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NOMINATION OF ALEXANDER M. HAIG, JR.

HEARINGS
BEFORE THE
COMMITTEE ON FOREIGN RELATIONS
UNITED STATES SENATE
NINETY-SEVENTH CONGRESS
FIRST SESSION

ON
THE NOMINATION OF
ALEXANDER M. HAIG, JR., TO BE SECRETARY OF STATE

JANUARY 9, 10, 12, 13, 14, 15, 1981

PART 1



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NOMINATION OF ALEXANDER M. HAIG, JR.

FRIDAY, JANUARY 9, 1981

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

The committee met, pursuant to notice, at 10 a.m., in room 1202 Dirksen Senate Office Building, Hon. Charles H. Percy (chairman of the committee) presiding.

Present: Senators Percy, Baker, Helms, Hayakawa, Lugar, Mathias, Kassebaum, Boschwitz, Pressler, Pell, Biden, Glenn, Sarbanes, Zorinsky, Tsongas, Cranston, and Dodd.

Also present: Senators Kasten and Hart.

OPENING STATEMENT

The CHAIRMAN. The first meeting of the Foreign Relations Committee in the 97th Congress will come to order.

It is a momentous and historic occasion. It is the first time in over a quarter of a century that the Republicans have been a majority of this committee.

I do wish to express deep appreciation to my colleagues on the Republican side for their cooperation and particularly my appreciation to my distinguished friend and colleague, the ranking minority member, Senator Pell, for the extremely fine cooperation that we have had in this transition period, which is difficult and emotional but which has been carried on with dispatch and efficiency. To all of the members of the new minority I wish to express deep appreciation for your cooperation and for the wonderful opportunity I have had to work with you in the past.

I take particular pleasure also on behalf of all of us on this committee in welcoming back to his Senate home our esteemed, beloved, and distinguished colleague, a man who has offered to be a special counsel to this committee for the confirmation hearings that we are about to conduct, our distinguished friend, Senator Jack Javits. [Applause.]

General Haig, on behalf of all members of the Foreign Relations Committee, I welcome you to this hearing, held under the "advice and consent" authority constitutionally vested in the Senate. I expect these hearings to be thorough, informative, and fair. From your own wide experience in Government, you know that it is the constitutional duty of this committee, as an instrument of the Senate—and then ultimately it is the duty of the Senate itself—to give the President and the country our independent judgment as to your qualifications to be Secretary of State.

Our searching of the record of your public service and experience, both military and civilian, and our searching of your foreign policy views are essential to discharging our responsibility to the Senate, to the President, to the country, and to you.

We shall be forthright in our questions and, judging by what you already have publicly said in anticipation of these hearings, we expect you also to be frank and responsive in your answers. Nothing should be covered which needs to be uncovered. No question should remain unasked to which we need a reply. Our recommendation to the Senate must rest on all pertinent information.

I want to emphasize to my colleagues on the Foreign Relations Committee that most of the events discussed in recent press accounts of General Haig's career already have been the subject of exhaustive investigations by congressional committees. The Watergate period, the wiretapping episode, the events in Chile in 1970, and the record of U.S. actions in Vietnam and Cambodia are all the subjects of an extensive, published record, which includes lengthy testimony by General Haig himself. Committee staff members have now spent weeks reviewing this material. These important hearings will supplement the existing record. But, as of now, I personally have no information which would justify an adverse conclusion or which would suggest that this nomination should be delayed.

General Haig, the office to which you have been nominated is considered by many to be the third most powerful office in the U.S. Government. The way in which it is conducted will have a marked effect on whether we remain at peace or are endangered by war. It has an effect upon millions of American lives and millions of people throughout the world.

We all believe that a wise, prudent, and firm American foreign policy, backed by a strong national defense, with the will and the unity to carry it out, is crucial to the safety of our Nation, and it is crucial to the peace of the world. In addition, the strength of our domestic economy relies significantly on peace and stability all over the world because this Nation increasingly is dependent upon raw materials to support its factories and its businesses in this country, materials that come from many different countries of the world. It is increasingly important for millions of jobs here at home that we have stable markets abroad.

Therefore, we have a tremendous economic stake, not just a humanitarian stake, in maintaining peace and stability in the world.

You have had an incomparable career in the military, broadened by graduate studies at Georgetown University in international relations, and work at the highest levels in the Pentagon on Middle Eastern and European affairs. You retired from the military in 1973 with the rank of general to become Chief of Staff to the President of the United States at a time of crisis in the executive branch of Government. Then you were recalled to active duty as Supreme Allied Commander of NATO for 5 years and have, without any question, the acclaim of this Nation, the Congress, the President, and European leaders for your outstanding leadership in that 5-year period.

Later, for a brief period, you joined a life that I have spent a good part of my life in. You were head of a great corporation. Then, subsequently, you were, once again, asked to leave private life and serve your Nation, this time at the request of President-elect Ronald Reagan.

Together with the President you will be called upon to develop and direct the foreign policy of the leading Nation in the free world. We certainly welcome you today. I have seen a number of ambassadors of nations of the free world and some of our adversaries in this hearing room today.

In addition to the traditional questions asked of nominees for this position, you can expect to be questioned about the role you played in controversial events of the Nixon administration. Although executive privilege can be invoked only by Presidents themselves, whenever the subject matter impinges on national security and you feel that you cannot properly respond to a question in an open, public session, then we can arrange a closed session so that you can give to the committee members a full reply.

These are perilous times, as we all know. We urgently need to resolve the hostage crisis. There is a war raging in the Middle East which, if broadened, could threaten the lifeline of the economy of the entire free world, including our own. Our concern for stability in the Gulf is based on our own national, vital interests and those of all of our allies.

The Middle East, as a whole, requires urgent attention to resolve disputes and insure the security of all nations of the region. Major problems beset the poorer nations of the world. The Western alliance must be strengthened. Our relations with our neighbors in this hemisphere must be reestablished in mutual respect and mutual confidence.

Some of our Western Hemisphere countries, unhappily, are at this very moment reeling under the shocks of civil war, insurrection, terrorism, and violence.

For these reasons, and for others, the new administration, the President of the United States, overwhelmingly elected by the people of this country, requires at the outset an outstanding Secretary of State on duty and ready to work for our national interest. Therefore, it is the objective of the Chair to complete these hearings in a timely and judicious manner, but to do so in such a way that the full Senate can take up your nomination on January 20.

I believe my distinguished colleague, Senator Pell, has an opening statement.

Senator Pell.

Senator PELL. Thank you, Mr. Chairman.

I believe General Haig is a very intelligent, loyal, and competent man. I am particularly conscious of the positive role he played in the final days of the Nixon administration. Under trying circumstances, he did all that he could to insure that the executive branch continued to function, remained glued together, while President Nixon was preoccupied with the impending impeachment proceedings against him.

Yet, General Haig's nomination to this senior, most conspicuous Cabinet post is of concern to me because he carries with him, whether justified or not, political baggage, scar tissue, if you will, from his service during a very distasteful period in our history, marked by gross abuses of Presidential power.

As a Nation, we are not proud of the many episodes that took place between 1969 and 1974 and they are best forgotten. But this very nomination resurrects them.

I know that General Haig has testified on some of these subjects in the past, most notably before our committee in 1974, but the context

was different then, and some members may wish to go over General Haig's past record to see if it is relevant as to how he would conduct himself as Secretary of State. In this connection, we on the minority side have been looking carefully into various areas of General Haig's past activity on the National Security Council and as White House Chief of Staff. We have not been able to obtain all the information that we consider necessary to make a considered judgment on General Haig's confirmation. As a result, our inquiry has been incomplete and thus the responses that General Haig provides to questions during these hearings takes on particular significance.

When General Haig met with the press on December 22, he commented on his military background. On that occasion he said that military men know better than others the dreadful sacrifice of conflict. I agree. Those who have fought in wars and been exposed to war are often those who most strongly oppose them. I hope, with all of my heart, that General Haig is such a person.

General Haig also said that he hoped he could follow in the footsteps of another General and Secretary of State George Marshall, and make a somewhat comparable contribution to global stability. George Marshall certainly was as distinguished and peace-minded a Secretary of State as our Nation ever had. In fact, he became one of our best, and most effective, Secretary of State after a brilliant military career, and therefore General Haig's 35 years spent in the uniform of his country most certainly should not disqualify him to be Secretary of State.

I am glad General Haig said these things. However, it remains a nagging worry that, nevertheless, a Secretary of State with a military background might tend to think more in terms of military solutions rather than diplomatic ones to the problems and conflicts besetting us around the globe.

I believe, above all, that our Secretary of State should be a Secretary for peace. I believe the Secretary of State should have a profound aversion to war, a particular abhorrence of nuclear war and a complete dedication to peace and to peaceful solutions to international disputes.

General Haig's views on the all-important question of war and peace will be vital to me in making up my own mind on his confirmation. I will want to be assured that he will not recommend lightly the use of armed forces and certainly not the use of nuclear weapons in the pursuit of our interests around the world. I enter these hearings with a truly open mind—a troubled mind, but an open one—and I shall be judging General Haig on his thoughts in this regard and on the basis of the three criteria our committee traditionally has applied in considering nominees for Secretary of State. These criteria are the following:

First, professional background, as relating to character, judgment, and relevant experience; second, views on specific foreign policy issues; and third, attitude and plans regarding cooperation with the Congress as reflected by the past.

In the 16 years I have served on this committee, I do not recall a nomination that has come before us that has caused the concern and worry in the Senate that this one has. In the end, I would like with confidence to be able to vote for General Haig's confirmation. I look forward to hearing his statement and to the questions following it.

In addition, I wish to raise two procedural issues. First, what are the chairman's plans regarding the participation of Senators who are not members of this committee? My own view is that they should be permitted to join in.

The CHAIRMAN. Senator Pell, I have discussed this issue with the members of the majority. We hold the unanimous opinion that, considering the complexity of the hearing, the length of time it may take, and the goal stated by the Chair of having this nomination on the floor of the Senate ready for action by the full Senate by January 20, in early proceedings at least we must give exclusive time to the members of the committee themselves because they are the ones who must cast a vote to report this nomination to the Senate floor.

I have received one request from Senator Gary Hart. I understand that you and Senator Byrd have talked about the possibility of other Senators. I have talked with Senator Hart and explained the situation to him and he is fully understanding of it. We are having a Saturday session specifically so that we can move these proceedings along quickly. I am also willing to chair these hearings as late into the evening as anyone would like to stay to ask questions. General Haig has assured me that he is available throughout the period until January 20 exclusively for this committee.

It would be my hope, as I know it would be your hope, that we could reserve time. Our goal would be to determine, say by tomorrow night, Saturday evening, where we stand and whether time could be taken for other Senators which would not detract from the Senators who are on the committee itself. If so, it would be my hope that we could put aside several hours, maybe as much as half a day, so that other Senators could join us. But in the meantime—and Senator Hart is here as I say this—we certainly welcome you to sit with the committee and hope that you will understand that the first priority must go to committee members. But, second, we will have the goal of opening the meeting up for half a day, or at least several hours, for other Senators who are not committee members.

Senator PELL. I do not wish to take up time now, but so that you understand our position, Mr. Chairman, we believe that as a matter of right all Senators should have the opportunity that I described, even if it resulted in a delay.

The CHAIRMAN. If I may interject, it is a right providing it does not infringe upon the duty and responsibility of the committee members to have priority on that time. I think every Senator understands that. Therefore, if it would impinge upon that time and make impossible the goal, the request could not be granted and will not be granted. It is the hope of the Chair that we will have the time. It is my goal to see that Senators who do wish to ask questions have that opportunity.

Senator GLENN. Mr. Chairman.

The CHAIRMAN. Yes, Senator Glenn.

Senator GLENN. Mr. Chairman, we have discussed this at some length privately before this meeting. I feel very strongly that any Senator who wants to come into this meeting and ask questions should be welcome.

I have only been in the Senate 6 years, so I would bow in some ways to experience that is greater than mine. But I have asked many times to go before other committees and to sit with them and to ask questions and I never have been refused.

I always thought it was the right of a Senator in pursuing whatever line of questioning he might wish to do in representing the millions of people that most of us represent to add to—not to detract or subtract from what the committee is doing—our own experience and our own representation of our people. I, for one, would not be in favor of limiting anyone. I don't think we are going to have so many people come here to ask questions, in addition to the members of this committee, that it will be any burden at all.

I agree completely that we are the ones who have to vote and we should have priority. But, the way it has normally been done on other committees that I have been with on occasions like this is to let the committee go ahead and do all of its questioning and, at the end of that time, other Senators then had freedom to question at whatever length they would want to question. From my own knowledge of the number of people—there may be two or three that I know of—who might wish to ask any question at all who are not members of this committee, I don't think this will be a burden. But if we would deliberately set out and say we are going to limit a Senator's right to ask questions on something this important, I think we would be going down a road onto which I would not want to embark. I think we would be well advised, in fact, to invite anyone who wishes to ask questions to participate fully in these hearings, and at any length they want, but after the committee has made all of the inquiry that it wishes to make.

The CHAIRMAN. I hope the discussion is academic because it is my strong hope that by tomorrow night we will see that we would be able to designate some time, and let Senators know ahead of time. Perhaps a half day could be set aside for noncommittee members.

I yield now to Senator Baker, who has asked for recognition.

Senator BAKER. Mr. Chairman, I hope we don't make a mountain out of a molehill out of this. I think the chairman's proposal not only is sound and fair, but is consistent with previous practice.

I agree with Senator John Glenn that Senators ought to have a free and untrammelled right to ask questions. But at the same time, this committee has an obligation to itself and to the Senate to move this nomination. What Senator Percy has suggested is that we ought to go on with the business of the committee and then to provide, at some appropriate time, an opportunity for nonmember Senators to appear and participate on some basis. I agree with that.

It should be no surprise to my colleagues on the other side of the aisle to know what Senator Byrd, the minority leader, has advised me that he was instructed by the Democratic Caucus to make that request. My reply to Senator Byrd was that we are going to work that out. So, let us not get distracted by the question of other Senators participating because I am certain that this can be done.

For my part, I will pledge, to the extent that the chairman will permit it, that every Senator who wants to participate will have an opportunity to participate. But we have to make certain that this does not turn into a marathon where 80 or 90 Senators appear and this goes on until March.

I really think that good faith and a bipartisan approach to this says that we ought to accommodate both requirements—one, that every Senator who has a legitimate request to do so has a chance to participate; and two, that we move this matter promptly in view of the circumstances.

Thank you, Mr. Chairman.

The CHAIRMAN. It is a question of balancing those two issues. I would really prefer that we go on to the next question and not delay these proceedings.

Senator SARBANES. Mr. Chairman.

The CHAIRMAN. Senator Sarbanes.

Senator SARBANES. May I just say very quickly that I think Senator Baker's statement addresses the question very well and in a very thoughtful and responsive manner. As I understand it, what it says in effect is that it is the committee's intention to extend the usual opportunity that exists in the Senate for Senators who are not members of the committee to come and pose questions to the nominee, unless it is perceived that pursuing that course creates a severe obstacle to the committee doing its work.

I don't think anyone anticipates that that would be the case. But I welcome the indication that, as I understand it, it is the chairman's intention to proceed in the traditional manner with respect to the opportunity given to those Members of the Senate to sit in on the hearings and to permit those Senators, at an appropriate time, to propound questions to the witness.

The CHAIRMAN. That is absolutely correct. I really perceive no problem with this at all. I would be astounded if we did not find the time so that other Members could join us and ask questions.

Senator BAKER. Mr. Chairman, let me make one more remark and then I will hush.

We speak of this being the usual and traditional role. I think we have reached a conclusion that is the right one, but it is not always so that noncommittee members can ask questions. I recall that I have been declined the right. I can remember in the SALT hearings that Senator Garn, of Utah, was declined the right to participate in the SALT hearings.

The CHAIRMAN. By this committee and under a Democratic chairman.

Senator BAKER. That is right. That has happened over and over again.

What Chairman Percy is doing is right. I think it solves the problem and I think it is a generous thing for him to offer.

Senator BIDEN. Mr. Chairman, I would like to point out one feature that I think should be noted in the record. There is a real distinction between a Senator participating in a committee of which he or she is not a member on an issue and the participation of a Senator on a committee where the question is the advice and consent to a nominee for a Cabinet post. Every Senator has a unique obligation there that transcends obligations which exist in relation to a particular issue. In a legislative issue we have the opportunity to debate those who are the proponents of those issues who are members of the committee on the floor. We have a unique opportunity and only the opportunity to

question the nominee when he or she is before the representative committee.

I agree that we should not make a mountain out of a molehill. But, ladies and gentlemen, for the record, understand that there is a constitutional, legislative, traditional, and procedural distinction between the advice and consent responsibility of a Senator with regard to a nominee and his or her view on a particular issue that may be within the jurisdiction of a committee.

Thank you.

The CHAIRMAN. Senator Biden, the difference really is that we had plenty of time then. In SALT II there was absolutely no time limitation of any kind and yet a Senator was denied his request. In this case, we do have a goal which the ranking minority member and I have agreed upon, that it would be desirable and best for this country to have a Secretary of State available to the President of the United States when he takes office. That is our goal and our objective.

Would Senator Pell care to proceed to his second question?

Senator PELL. My second question is this. As the committee is aware, I have been trying, on behalf of the minority, to secure various documents and tapes relating to General Haig's activities on the National Security Council and as White House Chief of Staff. These records are requested solely in order to help members judge on the basis of their knowledge of his past activities what kind of Secretary of State General Haig would be.

The White House has sought to be responsive to my efforts, but objections have been raised by former President Nixon's lawyers. So, in order to insure this committee has all of the information it needs, I ask that the committee approve the issuance of subpoenas for the specific records listed in the letter that I sent to the chairman yesterday.

I ask for your reaction to that.

The CHAIRMAN. Senator Pell, I would be happy to respond to your question, which is a perfectly legitimate question, with the understanding that at the completion of my reply we then proceed immediately to the prepared testimony of General Haig. At the completion of his statement, I would be pleased to answer any questions from committee members regarding my reply before proceeding to the questioning of General Haig.

Is that acceptable?

Senator BIDEN. I am not sure that I understand that.

The CHAIRMAN. In other words, at the completion of my reply to Senator Pell, we then would immediately proceed to the testimony of General Haig. At the end of that testimony and before proceeding to any questions, the Chair would open the hearing up to any questions of the Chair that Senators would like to ask for clarification of the reply that had been given. But I would not like at this stage to get into a lengthy colloquy on this particular issue. I discussed this with Senator Pell and he concurs with that procedure.

Senator BIDEN. Mr. Chairman, at the risk of disagreeing with my leader, Senator Pell, and with you, I don't understand why that makes any sense. I mean, either this committee is going to subpoena the documents that Senator Pell and others have evidenced an interest in or we are not, or at least we are going to agree that we will subpoena them if, after the testimony, there is still need for the documents. Unless there

is going to be an uprising to my left, I would be inclined to move the question as to whether or not we would issue from this committee or whether you, as chairman, would be prepared to issue subpoenas if, in the committee's judgment, as we go along, such information is deemed relevant.

