. KISSINGER. The leak about the bombing of Cambodia.

The CHAIRMAN. Early 1969?

HEIGHTENED CONSCIOUSNESS AND ATMOSPHERE OF LEAKS

Mr. KISSINGER. Early 1969. Let me say another thing about that. First, when one is new in Government, leaks take on an extraordinary significance, because one has a sort of a tendency to think that a top secret paper is inviolate, and when one suddenly sees the essence of it in the newspaper there is usually a rather strong reaction. I have talked to members of previous administrations who have described their similar reactions to me.

One has to be candid. This is sometimes out of proportion to the intrinsic damage that this particular leak may do, looked at in the long view. But it tends to have an effect on confidence.

In the interval of the changeover between administrations, some of our predecessors told us that one of the things we should be particularly careful about was leaks, by which those who had disagreed with policies would try to lobby against them afterward.

So I would, first, say that there was certainly a necessity, but second, that there was also probably perhaps a heightened consciousness of leaks that was not always related to the long-term damage that the particular leak might do. And this was coupled with the fact that the divisions in the country were profound on some of these issues. It created a certain civil war atmosphere that would not be appropriate under current conditions.

Senator CASE. That was only true, was it not, in regard to Cambodia? There was no real division within the country about the Middle East.

Mr. KISSINGER. That is true. There was on the Korean thing, and there were a whole series——

Senator CASE. Not that it was not serious but I just meant——

Mr. KISSINGER. There were a whole series of other leaks that I just do not remember today, that would constantly be called to one's attention.

[Committee staff note: Thirty-nine and one-half pages of the verbatim transcript were deleted at the request of the Department of Justice and the Executive Office of the President. The pages deleted contain Senator Case's discussion with the witness of each instance of electronic or other surveillance described in the FBI report.]

The CHAIRMAN. Senator Mansfield.

Senator MANSFIELD. No questions, Mr. Chairman.

The CHAIRMAN. Senator Aiken.

SITUATION CONCERNING FAO MEETING IN ROME

Senator AIKEN. I had two or three questions sent down in writing by request relative to the influence of the military in formulating State Department policies. But I have had one request, an oral request this morning, that relates to the action of United Nations affiliated agencies. The story I had was that the FAO [Food and Agricultural Organization] had called a meeting in Rome rather prematurely. The report indicated that they, in view of the very large food crop we are producing in this country, plan to dispose of it as long as it is at our expense, and that the Administration is not pleased with the situation and is not sending any high level representatives to that meeting contrary to their usual custom.

Mr. KISSINGER. Senator Aiken, I am not familiar with that event.

Senator AIKEN. Yes.

Mr. KISSINGER. But I can tell you that I intend, if I should be confirmed in time, to appear before the United Nations General Assembly to state the United States position with respect to the agricultural problem on a worldwide basis, and that my proposal would include giving the United Nations a significant role in determining the needs on a comprehensive basis. But I do not know this——

Senator AIKEN. This would not be the first time that the United Nations had itself attempted or offered to dispose of U.S. resources, including financial resources.

Mr. KISSINGER. That would not be the first time.

Senator AIKEN. No, it certainly would not. That is all, Mr. Chairman.

The CHAIRMAN. Senator from Missouri.

Senator SYMINGTON. Thank you, Mr. Chairman.

RECOMMENDATION OF CHARLES TOM HUSTON

Dr. Kissinger, the Dean papers were given to Judge Sirica and he gave them to the Armed Services Committee. At that time I was acting chairman. In those papers was a document signed by Tom Charles Huston, which was an extraordinary document.

Mr. KISSINGER. I have never seen it.

Senator SYMINGTON. It was a memorandum, copy to the President and Mr. Haldeman. It recommended surreptitious entry. I think you know the document I am referring to.

Mr. KISSINGER. I have read it in the paper.

Senator SYMINGTON. The document appeared a clear fascistic effort to overcome the law. That is the way I read it.

Later the President referred to it as a plan which went into effect for 5 days, then was withdrawn under the protests of Mr Hoover. In the handwriting of Mr. Hoover were his noted objections on the paper that we had.

Then, there was a document from the Central Intelligence Agency Director. "I was astonished the Attorney General knew nothing about it." It is my guess that what happened was that Hoover demanded the President put it in writing, and then it went to the Attorney General, to whom he reported at least in theory, and said "I demand it in writing because it is breaking the law" and then the Attorney General told the President he could not write the letter because it would break the law.

AVAILABILITY OF INFORMATION FROM WITNESS AFTER CONFIRMATION

I have been on the National Security Council and think I understand its functioning. If you stay in the two positions, you are going to be in a position where you will have unprecedented authority never before granted to anybody but the President.

Are we going to be able to get adequate information from you? You have assured us on the wiretapping. You have assured us on the executive privilege. And this is our last chance.

Are we going to be able to handle this in the American way of the past or is there going to be additional effort made to handle it on the basis as recommended by the Huston memorandum.

Mr. KISSINGER. First of all, Senator, let me say something that I feel very deeply about. What I have said to this committee about co-operating with this committee is not a device to get confirmed. Under any projection, we are going to have a very rough time over the next 3½ years in terms of both domestic and international problems. I believe that it is absolutely essential for the legislative and executive branches broadly to restore confidence in government, and in the purposes of this country, so that our successors will be able to operate within the framework of public trust and long-term conditions. So this is not your last chance at me. Indeed, I hope that if the committee confirms me, we can take up very rapidly a close and confident association. So you will not depend on the individual questions asked around the table, but you will know constantly what I am doing.

HUSTON MEMORANDUM

Now, to get first to the Huston memorandum, after May 1970 I was disassociated from any internal security matters. I did not know there was such a thing as the Huston memorandum. I know newspapers are making fun of these statements of mine. They happen to be true. I did not know there was such a memorandum. I did not know there was such a committee studying these problems, and my first

knowledge of all these matters was when I read about them in the newspapers where they were revealed. So in all candor, with the fullest access to me, you still would not be able to find out about the Huston memorandum. I took the position, after I had understood the workings of the internal security process, that my office was not equipped to handle it, because, as Senator Sparkman pointed out, one thing leads to another, and we were in no position to follow it up. And after that I felt that the agencies that had the primary responsibility for internal security should deal with it, and that the National Security Council should confine itself to foreign policy, to the relationship between military policy and foreign policy, and CIA activities and not FBI activities. This was not any reflection on the FBI; it was just a matter which I wanted the FBI strictly to handle, and I did not wish to handle it. Frankly, Senator Symington, I would propose to continue this policy.

WITNESS' INTENTION VIS-A-VIS COMMITTEE

But with respect to my intention vis-a-vis this committee, as I have pointed out, the only thing that I would feel should be excluded from the discussions are personal conversations with the President, actual deliberations within the National Security Council—to which I could not testify even as Secretary of State—and the Forty Committee, which you, however, have access to in your capacity as a member of the intelligence subcommittee. Upon all other matters I believe this committee should inquire into, specifically including the relationships between military and foreign policy decisions and all intelligence matters that are part of the work of this committee.

Senator SYMINGTON. Thank you. Yours is a reassuring statement.

LACK OF SUPERVISION OF INTELLIGENCE COMMUNITY

I have one more question, about the Forty Committee. When I first went on this committee, I became distressed about the fact the committee was making decisions and recommendations against facts presented by the Central Intelligence Agency to the Armed Services Committee. So I urged Senator Russell to put some members of this committee on the joint committee, and gave him the reason why, and he did, by invitation: Senator Fulbright, Senator Hickenlooper, Senator Mansfield, and others. Later that was abandoned and no members of this committee were included.

There is no secret about the fact the supervision of the Central Intelligence Agency has not been consistent. The subcommittee of the Central Intelligence Agency, Oversight Committee, ceased to function in the Armed Services Committee and the matter was passed over to the five senior members of the Appropriations Committee of which the chairman of Armed Services Committee was a member, as was the ranking minority member.

On the floor when it came up with the chairman of the Appropriations Committee, some 2 years ago, he said he did not know what they were doing with the money and did not want to know. That is not proper Senatorial review.

OBTAINING SAME INFORMATION CIA GIVES ARMED SERVICES COMMITTEE
SUGGESTED

From the standpoint of this background, I think we could have avoided several bad mistakes. In any case, as you know, the Central Intelligence Agency reports to the National Security Council. The National Security Council is an advisory body to the President and you chair every important committee on the National Security Council.

Mr. KISSINGER. There is really only one committee.

Senator SYMINGTON. The two intelligence committees are broken down and you chair both of them. Is there any reason why, in your position, you cannot come before this committee and give us the same type and character of information given to the Armed Services Committee by the Central Intelligence Agency head?

Mr. KISSINGER. I frankly have never considered that question. I have no personal reluctance to do this. May I discuss this with the Director of the Central Intelligence Agency and the President to see what the implications are?

Senator SYMINGTON. Well, the Director of the Central Intelligence Agency in effect reports to you, but you might discuss it with the President. My point, I have seen several cases where I am confident that we would not have done what we did if this committee had been in on the information in question. You will be the Secretary of State and you will also be the chief intelligence officer in the executive branch, as chairman of these committees. You are saying you want to have a relationship with us. As the chairman of this committee knows, this has been a matter of grave apprehension to me for at least 5 years if not more. I am not talking about detailed intelligence functioning because we do not get into that any more than we get into war plans in the Armed Services Committee. But I am talking about broad policy approaches and decisions.

Take the case of Chile today. Chile is a very serious situation. [Deleted.] We are not at war with Chile. I would think it was as much the prerogative of this committee to know what was going on down there from the standpoint of a major intelligence agency than it would be the Armed Services Committee unless we plan to send a fleet down there to support the generals.

Mr. KISSINGER. Senator Symington, I frankly do not know what it is that is being given to the Armed Services Committee, and therefore it is hard for me to know the reasons for or against giving it to you. My inclination would certainly be to tell the committee what the general policies are.

Senator SYMINGTON. Do you not get these reports from the CIA as head of the NSC intelligence committee?

Mr. KISSINGER. No, I get reports, but I do not know what they testify to. This is what I do not know.

Senator SYMINGTON. Would you be willing to give us the same information they give the Armed Services Committee?

Mr. KISSINGER. That is what I would like to check on. As I say, I have no personal reason not to do it. Now, there may be intelligence reasons why the information should be kept to one particular subcommittee. In that case it might be possible to add a member of the Foreign Relations Committee in addition to yourself to that subcommittee. I just do not know how it can be worked out in practice.

Senator SYMINGTON. I would make one more observation for the record.

Mr. KISSINGER. I am in favor of giving this committee the same information.

COMMITTEE ACCESS TO INTELLIGENCE INFORMATION

Senator SYMINGTON. In my opinion, the country is going bankrupt under present policy. It is only a matter of time, babysitting the world with necessary as well as unnecessary expenditures. Nobody wants to see the country more secure than I.

Mr. KISSINGER. I know that.

Senator SYMINGTON. You get into this question of what the possible enemy has, what we are building against, where there are tremendous differences of opinion; and then the diplomatic aspect. You go to China, you go to the Soviet Union; so does the President. Yet, this year we are asking for \$7 billion more for military than we did 2 years ago. Inasmuch as with the premise we badly need money here at home, not your primary field or that of the President, certainly not mine, but I notice in this afternoon's paper all the oil companies are demanding a lot more money for oil, a big headline. I think we should know more about this and the economic situation in general. This committee is noted for not leaking despite what people have said. I have been on it some 12 years. There have never been any serious leaks. I do not see why therefore the Committee is not cut in on this intelligence information. You are the intelligence head man. Why should you not come up here before this committee, which considers economic, military, and political policy with relation to countries with which we are not at war.

Mr. KISSINGER. I would have no hesitation in a closed session, which we would have to work out with the chairman, to give you what I know of the intelligence estimates. I think, I did not know you were not getting those.

Senator SYMINGTON. We get little of real value before this committee. Laos is the best illustration.

Mr. KISSINGER. To discuss those with you.

Senator SYMINGTON. I have done my best to understand the accelerated production of Trident and do not think it is justified. I say that as a shopman in my youth. There is nearly \$1,000,000,000 involved. Build it, but build on a regular basis, what they originally said they wanted to do. Fly before you buy was the slogan. The Committee on Armed Services listens to it all and rejects the recommendation for the accelerated production, primarily the result of Rickover's lobbying the Congress. There are other reasons too, but that is the primary reason. The full committee listens carefully to the recommendation of the subcommittee and supports the unanimous recommendation of the subcommittee by one vote.

Then a request is made for a Central Intelligence Agency review on the latest Russian position on weapons, and as a result a Senator reverses his vote, and the American people are stuck in my opinion, for the extra cost incident to a totally unnecessary and unbusinesslike acceleration. The Foreign Relations Committee, under its charter, deserves to have comparable information.

ACCELERATED TRIDENT PROGRAM

The CHAIRMAN. Since the question has arisen, do you think there are developments justifying an accelerated program of Trident?

Mr. KISSINGER. I believe that in the light of the Soviet systems that are now being built, I would hate to see a unilateral change in our existing programs until we have had an opportunity to negotiate further in SALT II. But I would think that as part of that negotiation we could well consider slowing down the Trident program.

The CHAIRMAN. But as of now, you do favor the accelerated program?

Mr. KISSINGER. As of now, but I have not studied it as fully as Senator Symington has.

The CHAIRMAN. Senator Scott.

FURTHER OPPORTUNITIES FOR DISCUSSION WITH WITNESS

Senator SCOTT. First of all, this is really not the last chance for the committee to exchange views with and to continue to receive the cooperation of Dr. Kissinger because, of course, he will be submitting a number of names up here for confirmation and each of those offers its own forum for discussion of these matters we have already discussed and new matters.

[Deleted.]

Mr. KISSINGER. [Deleted.]

ATTORNEY GENERAL'S GUIDELINES FOR SURVEILLANCE
WITHOUT WARRANT

Senator SCOTT. I would ask you whether you associate yourself with the Attorney General's letter to the chairman of this committee of the 12th of this month and the guidelines he sets out as to new applications for surveillance without a warrant. He says "In general, before I approve any new application for surveillance without a warrant, I must be convinced that it is necessary (1) to protect the Nation against actual or potential attack or other hostile acts of a foreign power; (2) to obtain foreign intelligence information deemed essential to the security of the United States; or (3) to protect national security information against foreign intelligence activities. 18 United States Code 2511 (3)."

Do you associate yourself in general with that as the guideline which would guide you in the administration of the Department of State?

Mr. KISSINGER. I would associate myself fully with this. Of course, the determination would be left to the Attorney General and to the President. I would not expect on my own to take the initiative in any event.

Senator SCOTT. Thank you, Mr. Chairman.

Mr. KISSINGER. [Deleted.]

The CHAIRMAN. Senator Pell.

ACCESS TO INFORMATION CONCERNING NUCLEAR WEAPONS STORAGE

Senator PELL. I was struck with Senator Symington's line of questioning. I remember the illustration of the difficulties the members

face and the committee faces in the question of what nations have nuclear weapons stored on their territory. For us to do our job intelligently we ought to know those nations. It obviously makes a difference in our arrangements there and the only way I was able to find out, as a member of the Foreign Relations Committee, what countries have American nuclear weapons was that Senator Symington was kind enough to recall it from his memory and was able to inform me of it. I think that is not a correct procedure. I think we should know within this committee. I would hope you would give us similar information.

[Deleted.]

Mr. KISSINGER. [Deleted.]

The CHAIRMAN. Gentlemen, it is getting late. I have several questions that will take some time. Do you wish to ask now?

Senator McGEE. I cannot come back, Mr. Chairman, because I am the chairman of a House-Senate conference on agriculture, including Arkansas. It will not take me long but I do have some questions which I think I can —

The CHAIRMAN. You can come back at 2:30?

Senator MUSKIE. I had some plans, but they have been shattered.

The CHAIRMAN. Go ahead and then we will come back at 2:30.

Senator McGEE. If that is agreeable, I appreciate the chance to work this in.

As you would appreciate, Dr. Kissinger, I have been besieged with questions on Chile inasmuch as I am Chairman of the Western Hemisphere Subcommittee which met last week.

Mr. KISSINGER. Which I am aware of.

DECISION TO MAINTAIN NEUTRALITY CONCERNING CHILEAN SITUATION

Senator McGEE. As we pursued the collection of information with the Assistant Secretary so we might better understand the situation, invariably the line of questioning would stop with his suggestion that that is all he knew, that he was not in on the final decisions. So the first questioning that comes to mind obviously, is the intimation he made that after the coup was planned that somewhere at the top there was a conscious decision made by somebody to insure non-involvement, neutrality? At what level would that take place?

Mr. KISSINGER. First, Senator, you have to remember that when any crisis occurs, there is total confusion even in the White House. Though most people would expect that intelligence information puts one ahead of the information curve, you can generally assume that in the middle of a crisis the newspaper reports may be slightly ahead of the intelligence information. So the first thing we confronted, whenever it was, Tuesday morning or Wednesday morning—

Senator McGEE. Tuesday morning.

Mr. KISSINGER [continuing]. Tuesday morning, was total confusion as to what was really going on down there, and who was doing what to whom.

The decision to maintain neutrality, or whatever its significance is, was taken at a meeting of what is called the Washington Special Actions Group—I will be damned if I can remember how it got that name, it happened 4 years ago—which meets automatically whenever there is a crisis. It is chaired by me and it has the Deputy Secretaries

from all of the departments. Our decision, frankly, was sort of a holding decision until we could see more clearly. The only complete decision we made was to turn our fleet around and move it north so it would not be within—it was intended to be about 150 miles from the Chilean coast but then come around at the Falkland Islands.

[Deleted.]

We took the decision that we would not say anything that indicated either support or opposition—that we would avoid what we had done in Brazil in 1963 where we rushed out by recognizing the government. We instructed the Ambassador that he could not establish diplomatic contact and that if he were approached he would send his military attachés to maintain the contact.

Now, then, when we make these decisions, they tend to get very literally applied, so everyone was afraid even to express sorrow at the personal fate of Allende, which we rectified the next morning. But that decision would have been taken in the Washington Special Actions Group and approved by the President.

WASHINGTON SPECIAL ACTIONS GROUP AND TASK FORCE ON CHILE

Senator McGEE. Is the Washington Special Actions Group the group that is sometimes, in the press in this case, alluded to as the task force on Chile?

Mr. KISSINGER. No.

Senator McGEE. That is not it?

Mr. KISSINGER. No; the Washington Special Actions Group generally operates in an emergency. It meets almost automatically in an emergency. Then there would be a task force headed by the Department of State that works out the concrete details. The Washington Special Actions Group might say "we will take a hands-off policy for 24 hours or 48 hours. We have to get an analysis of what sort of proposals have been made."

In this case we had to find out, for example, what supplies were going into Chile, so that it did not look as if we were suddenly pouring in supplies. We had to shop around to various departments to find out whether, in the routine delivery of existing programs, something might be planned for those 2 or 3 days that would create problems. That sort of thing. We would give the instruction and then the task force on Chile would work out the concrete details. We have got them right now working on a study of what the various dimensions of humanitarian and other assistance might be, and at the same time we are having them study what the various expropriation issues are, because we do not want to be hit by 10 companies suddenly filing claims for expropriated property and making it look as though this whole exercise was designed by us in order to get compensation for expropriation, although that is one of our long-term objectives.

This is just to give you the feel of how we operate.

RETURN HOME OF AMBASSADOR DAVIS WEEKEND BEFORE COUP

Senator McGEE. Ambassador Davis was home the weekend before. There are those who jumped to the conclusion that there must be a cause and effect relationship.

Mr. KISSINGER. I can explain to you exactly how that happened. In fact, if it proves anything it proves the opposite. When I was nominated I called back—among the first group that is—Ambassadors whom I knew well and trusted, like Ambassador Sullivan. I asked each of them to tell me in each area of the world those ambassadors whom they liked, whom they thought most highly of, so that they could advise me (a) about the area, and (b) about personnel in the Department that they might have met in the area. Ambassador Davis was on two lists that were given to me. I had only met him fleetingly and for all practical purposes did not know him. [Deleted.]

When I mentioned his name I was told that there was turmoil in Chile. I then asked the Department to instruct Ambassador Davis to come back in whatever 48-hour period he thought was least likely to cause difficulty, and he himself chose that weekend.

We did talk about the situation in Chile for about 5 minutes. I asked him about coup reports. He said they were endemic, and I said, "Just make sure that none of our Embassy personnel has anything to do directly or indirectly with any of the plotters, if there are plotters, in response to any approaches." He said he had given those instructions. There was no talk about the coup except the rumors that had been around for weeks and months.

SUGGESTION OF CIA INVOLVEMENT IN CHILEAN AFFAIRS

Senator McGEE. As you listen to some of the comments here this morning, there is a suggestion that the CIA has been deeply involved in Chilean affairs over a period of time in one way or another. This came out in the ITT hearings, for example. Was the CIA deeply involved at this time?

Mr. KISSINGER. The CIA had nothing to do with the coup, to the best of my knowledge and belief, and I only put in that qualification in case some madman appears down there who without instructions, talked to somebody. I have absolutely no reason to suppose it. [Deleted.]

INTIMATION THAT U.S. ECONOMIC POLICIES CONTRIBUTED TO ALLENDE REGIME COLLAPSE

Senator McGEE. The intimation has been rather strong from some quarters that our economic policies contributed directly to the collapse of the Allende regime, that is, cutting off credits with the Western Hemisphere Bank and a few other programs like that.

Mr. KISSINGER. Well, first of all, it is incorrect to say that we cut off the credit. Most of the credits that were cut off were cut off as the result of the basic policies of the Allende government. Mr. McNamara gave a speech or press statement last summer in which he explained that the World Bank does not extend credit if there is an expropriation without compensation, if the economic policies of the country do not make it a good credit risk, and a third reason which I have now forgotten.

Second, the export-import credits were cut off after Chile defaulted on the loans that it had already had, and the bilateral aid was affected by the Hickenlooper amendment.

It is one of the curious aspects, however, of the way economic aid is given that by defaulting on its debt payments a country can, in effect get its economic aid indefinitely. Rescheduling \$250 million worth of Chile's debts over the last 2 years had the same practical effect as giving it \$250 million in economic aid, in addition to the fact that it got \$85 million in disbursements from existing multi-lateral loans that had been approved prior to the shutdown of credit. And I think it got about \$25 million of humanitarian aid from the United States during the period of the Allende government. Therefore, I think that the judgment of the New York Times editorial yesterday is correct that it was the policies of the Allende government, its insistence on forcing the pace beyond what the traffic would bear much more than our policies that contributed to their economic chaos.

[Deleted.]

Mr. KISSINGER. I was going to say, Senator McGee, that the political parties did not know anything about this coup, to our knowledge, and I do not have the impression that there was any organized labor support for it.

Senator MCGEE. It was only the protests from the working group types, including the basic political groups that supported Allende as well as those who were opposed to him?

Mr. KISSINGER. That is my impression.

QUESTION OF CONFIDENTIALITY

Senator MCGEE. That is all I want to take time for, Mr. Chairman. We speculated in here before you arrived this morning about the legitimate areas of confidentiality in government policymaking in critical times because we have seen the over-extension of that, and if I may say so, the prostituting of the real intent of confidentiality as in the case Senator Muskie was developing here this morning. He carried here a protest from a man highly respected by you and me in the academic world, Ruhl Bartlett, who was no friend of the administration policy on Southeast Asia. He raises the point, in regard to Ellsberg, that the tragedy was that somebody in the government blew the Ellsberg case. There was a legitimate case that had to be made for confidentiality and yet they loused it up through over-extension and the like. The case was rightfully dismissed. Is there a legitimate area there where we ought to be concerning ourselves as we look down the road ahead?

Mr. KISSINGER. In all candor I have to say I consider what Ellsberg did an extremely dangerous thing, which cannot be deduced from the intrinsic merit of individual papers. When thousands of governmental papers suddenly appear in the newspapers, and when then the Government has to prove that the papers individually do not threaten national security one had a prescription for a situation in which foreign governments may simply wonder to what extent they can deal with us in candor. So I think the question of confidentiality is a very serious one. But there has to be a relationship between the concern and the actions that are taken, and I have stated publicly at a press conference, and I will repeat here, that I think there was no justification for the break-in into Ellsberg's psychiatrist's office. [Deleted.]

As for my relationship with this committee, I have expressed many objectives to this committee and said what I intended to do. In all candor, though, it depends on the spirit with which we implement it, and on the conviction both of the committee and that I would have about what the country really needs. And we can work partly in an adversary and partly in a collegial relationship.

As I said before, I am profoundly convinced that the greatest problem we have now in the country is to restore our national faith in ourselves, and it is that attitude which is a better guarantee for how we work together than any abstract commitments I now might make during confirmation hearings.

Senator McGEE. Thank you, Mr. Chairman.

The CHAIRMAN. We will adjourn until 2:30, then.

Mr. KISSINGER. Mr. Chairman, would 3 o'clock also be possible, or would that be—

The CHAIRMAN. All right, if it is all right.

Mr. KISSINGER. I have somebody who is here from out of town.

The CHAIRMAN. All right, then, 3 o'clock.

[Whereupon, at 1:20 p.m., the hearing was recessed, to reconvene at 3 p.m., this same day.]

AFTERNOON SESSION

The CHAIRMAN. The committee will come to order.

I will start the questioning to indicate what my concern is. It is very serious, as you well know. For the record, I will say a few words.

This morning, Senator Symington made reference to an article which he since gave me. I am not sure that you have seen it.

Before I start, I want the record to show that at approximately 12:05, Senator Goldwater left the committee. Senator Scott asked me to say that for his own reasons.

CONCERNS REGARDING DECISIONMAKING PROCEDURES

As I indicated this morning and as I indicated before, it is the procedures of decisionmaking, and particularly the role of this committee and the Congress in decisionmaking, that concern me most.

My interest in the tapping was not in the substance of the tapping or what was thought to be found out or whether you found it out or not. It is simply the procedure of employing these methods in arriving at decisions.

DIFFICULTY OF RECONCILING VOTE WITH PAST POLICY POSITIONS

Those are the things with which I am concerned and also the effect upon my own attitude toward the policies that have been followed, not only in the previous 4 years but the preceding 4 years. I have a good deal of difficulty in reconciling the position that I have taken with a vote which would appear to be an endorsement of the policies which I had opposed.

As a little background I want to read you two or three excerpts and hopefully to give some background as to what concerns me.

This is the way the New Yorker article of September 17 begins:

Henry Kissinger is a prodigiously intelligent, articulate, talented, witty, captivating and imposing man.

I won't read it all, but, skipping down, the author is describing the hearing the other day:

The Senators, in effect, were being asked to ratify a series of actions that should never have taken place without their approval and most of them had a part in protesting. But what the Senators were forced to pass judgment on was a whole new way of government, how we had been governed in recent years and how we would be governed from now on.

I will put the whole article in the record. I agree with the first sentence about your personal qualities, but it is the series of actions in this country with which you have been associated and the way the Government is carried on which concerns me most.

[The article referred to follows:]

[From the New Yorker, Sept. 17, 1973]

THE TALK OF THE TOWN

NOTES AND COMMENT

HENRY KISSINGER is a prodigiously intelligent, articulate, talented, witty, captivating, and imposing man. He is quite unlike most of the people President Nixon surrounded himself within the White House. He has style, he has intellectual finesse, he has warmth and humor, he speaks the English language, he is without pretension, he is not mean-spirited, he seems instinctively drawn to telling the truth, and he clearly wants to serve his country well. He also appears to have a historical vision, shared by the President: that by maintaining our military preeminence and by standing fast wherever we think we are challenged, as we thought we were in Indo-China, we may avoid a nuclear confrontation with, first, Russia and, second, China, and thus preserve a relatively peaceful world for many decades. Now he has come before the Senate Foreign Relations Committee as the President's choice for Secretary of State. In the questioning that took place on the first day of the confirmation hearings, last Friday, the senators displayed a mixture of admiration, respect, and bewilderment. Obviously, Kissinger was not a man to be lightly rejected. Yet there was a profound uneasiness in the air. It was as if two Henry Kissingers sat before them in the hearing room; the Henry Kissinger who had the highest possible qualifications for the post to which he had been named—who had the makings of a great Secretary of State—and the Henry Kissinger who had been intimately bound up with the conduct of our foreign affairs for the past five years. It was as if a third man, too, sat before them: President Nixon. For if the President had an alter ego on the world stage it was Kissinger. The actions of the two men could not be separated. Together, for five years, they had dictated our foreign policy.

To confirm Henry Kissinger as Secretary of State was to ratify what he had done, and what the President had done, for those five fateful years. And what had that been? Together, they had established relations with China, improved our relations with Russia, and successfully completed the first phase of SALT—and for these immense achievements most Americans are grateful. Together, also, they had planned the undisclosed bombing of Cambodia in 1969 and 1970; they had initiated the unauthorized wiretapping of members of Kissinger's staff and of newsmen in 1969; they had planned the invasion of Cambodia in 1970; they had planned the use of American air power to support the invasion of Laos in 1971; in 1971, too, they had "tilted" in favor of Pakistan in the India-Pakistan War, though at the time Pakistan was carrying out mass murder of Bengali subjects in East Pakistan; in early 1972, they had planned the mining and blockading of North Vietnamese harbors; later in 1972 they had planned the "Christmas bombing" of North Vietnam—all this done in secrecy, and without congressional consent. The senators, in effect, were being asked to ratify a series of actions that should never have taken place without their approval, and that most of them had abhorred and protested. Try as they might, the senators could not escape this nightmarish five-year history. While the President and the men of Watergate were, it now appears, undermining our democratic system of govern-

ment in domestic affairs, the President and Henry Kissinger were undermining the system in foreign affairs. Last Friday, Kissinger gave the senators assurances that he would mend his ways. There were even subtle overtones of remorse. But what the senators were forced to pass judgment on was a whole new way of government: how we had been governed in recent years and how we would be governed from now on.