The CHAIRMAN. I would trust the Senator would withhold that motion until he hears the Chair's reply to Senator Pell's question.

Senator SARBANES. I think that would be helpful, Mr. Chairman, but I think it also would be helpful if the chairman did not give his reply with the condition that, once given, it was not to be discussed.

I don't think there is any intention here to delay the beginning of the statement, but I do think once we hear the reply, if there is some need to discuss it, we ought to have that opportunity. We ought not to receive the reply on the condition that it not be open to discussion.

The CHAIRMAN. The understanding that Senator Pell and I reached last night was that this is the procedure that we would follow.

Senator PELL. It is a desirable procedure, but nobody should be gagged.

The CHAIRMAN. I will give my reply, then, and will ask General Haig to proceed. That will give Senators adequate time to think of any questions they might want to put to the Chair. [General laughter.]

Senator Pell, in response to this question, I would like to read into the record extracts of my letter to you of yesterday evening, responding to a written request of the previous day to join you in a series of wide-ranging requests for tapes and documents. I read extracts now from that letter.

I heartily concur in your characterization of our common desire to conduct an expeditious, but thorough and fair, confirmation hearing for Alexander Haig. I know you agree that the country would not be well served by unnecessarily delaying the confirmation of a new Secretary. I fully expect that the entire Committee will be able to meet the requirements of the national interest in allowing for Senate advice and consent by Inauguration day. The letters to which you refer, requesting information on General Haig from a wide range of sources, were sent out prior to the time that our Special Counsel, Fred Thompson, was available. I declined to join you in signing these letters at the time because I regarded them as so sweeping and unspecific that I did not see the justification for such a request. This, as I understand it, was the judgment of the White House also.

Even more important, however, is the fact that the documentation already available in the Committee covers in detail the events in General Haig's career upon which press attention has been focused. They have been the subject of exhaustive treatment in published documents, available archival sources, and the exhaustive records of numerous Congressional Committees, including our own.

A large proportion of the Committee staff has now spent weeks reviewing these sources and to my knowledge has identified nothing that would disqualify this nominee to be Secretary of State. On the contrary, he emerges as a man of consistently distinguished service.

Committee members may certainly wish to question General Haig about some of these events along the lines of your enclosed letter to Mr. Califano. But members can already do so on the basis of an extensive record.

The requests represented in the letters would clearly involve a lengthy, time-consuming and expensive process, including the filing of lawsuits, the need for extended periods of review by our archivists, the staff and the former principals themselves, and, if ultimately successful, would involve large quantities of materials. I simply cannot join in supporting the request, though I will do and have done nothing to interfere with it.

Last night I received your written request, Senator Pell, to the full Committee to issue a subpoena for most of the same tape documents. Many of these documents are actually protected by laws, by laws that we in the Congress passed, and certainly they are even protected from the Congressional subpoena power.

We legislated that ourselves. Others would undoubtedly be the subject of Executive Privilege claims, not only by President Nixon but by Presidents Ford and Carter as well. Still other materials raise issues of other government and personal privileges. Finally, you have asked for some materials which are already available to Congressional Committees in the course of earlier investigations and which are readily available to this Committee, the events in Chile, for example.

Therefore, I cannot support additional delays in these hearings. While there appears to be significant legal problems with regard to the issuance of subpoenas for presidential tapes and documents, as the Legal Counsel in the Archives has already stated, which may result in long delays, I would definitely agree to sign a letter with you requesting any material which could be relevant to these hearings and which could be produced in time for us to use and still report this nomination to the full Senate by January 20.

For instance, I understand that the Archivist is assembling Special Prosecutor material that is not restricted by the Presidential Act. I will join in a letter or request subpoena authority, if necessary to expeditiously obtain such material for the Foreign Relations Committee. As I have indicated, I would be very happy indeed to answer and respond fully to any questions of committee members on that position as soon as we have concluded the testimony by General Haig.

General Haig, I understand that you have, at your own request, voluntarily requested to testify under oath.

Senator SARBANES. Mr. Chairman.

The CHAIRMAN. Yes, Senator Sarbanes.

Senator SARBANES. Mr. Chairman, in light of your statement, I understand it to be your view that we proceed to General Haig and hear his statement, and then the committee members would be able to take up this issue at the time indicated or thereafter, if they so wish.

The CHAIRMAN. I will stand by what I have said. If anyone thinks of a question while General Haig is testifying and wants to put it to me, I would be very happy to respond. But I can assure you that the cooperation extended to the majority by Senator Pell and every member of the minority will be reciprocated in every possible way.

General Haig, if it is your request that you be sworn in so that your testimony can be given under oath, I would ask that you rise please.

Do you solemnly swear to tell the truth, the whole truth and nothing but the truth, so help you, God?

General HAIG. I do.

The CHAIRMAN. General Haig, is it your understanding that the statement that you will be giving as a prepared statement and its appendix—all of that material, even if not read by you—is as if sworn to and is under oath?

General HAIG. That is correct, Mr. Chairman.

The CHAIRMAN. Once again, we welcome you.

You may proceed.

[General Haig's biographical sketch follows:]

BIOGRAPHICAL SKETCH OF ALEXANDER M. HAIG, JR.

Alexander M. Haig is currently president and chief operating officer of United Technologies, a post he assumed on December 21, 1979. Prior to joining United Technologies, and immediately after retiring from the Army after 35 years of service, he was an Adjunct Professor of Political Science at the University of Pennsylvania, a Board Consultant with the Georgetown Center for Strategic and International Studies in Washington, D.C., and a Research Director with the Foreign Policy Research Institute in Philadelphia, Pennsylvania.

The son of Alexander Meigs Haig and Regina Anne Murphy Haig, Alexander M. Haig, Jr. was born in Philadelphia, Pennsylvania, on December 2, 1924. He

attended elementary school at St. Mathias in Bala Cynwood, Pennsylvania, graduating in 1938. He subsequently entered St. Joseph's Preparatory School in Ardmore, Pennsylvania, graduating in 1942.

He began his undergraduate studies at the University of Notre Dame in Indiana. In 1944 he was appointed to the United States Military Academy at West Point as a member of the last of the World War II classes. Later he returned to school to pursue post graduate studies. In 1954 he attended graduate courses in Business Administration at Columbia University in New York and in 1962 received his Masters in International Relations at Georgetown University.

After graduating from West Point in 1947, he was commissioned a Second Lieutenant. His first assignments included Administrative Assistant and aide to General Douglas MacArthur's Chief of Staff in Japan and Aide-de-Camp to the Commander of the Xth Corps in Korea. He later became tactical commander at both the United States Military and Naval Academies.

After completing his graduate work at Georgetown in 1962, the Secretary of State designate was assigned to the International Plans and Policy Division at the Pentagon. He worked on European and Middle Eastern Affairs. He subsequently served as Military Assistant to Secretary of the Army Cyrus Vance and Deputy Special Assistant to Secretary of Defense Robert McNamara.

In 1967 he was assigned to Vietnam. His leadership at the battle of Ap Gu earned him the Distinguished Service Cross. Soon after he was promoted to Colonel.

In January 1969 he was assigned as senior military adviser to Dr. Henry Kissinger, the Assistant to the President for National Security Affairs. At this time he was also Executive Secretary for the National Security Council. In 1971 he became Deputy Assistant to the President for National Security Affairs.

The Secretary of State designate made fourteen trips to southeast Asia as the personal emissary of the President, conferring with the major political leaders of the region. His last four diplomatic trips involved negotiation of the ceasefire agreement between North and South Vietnam and the return of United States prisoners of war. Together with Dr. Kissinger he attended the Vietnam peace negotiations in Paris, Saigon and Pnom Penh.

The Secretary of State designate also coordinated the advance preparations and substantive details of President Nixon's 1972 visit to the People's Republic of China. He met with Chou-En-lai to lay the groundwork for the President's own historic discussions.

Upon leaving the White House in January 1973 he was appointed Army Vice Chief of Staff.

In May 1973, he returned to the White House as Chief of Staff. He served in that position for sixteen months under both Presidents Nixon and Ford. During that time the foreign policy issues he addressed arose from events including the Yom Kippur War in the Middle East, the Summit meeting between President Nixon and Soviet Premier Brezhnev, President Nixon's Middle Eastern trip and the OPEC oil embargo.

On November 1, 1974 President Ford appointed him Commander-in-Chief, United States European Command, and shortly thereafter he became Supreme Allied Commander in Europe. There he won the highest praise from European leaders, the Carter Administration, and American leaders. On January 3, 1979, he announced his resignation and retirement from the Army, which became effective on July 1.

The Secretary of State designate is a director of Chase Manhattan Corporation, New York City, and of Crown Cork & Seal Co., Inc., Philadelphia. He is a trustee of the George C. Marshall Research Foundation, the Georgetown Center for Strategic and International Studies in Washington, D.C., the Foreign Policy Research Institute in Philadelphia, the Association of Graduates of the U.S. Military Academy at West Point, and Loyola College in Baltimore, Md. He is also a member of the board of governors of the Aerospace Industries Association, Washington, D.C., and is a life member of the Navy League and the Veterans of Foreign Wars of the United States.

The Secretary of State designate has received numerous honorary degrees and public service awards.

Among his many military decorations, he holds the Distinguished Service Cross, the Defense Distinguished Service Medal with Oak Leaf Cluster, the Silver Star with Oak Leaf Cluster, the Distinguished Flying Cross with Oak Leaf Cluster, and the Purple Heart. He has also received the highest awards from the governments of Belgium, the Federal Republic of Germany, France, Italy, Luxembourg, the Netherlands, and Portugal.

He is married to Patricia Fox Haig. They have three children, Alexander, Brian, and Barbara.

STATEMENT OF ALEXANDER M. HAIG, JR., TO BE SECRETARY OF STATE

General HAIG. Thank you very much, Mr. Chairman.

I am very pleased to appear before this distinguished committee as the nominee of President-elect Ronald Reagan to be Secretary of State.

I am prepared to answer any questions that you may have concerning my qualifications for this office, my views on foreign policy, and my service to my country during the past three decades.

There could be no more critical time at which to assume the post of Secretary of State, and I am honored that the President-elect has chosen me as his designate. Over the past 200 years, the United States has stood as the beacon of liberty for the world. We have demonstrated that freedom and justice can thrive in a democratic society. We have in this century been often called to shed our blood for the nations of the free world; and, in an ingenious and generous plan designed by a great Army General and Secretary of State, George C. Marshall, we helped, after the most devastating war in history, to rebuild Europe and strengthen civilization.

Our record in this century is not perfect, but it should be a source of great pride. Our successes were founded on a firm commitment to our ideals combined with a sense of the realities of human nature and international politics. It is that combination that we must bring to bear in the decade ahead. If we do, I believe that America and its people will stand once again as an example for the peoples of the world and merit the highest judgments of history.

Our ideals must be reconciled with the reality we face. The United States must pursue its vision of justice in an imperfect and constantly changing world—full of peril, but also full of opportunity. The world does not stand still for our elections, important as they are. Complex issues already crowd our foreign policy agenda. The earlier the Reagan administration articulates its approach to these issues, the better served the nations of the world and the people of our own Nation will be.

It would be premature here to set forth definitive policies or offer detailed programs. Both tasks require analysis and thoughtful consideration by the President-elect and his advisors. But President-elect Reagan and I firmly believe that American foreign policy should have some permanent bedrock. The United States has been most effective in the world arena when the solid foundations of its foreign policy have been recognized and understood—by our own people and by the nations with which we must deal.

Before outlining them for you, Mr. Chairman, let me briefly discuss my prior Government service.

As most of you know, I have spent 35 of the last 37 years in public service. That service has spanned several Presidential administrations, including those of Presidents Nixon, Ford, and, most recently, President Carter, who extended for 2 years my term of duty as NATO Commander in Europe.

Nevertheless, my nomination has stimulated renewed interest among some in a few events during that service, events that occurred during the 4 years that I served on the staff of the National Security Council from January 1969 to January 1973 and during the time that I served as Chief of Staff in the White House from May 1973 to September 1974.

Most of these events have been thoroughly investigated in general, and my role, in particular, has been scrutinized meticulously. I have testified at length, under oath, eight times concerning my role in many of these incidents.

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None of these investigations has found any culpability on my part.

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I would like, however, to underscore how I viewed Watergate while I was Chief of Staff at the White House.

I believe that President Nixon, the duly elected and duly constituted head of the executive branch, was entitled to the presumption of innocence, until proven otherwise, accorded as a constitutional right to every American citizen. In that context, I worked hard within the boundaries of the law and the advice of lawyers to support him.

I also believe passionately in the Office of the Presidency and the awesome ability of that office to inspire its occupant to consider constantly the judgment of history and to work for the broad public interest. The influence of that Office on its occupant provides a critically important institutional safeguard for our democracy. I viewed my overriding duty as one to preserve that Office in the national interest.

Although Watergate was obviously important during my tenure as Chief of Staff, I spent 90 percent of my time trying to assure that the other business of the Presidency was properly conducted.

I believe my work on the National Security Council under Dr. Kissinger and service as White House Chief of Staff has provided that, when combined with my service in the Army, and as NATO Commander, together will help me to serve as Secretary of State.

Now, Mr. Chairman, let me move to the present and the future, and describe the global environment in which our national interest must be pursued.

Every generation views its own perils as unprecedented. Even so, there is now widespread agreement that the years immediately ahead will be unusually dangerous for all of us. Evidence of that danger is everywhere.

In Europe, still the fulcrum of the East-West balance, Soviet military power once again casts an ominous shadow over the efforts of an East European people to assert fundamental freedoms of association and expression.

In the Middle East, an uneasy peace continues to be punctuated by raid and reprisal, with each such sequence threatening renewed and wider conflict.

At the head of the Persian Gulf, war between Iraq and Iran threatens the very lifeblood of many national economies. Iran itself, once a major force for regional stability, lurches from demonstration to demonstration in a state of near anarchy. Meanwhile, not far to the east, 85,000 Soviet troops brutalize Afghanistan in the first major post-World War II employment of Soviet troops outside the area the Soviets have heretofore considered their sphere of influence.

In Asia, sworn enemies face one another along a 5,000-mile arc, from Thailand to the Manchurian frontiers. On the Korean Peninsula, only a fragile truce persists nearly 30 years after the formal cessation of Korean hostilities.

In Africa, Southeast Asia, Central America, and the Caribbean, turmoil and violence stunt national development and invite terrorism from within and adventurism from without, as millions of humans starve and thousands of new refugees seek shelter each day.

It is no wonder that the 1980's have been called a decade of crisis. Yet, it is precisely that sort of appraisal which I believe we must reject. The very term "crisis" implies that events are out of control and that our Nation can only react.

But the task of statesmanship is not simply to react to events. Those I just described are merely current symptoms of a more fundamental world problem. The task of statesmanship is to master the overall problem and thus minimize the necessity for ricocheting from crisis to crisis.

Today we face a world in which power in a variety of forms has become diffused over 150 nations. Adjustment of relations with and among so many separate governments would be difficult enough, even were all equally responsible and equally committed to stability and peace. But many are willing to foment instability and violence to achieve their objectives. That reality alone should argue for better coordination of policy among all free nations.

As I have underscored more than once to our allies in Europe, artificial operating boundaries self-imposed in a simpler era are increasingly irrelevant in today's needs to formulate and pursue policies together.

But the diffusion of power and its resulting instability are not the only arguments for concerted allied action. Our collective vulnerability to international unrest is also matched by a socioeconomic challenge that we all share. The growing interdependence of our economies and our continued reliance on foreign sources of energy and raw materials have stripped the West of the independent and collective resilience

which once allowed one nation's economic strength to bolster another's momentary weakness.

The significance of the economic challenges we face cannot be over-emphasized. The potential for worldwide boom or bust is not unrelated to the diffusion of power among many nations. Indeed, the decline in world oil supplies resulting from the war between Iran and Iraq is stark testimony that instability may be most likely precisely where its effect on world economies promises to be the most debilitating.

Much of the fragmentation of power has occurred in the so-called Third World, a misleading term if ever there was one. If one thing has become abundantly clear in the last decade or so, it is that the commonality of condition, purpose, and, by extension, U.S. foreign policy, implied by the term "Third World" is a myth, and a dangerous one at that.

Recent American foreign policy has suffered from the misperception which lumps together nations as diverse as Brazil and Libya, Indonesia and South Yemen, Cuba and Kuwait; and which has too frequently produced attempts to cut the national pattern to fit the foreign policy cloth.

This failure to tailor policy to the individual circumstances of developing nations has frequently aggravated the very internal stresses which Western policy should seek instead to diminish. Our difficulties in this regard have hardly been lessened by our propensity to apply to these emerging states Western standards which resolutely ignore vast differences in their social cultures, political development, economic vitality, and internal and external security.

These fundamental problems—the diffusion of power, the interdependence of the allied community, and the failure to recognize the variety among the so-called Third World nations—are made the more intractable by what is perhaps the central strategic phenomenon of the post-World War II era: The transformation of Soviet military power from a continental and largely defensive land army to a global offensive army, navy, and air force, fully capable of supporting an imperial foreign policy.

Considered in conjunction with the episodic nature of the West's military response, this tremendous accumulation of armed might has produced perhaps the most complete reversal of global power relationships ever seen in a period of relative peace. Today, the threat of Soviet military intervention colors attempts to achieve international civility. Unchecked, the growth of Soviet military power must eventually paralyze Western policy altogether.

These, then, are the fundamental problems which challenge American foreign policy and the future of democracies generally.

To say that is not to diminish the importance of other Western goals: The eradication of hunger, poverty, and disease; the expansion of the free flow of people, goods, and ideas; the spread of social justice; and through these and similar efforts, the improvement of the human condition. It is simply to recognize that these desirable and critical objectives are impossible to achieve in an international environment dominated by violence, terrorism, and threat.

The United States has a very clear choice. We can continue, if we wish, to react to events as they occur—serially, unselectively, and in-

creasingly in the final analysis, unilaterally. One lesson of Afghanistan is certainly that few symptomatic crises are capable of effectively rallying the collective energies of the free world. We may wish it were otherwise, but wishing will not make it so.

Alternately, we can confront the fundamental issues I have discussed. We can seek actively to shape events and, in the process, attempt to forge a consensus among like-minded peoples.

Such a consensus will enable us to deal with the more fundamental tasks I have outlined: The management of Soviet power; the reestablishment of an orderly international economic climate; the economic and political maturation of developing nations to the benefit of their peoples; and the achievement of a reasonable standard of international civility. Acting alone, each of these tasks is beyond even our power; acting together, all are within the capacity of free nations.

I do not mean to belittle the difficulties. They are formidable. But our collective capacity to meet them is also formidable. The challenge of American foreign policy in the eighties is to marshal that capacity.

If we are to succeed in this effort, the conduct of American foreign policy must be characterized above all by three qualities:

First, we must act consistently. Specific issues may furnish the occasion for action, but they cannot constitute the sole basis for policy. Once we accept that the specific issues facing us today are merely surface manifestations of more fundamental problems, it must also be clear that effective policy cannot be created anew daily, informed solely by immediate need. To do so risks misperception by our adversaries, loss of confidence by our allies, and confusion among our own people. U.S. policy has been most effective in Europe and the Middle East, for example, where consistent U.S. interests have been consistently pursued.

Second, we must behave reliably. American power and prestige should not be lightly committed; but, once made, that commitment must be honored.

Our friends cannot be expected to share in the burdens and risks of collective action if they cannot count on the word of the United States. Our adversaries cannot be expected to exercise prudence if they perceive our resolve to be hostage to the exigencies of the moment. Those whose posture toward us remains to be determined cannot be expected to decide in favor of friendship if they cannot confidently assess the benefits of association with us. To be perceived as unreliable is therefore to become virtually irrelevant as an influence for stability and peace, and to leave the international arena to the mercy of those who do not share our commitment to either.

Finally, and in some ways most important, American foreign policy must demonstrate balance, both in our approach to individual issues and in the orchestration of policy directly.

By balance, I mean recognizing that complex issues invariably require us to weigh, and somehow reconcile, a variety of pressures, often competing. Thus, for example, I believe that equitable and verifiable arms control contributes to security. But restraint in the growth and proliferation of armaments will not be achieved by policies which increase the very insecurities that promote arms competition.

Domestic economic stability will not be enhanced by the establishment of short-sighted economic barriers which undermine the multi-lateral cooperation essential to the prosperity of all.

The assurance of basic human liberties will never be improved by replacing friendly governments which incompletely satisfy our standards of democracy with hostile ones which are even less benign.

And, our commitment to peace will not be furthered by abdicating the right to exercise military power only to the most ruthless members of the international community.

Balance must also be struck in the orchestration of policy generally: in our selection of the issues we choose to address; in the priority we accord to them; and in understanding the relationship of individual issues, one to the other, and each to our broadly based policies. This form of balance has become known as linkage, and the President-elect has publicly stated his commitment to it.

No mystical profession of faith is involved here. In a system even more interdependent in every sense, issues and policies which attempt to deal with them are linked, whatever our preferences. That does not mean that every negotiation must be a prisoner of the daily headlines; it does not mean that specific relationships cannot be established in isolation from the climate in which they must be maintained.

Consistency, reliability, balance—these three attributes are essential, not because they guarantee a successful foreign policy—nothing can do that—but because their absence guarantees an unsuccessful one.

Unfortunately, as deTocqueville pointed out long ago, these are precisely the qualities which a democracy finds most difficult to muster. This inherent difficulty has been complicated in the past decade by the breakdown of foreign policy bipartisanship; and by the development of unnecessary division between the Congress and the executive branch and among the executive departments themselves.

Our urgent task is to reestablish an effective foreign policy consensus. To do so, I believe three conditions must be met.

First, the constitutional responsibility of the President for the conduct of foreign affairs must be reaffirmed. The United States must speak to the other nations with a single voice. To say that is in no sense to argue for curtailing discussion or necessary debate. On the contrary, I believe both are essential. But the authoritative voice must be the President's.

The President needs a single individual to serve as the general manager of American diplomacy. President-elect Reagan believes that the Secretary of State should play this role. As Secretary of State, I would function as a member of the President's team, but one with clear responsibility for formulating and conducting foreign policy, and for explaining it to the Congress, the public, and the world at large. The Assistant to the President for National Security would fill a staff role for the President.

Second, an effective partnership must be restored with the Congress. By "partnership," I do not mean occasional retrospective reporting. I mean active consultation, exchange of ideas and proposals in a timely manner, in an atmosphere of mutual respect, trust, and confidence, recognizing the special role of the Senate itself.

The Congress can hardly be expected to allow the President the discretion he requires unless it is comfortable with the purposes toward which, and the limits within which, that discretion will be exercised. The Constitution demands it, and good sense urges it. In turn, Congress must do its part. In a partnership, both sides must behave responsibly.

Finally, the most consistent articulation of policy is wasted if the professionals who must execute it are divorced from its formulation and if their experience and skill are usurped in the name of confidentiality, haste, or political sensitivity. The career personnel of the State Department and the Foreign Service are an unmatched intellectual resource, and they will be around long after the President and the Secretary of State are gone. If the United States is to act consistently and reliably in the world arena, it must use its career professionals. Their effective participation in policymaking is imperative.

Mr. Chairman, I have outlined what I consider to be the essential challenges, qualities, and requirements of a sound American foreign policy. In closing, let me speak to our resources, which are considerable.

Although we have economic problems, we still possess the largest and strongest economy on Earth. It is within our power to revitalize our productive base; maintain and expand our agricultural strength; regain commercial competitiveness; and reduce our dependency on foreign sources of energy and other raw materials. No American foreign policy can succeed from a base of economic weakness.

Our alliances enable us to draw on the strengths and the wisdom of some of the world's greatest nations. Yet, our alliances must be tended, and adapted to new problems not visualized by their creators. In the process, we must bear in mind that the essence of any alliance is the core of shared commitment and shared endeavor. In the 1980's we should not let ourselves become preoccupied with debates over who is doing more; the challenges we face will require more from all of us.

We possess a full range of the instruments of effective statecraft: a diplomatic corps second to none; economic and military assistance programs; a variety of sophisticated cultural and informational resources; and, of course, a military power which no potential adversary can afford to ignore.

These instruments provide the United States with the unrivaled capacity to influence the course of international events. Their maintenance or neglect will declare American intentions far more clearly than any rhetoric you or I dispense today.

Thank you, Mr. Chairman.

[General Haig's prepared statement follows:]

PREPARED STATEMENT OF ALEXANDER M. HAIG, JR.

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I am prepared to answer any questions you may have concerning my qualifications for this office, my views on foreign policy, and my service to my country during the past three decades.

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great Army general and Secretary of State, George C. Marshall, we helped, after the most devastating war in history, rebuild Europe and strengthen civilization.

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These, then, are fundamental problems which challenge American foreign policy, and the future of the democracies generally. To say that it is not to diminish the importance of other Western goals: the eradication of hunger, poverty and disease; the expansion of the free flow of people, goods and ideas; the spread of social justice; and through these and similar efforts, the improvement of the human condition. It is simply to recognize that these desirable and critical objectives are impossible to achieve in an international environment dominated by violence, terrorism and threat.

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If we are to succeed in this effort, the conduct of American foreign policy must be characterized above all by three qualities:

First, we must act with consistency. Specific issues may furnish the occasion for action, but they cannot constitute the sole basis for policy. Once we accept that the specific issues facing us today are merely surface manifestations of more fundamental problems, it must also be clear that effective policy cannot be created anew daily, informed solely by the immediate need. To do so risks misperception by our adversaries, loss of confidence by our allies, and confusion among our own people. U.S. policy has been most effective—in Europe and the Middle East, for example—where consistent U.S. interests have been consistently pursued.

Second, we must behave reliably. American power and prestige should not be lightly committed; but once made, a commitment must be honored. Our friends cannot be expected to share in the burdens and risks of collective action if they cannot count on the word of the United States. Our adversaries cannot be expected to exercise prudence if they perceive our resolve to be hostage to the exigencies of the moment.

Those whose posture toward us remains to be determined cannot be expected to decide in favor of friendship if they cannot confidently assess the benefits of association with us. To be perceived as unreliable is therefore to become virtually irrelevant as an influence for stability and peace, and to leave the international arena to the mercy of those who do not share our commitment to either.

Finally, and in some ways most important, American foreign policy must demonstrate balance, both in our approach to individual issues, and in the orchestration of policy generally. By balance, I mean recognizing that complex issues invariably require us to weigh, and somehow reconcile, a variety of pressures, often competing. Thus, for example:

I believe that equitable and verifiable arms control contributes to security. But restraint in the growth and proliferation of armaments will not be achieved by policies which increase the very insecurities that promote arms competition;

Domestic economic stability will not be enhanced by the establishment of short-sighted, economic barriers which undermine the multilateral cooperation essential to the prosperity of all.

The assurance of basic human liberties will not be improved by replacing friendly governments which incompletely satisfy our standards of democracy with hostile ones which are even less benign.

And our commitment to peace will not be furthered by abdicating the right to exercise military power to only the most ruthless members of the international community.

Balance must also be struck in the orchestration of policy generally: in our selection of the issues we choose to address; in the priority we accord them; and in understanding the relationship of individual issues, one to another, and each to our broad policy objectives. This form of balance has become known as linkage, and the President-elect has publicly stated his commitment to it.

No mystical profession of faith is involved here. In a system ever more interdependent in every sense, issues and the policies which attempt to deal with them are linked, whatever our preferences. That does not mean that every negotiation must be a prisoner of the daily headlines; it does mean that specific relationships cannot be established in isolation from the climate in which they must be maintained.

Consistency, reliability, balance. These three attributes are essential, not because they guarantee a successful foreign policy—nothing can do that—but because their absence guarantees an unsuccessful one. Unfortunately, as De Tocqueville pointed out long ago, these are precisely the qualities which a democracy finds most difficult to muster. This inherent difficulty has been complicated in the past decade by the breakdown of foreign policy bipartisanship; and by the development of unnecessary division between Congress and the Executive Branch, and among the executive departments themselves.

Our urgent task is to reestablish an effective foreign policy consensus. To do so, I believe three conditions must be met:

First, the Constitutional and traditional responsibility of the President for the conduct of foreign affairs must be reaffirmed. The United States Government must speak to other nations with a single voice. To say that is in no sense to argue for curtailing discussion or debate. On the contrary, I believe both are essential. But the authoritative voice must be the President's.

The President needs a single individual to serve as the general manager of American diplomacy. President-elect Reagan believes that the Secretary of State should play this role. As Secretary of State, I would function as a member of the President's team, but one with clear responsibility for formulating and conducting foreign policy, and for explaining it to the Congress, the public, and the world at large. The Assistant to the President for National Security would fill a staff role for the President.

Second, an effective partnership must be restored with the Congress. By partnership, I do not mean occasional retrospective reporting. I mean active consultation, exchange of ideas and proposals in a timely manner, in an atmosphere of mutual respect, trust and confidence, recognizing the special role of the Senate. The Congress can hardly be expected to allow the President the discretion he requires unless it is comfortable with the purposes toward which, and limits within which, that discretion will be exercised. The Constitution demands it, and good sense urges it. In turn, Congress must do its part. In a partnership, both sides must behave responsibly.

Finally, the most consistent articulation of policy is wasted if the professionals who must execute it are divorced from its formulation, and if their experience and skill are usurped in the name of confidentiality, haste, or political sensitivity. The career personnel of the State Department and the Foreign Service are an unmatched intellectual resource, and they will be around long after the President and the Secretary of State are gone. If the United States is to act consistently and reliably in the world arena, it must use its career professionals. Their effective participation in policymaking is imperative.

Mr. Chairman, I have outlined what I consider to be the essential challenges, qualities, and requirements of a sound American foreign policy. In closing, let me speak to our resources, which are considerable.

Although we have economic problems, we still possess the largest and strongest economy on earth. It is within our power to revitalize our productive base; maintain and expand our agricultural strength; regain commercial competitiveness; and reduce our dependency on foreign sources of energy and other raw materials. No American foreign policy can succeed from a base of economic weakness.

Our alliances enable us to draw on the strengths and the wisdom of some of the world's greatest nations. Yet our alliances must be tended, and adapted to new problems not visualized by their creators. In the process, we must bear in mind that the essence of any alliance is its core of shared commitment and endeavor. In the 1980s, we should not let ourselves become preoccupied with debates over who is doing more; the challenges we face will require more from all of us.

We possess a full range of the instruments of effective statecraft: a diplomatic corps second to none; economic and military assistance programs; a variety of sophisticated cultural and informational resources; and, of course, military power which no potential adversary can afford to ignore. These instruments provide the United States with unrivaled capacity to influence the course of international events. Their maintenance or neglect will declare American intentions far more clearly than any rhetoric.

But I believe our greatest strength is the strength of our values and political institutions. These have been tested in recent years. But they have survived. As we survey the world, reflect on its problems, and recognize its dangers, we must accept the fact that, like it or not, we are a nation of trustees: trustees for the values of freedom and justice that have inspired mankind for thousands of years.

The Secretary of State of the United States has a responsibility second only to that of the President himself to insure that this trusteeship is managed wisely and well. I approach this responsibility in full recognition of the gravity of our task, with confidence that we will succeed, and with the knowledge that working closely with this Committee and the Congress is a key to our success.

APPENDIX TO PREPARED STATEMENT OF ALEXANDER M. HAIG, JR.

To assist the Committee's review, I will describe briefly my activities during 1969-74.

Most of these events have been thoroughly investigated in general, and my role in particular has been scrutinized meticulously. I have testified at length under oath eight times concerning my role in many of these incidents.

I testified before this Committee on July 30, 1974, concerning the 1969-70 national security wiretaps.

I testified again about those wiretaps in a lengthy deposition in the lawsuit of *Halperin v. Kissinger*.

I testified before the Senate Select Committee on Presidential Campaign Activities on May 15, 1974, during its investigation of the \$100,000 Hughes campaign contribution given to Bebe Rebozo.

I testified before the Senate Intelligence Committee on August 15, 1975, in its examination of covert operations in Chile.

I testified before Judge John Sirica on December 5 and 6, 1973, on the question of the 18½ minute gap in one of the Nixon tapes.

And I testified on three occasions before Watergate Grand Juries, answering all their questions.

Others, including former President Gerald Ford and former Secretary of State Henry Kissinger, have also testified on these and other issues at length.

None of these investigations have found any culpability on my part.

NATIONAL SECURITY COUNCIL—1969-73

Let me turn first to my years on the National Security Council Staff.

During those four years, I served first as one of two Executive Assistants to Dr. Henry Kissinger, the Assistant to the President for National Security Affairs, and then, beginning in June, 1971, as Deputy Assistant to the President for National Security Affairs.

In both positions I was responsible for reviewing materials before they reached Dr. Kissinger's desk, being familiar with the matters that he was working on, transmitting information to him, obtaining decisions from him, and seeing that those decisions were carried out. In a typical 14 to 16 hour working day I would—

Review some 200 cables and dozens of intelligence reports, and read and prepare memos directed to Dr. Kissinger or the President—work that often required conferences with other NSC staff members;

Attend several meetings of White House groups on issues that included legislation affecting foreign policy, Presidential trips, Presidential speeches, or foreign economic and trade issues;

Meet with visiting groups or foreign officials when Dr. Kissinger was not available.

I also had specific responsibilities to work closely with Dr. Kissinger in his negotiations with the North Vietnamese seeking an end to the war in Vietnam and the return of U.S. prisoners of war, and to coordinate the extensive preparations for President Nixon's visit to China in 1972.

My involvement in any one of the countless issues that came to Dr. Kissinger during those four years therefore varied dramatically. At one extreme, I might quickly read and transmit a document to Dr. Kissinger or to the President. At the other, I would prepare a substantive analysis of a foreign policy problem for the President or Dr. Kissinger.

The three areas in which my role has been most intensely examined during my NSC days illustrate how different my participation could be. In two of these areas—the FBI wiretaps and the Chilean covert activity—my involvement was quite limited. In the third—U.S. policy in Southeast Asia—I had a much more substantial role.

With respect to wiretaps, during 1969 and 1970, the FBI conducted wiretaps and other surveillance on a number of individuals, primarily government officials and newsmen. President Nixon instituted this program in the Spring of 1969 because of his concern about leaks of national security information, including disclosure of minutes of National Security Council meetings and of U.S. bargaining options in upcoming SALT negotiations.

The facts about my role are straightforward:

The decision to use wiretaps and surveillance to detect the source of the leaks was made by the President, in consultation with the Attorney General of the United States, and the Director of the FBI. I was not involved.

I was assured that the program was legal.

I never decided which individuals were to be tapped. On several occasions, I was asked by Dr. Kissinger to identify individuals who had access to specific information, and I identified those who, to my knowledge, had such access. My responsibility was to convey to the FBI names of individuals that were provided to me either by the President or by Dr. Kissinger. On many occasions, the summaries of the results of the tapes were delivered to me for Dr. Kissinger.

This Committee has considered the issues raised by this program twice, once in 1973 and once in 1974. The first time, this Committee voted, 16-1, to confirm Dr. Kissinger as Secretary of State, noting: "Mr. Kissinger's role in the wiretapping of 17 government officials and newsmen did not constitute grounds to bar his confirmation as Secretary of State." S. Ex. Rep. No. 93-15, 93d Cong., 1st Sess. 4 (1973).

Later, this Committee held a special hearing solely to review the events surrounding these wiretaps. Based on this investigation, the Committee voted again that the wiretaps provided no basis to question the propriety of Dr. Kissinger's serving as Secretary of State:

The committee reaffirms its position of last year that his [Dr. Kissinger's] role in the wiretapping "did not constitute grounds to bar his confirmation as Secretary of State." If the Committee knew then what it knows now it would have nonetheless reported the nomination favorably to the Senate.

Report on the Inquiry Concerning Dr. Kissinger's Role in Wiretapping, 1969-71, printed in *Dr. Kissinger's Role in Wiretapping: Hearings Before the S. Comm. on Foreign Relations, 93d Cong., 2nd Sess., p. x* (1974).

In *Halperin v. Kissinger*, a lawsuit for damages by one of the individuals who had been wiretapped, the Federal District Court dismissed me as a defendant in the case because of my "inactive role and . . . lack of oversight authority."¹

I am aware that the legal rules governing wiretaps today differ dramatically from the rules in effect in 1970. The Supreme Court has now established stronger Constitutional restrictions on wiretapping for national security reasons. The Congress has enacted the Foreign Intelligence Surveillance Act of 1978, and the President has issued Executive Order 12036. As Secretary of State, I will, of course, follow the law, just as I sought to do when I served in the White House ten years ago.

Now, with respect to covert activities in Chile. As I indicated, I testified on this subject to the Senate Intelligence Committee in August of 1975 and that testimony is available to members of the Committee. In essence, that testimony describes my limited involvement and confirms that Chile was not a special responsibility of mine and that I was not deeply involved in either overt or covert policies toward that country. In general, throughout my service on the National Security Council staff, I had no responsibility to review or approve any CIA covert activities in Chile.

I am aware that the Congress has established procedures for informing the Senate Intelligence Committee "of all intelligence activities . . . including any significant anticipated intelligence activity . . ." The Reagan Administration intends to follow those procedures.