They had to think about the dark side of the Kissinger record: how he, together with the President, had violated the Constitution, defied Congress, and contemptuously ignored the will of the nation's people. The senators were presented with a dilemma. They could have this charming, brainy, penitent-seeming man as Secretary of State if they would forget the last five years of history, including the millions of victims of an un-Constitutional and unnecessary prolongation of a war, and if they would overlook the curious fact that the nominee had by no means been joined in his expressions of regret by his present and future superior, the President. In happier times, Kissinger—the same man, with the same extraordinary qualities—might have walked into the hearing room with a record that was unmarred. Today, Kissinger is not so fortunate. After five years of close collaboration with President Nixon, after acting with him in secrecy and without the legal and moral sanction of Congress or the American people, he walked into the hearing room with a burden that must be anguishing both to him and to his judges. One could only look on in sorrow as the senators, the President, and Henry Kissinger faced one another in these tragic circumstances.

WITNESS' SEMINAR ON U.S. FOREIGN POLICY DECISIONMAKING

The CHAIRMAN. Following that, there is a very interesting excerpt from a seminar which you gave at the University of California in 1968 in this morning's paper. I am sure you recall that. I don't know whether you read this morning's article or not.

TESTIMONY OF HENRY A. KISSINGER, NOMINEE TO BE SECRETARY OF STATE—Resumed

Mr. KISSINGER. I glanced over it.

The CHAIRMAN. You glanced at it. I think it is relevant to this same problem that concerns me. I will quote the part which raises the same type of questions that is raised by these other articles. This is a quote from your statement. I assume there is no doubt about the statement having been made.

Mr. KISSINGER. I am sure it is correct. I haven't verified it.

The CHAIRMAN. This was given at the University of California, by Dr. Kissinger in 1968. It says:

Also, research and intelligence organizations, either foreign or national, attempt to give a rationality and consistency to foreign policy which it simply does not have. I have found it next to impossible to convince Frenchmen that there is no such thing as an American foreign policy, and that a series of moves that have produced a certain result may not have been planned to produce that result * * *.

Once the American decisionmaking process has disgorged an answer, it becomes technically very difficult to change the policy because even those who have serious doubts about it become reluctant to hazard those doubts in an international forum. There is no telling what would come out of a reevaluation of existing measures. If one wishes to influence American foreign policy, the time to do so is in the formative period, and the level is the middle level of the bureaucracy—that of the assistant secretary and his immediate advisers. That is the highest level in which people can still think.

That is the end of that particular quote. This suggests, of course, the very problem we run up against time and time again with regard to the State Department, the Defense Department, the USIA and all others, about the access to information. At the very level, as you

say, of the formative period, we have generally been confronted with the statement that this is at the working level and no decisions have been made. Therefore, we have been denied the benefit of any of the working papers.

I am skipping in order to save time. Further on it says:

There is no such thing, in my view, as a Vietnam policy; there is a series of programs of individual agencies concerned with Vietnam. These programs are reconciled or not, as the case may be, if there is a conflict between the operating agencies. In the areas where there is no conflict between agencies, it would be very unusual to get a high level consideration of a problem. When conflict exists, the environment becomes receptive. For example, when General Westmoreland asked for 200,000 troops, that forced a high level review. But the day to day operations of a war or of an alliance diplomacy will not generally engage the President and the Secretary of State.

Then a little further down:

Our governmental process works reasonably well in relation to specific technical issues and also when there is an adversary procedure. If one department is strongly for something and another department opposed, then the President or cabinet officer has a chance of elaborating an overall purpose. The system goes awry if you have a small, dedicated, unopposed group.

Because of this gap between expertise and decision-making, a great deal of communication occurs by means of a briefing. Now, briefings reward theatrical qualities. They put a premium on the ability to package information and to present a fore-ordained result. Every briefer worth his salt says, 'Interrupt me at any point with a question.' Usually the victim of the briefing is very proud if he can formulate a question. The briefer has heard the question a hundred times before and it is like throwing a fast ball across the middle of the plate to Mickey Mantle. He gives a glib response which is overwhelming. All this creates a state of mind where the policymaker may have the uneasy feeling of knowing he is being taken, even though he doesn't quite know how. This magnifies the sense of insecurity.

Some of the key decisions are kept to a very small circle while the bureaucracy happily continues working away in ignorance of the fact that decisions are being made, or the fact that a decision is being made in a particular area. One reason for keeping the decisions to small groups is that when bureaucracies are so unwieldy and when their internal morale becomes a serious problem, an unpopular decision may be fought by brutal means, such as leaks to the press or to congressional committees. Thus, the only way secrecy can be kept is to exclude from the making of the decision all those who are theoretically charged with carrying it out.

QUOTES FROM WITNESS' SEMINAR ON POLICYMAKING PROCESS

I think this is a very interesting article. The last part I want to read is this:

If you do not know how this process operates, it is very difficult to predict on the basis of abstract rationality how it is going to come out. The reason why this particular problem is magnified is, it seems to me, that only in the rarest cases is there a relationship between high position and great substantive knowledge.

Mr. KISSINGER. Oh, yes.

The CHAIRMAN.

Most of our elective officials had to spend so much of their energy getting elected that they can give relatively little attention to the substance of what they are going to do when they get elected. And therefore you get the curious phenomenon of people deciding to run for high office first and then scrambling around for some intellectuals to tell them what their positions ought to be. In many cases it is not that the intellectuals are used merely as speech writers that the policy makers already have; it is literally the case that you are starting with a *tabula rasa*, and that the position the political leader takes is much influenced by the type of intellectual that sometimes quite accidentally winds up in his entourage.

The typical political leader of the contemporary managerial society is a man with a strong will, a high capacity to get himself elected, but no very great conception of what he is going to do when he gets into office. This is true of many of the cabinet officials as well, and in this sense . . . I am pessimistic about the ability of modern bureaucratic society to manage a world which is quite discontinuous with its previous experience. . . .

That, together with the President's statement of September 10—do you wish to comment upon this statement?

Do you go along or not?

Mr. KISSINGER. Could I just make two quick comments?

The CHAIRMAN. Yes, sure.

Mr. KISSINGER. Two or three comments.

CONFIRMATION WOULD NOT REPRESENT ENDORSEMENT OF PAST POLICIES

First, with respect to the New Yorker piece which I haven't seen, I don't believe that confirmation by this committee would represent an endorsement of the policies that have been pursued by this administration. I think they would represent an expression of my fitness to perform in the office to which the President has nominated me.

One would expect that the Senators would maintain the positions that they had maintained before, some of which were in strong opposition to administration policies, and others in support of administration policies, and the necessity of a dialog between the committee and the administration is not based on the assumption of agreement but on the necessity of making sure that the points of view are adequately represented before the decision is taken.

WITNESS' 1968 SEMINAR ON PROCESS OF CONDUCTING GOVERNMENT

With respect to the second piece that you just read, Mr. Chairman, it is obvious from this piece that I had no expectation whatever in the spring of 1968 of being appointed to any office in Government, and certainly not to this office. It is intended as an analytical piece on how I had observed from the fringes the Government to be operating and on my judgment on elective officials in the executive branch that I had seen perform up to that point.

It was my impression in the administrations that I had seen up to then that the adversary proceedings were extremely important.

In my present job I have made a major effort to make sure that varying choices are presented to the President. Curiously enough, one of the elements resisted by the bureaucracy has been the development of options. The secret dream of most big departments is to present to the President a paper to which he can only say yes or no, and since he doesn't know what to do if he says no, he almost always is forced to say yes. My experience has been that it is very difficult to get governmental departments to present genuine options to the President.

My role, rather than restricting options, has been to try to expand them. But, what I believed then I still essentially agree with, as an analytical description of the process, not as a desirable way of conducting Government.

The CHAIRMAN. In other words, what you were stating there was the way it was actually run not the way you think it ought to be run. Is that correct?

Mr. KISSINGER. Exactly, that is correct.

The CHAIRMAN. Your statement about keeping decisions to a very small group and that these others should be excluded—you don't still believe that?

Mr. KISSINGER. I didn't believe it was desirable then.

The CHAIRMAN. It is just the way it was then.

Mr. KISSINGER. I had in mind then the Tuesday lunches that President Johnson had, in which no records were kept, and which were the essential method of Government in the last 18 months of the then administration.

I believe that it is essential to present every significant point of view to the President, recognizing that there may be debates about what may be significant.

PRESIDENT'S SEPTEMBER 10 STATE OF UNION MESSAGE

The CHAIRMAN. This is by way of background as to procedures. The next point is the President's own statement, which is the most disturbing of all, of September 10, 1973. I would assume you did, but I will leave it to you to say if you participated in the preparation of that statement.

Mr. KISSINGER. No; I did not.

The CHAIRMAN. You had nothing to do with it?

Mr. KISSINGER. No, Mr. Chairman.

The CHAIRMAN. The special State of the Union address.

Mr. KISSINGER. No; I had not seen it before it was given. My office may have seen it for a routine review.

The CHAIRMAN. I am bound to say I am very surprised he would make such a statement without having cleared it with you or your not having participated in it. I assumed on matters particularly relating to foreign relations that was the case.

Mr. KISSINGER. That is almost invariably the case. In this special instance it was not the case.

The CHAIRMAN. For the record I want to read the part that disturbs me, at least following the question this morning that the Senator from Missouri put to you. I quote from the President's State of the Union address on September 10. That was just about a week ago. He says and I quote:

The House has already cut about 25 percent from the military aid program and the Senate has cut it by one-half. Not only have extraordinary cuts been made in the funding, but restrictive amendments have been added in committee and others may be suggested on the floor. I cannot stand by while these crucial programs are gutted in haste and reaction.

Current foreign aid programs are being funded through a continuing resolution which ends on September 30. This approach is unsatisfactory, especially in light of demands resulting from North Vietnamese truce violations in Cambodia. Yet the Congress continues not only to provide smaller dollar amounts but also to make unreasonable requests for access to sensitive information and impose counter-productive conditions on specific programs. Such demands are unacceptable; they would badly compromise our ability to maintain security around the world.

I intend to make every effort to increase the funding for fiscal year 1974 security assistance requirements. I shall also strongly resist efforts by the Congress to impose unreasonable demands upon necessary foreign policy prerogatives of the executive branch. A spirit of bipartisan cooperation provided the steel which saw America through the cold war and then through Vietnam. We must not jeopardize the great potential for peace and progress in the post-Vietnam era by losing this strong bipartisan spirit.

It seems to me to be short of a declaration of war on the part of the President against the Congress. Part of the congressional actions those that he mentioned, of course, have already been agreed to by this committee and the Senate. That is the part relating to the provisions in the State Department Authorization Act. I assume you support his views about them, whether you had anything to do with his statement or not. Is that correct?

Even though you didn't participate in the statement, I assume that you support it?

Mr. KISSINGER. You have to assume that, yes.

The CHAIRMAN. You do assume that.

PARTICIPANTS IN PREPARATION OF STATE OF THE UNION MESSAGE

Who would have participated in the preparation of the State of the Union message? Do you know?

Mr. KISSINGER. Well, Mr. Chairman, I think this is one area where I should not comment on the internal advisory system within the White House. But in general this State of the Union statement was conceived largely, or exclusively, I would have thought, on domestic matters.

The CHAIRMAN. But the view of some of us, including myself, is that what we believe to be unnecessarily large expenditures in the very field in which he objects to any cut, are the principal reason for domestic difficulties, as the Senator from Missouri pointed out.

Senator SYMINGTON. Would the Chair yield for a question in context?

The CHAIRMAN. Yes.

JUSTIFICATION FOR NATIONAL DEFENSE REQUEST

Senator SYMINGTON. Everybody knows of your interest in Europe and the desire to perpetuate our position over there. But in Southeast Asia the war has been over several weeks, yet the administration is asking for \$7 billion more than 2 years ago for national defense. How can that be justified?

Mr. KISSINGER. Well, the reason is partly inflation, partly increases in personnel costs which we discussed in open session, partly the fact that many acquisition programs had been delayed by the necessity of funding the Vietnam War. I think it is a combination of these factors that has produced the request.

Let me say one general thing. The chairman referred to a declaration of war, and I have mentioned bipartisanship. This, of course, led to implications that these two statements may not be fully consistent with each other.

As I said in my opening statement to this committee, I cannot guarantee that either the administration or I personally will always agree with the dominant view of this committee, and bipartisanship cannot be interpreted to mean that either side must accede to the other in order to have cooperation. But I do believe that it must mean that both sides should deal in the most candid way with each other, and explain their reasoning well before they make the decision. And on the military budget, I think it ought to be possible either to demonstrate or to fail to demonstrate what the rationale is in terms of

strategic doctrine and foreseeable Soviet programs, so that at least the issue can be clearly drawn. That would be my firm intention.

But the short answer to your question is that the reason is a combination of all the factors which I mentioned.

Senator SYMINGTON. Thank you, Mr. Chairman.

LACK OF OPPORTUNITY TO CONSIDER POLICY BECAUSE OF SECRECY

The CHAIRMAN. But we don't have an opportunity to consider, one way or the other, what the policy is because it has been made in the past in such secrecy.

EXAMPLE OF CAMBODIAN INCURSION

The best example of all is the Cambodian incursion. I won't recall all of the incident, but we know both you and the Secretary of State met with this committee, you informally and he formally, shortly before the incursion. We were given no opportunity to express our view that that was an improvident move. You admit that.

Mr. KISSINGER. Well, Mr. Chairman, there are two issues: One is the meeting that I had informally at your house.

The CHAIRMAN. That is right.

Mr. KISSINGER. A week before the President's speech.

The second and more fundamental issue is whether a decision of this magnitude should be taken without this committee having an opportunity to express its views.

With respect to the first, the fact of the matter is that when I met with you that you remember that evening I was called to the telephone four or five times by the President.

The CHAIRMAN. I remember you were. I don't remember how many times. You didn't tell us what he said, but anyhow I remember that.

Mr. KISSINGER. No, but I am telling you now.

That was the first time that he was beginning to consider the incursion that took place a week later. It had been discussed in only the most general way before, only to be rejected. So I was in no position to tell the committee then something that had not only not been decided but hadn't even been considered.