U.S. POLICY IN SOUTHEAST ASIA

1. Bombing of North Vietnamese sanctuaries on the Cambodian border

President Nixon's decision to bomb the sanctuaries of North Vietnamese troops along the Cambodian border and to keep that bombing secret was made in March, 1969. I supported the President's decision to order those raids, and I was involved in planning them. The bombing was focused on North Vietnamese troop encampments within five miles of the Vietnamese-Cambodian border where there was virtually no civilian population. The operation was carried out as a secret military mission. I was aware that Congressional leaders were notified about it at the time although I had no personal responsibility for that process. I was not aware of any subsequent inaccurate statements that may have been provided to the Congress.

2. Increased bombing of North Vietnam in December 1972

During my four years at the National Security Council, the negotiations to end the Vietnam War gradually occupied more and more of my time—particularly after I became Dr. Kissinger's Deputy in June, 1971. I worked closely with Dr. Kissinger as negotiations intensified in late 1972 seeking to end the war and obtain the return of U.S. prisoners of war.

During this period, the North Vietnamese began to renounce earlier agreements and stall the negotiations for peace. As a result, Dr. Kissinger and I advocated the bombing of military targets in North Vietnam which occurred in late December 1972. I believed then that it was the only way to convince the North Vietnamese to resume serious negotiations. (I continue to believe today that judgment was correct.) Subsequent observers—as well as aerial reconnaissance photos—have confirmed that the bombing was focused on selective military targets and did not result in indiscriminate "carpet bombing" of civilian areas.

In my judgment, that course of action was in the best interest of the United States and it produced the intended result. The North Vietnamese quickly signalled their willingness to return to the negotiations. Those negotiations did resume in January, 1973, and led to the agreement that President Nixon announced on January 23, 1973, and led to the return of U.S. prisoners of war in the spring of 1973.

¹ *Halperin v. Kissinger*, 424 F. Supp. 838, 846 (D.D.C. 1977). This case is presently on appeal concerning other issues.

Here is how I viewed Watergate while I was White House Chief of Staff. I believe that President Nixon, the duly elected and duly constituted head of the Executive Branch, was entitled to the presumption of innocence until proven otherwise, accorded as a constitutional right to every American citizen. In that context, I worked hard within the boundaries of the law and the advice of the lawyers to support him.

I also believe passionately in the Office of the Presidency and the awesome ability of that office to inspire its occupant to consider constantly the judgment of history and to work for the broad public interest. The influence of that Office on its occupant provides a critically important institutional safeguard for our democracy. I viewed my overriding duty as one to preserve that Office in the national interest.

The basic legal advice concerning Watergate was consistently developed by the lawyers in the White House. The President made the final decisions how to proceed. My role lay in assuring that the legal staff developed options and presented these to him for decision. Occasionally I was asked to see that his decisions were carried out. To the best of my knowledge, the President never made any decision that the lawyers did not support as legally appropriate.

Finally, although Watergate was obviously important during my tenure as Chief of Staff, I spent 90 percent of my time trying to assure that the other business of the Presidency was properly conducted. This was the time of the Yom Kippur War in the Middle East, the 1973 summit meeting between President Nixon and Soviet Premier Brezhnev, the Congressional cutoff of funds for U.S. bombing in Cambodia, the resignation of Vice President Spiro Agnew and the appointment of Gerald Ford to replace him, the OPEC oil embargo, President Nixon's Middle East trip and the second Moscow summit in the early summer of 1974.

Let me also provide some background. During the course of 1972, I had become increasingly anxious to return to my career in the Army. The announcement of my appointment as Army Vice Chief of Staff was made in the summer of 1972. My involvement in the Vietnam peace negotiations delayed until January 4, 1973, the date on which I actually assumed the position. I spent three and a half months working as Vice Chief of Staff. Despite my own preference to remain with the Army, I agreed to President Nixon's request in early May, 1973 to undertake a 30 to 60 day assignment to reorganize the White House staff.

I accepted with two understandings. First, it would be only for a brief period after which I would return to my Army position. Second, I would have no involvement with Watergate matters.

When I arrived at the White House in May 1973, there were almost a hundred major positions empty—cabinet positions, heads of agencies, sub-cabinet positions, White House staff positions. My initial task was to recognize the White House staff and to move promptly to fill vacant positions. In addition, I was responsible for managing the President's appointments, schedules, and meetings, and for reviewing papers before they went to the President.

In what follows, I will try to reconstruct my actions in several separate areas. Some involve incidents that occurred very shortly after I arrived at the White House. I was untutored in the details of Watergate. Other pressures and duties demanded my attention with far greater urgency. By the time other events occurred, my involvement in post-Watergate related matters had grown substantially.

Hughes' \$100,000 campaign contribution

I have testified on this matter before the Senate Select Committee on Presidential campaign activities on May 15, 1974. As I testified, this issue also came to my attention shortly after I arrived at the White House. I took only one action of any significance. At the request of the President, I obtained the name of an attorney from White House counsel Leonard Garment, and transmitted the name of that attorney to Mr. Rebozo as a lawyer that he might retain in connection with an IRS investigation. This incident may have occupied a small portion of my time on several scattered days during the first six months that I was at the White House.

THE NIXON TAPES

1. Transcription of tapes

The responsibility for supervising the preparation of all transcripts that were to be released either to the courts, Congressional committees or to the public rested completely in the hands of the White House legal staff, working with President Nixon.

I never personally listened to a tape (other than a brief portion of one that President Nixon played at a Cabinet meeting to demonstrate the poor quality of the recordings). I never participated in reviewing any transcript for accuracy or in deciding the relevancy to Watergate of portions of conversations. Those decisions were left to the lawyers and other members of the White House staff subject to review by President Nixon.

My knowledge and views about the contents of tapes came from either the White House legal staff or President Nixon himself. I learned that a White House lawyer, Fred Buzhardt, believed there was a "smoking gun" tape sometime in the last few days of July, 1974, and I read the transcript of that tape on Wednesday, July 31, 1974.

2. The 18½ minute gap

I never physically had any tape in my possession, and I explained in two days of testimony before Judge Sirica my limited and arms-length actions in arranging on several occasions for President Nixon or his secretary to listen to tapes. I still have no knowledge of the origin of the 18½ minute gap.

3. Transcript of June 4, 1973, meeting with President Nixon

The transcript of a meeting between President Nixon and me on June 4, 1973, has been the repeated subject of speculation and innuendo.

This meeting occurred in the context of the President's decision to listen to his tapes at my urging based on the advice of the White House lawyers. I had been at the White House for less than a month and I knew little about the details of Watergate.

At this date I cannot reconstruct the precise June 4 conversation even with the transcript in front of me. But I do recall that I wanted President Nixon to finish listening to the tapes—to complete a task that he did not find pleasant.

To turn specifically to the transcript: it shows the President saying to me that he will continue to review the tapes to "see what else is in" them. I agreed with him that he should continue to review the tapes, saying, "That's the thing for you to do, for your own, really your own peace of mind right now." And I continue: "You can't recall. It was a meeting . . . [unintelligible]."

In context I believe that I was emphasizing to him that he should—for his own sake—continue to listen to the tapes since he could not recall independently what had been said.

But, since the transcript shows so many parts of the conversation as unintelligible, it is impossible to say with certainty exactly what we were discussing in those two sentences. I do not have an independent recollection now of those sentences. But one thing I know with complete certainty is that I never suggested then or on any other occasion, that he should dissemble or pretend not to recall something.

THE NIXON PARDON

In October, 1974, President Ford testified before the House Judiciary Committee about the circumstances surrounding his decision to pardon President Nixon. That testimony accords with my recollection of my conversations with Mr. Ford. But let me remove any lingering doubt: At no time did I ever suggest in any way an agreement or "deal" that Mr. Nixon would resign in exchange for a pardon from Mr. Ford.

When I met alone with Vice President Ford on August 1, 1974, I went to that meeting to tell him of President Nixon's inclination to resign, and to emphasize to him that he had to be prepared to assume the Presidency within a very short time. We discussed the views of members of the White House staff, various courses of action that had been developed by the White House lawyers, and a number of transition matters. As President Ford indicated in his testimony, the courses of action under discussion by the White House lawyers included: letting impeachment take its course through the House and a Senate trial, prompt resignation, temporary withdrawal from office under the Twenty-Fifth Amendment,

a censure vote in lieu of impeachment, President Nixon pardoning himself, and a pardon from President Ford. As President Ford also testified, I did not advocate any course of action. My duty was to urge Ford to be prepared for a rapid transition, perhaps within a day, not to discuss any possible agreement.

The CHAIRMAN. Thank you very much, General Haig.

At this time, if any members of the committee have any questions to ask the Chair about the ruling that has been given on the degree of cooperation to be extended in getting documents, tapes, and materials, I would be happy to respond.

Senator PELL. Mr. Chairman, I would like to understand the full extent of your reply. As you know, I sent you a list of specific documents and asked if you would join with us in a subpoena of those documents as being one of the ways of getting at them at the Archives. There are three routes to get at such documents: subpoena; President Nixon's permission; or President Carter's declaration that it is part of the ongoing business of Government.

I would, therefore, like to put to you the specific question I sought to put earlier: would the chairman cooperate with us in issuing a subpoena for those specific documents?

The CHAIRMAN. I would suggest, Senator Pell, that because there is a range of documents, some of which are accessible and can be obtained, some of which clearly are prohibited by laws we passed from being available, even by subpoena, our respective counsels, Fred Thompson and Mr. Schuelke, get together with Senator Javits to work out whatever seems practical to them as lawyers which they can present to us. I will go forward with whatever seems feasible to get. I would hope we would not have to require subpoenas if information is obtainable by a joint letter from the two of us.

Senator PELL. Could we agree that the counsel report back to us with their recommendations by tomorrow morning?

The CHAIRMAN. Is there anything unreasonable about that?

Mr. THOMPSON. No, sir.

The CHAIRMAN. I think that is perfectly acceptable, and let us say by tomorrow morning at 8 o'clock, so that it does not interfere with our hearing.

Senator PELL. I will not be here at 8 a.m. to receive the report, but let us get it in time for the hearing.

The CHAIRMAN. All right.

Senator PELL. I hope this procedure is satisfactory to my colleagues.

Senator HAYAKAWA. Mr. Chairman.

The CHAIRMAN. Senator Hayakawa.

Senator HAYAKAWA. Mr. Chairman, may I ask a question?

If we do get these papers, records, and documents that the distinguished Senator from Rhode Island requested, granted that we get only part of what he requests, how long would it take us, how many weeks would it take us to examine them all?

The CHAIRMAN. I think that is obviously a question in which our special counsel on both sides now are expert. They have probed. They have talked to the legal counsel. They know what is available and what is not available in a reasonable period of time. That is why I think they should get together.

I would direct the clerk to put on the front table for all to see what documentation now is available already in sworn testimony in hearings by numerous committees throughout the Congress which is available for analysis and for study. [Pause.]

Are there any other questions?

Senator TSONGAS. Mr. Chairman.

The CHAIRMAN. Senator Tsongas.

Senator TSONGAS. Mr. Chairman, I think it is obvious that in real terms the data that we are seeking will not be available prior to the January 20 vote. So, in a practical sense, what we are dealing with here really is symbolism. The issue I think is whether in these hearings we are going to have a maximally, open hearing.

We all know that much of the data will be contested and we are likely not to have it. But the issue is whether we embark on this hearing process with full openness or, indeed, whether we do not. I believe that the symbolism is very important, both for the country and, I might say, for General Haig. Above all I would like to inquire, in that spirit of symbolic openness, as to whether General Haig would be opposed to the issuance of the subpoena.

General HAIG. Senator, I have no objection, no concern for access by the committee or the committee staff to any document, manuscript, memorandum of conversation, or sworn testimony that would shed further light on the performance of my past service to my country. I can assure you of that.

Senator TSONGAS. I appreciate that and thought that would be your approach.

Then I would inquire if the minority would like to have the subpoena and if General Haig is not opposed to it, then why should it not be issued?

The CHAIRMAN. I see no problem about issuing subpoenas, Senator Tsongas. As you know, I have served as ranking member of the Permanent Investigations Subcommittee with Senator McClellan, Senator Sam Ervin, and Senator Abe Ribicoff. We have issued subpoenas time and again, probably more than anyone else in the Senate. We have had no objection to issuing subpoenas.

We always have preferred to issue a letter when a letter was adequate from the ranking member and the chairman. But many times an agency will say, we cannot give certain material to you without a subpoena. But if any agency tells our counsel that it is prohibited by the laws the Congress of the United States has passed from issuing this material to you even if you subpoena it, I do not see the reason to go through that kind of paperwork. We are trying to lessen the amount of paperwork the Government creates, not increase it. That is just an exercise in futility.

General Haig has assured us that he has no objection whatsoever to our obtaining any kind of material, and I have said that there will be no obstruction of any kind in obtaining that material. I think we have a great deal of material here. Let's get whatever we can in the time we have available.

I would like, in response to your letter, to read at this time a letter that I was asked to put into the record. It is from Joseph Sisco, Chancellor of the American University and a former distinguished

Under Secretary of State. He has written to me in an urgent sense and asked that I put this into the hearing record. I would read parts of two paragraphs:

"As you undertake your awesome responsibility as chairman of the Senate Foreign Relations Committee, I hope you will take every feasible step to assure that the hearings with respect to the advice and consent of the Senate on the appointment of Alexander Haig as Secretary of State will be fair, thorough, but not become a long, drawnout repetition of the Vietnam and Watergate hearings.

"Our country's interests will not be served if we once again rake over the coals the entire past. It is time, indeed past time, to put the agonies of Vietnam and Watergate behind us. Only our adversaries could benefit from a hearing which would resurrect past divisions in our country.

"The Reagan administration has a fresh opportunity to bring greater coherence and direction to our foreign policy in the face of the difficulties of the decades of the 1980's. I hope the hearings with respect to the Secretary of State Designate will contribute to this end."

I have assured Senator Pell and others of the minority with whom I have talked that if at any time our counsel—and we have hired investigators who worked under Senator McClellan and under Sam Ervin and we have directed them to find, seek, and probe this matter. Mr. Manuel is well known to all of us. We have directed counsel to probe and seek everything possible. I have pledged that if we found anything that in our judgment impugned the fitness, character, or the ability of our designee to carry on his duties as Secretary of State, I would immediately notify the minority.

I have received that same pledge, that there will be no surprises on each other, that any time any Senator finds something on the minority side that he or she feels is wrong, it will be brought to the attention of the chairman through counsel.

We have tried to be as frank as possible in this matter. To date, we simply have not found anything that would impugn that character. In fact, as I have said, most of it has added to the distinction of the nominee. But this is a hearing for the purpose of bringing out the truth, and I will continue to cooperate. But the first request I have had to issue a subpoena was last night. I have asserted right now that if in those areas we can expedite this procedure, I will be happy to do so. But I would hope that a letter from the chairman and from the ranking member would be sufficient.

Senator PELL. I believe—and the record should show this—that my first effort to get documents was on December 17. There was an aversion on your part to cosigning that letter at that time. The reason we have come to request a subpoena is because we have not been able to get cooperation in cosigning a letter.

It should be borne in mind, too, that there are some documents we should not get, that it would be illegal for us to get, and that the agency involved will not give us. My hope remains that we could have a subpoena for the specific list of documents and tapes that I have requested, but we will leave that to our counsel.

The CHAIRMAN. With respect to the request of December 17, our own counsel, in going over this request, found it so vague, so ambiguous, that he advised me not to cosign that letter. I did not want, as a nonlawyer, to overrule the legal advice of our counsel.

The counsel for the White House, as I understand it, also found the request of December 17 vague and ambiguous and they themselves refused to provide it on that basis. It has been redrawn and tightened and made much more precise.

I think we are now getting to the point where it is getting much more precise and counsel can get together and by 8 o'clock tomorrow morning will report to us on what documents we can request in the form of a letter or, whenever necessary, I will ask authority of the committee to issue subpoenas.

Senator BAKER. Mr. Chairman.

The CHAIRMAN. Senator Baker.

Senator BAKER. I do not want to prolong this, but, once again, I think we ought to get on with the business at hand. There is one human being in the world who knows more about this subject than anyone else and he is now here and under oath. I think we ought to get on with whatever questions we have and ask the prime source. If we were trying a lawsuit, the best evidence would be the testimony of this man—and he voluntarily has placed himself under oath, subject to the penalties of perjury. I think we should question him.

As far as subpoenas are concerned, Senator Tsongas mentioned the symbolism involved. Well there is symbolism involved, and the issuance of a subpoena is a symbol that this thing is going to turn into an endless drag. Why we could litigate this thing and have no foreseeable end.

I would observe that while General Haig is agreeable for tapes and document to be turned over, Richard Nixon is not. Someone could say let's try Richard Nixon all over again. Well, we have done that already and I have a strong hunch he does not care whether we do or not.

The claim of Executive privilege is one that still exists. Indeed, it was extraordinarily interesting to me to see that President Carter asserted that claim in his letter in response to Senator Pell's request. That happens to be dealing with the Iranian situation.

You know, we are asking for endless litigation if we do not get on with the best evidence, and the best evidence is General Haig.

Once again, I think the chairman's suggestion that we let counsel see what we can agree on and how we can proceed without subpoena—or with subpoena, if necessary—is the best suggestion, and I urge that we proceed with the questions.

The CHAIRMAN. Thank you.

Senator BIDEN. Mr. Chairman.

The CHAIRMAN. Senator Biden.

Senator BIDEN. This will just take a moment.

I think we are making a mountain out of a molehill here, to use an expression that already has been used.

As all of us on this committee who are attorneys know, the question of what will or will not be available that is subpoenaed depends upon

what the recipient of the subpoena decides will be available. We don't know that until we issue a subpoena. The General has said he doesn't mind. We all say we don't mind. It seems to me, before we decide whether or not this is endless, that we should find out. Counsel cannot make the judgment for us on what we will or will not be given until the party is asked. Obviously, if you were about to be the recipient of a subpoena and I said, "What will you give me," you will tell me, "I'll give you the least that I can." Until the subpoena is issued, it becomes sort of a moot point.

I think we are dragging this out.

The CHAIRMAN. I agree with you, Senator Biden. I think we ought to get underway right now.

Senator BIDEN. I just want to say, speaking of symbolism, that it seems to me I saw books piled up somewhere before like that—

[General laughter.]

Senator BIDEN [continuing]. Though I don't remember where that was. Maybe we could have that clarified as we go down the line.

Why don't we just get on with the issuance of a subpoena? If we don't like what they say they will give us, then we can decide what to do.

The CHAIRMAN. Thank you very much.

Senator BIDEN. I would so move, Mr. Chairman—no, I will withhold a motion on that.

The CHAIRMAN. Thank you.

Before proceeding with questions, because this is our first meeting, I would like to acknowledge and formally welcome on behalf of Senators Baker, Helms, Hayakawa, and Lugar, our new members, Senator Mathias, Senator Kassebaum, Senator Boschwitz, and Senator Pressler. We are also very pleased to have with us as a nonmember, but a welcome one, indeed, Senator Kasten. I know Senator Pell joins me, together with Senators Biden, Glenn, Sarbanes, Zorinsky, and Tsongas, in welcoming our distinguished assistant minority leader, Senator Cranston, who just happens to be the Senator for my daughter and son-in-law, and in welcoming Senator Dodd, who happens to be the Senator for my son and daughter-in-law.

We are very happy, Senator Dodd, to have you and Senator Cranston join us and to have with us, too, Senator Gary Hart, who has indicated such an interest in these proceedings.

We will operate, at least for the time being, under a 10-minute rule. I will ask that the members of the photographic corps permit the Senators always to see the warning lights that are down on the witness table. The Chair has changed the warning light so that there will be a green light on for 8 minutes, a yellow light for 2 minutes and, at 9 minutes, a note will be given to each Senator so that the red light, when it goes on after 10 minutes, will be observed. Each round of questions will take 3 to 4 hours, and that is a long wait in between questions. Let us try to be as expeditious about this as possible, but always we will take into account that a complex question must be answered fully and we will see that that is done.

I would like to begin the questioning with Iran. I would ask you this, General Haig.

Has President Carter's administration kept you and President-elect Reagan fully advised of what is happening? Can you tell us whether there is some appearance of progress? Though we have learned long

ago not to get up false hopes, can you give us your assessment of what the situation might be as of today with respect to the hostages?

General HAIG. Mr. Chairman, I have had the benefit of several discussions with the Secretary of State, Edmund Muskie. I have had discussions with the Under Secretary for Political Affairs, Mr. Newsom, and my staff has been kept abreast of the ebb and flow of this very sensitive and vitally important issue.

I think for me to offer a value judgment in a confirmation hearing while the current administration is anguishing moment by moment with this momentous task could be counterproductive. I would prefer, if I may, not to characterize in value judgment terms the progress made or not made. I think there were expressions yesterday by both the administration and by President-elect Reagan which suggest that perhaps the situation looks somewhat more hopeful.

The CHAIRMAN. I thank you very much.

In your statement you touched on a point that has been a matter of considerable controversy through many administrations. It is one in which you intimately have been involved—that is, the relationship between the Assistant to the President for National Security and the Secretary of State. Many times we have had conflicting voices.

I have talked with both you and with Richard Allen, for whom I have a very high regard, about this particular problem. I have felt strongly about it. Senator Zorinsky has felt so strongly that he has put in a bill requiring confirmation of the Assistant to the President for National Security Affairs.

I therefore put my question to you in this way: Are the statements you have made fully backed, to the best of your knowledge, by President-elect Reagan? Has it been discussed with President-elect Reagan and Mr. Allen? Have you talked about it with Mr. Allen and does he fully concur with the forthright statement that you have given to this committee?

General HAIG. Mr. Chairman, the answer to both of your questions is a strong affirmative. I think we all know that this issue is largely the call of the President himself, and that we can legislate, talk, and establish contracts but in the final analysis only the President, through his de facto practices, can make this a reality. I have spoken at length to President-elect Reagan about this. It is his firm intention to place this responsibility with the Secretary of State.

The CHAIRMAN. I thank you very much.

I noticed this morning that Senator Pell, or Senator Lugar, was asked a question on television about the War Powers Act. I think you may have been asked about this.

I have been particularly interested in it because on May 14, 1970, I introduced the first war powers resolution. When Senator Javits and Senator Stennis got together and put in a Javits-Stennis, or Stennis-Javits resolution, I joined that. Many of us joined that and this ended up being the War Powers Act which now is law.

My question to you is have you looked at this carefully? It takes into account the problem that we have faced. The Constitution gives the Congress of the United States, and only the Congress, the right to declare war. The problem is we have not declared war since World War II—never in Korea, never in Vietnam. In fact, there never has been a declared war in the Middle East. Wars are raging today for which there has never been even a declaration.

What the Founding Fathers had in mind has been circumvented by events. Therefore, the War Powers Act has been extraordinarily important as a protection and a reassertion of our constitutional authority.

Do you fully concur with that act and do you intend to abide by the spirit and the letter of the War Powers Act?

General HAIG. There is no question in my mind about the essentiality of doing precisely that, Mr. Chairman. I know there are some aspects of the act itself which yet have to be tested in practice. And there are some honest differences on certain aspects of the application of the act—some that this committee itself has wrestled with—and that Senator Javits himself has taken a very strong position on. I want to assure this committee that I intend to live by the letter of the law and the spirit of the War Powers Act, and that I see no difficulty in doing so.

The CHAIRMAN. Thank you, General Haig. That is a gratifying reassurance.

It would be very useful to this committee and to the country if you would give us a brief assessment of the Soviet purpose and motivations and how best the United States may cope with the Soviets in the whole range of foreign policy. What are their long-term military and political objectives in the world today as you foresee them and how should we respond?

General HAIG. Mr. Chairman, I have addressed this issue frequently in the past. In doing so, I have pointed out that Soviet intentions are in large measure irrelevant. These intentions can change from day-to-day as a result of changes in incumbencies or the pressures and exigencies of day-to-day international events.

I think the bottom line, if you will, of United States-Soviet relationships and East-West relations at large is that there remain profound differences between East and West in political, economic, security, and, most importantly, perhaps moral terms; and that so long as these differences remain, they are inevitably going to spawn confrontations and disagreements from time to time. Therefore, foreseeing these inevitable confrontations, it is vitally important that we assess the overall power balance between ourselves and the Soviet Union.

I have been concerned in recent years that the evidence of a declining American and Western capability will inevitably begin to influence unfavorably and dangerously our ability to meet these confrontations on terms which protect our vital interests and the interests of the American people, which maintain international stability, and which assist in the prevention of conflict.

I think this is a very important aspect of the three broad areas of challenge I spoke about in my opening statement.

The CHAIRMAN. Briefly, then, General Haig, are you generally supportive of the responses of the U.S. Government, of the Carter administration, to the brutal Soviet invasion of Afghanistan?

General HAIG. I would be very inconsistent, Mr. Chairman, if I suggested to this committee at this late date that I have not been disturbed not only by the United States but by the overall Western handling of the Afghan situation.

It was my view at the time, and it remains my view today, that had we in the West—and perhaps primarily at the instance of American

leadership—been more vigorously opposed to the earlier intervention of the Soviet Union into Afghanistan when it established a puppet regime some 2 years ago and when some of our newspapers at the time urged us to “stay cool in Kabul”, had we been more forceful in urging upon the Soviet leadership our disagreement with that action, we would not have been confronted by the blatant intervention that took place a year ago.

The CHAIRMAN. Thank you.

My final question is, What would be the effect on the Soviet Union, on the United States of America, and on NATO if the Soviet Union decided to invade Poland with massive military forces? What would be our response? What would we do about it? What are your views on that subject as to the nature of such an action?

General HAIG. Mr. Chairman, I have no reason in this forum to take any exception with the gravity of such a contingency, already outlined by President Carter and reaffirmed by President-elect Reagan. But I do not think it serves any useful purpose at this juncture for me to suggest ultimata or contingency reactions on the part of the West concerning our response in such an event.

The CHAIRMAN. I can assure you that I think the actions that have been taken in anticipation of this possible action have been well coordinated with the Allies. I did have the opportunity to express directly to the Kremlin the consequences, the grave consequences, that I felt would follow from any such action. I trust it will not be taken.

Thank you very much.

Senator Pell.

Senator PELL. Thank you, Mr. Chairman.

General Haig, looking at the various military situations that have arisen since World War II, do you see any situation where tactical nuclear weapons, in your view, would have been recommended by you?

General HAIG. Senator Pell, let me answer that question by not making disturbing headlines concerning Secretary-designate Haig's views on the use of nuclear weapons.

The deterrent developed by the United States over the years, indeed that of our NATO alliance in Europe—is built on three interrelated elements known as the Triad. Those elements are conventional land, sea, and air power; theater nuclear weapons—or tactical nuclear weapons, as you referred to them—and central strategic nuclear power controlled largely by the United States, but also controlled by France and Great Britain.

Our deterrent is founded in the uncertainty which we have intentionally generated on the part of a potential aggressor so that it would not know at any given time what the nature of the Western response would be, and therefore could not calculate with certainty the advantage of launching an attack of any kind in the first instance. This deterrent is based inherently on the willingness of an American President—in conjunction with our allies—to take whatever steps are necessary to preserve our vital interests, including the use of nuclear weapons, should this, heaven forbid, be necessary.

Senator PELL. Let me repeat my question and hope for a more specific reply.

Is it conceivable that tactical nuclear weapons should have been employed in any military situation in which we were since World

War II up until now? I am not talking about the future. I am talking about the past.

General HAIG. I believe, Senator, that any employment of nuclear weapons would represent a profound change in the character of a conflict—a profound change.

Now, I don't think that anyone can predict with absolute certainty just how profound that would be—whether it meant immediate escalation to higher levels or not. My inclination is that escalation would be met.

But I know of no conflict in our recent history that would have justified the employment of nuclear weapons.

Senator PELL. When you say "recent history," does that mean since World War II?

General HAIG. That is correct.

Senator PELL. Thank you.

At any time during the war in Vietnam were there circumstances presented which made the use of tactical nuclear weapons a viable military option?

General HAIG. I know of no responsible recommendation, suggestion, or deliberation involving that course of action.

Senator PELL. Did you ever recommend to any superior in the military chain of command or in the office of the President the use of any kind of nuclear weapon in Vietnam?

General HAIG. No. But I certainly hope, Senator, that your question doesn't suggest or intend to suggest that you have evidence that I did.

Senator PELL. It does not. It is a question to which I wanted to know the answer myself.

Have you believed at any time since the inception of the hostage crisis in Iran that the use of tactical nuclear weapons might be a viable option? This is looking more into the future.

General HAIG. I think the very act of giving a definitive answer to this question undercuts the fundamental deterrent upon which our peace and security rests today, and I am not going to indulge in it.

Senator PELL. Do you believe there can be such a thing as a limited nuclear war?

General HAIG. I think, Senator, that I addressed that question earlier, suggesting that any employment of nuclear weapons would represent the most profound change in the character of a conflict, and that my basic inclination is that it would be very difficult to control it. I don't think anyone, short of the Almighty Himself, could answer your question with assurance.

Senator PELL. Let me move to another subject, one of imminent necessity to resolve, that of human rights and the CSCE meetings in Madrid, the commission to secure the Helsinki Accords.

In those negotiations, we will have no representatives after January 20. I recommended to the Carter administration 6 months ago that a representative of then-candidate Reagan and of the other candidates be included in the delegation and they were not.

What are the intentions of the new administration with regard to having a representative there and what sort of policy would he or she be directed to follow?

General HAIG. Mr. Chairman, I have not yet had an opportunity to discuss this specific issue with the President-elect. I am very much

aware of the deadlines that are creeping up on us. I have been very pleased, from my observations as a private citizen, with the performance of the American team in Madrid. I anticipate that I would be an advocate of continuing these talks and in the event, I would be sure that we were adequately manned for that purpose. But I must reserve judgment until I have had an opportunity to discuss it with my advisers and with the President-elect.

Senator PELL. You mentioned in the course of your testimony the great ability of the Foreign Service. What are your thoughts with regard to having more ambassadorial posts manned by career diplomats? I think the ratio is now at around 75 percent career personnel. Would you see a way of moving it up to 90 percent or higher?

General HAIG. Senator, first let me assure you that both personally and in public advocacy, I have always been at the vanguard of those who have insisted that we must strengthen and regularly employ our professionals, not only in the Department of State but throughout our Federal bureaucracy. These people are our institutional memory and we must use them.

When it comes to laying out charters or promises with respect to percentages, I think it is frequently self-defeating, because no sooner do you do it than it starts to become a game in its own right.

I would hope that we will choose our ambassadorial representatives throughout the world first and foremost by their qualifications rather than by criteria that are exclusively restricted to professional versus outside personnel.

I want to avoid saddling myself, today if you will, with some statistical standard. But let me assure you that I am going to give the heaviest weight to the employment of professionals in our Foreign Service to fill our posts abroad.

Senator PELL. Would knowledge of the language be one of your qualifications?

General HAIG. I think it is a fundamentally important one. But again, on occasion other qualifications could be so overriding that in order to obtain them, you would set the language requirement aside. But as a general rule, it must be considered an important qualification.

Senator PELL. Let me follow up Senator Percy's question concerning the War Powers Act while your answer is still fresh in your mind.

I noted a little hesitancy in your response. Is there any thought in your mind that the War Powers Act should be amended or was there some point in it that particularly bothered you?

General HAIG. No; and I hope that the care with which I attempted to answer the question did not suggest any hesitancy regarding my intention of abiding by its provisions.

I think I did make the point that this committee itself was seized with some of the ambiguities of the War Powers Act—and there are some. There always are in such rules.

For example, I am talking about the introduction of AWACS into Saudi Arabia, and the position taken by your distinguished Senator Javits as to whether or not this required a priori notification by the executive branch.

Senator PELL. To be specific, if the law had been in effect at the time of our incursion into Cambodia, would the non-notification of Congress have been a violation of the War Powers Act, in your opinion?

General HAIG. There is no question in my mind that under today's standards, what was done at that time, as I was informed of it and have researched it, would not adequately meet the provisions of the act. Until then, it had been common practice for the executive branch, for the administration, to coordinate with key committee chairmen including in the case of the Cambodian operations, the chairmen of the Defense and Appropriations Committees of the House and the Senate. I think that was done, although I had no role in doing so.

Senator PELL. Thank you.

My time is up, but I would observe that the chairman of the Foreign Relations Committee was not informed. Maybe that was not considered by the White House to be a pertinent committee.

The CHAIRMAN. Thank you, Senator Pell.

Senator Baker.

Senator BAKER. Mr. Chairman, it will come as no surprise to anyone in this room that I strongly support this nomination and I consider it a privileged opportunity, as one of my first floor responsibilities as majority leader of the Senate, to oversee his confirmation as the next Secretary of State, and I intend to pursue that confirmation with dispatch. I will refrain from making an opening statement, as such, except to commend and heartily endorse the principles stated in those eloquent remarks, which will become in the weeks and months ahead, the basis for a new foreign policy.

I do, however, have two observations to make.

The first, Mr. Chairman, is the very personal observation of one who watched from a unique perspective the succession of events that began with the Watergate break-in and ended with the resignation of a President of the United States. As those events unfolded in their inexorable fashion toward that conclusion, it was, for me as a Republican, a wrenching experience. It became for the Nation the most serious challenge since the Civil War to the constitutional framework on which we have relied for 200 years for the preservation of our democracy.

It was a period of our history with a most uncertain future and that we survived those uncertainties with our constitutional framework wholly intact is due in large measure to the courage and unselfish dedication of the man who sits before us now. The responsibilities that were of necessity thrust upon him then may well be unparalleled in our history and he performed them with a single-minded dedication to the well-being of the Nation.

Regardless of the fortunes of his tenure of office as the Secretary of State, we shall be always in his debt.

The second observation, Mr. Chairman, is far more pragmatic. These are difficult times, and General Haig has described these difficulties briefly, but well. When President-elect Reagan assumes his Office on the 20th of this month, he is on that day responsible for the manner in which we meet the challenges that are before us. There is no grace period. In my judgment we can ill-afford to have the steward and spokesman of the President's foreign policy held in abeyance while we re-examine past events that already have been exhaustively examined and about which there is a voluminous public record. To the extent that past policies may be inappropriate for the future, these are legitimately subject to inquiry and I am certain General Haig will be delighted to offer his views in that respect.

This is not, Mr. Chairman, the time to put diplomacy on hold. I would hope that this committee, the committee which bears so heavy a responsibility in the fulfillment of the special role of the Senate in the formulation of the Nation's foreign policy, will bear in mind that the manner in which we conduct these hearings can significantly affect, positively or negatively, the ability of the Reagan administration to conduct the Nation's foreign policy. I would hope that we move thoroughly but expeditiously toward his confirmation.

General Haig, I must tell you that I have a high regard for you and a great respect for what you have been through in the way you have discharged your responsibilities and duties during a very difficult time. I congratulate you on your appointment to the historic Office of Secretary of State.

Some of us certainly will observe, so I will observe first, that you are in a line of Secretaries of State-designate that began with Thomas Jefferson.

Just to put things in perspective, I want to remind you that a great Tennessean was once Secretary of State, Cordell Hull. He was the author of the Good Neighbor Policy. He served longer, I believe, than any Secretary of State in history. He was a distinguished counselor to President Roosevelt. He won the Nobel Peace Prize in 1945.

Tennesseans are proud of him.

A couple of years ago, I was traveling through that part of Tennessee from which he comes and I saw a country store that said Hull's Store. So I stopped the car and walked in and said, "Tell me, is the Hull as in Hull's Store, related to Cordell Hull?"

Two fine old gentlemen who were sitting there on a nail keg, whittling, put their heads together and talked for a few minutes. Then one of them popped up and said, "Is he the one that went off to Washington?" [General laughter.]

So I just thought I would let you know that there is a different perspective on Secretaries of State in some quarters.

I want to ask you two questions, if I may, Mr. Haig, that are of great concern to me and I am sure to every person in this room. One has to do with whether or not you feel that the avoidance of nuclear war between the United States and the Soviet Union or the United States and any other country is the paramount item of foreign policy and the cornerstone on which we must build that policy for the future.

General HAIG. Thank you very much, Senator Baker. Incidentally, I think the State of Tennessee also can be justly proud of its son who is with us today.

Senator BAKER. Well, I didn't lead you into that, but I am grateful for it and thank you for it. [General laughter.]

The CHAIRMAN. I think there will be a rush now to find Secretaries of State from every State represented on this panel. [General laughter.]

General HAIG. I think yours is an extremely important and very sensitive question. I think it is awfully important that we always keep our focus on what the vital interests of the United States and the American people are.

If we make just the maintenance of peace alone, as vitally important as it is, the *raison d'être* and the core of our policy deliberations, I am afraid that we are going to bring about circumstances that have the

practical consequence of encouraging the disruption of the very objective we have established for ourselves—peace.

Now why do I say that?

You know, Senator Pell and I had a discussion about this the other day, which he noted at the time he would not raise at this hearing; and I am grateful he didn't, because I think it was a discussion that had not been explored definitively in the way it should have been before anyone portrayed it.

Senator PELL. But, as you know, I was deeply disturbed by your views there though I have honored my agreement.

General HAIG. I do know that.

The point I was trying to make was in response to your comment to me concerning my perception of some deficiencies in the conduct of our foreign policies over the last 4 years. You said, "But we are at peace." And I said to you, Senator, "There are worse things; there are more important things."

What I really intended to convey to you and what I would like to explain in answer to your question, Senator Baker, is that there are things that we Americans must be willing to fight for.

You know, this Republic was spawned by armed conflict. The liberties we enjoy today were a consequence of armed conflict, of insurrection if you will.