The intensive discussion of the incursion started the next morning, and the phone calls were primarily to instruct me to get that process of consideration started. The final decision was not made until Monday or Tuesday of the next week.

So, simply from the point of view of my personal relationship with this committee, I think you should understand I was in no position to tell you something that was at that point not even under active consideration.

However, the more fundamental point which you raised should the United States engage in a significant military move——

The CHAIRMAN. Before you go to that, was the Secretary of State aware of this?

Mr. KISSINGER. On Thursday night or later?

SECRETARY OF STATE'S AWARENESS OF CAMBODIAN INCURSION

The CHAIRMAN. Was he aware of it when he came to this committee, which was about 3 days before the incursion. It was after the meeting with you. I am just curious. Did he know about it or didn't he? We have been wondering ever since. Did he know and didn't tell us or did he not know about it?

Could you tell us that, if you know? Was he consulted?

Mr. KISSINGER. He was consulted.

[Deleted.]

Mr. KISSINGER. I would have thought, Mr. Chairman, on any significant military move, unless it was of such enormous sensitivity that the whole future of this country might be imperiled—in which I would not include the incursion in Cambodia—I would expect that there would be discussion initially with the chairman and the ranking member, and then one would have to see what other discussion would be necessary.

The CHAIRMAN. Senator Aiken?

COMMITTEE POSITION CONCERNING CAMBODIA

Senator AIKEN. Secretary Rogers came up to discuss with us on the 27th of April, and I think we made our position rather plain informally. We took no formal vote at that time. He said he would report our position to the President. I hope he did.

Mr. KISSINGER. I am sure he did.

Senator AIKEN. You probably were there. Our position was informally very much opposed to extending the fighting over Cambodia as a whole, but not necessarily in opposition to the elimination of the sanctuaries along the border.

The CHAIRMAN. I think that record primarily was concerned with the extension of aid. I read that record not long ago and I don't believe it was ever brought to the attention of the committee that you were contemplating a physical invasion by U.S. forces of Cambodia. I don't think that even came up in the hearings.

Senator AIKEN. Well, the strip along the border was costing us something like 100 lives a week.

Mr. KISSINGER. That is correct.

EXCLUSION OF COMMITTEE AND SENATE FROM ADVANCE KNOWLEDGE

The CHAIRMAN. What I am trying to get at is not really your justification of the incursion, but the procedure by which these decisions are made and the exclusion of this committee and, in a sense, the Senate, from any knowledge of the decisions in advance and any opportunity to express an opinion, which we feel is the function of the committee and of the Senate.

Mr. KISSINGER. Mr. Chairman, as I have said this morning, I believe that the very unusual circumstances that existed at that time and the internal dissention that had developed, produced a number of

decisions which should not be the normal pattern of the relationship between the executive and the legislative branches. And given the state of the country right now, I do not believe that major decisions should be taken in foreign policy that cannot enlist a wide public following, and which do not have support in the legislative branch.

COMMITTEE'S ACCESS TO INFORMATION

The CHAIRMAN. But it seems to me to be inconsistent with this statement of the President, with which you say you associate yourself, that you resist very strongly this committee's access to information amendment.

This gives me the feeling even now of a continuity of the same attitude toward congressional participation. How can we possibly have an opportunity to have an input, as they say, to have our views even considered, if you resist so positively the access to information amendment.

That is all we wanted out of that.

Mr. KISSINGER. I don't think it resists positively the access to information, Mr. Chairman. As I understand the amendment, any communications to and from the Department should be considered to be submitted to the committee, and this should be considered.

The CHAIRMAN. Only if requested by a majority of the committee. I, or Senator Case, or Aiken, can't call up and then say, "Send me a document."

It would have to be a formal action by the committee concerning something we would like to know. We had several instances where information was refused on this basis. The whole committee requested it. It wasn't just my request. This would indicate, as of 2 weeks ago, this same attitude—that it is so sensitive that it cannot be given to us.

There are things that are not connected with the Vietnam war to which we think we should be entitled, such things as the plans of what we intend to do in foreign aid. We are not seeking battle information in any on-going war, but those things that relate, I think, to the formulation of policy.

Mr. KISSINGER. Mr. Chairman, this amendment is so generally drawn that it really imposes no restriction. As I said, I would make a major effort, and I have already had preliminary discussions with your staff on seeing to it that members of the committee would be informed through access to the appropriate junior officials, Assistant Secretary and below, through discussions with me and my immediate associates, and by whatever other means we can work out, about the trend of our policy in general and in specific areas prior to the time that decisions are taken.

I have mentioned to your staff, for example, my desire to meet with the committee, or with the appropriate subcommittee, to lay out the issues as we see them now in SALT before we formulate a position which would lead to concrete negotiations, including our current position. [Deleted].

So the principle of it, I agree with. The right to produce every document, or to demand every document, is what is at issue in this amendment.

The CHAIRMAN. Then I regret that we could not have received a counter proposal for use in rewriting the amendment in some fashion which would be acceptable to you and would still be acceptable to us. Instead of that we now have a situation in which it has been taken out on a point of order in the House.

ADMINISTRATION'S ACCEPTANCE OF JACKSON AMENDMENT

You mention SALT. When you briefed us on what you had done in SALT, I agreed with you, if you will remember. We had talked about it and we supported you. I was very embarrassed and I think some of my colleagues were, after we went all out insofar as we could in support of your position, as explained in detail to us at the White House and I think in other meetings only to find ourselves undercut in the last minute by the administration saying, "Well, we really don't have any objection to the Jackson amendment."

Senator Symington put a great deal of time on this as I did and others. We were going all out in support of what you had persuaded us was a good agreement and then, I think we were undercut in that position by having it altered in a very substantial way as several of us said, in the acceptance of the Jackson amendment.

FUTURE INTENTIONS CONCERNING SALT

I bring it up only because you mentioned the SALT talks. What do you intend to do in the future? I thought it was a most unfortunate development.

Mr. KISSINGER. Mr. Chairman, my impression is that the issue of the permanent agreement in SALT is going to evoke an extremely lively debate within the executive branch and perhaps between various committees of the Congress. It is my intention, at a time to be worked out between us, to give you a full description of where we stand, what I believe the outstanding issues are, and where the negotiations might take us.

My only prediction is that for the next 6 weeks it will be sort of an exploratory conversation in Geneva and that the big decisions will not have to be made until November and December, when perhaps this committee will not be in session. Therefore, I would welcome an opportunity sometime in October, at your convenience, to explain either to your Subcommittee on Disarmament or to the entire committee where we stand and what the issues are. Because I think that some of the debates that happened with the interim agreement are a pale forecast of what is going to await us with a permanent agreement.

The CHAIRMAN. I thought that was appropriate to mention it. It is one example in which many of us were in thorough accord with what was originally the position of the administration.

CONSOLIDATION OF FUNCTIONS OF NSC HEAD AND SECRETARY OF STATE

One other thing and then I will try to reserve some of my further questions until after the members who didn't get an opportunity to ask questions this morning. I think one of the questions that concerned

the committee prior to the discussion this morning was your twin positions as head of NSC and Secretary of State.

Many of us were inclined in the first instance when it was announced you would be Secretary of State, and therefore willing to come to the committee, that this was a good thing.

But I think I reflect at least the views of a number of us that consolidating these functions narrows further the base of policymaking to you alone. There will be no Secretary of State who has any input into the National Security Council, and the converse of that, because you wear two hats. That bothers us very much. It is a situation which I think sets a precedent which I assume in the future would be very likely to be followed. I am bound to say I have grave reservations about this.

Is that essential, do you think? Is that necessary? With your experience and prestige, it would seem to me you could do without being the head of the National Security Council.

Mr. KISSINGER. Mr. Chairman, I think the words "head of the National Security Council" give a somewhat misleading impression. The criticism that has been often made of the National Security Council operation is that its staff has expanded excessively and that it became a rival of the Department of State as the principal adviser to the President on foreign policy.

Now as things develop in this administration, as I pointed out previously, I performed three principal functions: one was the managing of the NSC system. The second was to negotiate on sensitive matters of direct concern to the President. The third was as adviser [deleted] to the President on matters of foreign policy and national security policy.

Now, two of those functions are really personal functions, in the sense that the President will select whomever among his advisers he believes can best fulfill those functions of adviser and negotiator. They are not dependent on the position of head of the National Security Council machinery.

Those two functions will move with me to the State Department in that sense.

Second, my move to the State Department will bring about a reduction of my current NSC setup, especially in its operational capacity, and will confine its role primarily to the management of interdepartmental machinery.

Now then, with respect to the management of interdepartmental machinery, the direct role is not that of producing a particular solution and, therefore, gaining particular inputs. The correct role is to present as many of the choices as can be generated to the President, and the best check on the adequacy with which it is performed is whether the other agencies feel that their views have received an adequate hearing.

If the positions are separated, then the management of the interdepartmental machinery will be conducted obviously in different capacities, and that range of activity would again be withdrawn from congressional discussion. My advisory role would not be particularly affected. The thinking was that this would better reflect the operation of the Government as it is now to do it by combining these two elements, and it would not produce a disproportionate influence toward the narrowing of the circle.

WITNESS' OCCUPANCY OF TWO POSITIONS

The CHAIRMAN. I don't see how you can help it. It is contrary, it seems to me, to your statement that our governmental process worked reasonably well in relation to specific technical issues and also when there is an adversary procedure.

When you occupy both positions, I don't know how you can take one position on an issue as Secretary of State and another position in the National Security Council. These are two of the most important institutions.

Mr. KISSINGER. The National Security adviser is not supposed to take a position, and as National Security adviser I never take a position, at the National Security Council. When issues are presented there, they are presented as they have emerged through our inter-departmental machinery in terms of options.

WITNESS' REFERENCE TO ALWAYS ACTING ALONE

The CHAIRMAN. I was handed your statement in another interview in which you say, "What do I care? After all the main point stems from the fact that I have always acted alone."

What do you mean by that?

Mr. KISSINGER. I suspect that it is from the Fallaci interview. By the time Miss Fallaci, who is a somewhat exalted personality, grasped what I had said, put it into Italian, and then got it retranslated from the Italian into English, something must have been lost.

Mr. Chairman, if I wanted to conduct policy alone, then the institutional positions would really be not very crucial, and if what I said is correct about the national need, then the last thing anyone should attempt to do is to conduct foreign policy alone.

The CHAIRMAN. I am bound to say this is not personal.

Mr. KISSINGER. I understand.

The CHAIRMAN. I felt President Johnson was inclined to conduct policy with three people. The few times I went down there before he strongly disagreed with my position, it was usually he, McNamara, and Rusk. Sometimes McGeorge Bundy was called in to answer a question about a paper, but there were three people. I had the distinct impression that that was all there was to the decisionmaking process. You described in your article the way bureaucracy developed. You described it without approving it and you inherited these other procedures. Looking toward the future this bothers me.

Mr. KISSINGER. Mr. Chairman, with all respect, our procedures, whatever their other failings, are much more systematic than those of President Johnson. Our procedures operate through a series of committees, each of which requires officials at every level to give the maximum number of options. So that by the time it reached the President, either in written form or before the NSC, it has been gone over by at least two committees whose primary instruction—this is what the NSC machinery does—

The CHAIRMAN. Yes.

Mr. KISSINGER [continuing]. Whose primary instruction is to lay out the options for the President. And as I pointed out, one of the most difficult things is to get the bureaucracy to produce choices. One of my efforts in the Department of State, apart now from the added

positions will be to get the Department to think in terms of policy choices rather than in terms of particular advocacy.

WITNESS' VIEWS ON CONGRESS

The CHAIRMAN. In this article of yours, which I mentioned earlier, where you were describing the way the system works, there is almost no mention of Congress whatever—other than the one time where it refers to “election to Congress,” which you deplore, apparently, and another time to “elected officials don’t know anything about substance.” Were you describing a situation?

Mr. KISSINGER. No, Mr. Chairman, my ignorance about Congress at that time was total. I meant elected officials.

Senator CASE. Such ignorance is bliss.

Mr. KISSINGER. I beg your pardon?

Senator CASE. Such ignorance is bliss.

Mr. KISSINGER. No, I have no complaints about my relations with Congress.

But, Mr. Chairman, I think if you read other things I have written at the time, my experience with elected officials was with the Presidential candidates, and I was referring to elected officials in the executive branch.

The CHAIRMAN. There are only two.

Mr. KISSINGER. Or aspirants to election to the Executive.

The CHAIRMAN. But the point I come back to is this. I can see an ongoing struggle as the President states it in the State of the Union message. The one place that I felt and still believe where different demands could be reconciled is in the Congress. You have said on other occasions you are not an economist. In a sense you don’t seem to feel it is your responsibility to be concerned about this question of priorities within the Government—that is the demands or the necessity for domestic requirements weighed against foreign.

That is somewhat similar, I think—I am not trying to be unfair to you—to some of the military attitude. They feel it is not their job to assess the strength or weakness of the economy as a whole. All they assess is what they consider to be their requirements of an adequate defense. I have a feeling that your concentration upon foreign policy is somewhat the same. But it is the Congress, I think, under our system which will with its collective judgment—granted it is very difficult for it to make its decisions—finally reconcile these conflicting requirements. We are not given an opportunity by the administration, in my opinion, as a body, whether it be this committee, the Senate or the Congress, to perform this function.

For many reasons we are simply not able to perform that function properly, I think, because of the lack of information, the overwhelming power to lobby and to influence Members with the resources at their command, and the great number of specialists. Of course, this could lead to saying maybe with such a big country this system is inadequate. I would be willing to discuss that at another time. It is a very serious question.

It may be that we are no longer capable of performing the function the Constitution sets out for us and maybe it is your impatience or others’ with our inadequacy which leads to this situation, but so long

as we have it, we have to try to make it work. But, I am trying to say, it doesn't work unless there is some opportunity for the Congress to know what the policy is and to have an opportunity to express its view.

Some of us believe the collective view of a lot of people, even though they are not outstanding experts and not great geniuses, does have a kind of a validity in that it avoids serious mistakes such as I think were made by President Johnson under conditions we are all aware of. This I think is fundamental to how this process is going to work with you occupying two of the most significant positions in the Government.

That is what I was trying to say. I will ask some questions about other policies later on.

MR. KISSINGER. I could say one thing, Mr. Chairman—

THE CHAIRMAN. But before I yield would you care to comment on that?

MR. KISSINGER. Mr. Chairman, you are quite correct that prior to my coming into the government I was concentrating my own academic thinking entirely on the executive-branch aspect of policy-making. I had next to no contact with the Congress. My only contact with the Congress, curiously enough, was an appearance before your committee to testify about the MLF in 1963 or 1964, and except for that I had to all practical purposes no contact with the Congress except one or two personal friendships.