It was Patrick Henry who stated, "Give me liberty or give me death." In this century alone, we Americans fought and died in the Second World War to prevent dictatorship and genocide from becoming the rule of the land.

Clearly, in the nuclear age, our responsibilities in this regard become all the more awesome.

The point I wanted to make to you, Senator Pell and that I would like to use to answer you, Senator Baker, is that there are things worth fighting for. We must understand that. We must structure our policy on that credible and justified premise.

I hope I have answered your question, Senator.

Senator BAKER. You have. You have answered it in a very good way. I don't believe anybody is going to improve much on Patrick Henry's statement. I commend you for citing it.

My concern, however, deals not only with peace but as well with the effort to avoid nuclear conflict.

You may know—I believe you do know because I have visited with you on this subject before in Brussels and on other occasions—that I supported the first SALT Treaty. I supported the Interim Agreement and the Vladivostok Accords. But I opposed SALT II. I tried to make the point that my opposition to SALT II was not because I thought there was any less than an absolute moral imperative that should require us to reduce the risk of nuclear war, but because I felt that was not a satisfactory treaty.

The question I am leading to is this: Whether or not you, as Secretary of State, will recommend to the President of the United States that we should resume our efforts to find ways to reduce the risk of nuclear war through negotiation.

General HAIG. Absolutely.

As you know, Senator Baker, I was a participant in the preparatory work that led to SALT I and some of the earlier Vladivostok deliberations.

I believe this is an urgent and important task for American diplomacy.

Senator BAKER. Mr. Chairman, I yield the balance of my time.

The CHAIRMAN. Thank you, Senator Baker.

Senator Biden.

Senator BIDEN. Mr. Chairman, I join the other members of the committee in welcoming the designated nominee for the important and illustrious position of Secretary of State.

I note that in 1977, General Haig told another Senate committee, "I have left this great city with enough scar tissue on my carcass not to indulge in political questions as a military man." Welcome back to Washington, General, and to those political questions.

One of the most important responsibilities of the Senate is to review and act upon nominations for the major posts in the executive branch. The nominees for Secretary of State are the most important considered by this committee, not only because we must have an intimate working relationship with that official, but also because both the Senate and the Secretary of State have constitutional responsibilities involving the most far-reaching policy questions facing our Nation—our security, our standing in the world, and perhaps even our survival.

General Haig himself has written that Cabinet officers should be chosen primarily on the basis of excellence and competence, and that they should be "strong personalities with independent minds and views." I agree. That's why the Founding Fathers gave the Senate the power of advice and consent on nominations. As Alexander Hamilton argued in the Federalist papers, that power would likely deter a President from choosing people who were unqualified or who possessed, in Hamilton's words, "the necessary insignificance and pliancy to render them the obsequious instruments of his pleasure."

As a member of this committee, I am interested not only in the background and experience of this nominee, but also in his intended approach to the processes and policies of foreign relations. Although a nominee, at this stage, can speak only for himself, and not necessarily for the President, I believe he should offer this committee his candid comments on his philosophy, his current evaluation of the major foreign policy challenges facing our country, and his general approach to dealing with those challenges.

I am especially interested in General Haig's understanding of the peculiarly civilian role of the Secretary of State, his plans for assuring an open and candid relationship with this committee, his views of the proper role of Congress in formulating and implementing foreign policy, and his specific views on such important policy issues as arms control, arms sales, and relations with our European allies.

Hearings such as this one are the culmination of the "transition" process that has grown in importance as the affairs of our Nation and the conduct of our Federal Government have grown more and more complex. I am sure we all share the desire to get through these sessions and present our report to the full Senate as expeditiously as possible. At the same time, I am sure that General Haig and the President-elect share with the members of this committee the persuasion that the previous experience, independent character and philosophy of a nominee for Secretary of State must be thoroughly explored before the committee attempts to arrive at its recommendation.

Preeminently among all of a President's principal advisers, a Secretary of State has it within his power to make and to influence critical decisions of great and often irreversible international consequence. That imposes an awesome responsibility on a nominee to that office and on the President who nominates him; it imposes no lesser responsibility on the committee charged with making a recommendation upon his confirmation to the Senate. The occasion calls for a measured dialog, involving neither undue haste nor undue delay, on the part of all parties to these hearings.

It is in that spirit, which I have no doubt General Haig reciprocates, that I join in offering him our welcome.

General Haig, welcome. As I discussed in the opening statement and told you I would be interested in, I am very concerned about three general areas, as I was concerned with Secretary Vance and Secretary Kissinger, though I was less concerned with Secretary Muskie because I knew his views so well, having served with him for so long.

They break down to three categories. The first is your attitude toward the role of Secretary of State and your views about the potential abuses of power and what you would consider constitute abuses of power.

I am pleased, I must tell you, and gratified, and I compliment you and the President-elect on your designation of the role for the National Security Adviser. That is where he should be. He should be a staffer. He should not be a second Secretary of State. You are to be complimented on that.

I also am going to be very interested in under what circumstances you would feel obliged to dissent from the President if you were given an order or a policy. You have the dubious distinction of being the second man who is likely to be Secretary of State who was a career military man and then Secretary of State. But I imagine that creates some potential conflicts in your own mind by virtue of your training and background. At some point I would like to discuss those with you, as well as your relationships with the Congress, how much you think we have a right to know and under what circumstances.

The second area is the question of the strategic doctrine, the SALT agreement, TNF, the future of NATO. The third area is where I am unaware of any established record that you have—nor should you have had—on issues such as, for example, your views about our relationship with the People's Republic of China, North-South questions, the committing of troops, under what circumstances, how we meet the threats that you and President-elect Reagan have spoken so forcefully about over the last several years and the continent of Africa.

Let me begin, if I may, with a point that was raised by Senator Baker. I would like to note, parenthetically, that this is one of the reasons why I hope after the first round we will consider expanding the 10-minute rule. It is very difficult to followup intelligently or give you an opportunity to followup intelligently on our questions.

For example, I am sure if Senator Percy had had the time, he would have asked you what you would do in Afghanistan. You said that you would have been more forceful. I am very curious to know specifically how you so would have been, but he did not get a chance to ask that. So I hope he will be able to do that in the second round when we have more time to question you.

But let me get to the area of primary concern to me, and this is the strategic questions and SALT in particular.

You and I left off at a table similar to the one you are at now though in a different building and in a circumstance that was characterized by some as a "hot exchange." I got a note from my sister, who was looking at television. She said, "Be careful, Joey, the Father is sitting behind him." So I will be sure that I am not contentious. [General laughter.]

Really, all kidding aside, you and I had a spirited discussion about SALT. You testified at that time that the United States need not be superior in central strategic systems or in theater systems. I assume from your answer that you believe that U.S. security could be preserved as long as we are not inferior in strategic forces but instead are at a rough equivalence or parity with the Soviet Union.

In your 1979 testimony, you recommended that ratification of the SALT agreement be held in abeyance until four conditions were met. I remember I kept trying to press you, are you for or against, and you said are you looking for a fight, Senator, and I said yes, if you want one, and we get into all of that and I never got the answer and you never had an opportunity to know what was on my mind.

You went on to say that you were not opposed to SALT. You have said in subsequent writings, speeches, and interview programs and in here that you think the process is important. You said that you wanted to put it in abeyance, No. 1, until NATO decides on whether or not there is theater nuclear force modernization that will take place; No. 2, that the administration and Congress make a solid start on the strategic and theater nuclear program improvements; No. 3, that an agreed strategic doctrine, other than MAD, be formulated; and No. 4, that the United States should link SALT and other arms control efforts to broader Soviet political behavior.

It is pretty clear that the first two conditions have been met; that is, that NATO took a decision on December 12 of last year; second, that the administration—this one and the incoming administration—has made it abundantly clear that it is going to make at least a solid start on arms acquisitions and improvements. Regarding the last two—that is, strategic doctrine, which already has been formulated and which it is now within your power to formulate with the President-elect, and the linkage which the President-elect has said he makes—these are in your power.

Now, having said all of this, it seems as though all four of the conditions have been met or are totally within your control, or so it seems to me.

My specific question is this. There are specific actions that the Soviets must take, specific actions that the United States already has taken—a case in point being the decommissioning of two Polaris submarines—that are required in order to keep in force SALT I and SALT II. I am curious as to whether or not the "crunch points," if I can use that phrase, which will be coming up in the next year or so are ones that you think would allow us to wait very long before we begin a full-blown renegotiation of the SALT agreement. Or, do we lose the opportunity to continue?

That is my question.

Perhaps you would like me to repeat it if it is complicated.

The CHAIRMAN. In the second round. [General laughter.]

Senator BIDEN. Senator Helms has as great a difficulty in understanding my questions as I do his.

General HAIG. Senator, I did bring my Jesuit brother along for precisely the reason that I wanted to defend against your Jesuit-trained mind.

Senator BIDEN. It is duly noted. I am chastised. [General laughter.]

General HAIG. I would hope that if you lacked confidence in me, perhaps some was restored as you mulled over the position I took with respect to SALT II earlier. Because indeed, my contention that these four conditions must be met before we could assess whether or not we could accept the many flaws in the treaty has since been generally accepted and that suggests to me that perhaps they were not too outrageous a set of conditions.

With respect to the last one, linkage, I would not want to go into a lengthy debate about whether or not a rigid application of linkage would permit any kind of discussion on arms control while Soviet forces remain 85,000 strong in Afghanistan and Soviet-supported insurgency is running rampant throughout the so-called Third World.

The point I would make in answer to your question is this.

Indeed, arms control is an urgent task for this Nation. But it must be measured against the overall international behavior of the Soviet Union; and it will be so measured in reality whatever our preferences, as President Carter found when the Soviet forces invaded Afghanistan a year ago.

So, the point I want to make is this. I intend, and I know President-elect Reagan intends to get on with the analysis of the vital interests of the United States in the new administration. I think the American people want some change, too. We must assess our defense capabilities and the measures that we must take in that area to enable us then to deal with the urgent task of securing arms control agreements which are equitable, which are verifiable, and as President-elect Reagan said recently, which have the consequence of reducing armaments rather than creating circumstances that let arms races continue.

However, I don't mean by that that you don't take half a loaf in preference to none.

I hope I have answered your question.

The CHAIRMAN. Thank you very much, Senator Biden.

Senator BIDEN. Thank you. I will be much more specific on the second round.

Thank you for your answer.

The CHAIRMAN. Senator Helms.

Senator HELMS. Thank you, Mr. Chairman.

General Haig, I was very interested in your comments with respect to the Third World and to South America. I won't make a speech on the subject, but I think the past two decades have not seen the United States serve its own best interests, let alone the best interests of freedom in those parts of the world.

But this is neither here nor there. I do want to get to one or two specific questions.

There are some critics, as you know, of the current U.S.-sponsored process in Namibia, and they contend that the United Nations is hardly an unbiased participant in the process because of past and continuing support for one faction vying for power there, namely the Southwest Africa People's Organization [SWAPO].

Let me ask you, sir, if you think that the United Nations is an unbiased participant there.

General HAIG. Senator Helms, this is a question that I would like to have the opportunity to consider at some length, to discuss with the President-elect, and, frankly, discuss with the members of this committee before I state a judgment in a forum such as this which would be forevermore binding.

Let me answer your question by saying that I think we have much to do to improve the conduct of our policies in Africa and in the developing world at large. In some instances, we have permitted justified and highly valid perceptions of human rights and social justice to jeopardize the development of regimes and political institutions which could contribute to these longer term objectives; and through insensitivity to the need for balance which I mentioned in my opening statement, have contributed to the creation of totalitarian regimes which, out of ideological conviction, will remain in a state of permanent animosity to the values that you and I cherish.

So I think there is an urgent need for a fundamental reassessment of the recent directions of American foreign policies in the developing world.

Some of those policies, I am sure we will retain and strengthen. Others I would suspect we will modify rather dramatically.

Now, with regard to the United Nations, it has many limitations. We have known this since the U.N.'s inception, and we have seen it increasingly as the majority rule becomes so lopsided, in a world of over 150 nations many of which are either manipulated or do not share our values. These difficulties pose new and fundamental questions for us, and produce conflict with regard to our support for the United Nations and our participation in various multilateral aspects of it.

In general, though, I think we would terminate such activity only after the most careful study and analysis, because we do continue to get some benefit from our participation.

Senator HELMS. I take it that you would rather defer a response to a followup question that I had as to whether you would favor continued aid to SWAPO.

General HAIG. I would definitely prefer to wait until I have had an opportunity to study it very carefully and to discuss it with President-elect Reagan, although I have some reservations about it currently.

Senator HELMS. That's fair enough.

I noticed Senator Pell's letter and the attachment to it which mention the various items Senator Pell and others would like to have. The No. 2 item was all documents, correspondence, cables, Telexes, memorandums, tape recordings, transcriptions, writings, and so forth, on the Chile question.

Were you in a policymaking position at the time of the developments in Chile?

General HAIG. No; I was not, Senator, and I testified at length on this subject under oath. I think that testimony is available to the members of this committee.

Senator HELMS. I was going to say that the Senate Intelligence Committee has every bit of the information listed there on record and available for the perusal of any Senator who is sufficiently interested to go to the Intelligence Committee quarters.

Chile has been mentioned several times here. Let's examine that just a little bit.

Even though you were not in a policymaking position, you were aware of some of the developments inside, I am sure.

Is it fair to say that Salvador Allende was a self-proclaimed Marxist?

General HAIG. That is a very fair statement, Senator.

Senator HELMS. Is it fair to say that he was attempting to impose a Marxist government on a country that never had given him more than one-third of the vote?

General HAIG. That is correct, Senator.

Senator HELMS. Is it true that Allende was given arms and money by the Cubans and other Communist nations?

General HAIG. As I recall, we had some evidence of that at the time.

Senator HELMS. Is it true that the women of Chile demanded the overthrow of Allende?

General HAIG. Yes; it is, and I have spoken to several of them who were key instrumentalities in the uprising against Allende.

Senator HELMS. I was in Chile 3 or 4 years ago and I visited several homes, General. The women of that country demanded the overthrow of this dictator—that's what he was—because he had taken over their schools and taken over all of their institutions.

As I have frequently said, and I hope you agree, we should stop short of making a saint of Salvador Allende.

General HAIG. I would have some difficulty in imputing sainthood to Mr. Allende.

Senator HELMS. Fine. I see that I have 2 minutes left.

From your experience during those days—and I am still referring to Chile—isn't it a fact that Communists from all over the world came into Chile to influence what was going on there?

General HAIG. I can't speak categorically to that, Senator. I do know that there were many additional Communist elements that were either visitors, participants, or advisors with the Allende government.

Senator HELMS. I do have some more questions, but I will yield back the balance of my time.

By the time I ask my questions, there will be no time left for the answer.

The CHAIRMAN. Thank you very much, Senator Helms.

Senator Glenn.

Senator GLENN. Thank you, Mr. Chairman.

Mr. Chairman, before I begin my first round of questioning, I wish to pause a moment and comment on the significance I attach to these proceedings. First, we all recognize the importance of the Senate's advice and consent role under the Constitution. This requires us to examine thoroughly the background, experience, abilities, views, and integrity of those whom President-elect Reagan has nominated for his Cabinet. Second, I believe it imperative—if our country is to formulate and implement its foreign policy successfully—that the new Secretary of State adequately consult with this committee. These hearings are an essential first step in developing such a free flow of information and establishing the spirit of consultation that I hope will exist over the next 4 years between the Congress and the executive branch.

Most importantly, the new Secretary of State, unlike many of the other new Cabinet officers, will be required to hit the ground running on January 20. He will not have the luxury of a few weeks or months to become accustomed to his new duties and responsibilities. Moreover, President-elect Reagan has suggested that he intends to delegate much authority to his Cabinet officers. Thus, it is doubly important that this committee make certain that the new Secretary of State is prepared, from the moment he is confirmed, to become the chief spokesman for U.S. foreign policy. The world situation bars false starts and wrong turns.

Today, my colleagues and I will delve in great detail into a wide range of these world problems that face the new Secretary on January 20 and seek to gain insight into how General Haig plans to deal with them. But for now I will merely highlight what I consider to be some of the most serious issues.

Securing peace and stability in the Middle East continues to be an illusive objective. I hope the new administration can build on the Camp David framework and move closer to finding a solution.

I also hope that the new Secretary will take a fresh look at how we are to go about protecting our interests in the Persian Gulf area. We have had much testimony before this committee on the Rapid Deployment Force, which is supposed to meet the requirements for a plausible military option. But the RDF is useful as a diplomatic instrument only to the extent that our allies and our enemies alike see it as a real force with relevant capabilities.

Any suggestions that General Haig may have on recycling the unprecedented amounts of money flowing into OPEC countries would also be greatly appreciated.

In addition, I believe these hearings should explore just what role arms control will play in strengthening America's security. We in the United States have paid increasing attention to arms control, and that is all to the good. But there have been times when I've wondered if some American advocates of arms control haven't seen the Pentagon as their primary protagonist rather than the Kremlin. Arms control, to be effective, must be coordinated with our defense and foreign policies. I hope that in addition to learning more of the philosophy of arms control of the new administration we will gain a better idea about General Haig's views on how arms control will be integrated into the policy formulation process.

My interest in Asian affairs is well known. General Haig's views on U.S. policy and commitments in Asia, particularly in light of the growing Soviet presence and involvement in the region, are especially important to me. Due to the publicity surrounding statements during the Presidential campaign regarding Taiwan, it is essential, for example, that we ask General Haig to clarify his position on United States-China relations and his view of the Taiwan Relations Act—the framework established by the Congress for maintaining unofficial relations with Taiwan.

Finally, in the past few years increasing numbers of Americans have become justly concerned with the state of readiness of our Armed Forces and their ability to defend our vital national interests. This concern has led to increased expenditures for modern equipment

and preparedness—expenditures that are badly needed. But before we can wisely spend the money necessary to improve our national defense we must have a clearer view of just what our vital interests are and what military capabilities we must have to protect those interests. We want to avoid situations in which our military hardware purchases shape our foreign policy and limit our options. I believe we found this was the case when we were required to project a military presence into the Persian Gulf-Indian Ocean area. The size of our fleet and our limited sea and air mobility made it extremely difficult to back up the "Carter Doctrine" with any credible military muscle without drawing down our military forces elsewhere in the world. This situation arose because we had not properly coordinated our military procurement and manpower policies with our foreign policy. We were speaking loudly while carrying a dangerously small stick. We knew it, and the world knew it. Bluster is not a safe foundation for a foreign policy.

General, it probably will come as no surprise to you that I share your view that there can be life after a military career. [General laughter.]

In fact, there may be some advantages to it, for I think there are few people in the world who wind up more dedicated to peace than those who may have seen a few tracers or who have had to make some of those calls on widows and newly made orphans and who have shared some of the horrors of combat. I think perhaps a little real combat does wonders for concentrating your attention on the desirability of peace.

So, I think you should know that I do not hold your military career against you.

We have been concerned about getting new information, not only on examining your past. I don't want to see us spend so much time on the past that we miss the future. My main questioning will be on the future. But there are a couple of things that I do want to clear up out of the past that I will get into in just a moment.

But first, I would like to follow up on some earlier questions and make a comment followed by a question to follow up a question by Senator Percy. He brought up the matter of your relationship with the National Security Adviser. I think you are going to have a tough time in that area.

It has been a little incongruous to some of us to see the new administration's National Security Adviser on all of the major networks, on "Meet the Press," "Issues and Answers," "Face the Nation," and I don't know how many other programs, proclaiming the low profile he wishes to maintain and giving foreign policy statements in the process. [General laughter.]

I think you have your work cut out for you in that area.

We know you by reputation as a very forceful individual and I would hope you would be able fully to carry out the mandate you indicate the President-elect has given you.

I don't expect any comment from you on this, incidentally, unless you care to volunteer some.

I would follow with a question, though, that Senator Percy mentioned and Senator Biden also mentioned.

What would your "more forceful" approach in Afghanistan have been had you been Secretary of State?

General HAIG. I'm glad you asked that, Senator, because I think what I mentioned was the requirement for a more forceful objection to the initial intrusion of the Soviet in establishing a puppet regime.

Senator GLENN. Well, we replied with a very forceful disagreement with what they had done. We went to the United Nations. We used every forum that I know of in the world. I think we even used the World Court—I guess that was in the Iran situation and not in Afghanistan. But we used all the major methods of expressing our disapproval. What more would you have done than the Carter administration did?

General HAIG. I think, Senator, we had a situation in which it was clear that 100 years of admitted cryptoneutrality on the part of Afghanistan was replaced by the intrusion of a Soviet puppet in the palace of Kabul. I think at that time the American Government, together with our allies, should have registered a very, very strenuous objection to the Soviet activity, to include perhaps some of the actions, as limited as they have been, that we have been able to muster in response to the recent blatant invasion. Had we done that, I don't think the Soviets would have taken those risks a year later.

Senator GLENN. I think we did do that. What else would you have done? That was the question. What would you propose now, today, that we have not done?

General HAIG. I would hope, Senator—and this is not something you can just lightly say we will do—but I think our best actions are always undertaken in a multilateral context, as we attempt to apply the non-military resources that I talked about in my opening statement, such as economic resources, transfer of—

Senator GLENN. What other areas do you think are important for us to do? Would you take off the grain embargo?

General HAIG. Would I take off the grain embargo? Again, this is an extremely sensitive question, and must be considered with the greatest of care by the incoming administration.

I think I have a public record of being generally skeptical about the utility of food embargos, certainly when imposed unilaterally. But we are there now. We have done it. Soviet forces remain in Afghanistan, some 85,000 of them.

I think the issue is going to require a lot of care and thought.

Senator GLENN. I bring that up as an example. Do you have any other items that the administration has not done with regard to the Soviet Union that you would have done?

General HAIG. I hope I didn't sound critical that we have not done enough.

Senator GLENN. No; you didn't. There was quite a list of things that the current administration has done.

General HAIG. My problem had to do with their timing.

You know, a friend of mine, who will remain unnamed, once said that it is when a problem is ambiguous that it is most easily tended, and that if you wait until it becomes a straight black-and-white issue, then the risks associated with tending it increase. My point is that the ambiguities of 2 years ago, when the Soviets first moved into

Afghanistan, did not generate the kind of Western reaction that I would have hoped to see. Had it done so, perhaps we never would have been faced with the more blatant, straight up and down invasion we saw later.

I hope that is clear.

Senator GLENN. I would concur with you very much on that. I think we took insufficient action in the first coup, or whatever you want to call it. But what I was concentrating on was the second one, where the Soviets moved in with the most blatant, outrageous military takeover, the only one since World War II. There is no other precedent for it. It is just a flat military takeover of another country.

What I was trying to get at was in this tougher situation with which we were faced what else might you have recommended as being more forceful than the actions that were taken.

General HAIG. Yes.

Again, I would hope that we would be more effective—and this is a very difficult problem—in achieving a multilateral, unified approach to this problem. A great deal of what we are doing today is rather unilateral. Although we have had some help from Japan, French exports to the Soviet Union, for example, have increased during this period, as have other European exports.

What I am saying is that I would hope we could get a more unified approach by greater consultation, and hopefully more timely action. I addressed this in great detail in my formal opening statement.

Senator GLENN. I would agree on the need for concerted action among our allies. I think it has been obviously very difficult to obtain in recent years. They seem to want to go off on their own directions and not participate effectively in embargoes and whatever actions we have pushed from this country.

I am concerned about examining the past. But, as I said earlier, I am concerned mainly with how it indicates to us what your reactions might be in future situations.

I think that more than any other Secretary coming in you have to be ready to hit the ground running on January 20. You are not going to have 30, 60, or 180 days of grace period to formulate your policies, as you might have going into Agriculture, Commerce, Labor, or whatever Department. You may be faced with a real emergency and decisionmaking requirements while the inaugural parade is taking place on January 20. The Soviets have been known for testing us early. I don't know if they will this time, but they might. So you have to be prepared.

That is the reason that these hearings really have to bring out your views in many of the very critical foreign policy areas of the world.

In going back through all the past material that might bear on how you would react in some of these situations, I find myself not particularly concerned at what you did with regard to the pardon, the wiretaps, even Cambodia and Vietnam, and some aspects of Watergate and Iran. I don't think these are going to be all that important in indicating to us what your future reactions in an emergency situation might be or how you would conduct yourself as Secretary of State. But the one area that I came back to after sifting

through all of this material which still does give me some concern—and obviously with the yellow light on I am going to have to get into this a little more on my next round of questions—is the one Senator Helms brought up. I think you would welcome the opportunity to clear the record on Chile and the role you played with Allende.

Some of the articles in the Washington Post by Scott Armstrong and Bob Kaiser, the fourth in the series they ran, referred to you as the executive director who literally was making life-and-death decisions for people and for a whole nation, perhaps. I want to get into some of that because it may or it may not indicate your way of operating in the past which could continue in the future regarding how willing you are to bypass certain normally established functions that protect us in this country from going too far, from overstepping the bounds not only of propriety but of law and of legally constituted means of making sure we do not have these excesses.

I see that my time is up so I will get into that a little later on. That is the only area I will pursue before going on to future issues. I think we could spend so much time looking at the past that we do not get a good view of your concept of what the long-term foreign policy objectives of the Nation should be.

General HAIG. Very good, Senator, I am prepared to discuss that.

I would draw your attention to the appendix to the statement which I submitted this morning in which that issue is dealt with specifically and I hope concretely.

Senator GLENN. It is, but it was a short reference and I think we need to expand on it so that we can all be clear on the role that you played and what your view of that way of operating might be in the future.

The CHAIRMAN. Thank you, Senator Glenn.

For the information of our colleagues, it is the intention to go until 1 o'clock and then we will resume at 2 o'clock.

Senator HAYAKAWA.

Senator HAYAKAWA. Thank you, Mr. Chairman.

I am going to call you Mr. Haig, sir. You are about to occupy a civilian position and I prefer to address you in that way.

Nevertheless, I want to call attention to the fact that history has many examples of people who have been great soldier-statesmen. One can refer to George Washington or to George Marshall in our own history. One can also refer to General de Gaulle in French history. My staff did not happen to know this, but one can refer also to Tokugawa Iyeyasu in Japanese history, who was also a great soldier-statesman. People in this audience probably know him as Toranaga, because that was the name that was given him in the movie "Shogun." Toranaga was a great soldier and a great statesman and he combined those abilities beautifully so that when he established a Shogonate, his Shogonate lasted for 250 years.

Of course, I do not wish to condemn you to a 250-year office as Secretary of State.

There is ample historical evidence to show that in times of crisis in a nation, when the Foreign Minister or Secretary of State has had previous experience at high levels of the military, the two experiences supplement each other. At our particular time in history, we need you

very much, Mr. Haig, I am very, very glad that you were nominated and that you are here for your confirmation.

We do need an effective Secretary of State in place on January 20, Inauguration Day. That is a deadline that I think we must keep in mind because the world is in too troubled a condition to have a vacancy in that position while we still haggle about your confirmation.

Haggling over your confirmation will itself weaken your position as the rest of the world will think that we are not really behind you and ready to confirm you at the required and desired time.

So, while I hope no one is planning to do so, in case anyone is planning to drag out these proceedings indefinitely in order to prevent your confirmation, I would urge them to lay off because our reputation for firmness of purpose in the whole world will be jeopardized if we do not have your confirmation in place by January 20.

Let me start by saying that I am particularly interested in your views on East Asia. As chairman of that subcommittee, I look forward to working closely with you and expect to benefit from your experience.

I am concerned about the Soviet threat in East Asia and its effect upon U.S. policies and commitments in that area.

There are questions such as these. Are the Japanese contributing adequately to their own defense? When you hear about Soviet troops in the Kuriles and Soviet scouting planes or submarines down in the Pacific, you wonder why the Japanese remain so complacent about this situation. I wonder about the adequacy of U.S. forces and bases to support our foreign policy objectives in East Asia, and the status of the United States-People's Republic of China relationship at the beginning of the new administration and the directions in which it is going to develop. I am concerned about the prospects for a political solution to the Indochinese problem, the developing role of the ASEAN members, the contributions to stability and growth in East Asia and our ANZUS allies. Over and above that, I am concerned about relations with Mexico, a nation for which I have the warmest feelings. I am glad to see that the President-elect has warm feelings toward Mexico. I am concerned about the future of Zimbabwe, from which white people are fleeing very rapidly, as could have been predicted—as I did predict—and the difficult situation in Liberia.

I am concerned also about the status of the Law of the Sea Treaty and the Moon Treaty and I shall pursue these issues with you further as time goes on.

There is a recent issue of Time magazine in which appear the following words about President Carter:

He made Americans feel two things they are not used to feeling and will not abide. He made them feel puny; he made them feel insecure.

My question to you, Mr. Haig, is what actions do we need to take that will change America's self-perception of inadequacy and, at the same time, erase the impression other countries have of the United States, one that has been created in the last 4 years, that we lack will, that we are weak, that we are not determined, as you so aptly put it, to master world problems. What are we going to do? What can I do? What can all of us do to improve that image abroad?

How can we forge a new consensus?

I wish you would comment on that last question.

General HAIG. Thank you very much, Senator Hayakawa. Of course, to some degree I attempted to address this in my formal statement.

Senator HAYAKAWA. Yes, you did indeed. When you talked about consistency, reliability, and balance in our foreign policy, I admired what you said, and I was very reassured by it.

General HAIG. I think one of the questions you raised by reference to the periodical is whether or not we are perceived as having lost our will. Our willingness to bear the burdens of international leadership is an extremely important question, because I am one who does not believe for a moment that the American people have lost their will. Precisely the opposite.

But I do think that we have been confused—confused with respect to the nature of the dangers facing us and perhaps confused with respect to the priorities we should establish to deal with those dangers.

You know, in the final analysis, confusion can be just as dangerous, or perhaps more so, than lack of will.

History has shown that democracies in particular frequently reflect this confusion. I talked about that in my opening statement. We project a less than unified and purposeful sense of policies to potential aggressors; those aggressors then constantly exceed the limits of democratic tolerance, and the reaction is sometimes the most violent that history has given to us.

So, our problem, in my view, is to sort out the confusion, and to set our priorities in an orderly, systematic, unified, bipartisan way.

You know, as I said in my opening statement, sound policies are bipartisan. If you are right, you achieve the support of thinking men. There are no partisan policies in the international arena. We have to deal with truth.

I hope I have answered that question to some degree, Senator.

Senator HAYAKAWA. I think you have and I believe that your opening statement answers it even more. All I need to say is that I found your opening statement very inspiring and very thoughtful, with a real vision of how we can restore our reputation and our strength in the world. The world must be able to rely upon us. It must be able to rely upon our commitments. This is what you have said so eloquently and so well.

I yield the rest of my time, Mr. Chairman.

The CHAIRMAN. Thank you very much, indeed.

Senator Sarbanes.

Senator SARBANES. Thank you, Mr. Chairman.

Mr. Chairman, I have one procedural question. I assume that transcripts of the preceding day will be made available to members as quickly as is possible to do in the physical sense.

The CHAIRMAN. We will direct staff to make it available to members just as soon as it can possibly be done.

I am told by staff that transcripts will be available the next morning for every member.

Senator SARBANES. Thank you.

General Haig, first I want to welcome your brother. Frank, who is a very distinguished member of the faculty at Loyola College in Baltimore and a very strong contributor to our community. He was referred to earlier and I think we ought to acknowledge his presence.

Second, I want to commend you for two things that you have done here this morning, which I think are very important. The first is that

you were sworn in at the beginning of your testimony, and it is my understanding that this was done at your request.

The CHAIRMAN. That is correct.

Senator SARBANES. I commend you for that, General.

The second is your response on the question of the subpoena for the material which we have been seeking from various sources and your indication that you have no objection to that. In fact, I infer from it that you would welcome our being able to review that material because it would help to complete the record and you see no problems associated with it.

General HAIG. Yes.

Senator SARBANES. I am frank to say that I think it would serve the purposes of a full and comprehensive hearing if the committee were to go ahead and issue that subpoena and to obtain within reasonable time what is available.

I recognize the arguments that are being made here of the necessity of having a Secretary of State in office; but it seems to me that it serves not only the committee's purposes but your purposes and the Nation's purposes that this review be as full and comprehensive as it can be. In that light, I commend you on your response to the question that was put by Senator Tsongas.

General, you are a man of considerable abilities. I think that is clear. Therefore, I think one of the fundamental questions is of the goals and objectives to which those abilities will be directed. I think to ascertain that requires looking at your total record, both at what you have done in the past and what you project for the future.

In this regard, I am particularly struck by a paragraph in your statement. You say,

I also believe passionately in the Office of the Presidency and the awesome ability of that office to inspire its occupant to consider constantly the judgment of history and to work for the broad public interest.

You conclude that paragraph by saying,

I viewed my overriding duty as one to preserve that office in the national interest.

The first question I want to put to you is somewhat tangential.

You have, of course, seriously contemplated, as I understand it, seeking the Office of the Presidency. That, of course, did not develop, and you are now being appointed to the premier position in the Cabinet. Can one assume that you have foresworn political ambitions in this regard and that, therefore, your administration of the office will not have that possible dimension to it?

General HAIG. I am glad you asked that question, Senator. I think it is a very legitimate and pertinent one.

I think if one looks carefully at the paths of former Secretaries of State in post-World War II America, they would hardly suggest that the Office of Secretary of State is a path leading to the Presidency. I can assure you that my acceptance of President-elect Reagan's invitation to be his nominee for this post was made exclusively, in fact, in spite of, any other political ambitions or hopes I might have held for myself.

Senator SARBANES. Do you still hold such political ambitions?

General HAIG. Not at all.

Senator SARBANES. My next question deals with your statement that you viewed it your overriding duty to preserve the Office of the Presidency in the national interest. My question is, does preserving the Office of the Presidency come ahead of preserving the Constitution of the United States?

General HAIG. Not at all. They are intimately interrelated in every sense of the word, and I hope that is the impression that I conveyed by that statement. Perhaps you would like me to elaborate?

Senator SARBANES. Well, Leon Jaworski, the Special Prosecutor, in his book, "The Right and the Power," said, and I am now quoting:

When I commented on Nixon's seeming culpability in a map-room meeting, Haig countered by saying, "I am not trying to save the President, Leon, I am trying to save the Presidency." I shook my head. "You may be destroying the Presidency." He just shrugged his shoulders.

What would your comment be?

General HAIG. First, I hope in your citations of Mr. Jaworski's book that you will also be willing to explore his overall views on my performance during the period that he wrote about.

Senator SARBANES. I have read the interview in the Armed Forces Journal, and I have noted very carefully what he said. I think it can only fairly be stated that he gives to you a favorable total evaluation.

General HAIG. Let me comment on the specific question you have raised by referring to my statement and also to the exchange cited.

You know, I have witnessed four Presidents at reasonably close range. The point I am trying to make, Senator, is that the Office itself, the institution of the Presidency, is an extremely important safeguard for our people. The reverence of our people for that institution, and the vision they hold for it, represents a safeguard that has led less than perhaps perfect men occupying that office to constantly feel the weight of the Office itself; and has inevitably, in my living memory, induced them to consider how they and their performance will be judged by history.

I make no exceptions in my observation of various Presidents in that regard. I think that we, as Americans, degrade that Office and lessen the American people's vision of its importance only at the greatest risk to the Constitution and to the safeguards that our Founding Fathers established.

That is the point I was trying to make and I would hope that this is the context in which we would discuss it.

Senator SARBANES. I recognize that the Office of the Presidency is part of the Constitution; but it is not the sole or only part of the Constitution.

Let me put this question to you.

What is the obligation of a member of the executive branch to follow or obey a directive or an order from the President?

General HAIG. I think this is a very personal issue, Senator. I think that if an individual receives an order that he morally and consciously feels is wrong, he must not only refuse to obey, but he must separate himself from the conveyor of that order.

Now there are relative levels of severity and gravity. Many bureaucrats, here in this city today, in and out of uniform, face this hourly. Many say, "I'll ride along in the hope that I can change or moderate

the decision for the good of the people, or for the good of my vision of what the objective should be." Others gag and walk away.

Senator SARBANES. Would you say that a Government official should not obey an order from the President? Under what circumstances should he or she not obey an order from the President?

General HAIG. I suppose we could discuss this at some length philosophically and epistemologically. But I think an illegal order must be disobeyed.

Incidentally, Senator, what worries me is that your line of questioning might suggest that perhaps you have a feeling that I have done this. I want you to know that, as I have sworn in the appendix to my opening statement, I was constantly receiving advice from counsel, and on almost any Watergate-related issue you might mention, my actions reflected advice from counsel or the conveyance of information from counsel to and from the President. I did not set myself up as the President's lawyer.

Senator SARBANES. First of all, my line of inquiry is not intended to suggest any conclusion. It is simply to try to explore, as I indicated, the values and goals to which your abilities might be directed and how you might confront a situation which arose.

Given your responses, was Attorney General Richardson right in his refusal to fire the Special Prosecutor? As you perceive his situation, is that the judgment he should have made?

General HAIG. That is a difficult question.

You know, the Stennis compromise was developed by three attorneys working for the President of the United States and was presented to the then-Attorney General, Mr. Richardson, in a series of meetings that week. There were thus three attorneys who, in general, were in full agreement with that plan, and two I know of who were opposed—perhaps a third if you include Mr. Cox.

Now, this was a matter of the law. It was handled by lawyers and decided by lawyers along with President Nixon.

If I were to go into the kinds of value judgments your question implies, I would also convey a role that I did not occupy at that time. I would hope that this would be understood first and foremost in the context of your question.