After coming to Washington, I came to understand increasingly the role of the Congress and the importance of the Congress, and within the constraints of my office I tried my best to establish communication with the Congress. I would say that what you said in your statement about the collective wisdom of the Congress, the necessity that the Congress participate in policymaking and by which at a very minimum it can avoid serious mistakes, I would subscribe to completely.

THE CHAIRMAN. Did I understand, did the majority leader wish to ask a question at this point?

SENATOR MANSEFIELD. I want to make a few comments.

DR. KISSINGER. I don't think I will ask many questions but I will throw out some thoughts which I would hope and would expect you would give serious consideration to.

CONSULTING YOUNGER STATE DEPARTMENT EMPLOYEES

I note, for example, that you have been meeting with a number of the older men in the Department, ambassadors and the like. I would hope that when you are confirmed and in office, you would likewise meet with some of the younger people in the Department because I think that they still have open minds, they are liable to have ideas, and they aren't too set in their ways.

RESTORING SUPREMACY OF STATE DEPARTMENT

I would hope also that you will be very much aware of the fact that in the Department which you administer you have CIA personnel as attachés at the various embassies, that you have Defense attachés at the various embassies. I would hope that their first loyalties would be

to the State Department rather than to the CIA or the Defense Department from which they come.

I make that suggestion on the basis of the fact that when Mr. Kennedy was President he issued a directive which made very plain, if adhered to, that the ambassador was the No. 1 man in each country. If he is going to be the No. 1 man he has got to have control of his staff no matter from where they come.

This question of attachés is something to which I think you ought to give some consideration.

[Deleted.]

Senator MANSFIELD. What this committee wants to see is the supremacy of the Department of State restored. It is first among its peers, and we think for too long it has not been given the recognition which it deserves.

As a matter of fact, it has the smallest budget by far of any of the regular departments of the Government. I am not in favor of a higher budget unless it can be brought about through a reduction in these other areas where I think the funds are entirely too high.

NEWS ITEM FROM THE PHILIPPINES

I note in the Washington Post of yesterday the headline "U.S. Helps Manila Fight Insurgents." It is taken from the Manchester Guardian datelined Manila. The first paragraph reads:

U.S. Special Forces teams are being used in remote Philippine areas in an effort to aid the government's counter-insurgency efforts.

And further down another paragraph:

With a reputation such as the Green Berets acquired in Vietnam, suspicions about their role in the Philippines are rife. Knowledgeable Filipinos point out that the Special Forces operations are financed by U.S. aid in Manila, a not infrequent euphemism for the CIA.

I would hope that the differences between the U.S. aid program and the State Department would be corrected in some degree. If my memory serves me correctly, the aid program gets about four times the budget that the State Department gets, and with all that money to play around with, they can do an awful lot of things that create suspicion.

CHILE

Lastly, Dr. Kissinger, is the question of Chile. May I say that I am somewhat disturbed at the events which occurred in Chile last week. It isn't a case of having sympathy for Allende as a Marxist, but it is a case of Allende being elected not by a majority, but a plurality of the Chilean people in a constitutional election and being confirmed by the Congress. Then we find out in the past year or so that the CIA was quite interested in the election before Allende was installed, that the ITT was quite interested in the election before he was installed, in the Government before he was installed, and that it even went so far as to raise funds or to offer to raise funds to participate in that election.

The thing that disturbs me is that for the first time in many decades, the Chilean Armed Forces which have been a bulwark for democracy

in that country and a strict adherent to constitutional rule, have now brought about a change in the Government.

But the important factor is what is the effect of this going to be in our relationship with the other countries of Latin America.

I note, for example, that Mrs. Allende has now been given refuge in Mexico, that there are demonstrations against us in Argentina, even though we all recognize that Peron is not too friendly toward this country, and perhaps other situations will arise which will be tied in with what happened in Chile last week.

I only hope, Dr. Kissinger, and I am assuming that in all these geographic areas you will move carefully and cautiously, that you will do what you can to bring about an upgrading of the Department of State, and that in so doing you will restore to the State Department its supremacy among peers as far as the Departments in this Government are concerned.

That is all I have to say, Mr. Chairman.

WITNESS' CONSULTATION WITH SENIOR AND JUNIOR PERSONNEL

Mr. KISSINGER. Senator, one of my principal objectives is to return vigor to the State Department, and to make it the primary organ in the formulation of policy, because this is the only way we can have permanence in our approach to foreign policy.

Most of my consultations with ambassadors have concentrated on the question of who the best people in the Department are, and I have collected a thick book now of the ablest people in each category—Career Minister, FSO-1, 2, and 3; I can't go further down than that because below that it becomes a more general process—and if I am confirmed, I think you will find that within the first 6 months, some rather drastic moves will be made to bring younger men into key positions more rapidly.

Now, one difficulty with the news reporting is that well-known ambassadors get reported and the younger people I see do not get reported. You can be sure I have seen individuals from each category, including the officers of the Foreign Service Association, all of whom are FSO-2's and FSO-3's, and I asked all of them the same questions that I am asking the senior ambassadors; namely, who are the best people, and how can we rejuvenate the Foreign Service.

Now, in this connection, I have a number of tentative conclusions and a number of concerns with respect to the Foreign Service, which at an appropriate time perhaps the Chairman would want me to discuss with the committee. Because I think, for example, that many Foreign Service officers prefer to serve abroad and prefer to be ambassadors rather than assistant secretaries. I think you gentlemen will agree that the position of Assistant Secretary is much more vital, except in a few cases, for the conduct of American foreign policy than is the position of ambassador.

So we have a problem of how we get a scale of values by which the younger men will want to contribute to the making of national policy here in Washington. There are a whole range of questions like that, which at an appropriate time should be determined by the Chairman of the Committee, and I would like to put that before him.

BUREAU OF INTELLIGENCE AND RESEARCH

Now, secondly, the question of INR. This is a problem about which I have been doing some thinking, and I am not sure I have yet come to a conclusion.

Right now the State Department has, as Senator Mansfield pointed out, something like 335 spaces. I think they are trying to get 390, if I understand the figures correctly. Some of these spaces are used for liaison functions with the other agencies, and part of it is used for the production of intelligence.

Now, the issue is whether it is possible to have a separate intelligence function in the State Department separated both from the geographical bureaus and from the other intelligence agencies that can ever compete with the other agencies, no matter how you fill them up. I am sharing with you my perplexities. I have not made up my own mind on this question. You could argue, for example, that the political counselors that report from all over the world really ought also to be reporting intelligence information. Right now they have the tendency to report whom they talk to at lunch or at an office. For policymaking, it is much more important to understand what the trends are, where the country is going, what the intangibles of political leadership are, and that is more in the intelligence evaluation field than it is in the tradition of political reporting. I feel very strongly that the Foreign Service officers ought to be taught to report trends rather than to say we report only what the head of this party told us at a meeting and then let the intelligence people make the evaluation.

They ought to be trained to do some of the evaluation itself. As it is now, Senator, when you are in Washington, some of the State Department reporting about countries you don't know is almost inexplicable because they give you a very accurate account of the conversation but they rarely tell you what it means.

Now, that suggests to me, first of all, that INR ought to be much more closely related to the geographic bureau and ought to be able to levy requirements on the geographic bureaus. That is, they ought to be able to say that in order to produce intelligence they must learn from the diplomats what the trends and developments in their area are.

Secondly, I think that in the coordination role with the other intelligence agencies, the most useful thing that the State Department can do is to create a body of people who would ask the tough questions and conceive of their role as being that of the devil's advocate, rather than try to produce intelligence, and keep firing questions into the other agencies and see what answers they get back.

But whether it is possible to have a separate intelligence organization that produces its own intelligence within the Department of State and still be able to compete with the other agencies, that I have a question about. But I grant you that from what I have seen of the intelligence product of the State Department, the present function is not satisfactory. As to how it can be improved, I would like to wait until I can get over into the Department and discuss it with Ray Kline and some of the people who have been working on it.

Senator MANSFIELD. You must understand that these are just suggestions for the future. I am glad you have given attention to them already.

RELATIONS WITH AID AND USIA

Mr. KISSINGER. First, with respect to AID and USIA and other agencies, one of the difficulties, as I have observed them, of the agencies which are technically under State Department supervision but have some sort of independent status, is that State Department supervision has not been aggressively exercised.

I have had some preliminary discussions with possible recruits on this, and I intend to assign each of these agencies to an Under Secretary who has a specific responsibility to follow what they are doing rather than to wait for a policy issue to emerge.

GREEN BERET ACTIVITIES IN PHILIPPINES

I did not know there were special forces teams active in the Philippines. Our posture should be of noninvolvement in civil war around the world, except in the most unusual circumstances, which do not obtain in the Philippines. Nor do they obtain in Chile. And my impression is that we were not involved in any of the coup planning or any other matters. But I do agree with you that the impact of events in Chile on the hemisphere can be very considerable.

Senator MANSFIELD. Thank you, Doctor.

The CHAIRMAN. I am amazed, if I may say so, that you didn't know about the Philippines. We raised this question at the time of Sullivan's confirmation. That this is just what I feared would be the result.

Are you saying you really didn't know that the Green Berets were operating in the Philippines?

Mr. KISSINGER. I did not know.

The CHAIRMAN. Forty teams are there.

Mr. KISSINGER. I know that there is a public safety program in the Philippines.

The CHAIRMAN. They call it all sorts of things.

But this is exactly what I raised about Sullivan—that we hoped he wouldn't be sent to the Philippines to start the same procedure over there we have just had in Southeast Asia. Now this article that Senator Mansfield has just read looks like the beginning of the same thing.

Are you saying you will do everything you can to stop that?

Mr. KISSINGER. I would say that Americans——

Senator MANSFIELD. In all honesty, I should read more of the article:

The activities of these Green Berets are designed as civic action and professional development programs and are presented as an attempt to assist rural Filipinos.

"We go out in the mountains, and—I hate to use the term—we do good. This is the only job I know where I get paid for doing good," said Major Jay Brunner, a Special Forces spokesman.

Civic Action teams help the mountain people to dig wells or clean up springs; they conduct veterinary work such as injecting pigs and show films on health and sanitation. They inspect and extract villagers' teeth.

I think that is a good side, but they are Green Berets.

The CHAIRMAN. I know they were doing good in Southeast Asia, according to all the reports we had. They were building Sunday schools, I remember McNamara saying, when I said something derogatory way back. He said, our boys are giving candy away to children

and building Sunday schools on Sunday and doing all that good. That has been a stock description of our activity.

Senator MANSFIELD. I didn't mean to interrupt, doctor; go ahead.

The CHAIRMAN. Do you really feel we should now inject Green Berets into the Philippines?

Mr. KISSINGER. I do not believe that American personnel should engage in military activities in the Philippines, or paramilitary activities.

The CHAIRMAN. Paramilitary. If they are going to do that they ought to have civilians do it—not Green Berets—just for appearances.

Mr. KISSINGER. If they are going to do civil actions.

Senator MANSFIELD. It may interest you, Mr. Chairman, that the Green Berets were out in Montana in the last couple of summers doing a lot of good work, such as helping the Indians build bridges.

The CHAIRMAN. I am all for them, say, in Montana and not in the Philippines.

The Senator from Maine didn't have an opportunity and he is prepared to do it now.

QUESTIONS RAISED IN MAIL

Senator MUSKIE. I have been enlightened. I know it is toward the end of the day and I don't want to plow over the same ground if I can avoid it. But there are some questions I would like to put within the context of what has already been discussed.

The questions which have been raised in my mail fall into two categories: One, there is concern that your confirmation would in effect constitute approval of policies, attitudes, techniques, and so on of which so many, including members of this committee, have been critical.

The second category has to do with what the foreign policy of the administration under you as Secretary of State would be. Those expectations have to be measured against what we have experienced in the last 5 years. I think it is in that category that the questions on wiretapping fall.

WIRETAPPING QUESTIONS

We have covered wiretapping considerably and yet it seems to me there are some gaps in the testimony at this point.

I think I would be inclined to agree that those who vigorously supported the wiretaps in the past would probably support them in the future, whatever is said in the record here.

There is no way of making a general commitment in these hearings stick if the man who makes it does not believe in it.

Mr. KISSINGER. Senator, I will object to the statement that I vigorously supported them in the past.

Senator MUSKIE. No, I am not suggesting it. We don't know who vigorously supported them. It isn't clear. I am not putting that monkey on your back. I am simply trying to explain why it is that questions continue to be pursued and why it is that I continue to be asked by people how I can support this nomination given the ambiguity of Dr. Kissinger's role with respect to wiretapping.

The questions that I put are put for the purpose of clarifying that role further to the extent that I can.

[Deleted.]

Mr. KISSINGER. [Deleted.] The origin of this particular program was a meeting in the President's office which I have described to you, and in which the President ordered the use of wiretaps, and in which my contribution was to describe leaks that had occurred. I would sum up the problem at the time as follows—and I had asked myself this question very much: Did I have any reason to suppose that the Government was doing anything wrong? And second, was I, in executing orders that I thought were legal, doing anything that was wrong or illegal?

I can say that the idea that this was not common practice or that this was in any sense illegal, simply never crossed my mind. I believed, when the Director of the FBI said this had been common practice in every previous administration, that it was a distasteful program that was being reinstituted in this administration. I do not from my own knowledge know that this program was carried out in previous administrations.

I have been told since, again by many people who should know, that it was carried out in previous administrations.

As to my own role, I think, what you have seen will support that I confined my participation scrupulously to individuals who had had access to the information, and that nobody was penalized as a result of this. On the contrary, many of the people who were part of the program became my closest associates, and others who had been part of this program had been kept on my staff against very strong opposition from many quarters. [Deleted.]

And after this one program I did not participate in any other internal security program of the administration so none of these memorandums to which Senator Symington referred to this morning, the Huston program, the Plumber program, or whatever else was done, or the approach to Mr. Helms in the Watergate episode, was conducted with any knowledge of my office or of me personally. I think this is what the committee should keep in mind when it assesses the degree of my own propensity to use such tactics.

Senator MUSKIE. When the experience of previous administrations was described, was it described as being used to uncover leaks?

Mr. KISSINGER. It was described as having been used to uncover leaks and to protect national security information. But I might have been remiss in not inquiring further into it.

Senator MUSKIE. I am not making that judgment necessarily.

Mr. KISSINGER. That is how it was described to me.

Senator MUSKIE. You see, I make a distinction between national security as a justification, and leaks. To close leaks and sources of leaks would require a surveillance effort that could be as wide as the 2½ million civil servants of this Government. If the closing of leaks is a sufficient justification, there is no limit. I gather, of course, from your testimony that there were limits to this in actual fact. But if you establish it as a principle, then the principle is pretty hard to contain.

[Deleted.]

BASIS FOR INITIATING WIRETAPS

Senator MUSKIE. Now with respect to each wiretap initiated as a result of the name that you provided, was that related to a specific leak of specific information? I know you couldn't recall. But was it your impression that it was a specific leak of specific information or a fishing expedition?

Mr. KISSINGER. It was not a fishing expedition. My recollection is that if there was a leak of a complex of documents, the names of those who had access to these documents would be given.

Senator MUSKIE. All of them?

Mr. KISSINGER. No, it was on a rather restricted basis, because if we had followed this literally we could have given 50 names. If we had followed our instructions literally we could have given, as I am sure [deleted] can confirm, many more names on my own staff. What we in fact did was to interpret the instructions to mean the top individual in charge of that particular department. I do not recall any name being given on a fishing expedition.

Senator MUSKIE. And the guidelines that were laid down or instructions as you refer to them, was anything there to indicate what the time frame of the tap was to be? The law provided, I think, a review after 90 days. That is my understanding.

Mr. KISSINGER. No, to the best of my knowledge. [Deleted.] It was not a procedure with which I was then very familiar, and it was partly because it became clear as it developed that there was no systematic way or indeed fair way I could handle this procedure that it was decided to separate my office from these activities. We did not give a time limit. I do not know whether that 90-day time limit refers to national security wiretaps or whether that is a requirement for court ordered wiretaps. The Attorney General would know this.

SAFEGUARDS ON WIRETAPS

Senator MUSKIE. I think it relates to court ordered wiretaps. But it suggests that a safeguard to an indefinite continuation of a wiretap should have been in the direction itself.

Mr. KISSINGER. In retrospect it does now appear to me that in any intelligence operation one should apply such a safeguard, which I must say I instituted in the Forty Committee, where any operation that is not specifically renewed in the Forty Committee in 6 months lapses. I think it is dangerous to start a process which doesn't have an automatic cutoff date because somebody may just forget to cut it off.

Senator MUSKIE. What disturbs me is that a wiretap started according to national security procedures ought to be terminated under the guidelines by the same persons and with the same considerations. Otherwise [deleted] the wiretap initiated for perfectly proper purposes under whatever guidelines it operated can be continued for any purpose—for national security or political purposes or what not. It is clear from what you said this morning when I raised a certain point that you were unaware what considerations governed the termination of wiretaps.

Mr. KISSINGER. [Deleted.] I never pressed the question explicitly. I assumed that a wiretap which proved unproductive was terminated. [Deleted.]

Senator MUSKIE. [Deleted.] Let me ask this question—there are so many details I could go into but I will not—but to put the pertinent question, you studied the Attorney General's letter of September 11th?

Mr. KISSINGER. Yes.

[Deleted.]

PENALTIES FOR LEAKING AND CLASSIFICATION SYSTEM

Senator MUSKIE. Let me ask another question relating to something that is not covered in the Attorney General's letter. The administration sent up a new codification of the criminal code which includes recommendation of criminal penalties for the leaking of classified information. Classified information is supposed to be very clearly related to national security. But there is a violation of public policy on the side of overclassifying rather than underclassifying. Yet, the administration proposes criminal penalties for leaking classified information, including leaks to newspapermen and others.

The Attorney General does not address himself here to the question of how his letter applies if that should become law. If that should become law, then you do not have to have national security, as defined in this letter, to justify wiretaps—because you have domestic legislation to do it. So what we are curious about is the overall policy, and I think the committee is disposed to accept what you say at face value. But what we are trying to probe in addition is whether there is an administration policy past, present or in the future. There seems to be a paranoia about all of this because we are doubtful about the principal motivation behind such programs. I do not know how we erect safeguards in a confirmation hearing. We certainly can get you committed so far as your own intention and philosophy are concerned, but what is your reaction to this kind of thing? Should we press for a further clarification of what the policy will be?

Mr. KISSINGER. Senator, I have the impression if what I have been told is correct and what I have experienced, that the phrase "national security" has been used in a rather wide discretionary way in a number of administrations for wiretapping, and I would not be at all offended if criteria were established for the definition of national security in the use of wiretaps, as long as they keep in mind that there may be some genuine cases in which some discretion must be left. Nor would I be offended if there were some provision for legislative oversight and a special committee for the FBI, or whatever else Congress may choose to do. But clearly, it seems to me to be the case that national security wiretaps in a number of administrations, unless I have been profoundly misled, have been used in a rather discretionary manner and that this area of discretion should be more strictly defined.

With respect to the issues you raised, you were kind enough also to raise it with me once in private conversation——

Senator MUSKIE. Yes.

Mr. KISSINGER. I have not had an opportunity to study this in that depth. But there seems to me to be two issues. One is, there is no question that documents at this time are being overclassified, and that the low classifications have almost no significance any more. Because when you see something that is stamped confidential it almost means it is not even worthy to discuss with newsmen, and therefore, the higher classification really sets up a psychological block not to further discuss with newsmen. But when you see a confidential document cross your desk you throw it away, and if it is not top secret you do not read it. So that is overclassification.

On the other hand, I am very worried about the doctrine that where somebody leaks a document, the Government then has to establish

that it threatens national security. Because, first of all, it is not easy to prove; second, it may be possible to prove only by revealing other things, and, therefore, setting in motion a chain of declassifications that are not desirable. How you strike a balance between preventing the Government from hiding behind the classification system and second, leaving it to the individual to decide that the Government is hiding behind the classification system, that I frankly have not thought through. I would be very sympathetic to an attempt to look at the classification system in a very serious and searching manner. But then, once the classifications have been established—clearly with periodic declassifications, because that should also have a terminal point to it—then what the penalties should be I have not thought through. But I would not leave it up to the individual's discretion and then force the Government to have to prove actual damage from case to case. This is my philosophical reflection on it.

Senator MUSKIE. I think that covers my questions, Mr. Chairman.

The CHAIRMAN. Do you have any questions, Senator?

GEORGE WASHINGTON'S FAREWELL ADDRESS

Senator AIKEN. I would like to point out this is the 177th anniversary of George Washington's farewell address and from reviewing that speech of George Washington, I find the situation has not changed too much in the last 177 years. I might read a couple of short sentences from his address:

The spirit of encroachment tends to consolidate the powers of all the departments in one and thus to create, whatever the form of government, a real despotism,

And a little later he says,

If in the opinion of the people the distribution or modification of the constitutional powers be in any particular wrong let it be corrected by an amendment in the way which the Constitution designates but let there be no change by usurpation, for though this in one instance may be the instrument of good it is the customary weapon by which free governments are destroyed. The precedent must always greatly overbalance in permanent evil any partial or transient benefit which the use can at any time yield.

Farther down in his speech he warns against enacted legislation discriminating against any particular country that refuses to comply with our wishes and policies and threatening them with loss of trade if they do not comply with us, and of course, some of our amendments had not even been thought of at that time.

But I think George Washington had some pretty good ideas. I do not know if it is pure coincidence that the Post printed what it did this morning, but, personally, I think it should be required reading in all our educational institutions. Actually, the author, although he may have been critical of those who were newly elected to the Congress, apparently failed to realize how fast they learn after they have once gotten in. That is all I have to say. [Laughter.]

SAFEGUARDS CONCERNING DEFINITION OF NATIONAL SECURITY

The CHAIRMAN. I was not really contesting the substantive allegations that those who are elected do not know about a lot of things. I do not contest that. Again, my interest is in the procedure by which

they participate if we are to follow a procedure and have anything to do with it. There are one or two things you discussed with the Senator from Maine that I wanted to follow. You say the safeguards. I do not see any safeguards in the way of definition of what is national security that can be written, but it does seem to me our system is based on the idea that more than one on a very restricted number decide. In the case of the Attorney General's letter, I take it to mean he would decide what is national security.

Surely it ought to be possible that in a rare case, and you say it is rare, you cannot conceive of the recurrence of some of these situations that some mechanism by which someone other than the Attorney General would be consulted, and it is similar, but it does not have to be the same, as in the domestic cases where they have to go through a court. It is true you can find judges who will not be independent and so on, but nevertheless, it is a procedure that is followed. Is it not possible for us, that is, working together, to decide that so many, in these rare cases—I hope they are rare—that someone else be brought into the decision of whether it is national security or not to guard against some of the cases here that were gone over by Senator Case, certainly some of them you had nothing to do with but they are included in the list which clearly appear to be beyond national security as we usually think of it, and they with people——

Dr. KISSINGER. [Deleted.]

INITIATIVE FOR WIRETAPS

The CHAIRMAN. Did you at any time specifically make a clear initiative, take the clear initiative yourself on any tap on even a single one?

Mr. KISSINGER. No.

The CHAIRMAN. You never did?

Mr. KISSINGER. Not in the sense that I said "tap this individual." I carried out the criteria of a previous decision. There could have been, as I pointed out, a different perception by the FBI.

The CHAIRMAN. No single tap. The criteria?

Mr. KISSINGER. No.

The CHAIRMAN. You have stated time and again about the criteria that were used, but you never did yourself initiate a specific tap?

Mr. KISSINGER. [Deleted.]

The CHAIRMAN. But not after May 1970, you did not receive the reports, as I understood it?

Mr. KISSINGER. That is right.

The CHAIRMAN. Prior to that time you did receive some reports.

WITNESS' APRIL, 1970 DISASSOCIATION FROM CASES

Senator MUSKIE. Could I ask what you meant when you said you disassociated yourself from these cases in April 1970? What did that disassociation mean?

Mr. KISSINGER. The disassociation meant that it was decided that it would be best if my office confined itself to the foreign policy aspects of national security rather than the internal security aspects. This was not in itself a value judgment of the basic principle. It was simply a

judgment that as I received information, for example, I was in no position to do anything with it, and that second, I was simply not set up to handle internal national security matters. Therefore, it was decided from that time on that while I had some relationship to that program informally, through my deputy, General Haig and Director Sullivan of the FBI, that reports would no longer go to me since there was nothing I could do with them. Second, any other internal security program would be handled by the internal security agencies of the Government rather than by the National Security Council.

The CHAIRMAN. The criteria——

Senator MUSKIE. General Haig was in your office continually?

Mr. KISSINGER. But only for that part. He too was not connected with any part of it, except that as Director Sullivan of the FBI received a report that seemed to him particularly egregious, he would then informally notify Haig, but only in the wiretap program. On none of the other programs did we receive even any information.

Senator MUSKIE. General Haig received such reports?

[Deleted.]

Senator CASE. Mr. Chairman——

The CHAIRMAN. Yes.

REGULATIONS ON DISSEMINATION OF INFORMATION TO MR. NEWHOUSE

Senator CASE. I did not mean to interrupt, but at some time before Dr. Kissinger left I did want to raise with him the matter we had before about your regulations on dissemination of information.

Mr. KISSINGER. What I have done, Senator Case—since I do not think a selective showing of documents is fair to the committee—is to bring back everything in my files for you to look at, of which I can leave copies of everything except the internal NSC paper, because I am told that those should not be left as a matter of principle. But you can look at them all and you can keep them all except one.

Senator CASE. Mr. Chairman, this relates to the Newhouse book and a couple of comments, one I think in the Boston paper and the New Republic, as I recall it, that complained that he had received favored treatment from Dr. Kissinger and his office.

Mr. KISSINGER. Well, they had received——

Senator CASE. That is what I was inquiring about and what I had been hopeful we could put on the public record so that everybody would know just what the rules of the game were with respect to such matters. It was not a matter of my personal interest.

Mr. KISSINGER. Why do we not make an extract of the rules?

Senator CASE. If you could do that.

Mr. KISSINGER. If you do not need the whole document. I just brought the whole document because I did not want to extract from it myself.

Senator CASE. I am not interested in inquiring into this for any personal reason at all. I wanted to make public whatever the rules are so that everybody can know the way he stands.

Mr. KISSINGER. He received favored treatment in the sense that he was the only one doing a book, but we would have given that sort of help to others. We wanted to make sure that what he said was essentially correct. I barely knew Newhouse at the time, and as you

will see, and as I already testified, I saw him only once and never saw him again.

Senator CASE. There is no complaint about Newhouse at all. I think he used to work for the Committee at one time and is generally a highly respected writer and analyst. The only thing that I wanted to get out of this was, if I could, a better understanding from the standpoint of the Security Council and everybody's standpoint as to what the ground rules were in regard to the release or access to material that in a sense is classified. We do not have access to this kind of information. We often cannot get it as a matter of right even in Congress, and I wanted to be sure there was not something in the nature of a leak. But beyond that and more importantly, to get into the public domain what the ground rules are. And if that can be done, Mr. Chairman, I would ask that it be made—I am not making this a condition of my action or the Committee's action but just to be sure it gets into the record so we can get it out.

The CHAIRMAN. How do you propose we do it?

GUIDELINES IN DEALING WITH MR. NEWHOUSE

Senator CASE. Dr. Kissinger suggests we make a statement about what the policy is in this and any other case he has.

Mr. KISSINGER. I will let you read the document, and I can read my guidelines into the record. The document itself concerned a request to me by Phil Odeen, who was the head of my program analysis staff—and they in turn were dealing with Newhouse—about whether he could show him the documents dealing with the 1968 negotiations. I refused that. I told him he could do that verbally with him but he could not show him the documents, as I testified before the committee. I will show you the document, the whole document. But the three principles were: First, no access to specific NSDM's or internal memorandum. NSDM's are national security decision memorandum, which lay out specific policy decision. Second, very limited discussion of current issues, since the information was very sensitive. Third, no discussion of the negotiations leading up to the May 20 announcement. The May 20 announcement is the May 20, 1971, announcement which I negotiated with Debrynin and which was the breakthrough in the SALT negotiations. These were the three basic guidelines.

Then, in addition, he asked for permission to read the documents of the 1968 negotiations, and I refused to let him look at the document but said they could talk to him orally about them. They were totally dated at that point, but I do not believe in letting national security documents be shown.

In addition, I have a letter here from Mr. Barry Carter, in which he asked me for permission to read the galley's of Newhouse's book. He had already left my staff so he did not need my permission.

Barry Carter had been a member of my program analysis staff under Odeen and had been the contact with Newhouse. Carter asked me for permission to read the galley's of Newhouse's book. I can let you read the whole letter and make that part of the record. And I refused him permission. I have another letter from Carter in which he pointed out to me that he told Newhouse he would not read the galley's of his book for factual accuracy.

This week I received another letter from Carter in which he said that he had been asked by several newsmen about my testimony, and he made the following statement. I have not been in touch with Carter; this was what he volunteered.

Senator CASE. He is not a member of the staff now?

Mr. KISSINGER. No; he resigned from my staff a year and a half ago, 15 months ago.

Senator CASE. The substance of his statement is——

Mr. KISSINGER. [Reads:]

I have read the transcript of Dr. Kissinger's remarks before the Senate Foreign Relations Committee on Tuesday. It is a fair and accurate statement regarding the instructions to the NSC staff about assistance to John Newhouse. In his testimony Dr. Kissinger says that to the best of his knowledge, I did not read the galleys of John Newhouse's book. He is correct, I did not read the galleys. Any further questions regarding Dr. Kissinger's instructions should be referred to him. I can assure you that I carried out his instructions to the letter.

All of these you can make part of the record, if you want.

Senator CASE. Mr. Chairman, I will leave that to you.

The CHAIRMAN. We can make it part of the record and give you an opportunity to——

Mr. KISSINGER. I have no interest in making them part of the record. But these are unclassified.

The CHAIRMAN. From that you can make whatever public statement you agree on with Dr. Kissinger.

Senator CASE. Thank you.

CRITERIA FOR WIRETAPS

The CHAIRMAN. [Deleted.] This would apply to myself, to nearly everyone on the committee who has lunch with or sees or receives in the committee, in their offices, almost any member of the Russian Embassy, for example. We have access, in other words, to people who are connected with or a part of a foreign government with whom we may have problems.

This is what bothers me about this criteria we are talking about and how you apply the principles as written in the Attorney General's letter. This is very broad, indeed. I expect all of us have been called upon by various members of the staffs of some foreign government.

Mr. KISSINGER. Well, Mr. Chairman, as Senator Case knows, this was not connected with my office,

The CHAIRMAN. But it comes up in connection with it.

Mr. KISSINGER. That is right.

The CHAIRMAN. And in connection with the criteria we are to follow?

Mr. KISSINGER. And, therefore, I am really in no position to explain it with any precision.

The CHAIRMAN. But you are going to be in a very neutral position concerning any effort to bring this rather casual manner in which they tap people under control. That is all I mean.

Mr. KISSINGER. [Deleted.] I do not have the report any more myself.

The CHAIRMAN. I understand that.

Mr. KISSINGER. But secondly, I would not, as Secretary of State, agree that the fact that someone knows a member of the Soviet

Embassy, even if that member of the Soviet Embassy has an intelligence connection, would justify the use of wiretaps.

The CHAIRMAN. There is a well-known gentleman, whom I am sure you know, Mr. Arbatov. He comes over here once or twice and he usually calls on a number of people.

Mr. KISSINGER. Including me.

The CHAIRMAN. Including you, and, of course, there is no problem about knowing. I suppose, who he calls on, but this again brings me back to the question of who is going to decide what is national security. If connections with or knowledge with or meeting with someone who is part of an intelligence service, and I suppose anyone in an embassy could be—it is very difficult to ascertain. You really have no check at all presently unless someone other than the Attorney General or one person like that makes a decision as to whether or not a wiretap is justified.

Mr. KISSINGER. As you know, Attorney General Richardson testified that at present and for some considerable period, nobody is being tapped simply because of social contact with Soviet citizens, and I would see no reason for changing this situation.

WITNESS' RELATIONS WITH MR. YOUNG AFTER ASSIGNMENT TO MR.
EHRlichman's STAFF

The CHAIRMAN. There is one other question that I have been asked for you to comment upon. It is the apparent discrepancy, if I may use that word, between your testimony about Mr. Young and your relations with him after he was assigned to Mr. Ehrlichman's staff, although, as I understand the former testimony, he remained on the payroll of the National Security Council.

Mr. KISSINGER. That is correct.

[Deleted.]

COMPILATION OF RECORD OF EVENTS RELATING TO VIETNAM WAR

The CHAIRMAN. There is one other matter that you might throw some light upon growing out of the May 22 statement of the President in which he said:

I also assign the unit of other investigatory matters dealing in part with compiling an accurate record of events relating to the Vietnam war on which the Government's records were inadequate. Many previous records have been removed with the change of administrations which bore directly on the negotiations then in progress. Additional assignments included tracing down other national security leaks including one that seriously compromised the U.S. negotiating position in the SALT talks.

I think in this connection you have stated that you have denied knowledge of any activities of the so-called Plumbers prior to their revelations in the press?

Mr. KISSINGER. That is correct.

The CHAIRMAN. Were you aware of any group in the White House charged with preparing records of events related to the Vietnam war for use in connection with negotiations in progress in 1971?

Mr. KISSINGER. Well, Mr. Chairman, I was not aware of the fact that there was a unit that was charged with this responsibility. I think the record has made clear there were a number of individuals in the

White House who occasionally made requests of various kinds, which, as a matter of principle, I refused. On two or three occasions I was asked to supply historical documents for this or that purpose, and I invariably refused. I have written records to prove that I always refused them.

[Deleted.]

But I was not aware that there was a formal unit.

[Deleted.]

UNIT TO BE ASSIGNED INVESTIGATIVE MATTERS BY PRESIDENT

The CHAIRMAN. Can you enlighten us as to whom the President was referring when he said "I will assign the unit a number of other investigative matters"? Could that have been the Plumbers?

Mr. KISSINGER. It may have been the Plumbers, but I do not know which one.

The CHAIRMAN. They were assigned the duty of the time——

Mr. KISSINGER. [Deleted.]

I have always taken a very absolute view that national security documents entrusted to me will not be released.

The CHAIRMAN. The matters were not entrusted to you for any studies in progress?

Mr. KISSINGER. I occasionally had studies prepared in my shop, when a specific issue arose, on the legislative history on that issue, but that has nothing to do with that and is not relevant to that problem.

[Deleted.]

ADMINISTRATION POSITION ON TEAR GAS AND HERBICIDES

The CHAIRMAN. One or two other things. The President has not yet replied to this committee's letter of April 1972 concerning the Geneva protocol. Now that the Vietnam war seems over, is there some chance that the administration might review its position on tear gas and herbicide and permit the committee to act on its protocol?

Mr. KISSINGER. We have an interdepartmental study of that underway and we should come up with a position very soon.

The CHAIRMAN. Secretary Rogers promised to provide to this committee the NSC studies on herbicides and tear gas when they were completed. Are they now completed?

Mr. KISSINGER. I think they are in the stage of being completed.

The CHAIRMAN. Do you think that we can anticipate receiving a recommendation in the near future?

Mr. KISSINGER. I would expect so, Mr. Chairman.

QUESTION OF USE OF FORCE IN FOREIGN POLICY

The CHAIRMAN. I asked you the other day in open session about the policy in Vietnam and you were asked by others about the policy in the Middle East. I realize it is a little late to open this up again, but I would like a little bit of enlightenment about this real question of the

use of force in foreign policy. In the press recently Senator Stennis was quoted as saying that he would have no hesitancy in approving a reopening of the bombing of North Vietnam. I think I am correct in that.

Mr. KISSINGER. I did not read this, Mr. Chairman.

FUTURE IN SOUTHEAST ASIA

The CHAIRMAN. Can you give, very briefly, if you can, your attitude now about what the future is in Southeast Asia, Indochina?

Mr. KISSINGER. I would think, Mr. Chairman, that the military issue should be left to the people of the area, and that, therefore, short of an event I cannot now foresee, the President would not come to the Congress and ask for approval to resume military operations.

The CHAIRMAN. Say that again, I did not get that.

Mr. KISSINGER. Short of an event I cannot now foresee, I would not expect the President to come to the Congress and ask for approval to renew any military operations. In any event, as I said in the public session, he would not renew military operations in Indochina without the approval of the Congress, and I do not think it is necessary for him to tie his hands ahead of time about whether he plans to make a request of the Congress.

As far as the political evolution in the area is concerned, we have now a political settlement in Laos, as you know. In South Vietnam there is a good possibility of stability; it will never be in any very clearcut way. It is an uncertain situation, but one that seems to be stabilizing. In Cambodia, it frankly depends on whether the local forces can establish some equilibrium.

The CHAIRMAN. Supposing they do not?

Mr. KISSINGER. If the local forces in Cambodia do establish an equilibrium, I would expect negotiations to take place.

[Deleted.]

The CHAIRMAN. It would not?

Mr. KISSINGER. By itself, no.

AUTHORITY TO RESUME BOMBING

The CHAIRMAN. Do you feel you have authority to resume the bombing without congressional authority?

Mr. KISSINGER. No. I have made clear, Mr. Chairman, that we will not resume military operations in Indochina without congressional approval.

The CHAIRMAN. Even though——

Mr. KISSINGER. Under any circumstances.

The CHAIRMAN. That is what I was trying to make very precise, even though things did not go well in Cambodia?

Mr. KISSINGER. If we thought of resuming military operations we would return to the Congress for authority.

The CHAIRMAN. Well, that was what I wanted to make very clear.

Mr. KISSINGER. We think that the Congress has spoken on that issue, and while we disagreed with the decision, we will abide by it strictly.

AUTHORITY TO RESPOND TO INCIDENTS SUCH AS EC-121

The CHAIRMAN. Would you say you would come to the Congress concerning, for example, the incident mentioned the other day, and you mentioned it today, the EC-121 or something being shot down in Korea. Do you feel that the President has authority to respond to that by bombing without authority from Congress?

Mr. KISSINGER. Let me say, Mr. Chairman, that in such a situation we would certainly feel that we should discuss it with the chairman of the Foreign Relations Committee before making a decision.

The CHAIRMAN. That is not quite responsive. Do you feel you have the authority to do it without congressional approval?

Mr. KISSINGER. Yes. I think that the President has the authority to protect American lives. I would not like to draw a clear line between where he must go to the Congress—

Senator AIKEN. Mr. Chairman, may I ask, suppose the plane carrying half a Cabinet got hijacked and got forced down in Cambodia, would the President then have to come to Congress to get authority to try to rescue them?

Mr. KISSINGER. When there are clearly emergency conditions, where American lives are at stake, he has the power.

The CHAIRMAN. That is a hypothetical condition that is quite different. I clearly give you a case.

Senator CASE. This is a hypothetical world.

The CHAIRMAN. This is not a hypothetical issue. [Deleted.]

Mr. KISSINGER. [Deleted.]

The CHAIRMAN. The only reason for bringing it up is that question of how far you think the President has authority to act in this manner without congressional approval.

Mr. KISSINGER. Mr. Chairman, at the time of the Korean incident I was in Government about 2½ months, and at that time I was not a primary adviser on policy. My job at that time was to act as the President's agent in collecting the views of the various departments and in making sure that the views of various people were fully represented to him with all their implications.

The CHAIRMAN. In any case, you have clarified the point, however valid or invalid it may have been.

Let me take just one moment to see if there is anything I have overlooked.

QUESTION OF POPULATION CONTROL

General Draper called me this morning at 7 o'clock and requested that I perhaps not to ask you so much as urge you to give sympathetic consideration to the question of population control. I was just barely back from my walk when the phone rang and I thought an emergency was pending.

Could you express your views about population growth? [Deleted.]

Mr. KISSINGER. [Deleted.]

The CHAIRMAN. Would you say something?

Mr. KISSINGER. I have always taken his views seriously and we will give very serious attention to them.

U.S. MIDDLE EAST POLICY

The CHAIRMAN. You testified the other day that there is no change in our policy in the Middle East, this being one of the very critical positions at the moment.

Does that mean that we will not do anything more than we have done to encourage the negotiations of that war?

Mr. KISSINGER. Mr. Chairman, this is one of the issues on which if I am confirmed, and when we have a discussion on how to work out a relationship between the committee and the Secretary of State we should find a form of communicating that has the minimum possibility of getting into the public record. [Deleted].

I will say for the record here that a combination of concerns with energy, the long-term danger to the peace that are inherent in the area, and our interest in a better relationship with all the nations in the area, will make this one of the regions of great interest. But I would be glad to discuss this with you in a form that can be worked out.

The CHAIRMAN. It is becoming and will become, apparently, much more critical in view of the recent action only yesterday in Vienna and the dire prophesies of shortages this winter, I would think.

Mr. KISSINGER. There is no question about that.

The CHAIRMAN. You have no doubts about that?

Mr. KISSINGER. No doubts whatsoever. But I think the tactics have to be rather carefully thought through. That involves the relationships with the Arabs, with Israel, with the West European countries and with Japan, and all of these have to be synchronized together with our own domestic programs for research and development. So there is no question but that the Middle East is one of the key areas requiring our attention.

POSITION COMMITTEE IS IN

The CHAIRMAN. Finally, I will reiterate what I stated in the beginning, which was raised also by Senator Muskie, concerning the position we are in, in view of our differences on policy in Vietnam and also the policy as expressed in the passage I read to you from the President's statement only 2 weeks ago on the 10th of this month, of appearing to endorse that. It is very troublesome because, as you well know, I don't endorse it. I mean I have a very deep feeling about our using the procedures of force in places where I do not regard our security as being involved and in addition to that there is this question of balancing the priorities. That statement of the President strikes me as laying down a very firm challenge to the Congress about reducing expenditures in the military area. The Trident was mentioned, and the area that Senator Symington has so well described. As I told you, I subscribe to that initial statement that I read to you from the New Yorker, but I still have a very strong disagreement with the policies. It leaves me, and I think some others, in a very great quandary about this matter. We would be in the position of endorsing those particular policies.

Mr. KISSINGER. Of course, Mr. Chairman, the decision of whether to confirm my nomination is for the chairman and for the committee to make. Let me say that I would not construe confirmation as endorsement of policies which you have opposed, nor would I construe it as a commitment on the part of the chairman in any sense to give up views that he has strongly held in the past.

I would construe it as a statement of your belief that I am qualified to carry out the Office of the Secretary of State, and as an obligation on my part to deal with the committee and with the chairman on the basis of respect and total candor. I would fully expect that there are issues on which we would continue to differ, but within a framework of mutual respect.

Senator AIKEN. George Washington had the same trouble.

The CHAIRMAN. I am quite sure there is nothing new about some of these problems, but the differences that have arisen between the Congress and the executive branch before you entered it have been almost unprecedented since the Civil War.

There certainly was nothing in World War II or World War I or the Korean war comparable to it. You are a historian; do you agree with that?

Mr. KISSINGER. I agree, Mr. Chairman, that there are these differences whether or not you confirm my nomination. Those difficulties have to be overcome to the greatest extent possible, and hopefully removed, because our functioning as a democracy is at stake.

The CHAIRMAN. As we said, there is a question of whether the democracy is capable of dealing with this problem.

Mr. KISSINGER. Mr. Chairman, if we can't deal with these problems as a democracy, we can't deal with them at all.

The CHAIRMAN. Deal with them as an authoritarian government, I guess.

Mr. KISSINGER. I don't think that is our national genius.

The CHAIRMAN. I don't think it is, either.

Senator Case, have you anything else you would like to say?

Senator CASE. No, Mr. Chairman.

The CHAIRMAN. Senator Aiken, would you like to say anything further before we adjourn at this late hour?

Senator AIKEN. Amen.

Mr. KISSINGER. I think, Mr. Chairman, that I have expressed my views, and I think these hearings have been conducted with fairness. I appreciate the opportunities that you gave me to express my views in the executive session as well.

I can only reiterate, assuming confirmation, that everything will depend on the spirit in which this relationship is carried out, and that on my side a very major effort will be made.

SANITIZATION OF RECORD

The CHAIRMAN. I think it would be very important if you and your staff could cooperate with our staff to sanitize this executive record. There is much in this that I think you will agree is not sensitive. There are obviously certain things which we both agree should not be published, but would it be agreeable to you for it to be submitted in the immediate future for that purpose because I think many such statements such as your last one would be very beneficial.

Mr. KISSINGER. Sanitize which?

The CHAIRMAN. Sanitize this record. In other words, take out the references.

Mr. KISSINGER. Of the executive session you mean?

The CHAIRMAN. Of the executive session.

Mr. KISSINGER. Yes, I agree to that, if we can leave out the references to individuals.

The CHAIRMAN. That is what I mean; that is what I have in mind. We have had the other public record and this is a matter of such great significance there is great public interest, that I think you and your staff working with our staff should sanitize the record. Then we will, of course, review it before it is published. I thought it would be understandable and I thought you would agree.

Senator AIKEN. Yes.

The CHAIRMAN. You take out whatever you feel is of a personal nature, those names that you felt should be omitted.

Senator AIKEN. Mr. Chairman, it is understood that this action of the staffs working together to get this executive meeting straightened out would not hold up the confirmation proceedings.

The CHAIRMAN. I don't know that it should take very long, I don't know when you think the confirmation proceeding will take place.

Senator AIKEN. That is set for the committee vote tomorrow.

The CHAIRMAN. I think a report on a matter of this consequence ought to be available. We have to have a report; that is normal and I don't anticipate any great delay. I don't think we would have much difficulty in deciding what you wish to take from the record.

Senator AIKEN. The hearings would be available tomorrow.

The CHAIRMAN. I would think the committee would make a report in its recommendation to the Senate, which is normal practice. I am not suggesting we do not proceed with the committee meeting tomorrow to vote on it. I was suggesting that Mr. Kissinger has made some, I think, very useful, in his own behalf, statements today which would be very useful to be included in the record.

Mr. KISSINGER. [Deleted.]

The CHAIRMAN. I understand.

Mr. KISSINGER. The general philosophical statements or anything else I said on substance today I have no hesitation to include in the record.

The CHAIRMAN. That is all I had in mind.

What do you say?

PUBLICATION OF HEARINGS

Senator CASE. That is fine. As a matter of expediting it, would it save any time not to publish the wiretap portion until later?

Senator AIKEN. As I understand it the hearings up to now are virtually ready for the printers.

Could the hearing of today, if it is going to cause 2 or 3 days' delay, be printed as a supplement which would be available before the full Senate if called on to vote on the nomination?

The CHAIRMAN. I would think that is all right.

Mr. MARCY. Sort of volume 2.

The CHAIRMAN. As soon as they get it ready.

Senator AIKEN. Before the vote on the floor the hearing of today could be published.

The CHAIRMAN. I don't think there would be any problem.

Mr. KISSINGER. My only concern—but that is entirely up to the judgment of the Senate—is a visit to the U.N. next week in which there are very many foreign ministers who want to discuss MBFR.

The CHAIRMAN. You don't need to worry about that; you are talking about the 24th.

Mr. KISSINGER. Yes.

Mr. MARCY. I just want to point out the fiscal problem. We are in pretty good shape if we do it as Senator Aiken has suggested, have two volumes and make this supplementary. Then you will be actually able by about Wednesday morning to get the full——

Senator AIKEN. Could the full 4 days of hearings be published sometime tomorrow?

Mr. MARCY. I should say we are having a little bit of a problem getting the hearing with the Attorney General sanitized. You will remember we had that.

The CHAIRMAN. This is much more important than that one. I am not worried about that one.

Senator AIKEN. That ties in more with today than it does with the formal hearings on the nomination.

Mr. MARCY. If we run into a problem, we will let you know.

The CHAIRMAN. Is there anything else?

If not, the committee is adjourned.

Thank you very much.

Mr. KISSINGER. Thank you, Mr. Chairman.

[Whereupon, at 5:35 p.m., the committee adjourned, subject to call of the Chair.]

APPENDIX

[The following statement was inadvertently omitted from the public hearings.]

STATEMENT BY IRENE T. HARTER, SEPTEMBER 7, 1973

I thank the Chair—and the Committee—for the opportunity to speak at this confirmation hearing.

It is difficult, after all the White House inspired fanfare, proclaiming the logic and brilliance of Dr. Kissinger's nomination, to question it.

Selected journalists and politicians have become accustomed to accepting Dr. Kissinger's confidential briefings (tailored to their individual biases) as proof of his achievements.

But fortunately, independent thought is not dead in this republic. Mary McGrory, William V. Shannon, and others have raised questions. Does Dr. Kissinger have the bone-deep sense of morality, compassion, and judgment needed in our Secretary of State at this watershed of history? Can he rebuild and manage the Department of State after he has done so much to weaken it?

Thank God for the professors, insulated by objectivity and distance from Dr. Kissinger's glib unctuousness. Their apprehension is deep. They object to his Bismarckian vision of power, his pompous treatises on political-military systems, his preoccupation—at least prior to 1969—with Europe, and his contempt for international economic issues and the United Nations.

Analysts in Japan, Europe, the Arab states, and Latin America consider Dr. Kissinger's views inimical to their interests.

On the other hand, the Communist leaders seem eager to see this nomination confirmed. Perhaps they fear any other Secretary of State would be worse than the devil they think they know.

Even so, Dr. Kissinger remains a sacred cow of the National Security Establishment. Some who distrust him curb their criticism, fearing reprisals, once his power has been secured.

We should ask much from those in high office. We need leaders who respect the law, individual rights, and human dignity. Secretary Rogers said at a press conference August 20—"It is very important for the United States not to become so obsessed with security matters that laws are freely violated . . . One of the things that provides security for Americans is the fact that we are a law-abiding nation, and that means protection for all individuals and a protection for individual rights."

This seems to be the antithesis of Dr. Kissinger's philosophy. So far, the American people have seen only the iceberg tip of the Kissinger foreign policy—the part that has been in the limelight for four and a half years. The bulk of his business has been sub rosa, deliberately shielded from public scrutiny. Under the glamorous banner headlines were the deceptions and ugly deeds authorized by the Forty Committee, headed by the dark side of Dr. Kissinger. The words "National Security" have camouflaged crime, confusion, corruption—and Dirty Tricks—around the world.

To comprehend Dr. Kissinger's total role, one must examine his participation in the secret bombing of Southeast Asia, the protracted withdrawal of U.S. forces during four long years of death, destruction, and "negotiation," the spread of War into Cambodia and Laos. And one must perceive the damage done to the ideals of a nation under the law by the full pardon granted in the Green Beret case early in 1969, on the ground that its public examination would harm "The National Security."

Clearly the Viet-Nam War absorbed much of Dr. Kissinger's energy since 1969. Those who shared his assumptions were rewarded. Critics became White House "enemies." Whatever their rank or station in life, they were harassed and discredited. Public opinion was manipulated to portray to the world a facade of support for all his presumed diplomatic triumphs.

The Committee may recall my testimony May 10 regarding the unsuitability of Graham Martin to serve as U.S. Ambassador to South Viet-Nam. I outlined his distributing role as Ambassador to Thailand, and I expressed concern that he improperly countenanced the use of the Embassy's Medical Unit as a cover for CIA Dirty Tricks. For years, Ambassador Martin has succeeded in covering up the wrongdoing that occurred under his stewardship.

Mr. Macomber, the former Deputy Under Secretary of State for Management, permitted no objective inquiry within the Executive Branch into the many allegations of mismanagement and abuse of authority under Graham Martin. I had hoped, when I testified in May, this Committee would expose Mr. Macomber's cover-up.

There were press reports that Dr. Kissinger's secret discussions with Committee members short-circuited the Committee's examination of these issues. Dr. Kissinger apparently maintained that Graham Martin faithfully did his duty in Thailand.

These reports, if true, raise troubling questions. Did Dr. Kissinger know of Martin's malversations in Bangkok? Does he consider these activities the "duty" of American Ambassadors? If so, his tenure as Secretary of State is ominous. The problem is no less if Dr. Kissinger twisted the arms of Committee members without direct awareness of the true circumstances.

Perhaps this incident illustrates why the Kissinger foreign policy and diplomatic style were associated with the White House obsession with "leaks." What Dr. Kissinger has done was quite different from what the public was told of his deeds. Congress, the press, and the public were to be deprived of accurate information or knowledge regarding his activities, because the true facts, if known, would undermine public confidence in his realm of secrecy and manipulation.

We know the Plumbers were installed at the White House to plug "leaks." This was after J. Edgar Hoover vetoed use of the FBI for such bizarre purposes—a month before his unexpected death. Details remain fuzzy, but we know the co-directors of the Plumbers were Egil Krogh (responsible to John Ehrlichman) and David Young, formerly Dr. Kissinger's appointments secretary, apparently still responsible to Dr. Kissinger for "National Security" matters.

Some press accounts appeared to indicate that CIA careerist Macomber, ostensibly representing the Department of State, J. Fred Buzhardt, representing the Department of Defense, and Robert Mardian, representing the Department of Justice, exercised loose surveillance over their "National Security" operations, which were strikingly similar to other Dirty Tricks conducted overseas. When the American people hear the "White House Horrors" involved "The National Security" and cannot be publicly divulged, they suspect these operations were illegal and morally indefensible.

They were apparently so secret Mr. Macomber did not tell Secretary Rogers what he knew about them. The Secretary seems never to have learned of the bugging, wire-tapping, and other harassments that intimidated the Foreign Service during his tenure.

The Department of State could not prosper under these conditions. Press accounts of poor morale in the Department miss the point. Dr. Kissinger deliberately and aggressively crippled the Foreign Service. The Department as an effective institution underwent shocking deterioration.

Aided and abetted by Mr. Macomber, the personnel authorities of the Department of State manipulated diplomatic assignments and promotions to reward those who accepted Dr. Kissinger's mind-blowing assumptions regarding "The National Security." The Foreign Service personnel system is peculiarly susceptible to such manipulation. The abuses never before reached so deep within the diplomatic service.

For example, 59 Class 4 officers received selection-out notices during a short period ending in 1971. Most rendered very creditable service to their country. Some exhibited a degree of independence intolerable to the Kissinger-Macomber syndrome of diplomatic management.

This Committee's 1971 inquiries regarding three of these officers elicited false and misleading explanations from Mr. Macomber.

The late Charles W. Thomas was the best known. Ambassador Fulton Freeman described Mr. Thomas' work in Mexico in superlative terms, concluding his departure from the Foreign Service would be "a loss which at this critical juncture of the Foreign Service can ill be afforded." Ambassador Freeman said Mr. Thomas contributed "in a major way to the solution of one of the prickliest problems that had plagued U.S.-Mexican relations for so many years." His Mexican assignment extended to many and varied duties—even to criticism of cursory CIA work on the

Lee Harvey Oswald case. Mr. Thomas also rendered important service in Haiti and as a representative to UNESCO—only to see less skilled, less diligent, and perhaps less independent-minded diplomats promoted ahead of him.

The Committee also knows of John Hemenway's complaints regarding his Selection-Out from the Foreign Service, but has not yet chosen to examine his well-documented allegations.

The Committee's records also include selected documents reflecting John Harter's successful 1971 skirmish with Mr. Macomber over employee rights.

There are many, many other examples of injustice in recent Foreign Service personnel operations—at all levels—but these three are especially well documented. If the Committee should ask its staff to examine some of these careers in detail, it would see why the Foreign Service deteriorated in the Kissinger-Macomber years. It would also grasp why many Foreign Service Officers are alarmed that Dr. Kissinger aspires to be simultaneously in command of the Department of State and de facto head of the CIA.

The uneasiness of the professionals is magnified by ugly rumors that Dr. Kissinger intends: to shrink the size of the Foreign Service, to bring more of his proteges and spooks into its ranks, to destroy its management function, to reduce its capacity for independent judgment, and to insure its "loyalty"—meaning absolute subservience—to his person. The rumors are plausible because of his known distrust and contempt for the Foreign Service.

Undoubtedly the entire foreign affairs community could benefit from skillful redesign. Some functions of the Cold War Machine should be cut. Others eliminated.

But the problems are too big and too complicated to solve overnight. To impose surgery without careful forethought would invite disaster. The essential prerequisite to reform is a better public grasp of the problems.

Once there is this understanding in the public domain, the blue-ribbon Commission on the Organization of the Government for the Conduct of Foreign Policy might be able to devise suitable recommendations for effective long-range reform.

The Ervin Committee has exposed grievous abuse of the public trust. But the Alice in Wonderland World of "National Security" blocks its probe into the Great Political Tragedy of 1972.

The spear carriers caught at the Watergate were found guilty of burglary. They said their mission was to safeguard "The National Security" from ill-defined radicals and subversives. Their misjudgment was more than excess of zeal. At least Hunt, Liddy, and Barker seem to have had a distorted view of "The National Security" as the point at which domestic politics and foreign affairs intersect.

Those who manipulated the spear carriers bear a much greater guilt for the many Watergate crimes. They have not yet been publicly identified. We do not yet know who was responsible for the hallucination that "The National Security" required such crimes, which were tantamount to subverting the American political process.

The Ervin Committee has provided irrefutable evidence of a surrealistic and paranoid White House mood, at least from 1970 on. The Administration saw itself as a fortress besieged. Experts in the "proven" methods for dealing with the threats were needed. Recourse to CIA techniques, equipment, and personnel was natural.

Mr. Chairman, the Foreign Relations Committee must not shirk its duty. It should thoroughly examine the role of Dr. Kissinger—as President Nixon's Special Assistant for National Security Affairs—in creating the mood—the paranoia—and the suppression. It should examine—as it has never ever examined any nominee—the interests, attitudes, and actions of Dr. Kissinger, to determine whether he has the qualities to occupy the seat of Thomas Jefferson, John Quincy Adams, and their distinguished successors.

Thorough *public* hearings on the mythology of "National Security" should make it clear *why* Watergate happened—and what Dr. Kissinger did to *cause* it to happen. He may have been unaware of the interactions between his personal approach to world affairs and the responses of numerous pragmatists and opportunists in the White House, the Committee to Re-Elect the President, and the Department of State. But he may have been a vital missing link in the puzzle which baffles the American people in 1973.

The example of the Watergate Committee is before you. You are the only public agency which can complete its analysis, because of the pervasive interconnections between foreign affairs, a perverted concept of "The National Security," and domestic politics which led to the unfortunate events of 1972.

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