Senator SARBANES. I think that is an important and significant point for you to make in terms of how you perceived your position. I will return to this point. I see my time is up. But the real question, I think, is a question of the obligation you perceive on the part of subordinates to carry our directives. That is a very important question. It is, to some extent, touched upon by those people who express concern at the prospect of a military man becoming Secretary of State, since they perceive a difference between a response to that question in a military context and in a civilian context. I think it is one important subject area that needs to be explored, as we have started to do.

But now I have a note, I have a red light, and I have the chairman concerned. So I will defer until we get to the second round.

The CHAIRMAN. Thank you very much, Senator Sarbanes.

This will be the last round before lunch.

Senator LUGAR.

Senator LUGAR. Thank you, Mr. Chairman.

Senator Sarbanes has explored a reference from Leon Jaworski. He also mentioned that he has read, as have I, the remarkable interview in the *Armed Forces Journal* of April 26, 1979. So that the record might be somewhat balanced at this particular point, I will abstain from my planned line of questioning and read a quotation. I will quote in full. All of this is from Leon Jaworski and is on page 60 of the *Armed Forces Journal International* of January 1981.

"Now let's get into more discussion of Haig." This is the quotation.

I consider Haig, and still do, one of the unsung Watergate heroes. As Nixon became immobilized by the ordeal around him and consumed by the effort to save his job, Haig ran the White House. It is not altogether unlikely that in the final days of the Nixon Administration Haig ran the country. He was our Thirty-seventh and a half President, the way I described it. It may be quite a while before anyone knows the extent to which Haig became the acting President, but he is owed a debt for being the moving force in convincing Nixon to resign. I dealt with the General under circumstances that were unique.

This is Jaworski still speaking.

We were adversaries. At times we were engaged in stern and grudging discussions. But I recognized the loyalty of an officer serving his Commander-in-Chief, and I respected him. I do not believe he ever lied to me. He drew some conclusions that were far afield and I told him so. But he had a goal to keep his President in office and he tried.

That is the end of the quotation.

I think this is important testimony. I think it addresses, as we were bound to do this morning, the past, although much of the morning has been spent profitably in looking ahead.

I want to raise this line of questioning with you, General Haig, because an analog has been made between this hearing and one that was conducted by another committee of the Senate 4 years ago; namely, that of Bert Lance. It was suggested that in the enthusiasm of the Senate at that time especially of the majority Members of the Senate—and, for that matter, all save one of the Senators—wanted to give the President the people he felt he needed. It has been suggested that we were not very probing of Mr. Lance, especially with regard to his finances. I want to ask about your finances and I want to ask questions about your health and questions about your motivations, such as why at this point in your life and under these circumstances you are seeking this opportunity to serve again.

First of all, for the record, what materials have been made available to the committee with regard to your personal finances, so that all questions with regard to conflict of interest or any ways in which this office might impinge upon your financial circumstances might be explored? Can you describe that procedure?

General HAIG. Yes, Senator.

I know that my personal history form is available to members of the committee; my FBI form to the chairman under very special arrangements; and, of course, my financial disclosure report, which is not a very complicated piece of paper since I have spent most of my life in public service and have had very little, until this past year, to show by way of financial reward. I have had a very successful year in American industry. It has been a very pleasant year for me and my family, and also a very rewarding one. If one looks at my financial statement, one will see that it was rewarding, although I went into it with almost nothing.

Senator LUGAR. I appreciate that these records are in part—maybe in total—confidential.

The CHAIRMAN. May I ask this question, General Haig? I have received letters from your doctors. Do I have your permission to share those letters with members of the committee.

General HAIG. Absolutely, Mr. Chairman.

The CHAIRMAN. I would then make those available to any member of the committee who has asked to see those letters. I would just simply say that I would hope I could get a letter comparable to these as far as physical fitness is concerned.

Senator LUGAR. Thank you, Mr. Chairman.

With regard to the financial picture, what details can you give to us? As I recall, there has been mention of the fact that you received a large salary in your role with the United Technologies Co. Would you reveal to us the size of that salary?

General HAIG. Well, this is a complex problem for me, Senator, simply because it is my corporation's policy not to do this until the time of the publication of our annual report and the meeting of our stockholders. But I think the overall sacrifice for my family—not for me because I am greatly rewarded by public service; I suppose I just feel very strongly that I get great rewards from that, but for my family—is in the order of magnitude of an 8-to-10 times reduction in pay.

Senator LUGAR. So, in other words, your compensation would have been in excess of half a million dollars. Is that generally true?

General HAIG. Yes; when you include what I will be giving up in terms of stock options, when you include what I gave up in the way of a vested insurance policy for my wife, which is a multimillion dollar policy, you could, over a 4-year span perhaps put an \$8 million to \$9 million price tag on it.

Senator LUGAR. \$8 to \$9 million.

General HAIG. Yes.

Senator LUGAR. I think this is important. People on this committee and out in the country are going to wonder why a person with that prospect for income—and you have committed 35 to 37 years of your life, as you pointed out in your opening statement, to public service and you had a minimal net worth—would do this.

All of us in public life have a pretty good idea of why you would be willing to serve in this capacity at this point. But still, this is a very outstanding business opportunity that you have had at this point in life. Why did you decide to break off from that career so abruptly and accept the nomination of the President-elect?

General HAIG. First, Senator, a very dear friend of mine called me the day this appointment was announced. He said, "I knew you had just had a bypass; I did not think you needed a lobotomy." [General laughter.]

I think I can only answer that question, however it may sound, by reiterating my concern about this country and its recent drift, reflecting a span of perhaps 15 to 20 years of confusion.

I suppose one has only one life to give, and for me, my rewards would come from being successfully able to put some greater clarity, some greater sense of direction and some greater effectiveness into American foreign policy. I think that is the greatest legacy I could leave my children and my family.

Senator LUGAR. Thank you very much.

The CHAIRMAN. Senator Lugar, I would like to comment. In discussing with General Haig what this would mean to him, I did arrive at a \$9 million figure.

I never questioned why you made the decision, General. You have served your country almost your entire life and, when the President-elect of the United States asked you to do something, you did not equivocate.

You have received battle stars in Vietnam and in Korea. As I warned you, you will deserve another one by the end of this hearing. But I think the very fact that you are here shows what kind of country this is, and I hope every member of our audience today appreciates the fact that financial sacrifice is nothing in comparison to what you think you can contribute to your country.

Senator LUGAR. Yes.

The CHAIRMAN. I want to express deep appreciation to members of the committee for their full attendance today. I think it is unique in my 14-year Senate experience that we have started a meeting not only on time but with every Senator in place. I want to express my appreciation also to our audience, which has remained under crowded conditions for 4 hours and has been very attentive. We appreciate it.

This hearing is recessed until 2 p.m.

[Whereupon, at 12:55 p.m., the committee recessed, to reconvene at 2 p.m., the same day.]

AFTERNOON SESSION

The CHAIRMAN. We will resume our hearings, and I have just a few announcements.

It will be the policy of the committee to ask all public witnesses who have requested their testimony be submitted to the committee to submit their statements in writing. All statements of reasonable length will be printed in the record, and I will read the names of those groups into the record next week who have submitted testimony so that there will be public notice.

It is the intention of the committee this afternoon to resume these hearings on the 10-minute limitation rule for Senators. It will be restricted this afternoon to Senators of the committee. We will go from 2 o'clock to 4 o'clock; we will take a 10-minute break, and we will return and proceed until 6 o'clock, unless there is any request by Senators to continue after that.

General Haig, if anyone wishes to continue—members of the committee only—after 6 o'clock, would you be prepared to do so?

General HAIG. Yes, indeed, Mr. Chairman.

The CHAIRMAN. All right, thank you.

I think, considering the fact that we are resuming again at 9 o'clock in the morning, if it is agreeable to the committee, a 6 o'clock adjournment would probably be best.

We will resume our questioning with Senator Zorinsky.

Senator ZORINSKY. Thank you, Mr. Chairman.

General Haig, I am very pleased to know of your concerns with respect to the sufficiency of one Secretary of State for the United States of America. Chairman Percy earlier indicated that I had introduced

an amendment to make the National Security Adviser to the President subject to the advice and consent of the Senate. I realized full well all I would be doing is legitimizing a second Secretary of State, and as I previously pointed out, one is sufficient. That is the reason I have not pursued that line of action.

The resolution of that problem certainly best lies with the Chief Executive of this country, that is the President. I hope that you will continue to make your views known as to the need for only one Secretary of State. I understand President-elect Reagan has also indicated that the National Security Adviser will serve as an adviser to him personally as a staff member, not of the magnitude of the previous National Security Adviser.

With that, I would like to ask you a question, General Haig.

Was it truly your suggestion that Ambassador Mike Mansfield be requested to continue in his capacity of U.S. Ambassador to Japan under the new administration?

General HAIG. Yes, it was. I discussed this with the President at a meeting earlier this week. I had followed very carefully over the years Ambassador Mansfield's performance in Japan, and having been on the other side of many issues with him when he was here in this august body especially during the period of the Mansfield resolution, I was concerned. And I must say, on every issue that I have been able to assess, I think he has done an unusually brilliant job in Japan, and I think it is vitally important that we keep the former Senator in that post.

Senator ZORINSKY. General, I concur with you and certainly compliment you for that initiative.

I now would like to ask a question of you that is of concern to many people in this country and one requested by some of my constituents who are affected personally by the MIA situation that currently exists with respect to Vietnam. Lt. Gen. Eugene Tighe, the Director of the Defense Intelligence Agency, testified before the House Subcommittee on Asian and Pacific Affairs last December that the DIA has received since 1975 reports of hundreds of sightings of American prisoners of war in Vietnam.

Since you are a Vietnam veteran yourself, I know that you understand the agony of the families of those Americans said to be missing in action.

What steps will you take as Secretary of State to substantiate these reported sightings and to bring about a resolution of this issue?

General HAIG. Senator, I have been very closely associated with this issue in the past. As you know, I participated in the talks which ultimately resulted in the return of some 500 Americans from prison camps in North Vietnam, and at that time, as I recall, there were in the neighborhood of 2,500 Americans as yet not clearly accounted for.

Over the years, I have watched very carefully the insistence of many groups here in the United States—the families of those missing people—on maintaining pressure on Hanoi for a full accounting, and I think it is vitally important that we continue that effort in the period ahead.

Senator ZORINSKY. Then you will do all in your power as Secretary of State to continue to pursue the identification of those MIA's.

General HAIG. Yes, I will; yes, sir.

Senator ZORINSKY. Thank you.

One of the most intense foreign policy controversies of recent history centered on the Panama Canal treaties.

What are your views of the treaties, and how do you assess their bearing on American security interests?

General HAIG. President Reagan addressed this issue during the recently-completed campaign, and in doing so, made the categorical statement that this treaty is law and that he intends to abide by its provisions; and I think that is the bottom line of this issue. I will be, and anticipate that President Reagan will be, a supporter of an agreement seriously arrived at.

Senator ZORINSKY. Former Secretary of State Henry Kissinger, as you know, supported the ratification of the Panama Canal treaties in testimony before this committee October 14, 1977. Dr. Kissinger at that time observed—

But four successive Presidents and their Secretaries of State, representing both political parties, have been persuaded over a period of 13 years that a new treaty relationship with Panama is more likely to serve the long-term security and foreign policy of the United States; above all, that it would best assure what is the essence of our interest: the efficiency, neutrality, accessibility and security of the Canal * * *.

It is my conviction that the two treaties recently negotiated with Panama do indeed protect our long-term interest in the canal * * *.

Do you agree with Dr. Kissinger in this regard?

General HAIG. Senator, my mother once told me never to make a value judgment on an issue which is no longer relevant.

We now have this treaty, and I intend, if nominated by this committee, to support its provisions to the best of my ability. I probably have more background concerning that treaty than perhaps even Dr. Kissinger, in that the original negotiations leading to it occurred during the tenure of President Jack Kennedy and were carried on through the Johnson years. You know, I may have had some reservations about timing and a number of other things, but I don't think it serves any useful purpose for me in the position I hope to assume to lay out a lot of irrelevant markers.

Senator ZORINSKY. I certainly agree with your mother's philosophy, General. I just felt that since your mother had allowed you to comment on the Afghanistan issue in retrospect, that you might have commented on this in retrospect. [General laughter.]

General HAIG. Touché, Senator.

Senator ZORINSKY. The Salvadoran Government has been in a state of turmoil for a year, with violence taking a toll of over 9,000 lives, including 6 Americans in the last month. This morning's Washington Post indicates a guerrilla offensive will begin today and details a number of changes in the Government which generally appear to strengthen the rightist factions. Full-scale civil war would seem to be imminent. The Carter administration attempted to strengthen the moderate middle by supporting reform programs, but it was not very successful, obviously.

What are your plans for helping El Salvador achieve peace and a decent government?

General HAIG. I wish mother were here now, Senator. [General laughter.]

I think you know from my opening statement that I do have some reservations about our past inclination, though sometimes well motivated, to bring about outcomes which in the long run put in jeopardy

the very values we are seeking to expand. Some could argue that perhaps that happened in Nicaragua. Some could argue that perhaps that is happening today in El Salvador.

This is an issue which is current, dynamic, and extremely important to the American people and to our policies and to the stability of the Caribbean and Central American area. I have not had the opportunity to steep myself to the depth that I feel is necessary before giving you the kind of answer such an important question deserves. But, I promise you, in the very near future, I will be able to do that.

Senator ZORINSKY. Thank you very much, General. I respect that answer because the situation requires more than a simple solution. The fate of a nation is at stake down there. I am sure you, Senator Helms, and I will have many hours of conversation with respect to that subject.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you, Senator Zorinsky.

Senator Mathias?

Senator MATHIAS. Thank you, Mr. Chairman.

General Haig, the office to which you have been nominated is traditionally the first among the equals who sit around the Cabinet table in the White House. Now, one of the purposes of my life these days is to propel Howard Baker into the role of a popular prophet, and so I am going to now fulfill his prophecy and say that the veneration that is accorded to the Office of Secretary of State is enhanced by the fact that the first person to hold that office and to bear that title was Thomas Jefferson.

But I think it is also important to remember that some of the most influential Americans in our national history have been Secretary of State. That list includes John Marshall, Henry Clay, Daniel Webster, John C. Calhoun, and William H. Seward, without even mentioning the giants of our own century. I think that the White House score of Secretaries of State is perhaps a little better than you estimated it to be in your response to my colleague Paul Sarbanes. It is no coincidence—and I think it is perhaps not without significance at this hearing—that a good number, I think something more than 10 percent, of our Secretaries of State have in fact become President.

So it is inevitable that the Senate is going to place great emphasis on its half of the appointive power, the process of confirmation. If our questions seem tedious and repetitive to you and to the public, I hope that you will have patience with our desire to do a thorough job.

During the 1980 Presidential campaign, Governor Reagan propounded a question for the American people, perhaps the question that won the election. He said, ask yourself whether you are better off today than you were 4 years ago.

In the nature of politics I think that same question will surely be asked again in 1984. Can you tell the committee what are your intentions with respect to changes in the policy and position of the United States so that the answer to that question in 1984 can be positive and affirmative?

General HAIG. Senator, I doubt very seriously that I would be sitting here today were I not optimistic that I will in fact be able to contribute, along with countless other public servants, starting with

the President-elect himself, to the directions that I have outlined in my opening statement.

Senator MATHIAS. In your opening statement you have given us a very serious list of problems, all of them urgent, all of them demanding your immediate attention. But even Secretaries of State don't get allotted more than the 24 hours a day that the rest of mankind has.

Could you give us any sense of your priorities, any sense of the agenda with which you will attack that long list of problems?

General HAIG. That is hard to do in a rigid sense, Senator, because frequently some tactical questions of great urgency, although less profound in the sense of their significance to the national interest, just require tending. That is the nature of things in government. Some of the more fundamental questions, the areas of war and peace and arms control and improved alliance relationships, are dealt with only in the most evolutionary of ways. So I can't say exactly, but I could give you a menu of the areas that I consider to be the most urgent and dangerous.

Senator MATHIAS. I think that would be helpful.

General HAIG. Certainly the Polish situation at this moment potentially poses in my view the most grave consequences for world peace and for a continuation of efforts to improve East-West relations in general.

I think the situation in Afghanistan continues to be an important irritant to improving international stability, especially in an East-West context.

I think our Third World problems—and I use that term only with regard for the broad concerns that I registered in my opening statement—make clear the need to establish a meaningful relationship with developing nations. I believe those of us who have been at the vanguard of Western ideals and the heritage that you and I cherish, can do a better job of satisfying the urgent human needs of these peoples; can insure at least a compatibility of policy, if not a convergence of policy, between them and ourselves; and above all, can manage more effectively the turmoil in these areas and the conditions that generate it, which make them such fertile ground for external fishing expeditions.

In that regard, I think the growth of terrorism worldwide is a matter of increasing urgency for Western powers to address. And I think international economic and energy problems are also of fundamental importance.

This is certainly not an all-inclusive list. However, I think these issues are among the most urgent, and I must add that I give special priority to our own hemisphere and the Caribbean and Central American scene which is so close to us, so vitally important in its outcome, and which will influence our relationships with Mexico and our other Latin American friends for a very long time to come.

Senator MATHIAS. Looking back over the past decade, the decade of the 1970's, do you perceive any change in the nature of the threats to the security of the United States?

General HAIG. Yes; some very fundamental ones. They are not all bad; some are good. Some add to our risks, but may also make it somewhat easier, if we handle it properly, to achieve our interests.

I have talked in particular about the emergence of multipolarity, the move from a bipolar world to a multipolar world, with special reference to the differences between Moscow and Peking; and the opportunities and dangers that this poses for us.

I have talked about the very fundamental shift in the military balance in my formal opening statement. We talk about a changing developing world where human aspirations and relative changes in power balances and some raw material requirements which have profound impact upon Western industrialized societies which were spawned in an environment where raw materials were relatively available and cheap. We found fundamental changes in the last decade as raw material prices escalated, especially energy, and the impact that that has had on Western industrialized societies is profound, and we are going to have to deal with it, urgently and effectively.

Senator MATHIAS. I think this last point that you raise is one particular concern that I share. The events that we first observed in the period 1973-74, the years of the Arab oil embargo, which signaled to the world as well as to ourselves, that for the first time since the colonial period the United States was vulnerable because of a lack of resources, a lack of material resources. We began to depend on other people for things vital to our survival, to our economic welfare and the security of the Nation.

Do you think that that condition does, in fact, present a threat to our security?

General HAIG. Yes; I think it not only poses a threat to us, but it, in a broader sense, poses a threat to world peace as a new set of vital requirements for all powers becomes increasingly important.

Senator MATHIAS. Thank you, Mr. Chairman.

The CHAIRMAN. Thank you, Senator Mathias.

Senator Tsongas?

Senator TSONGAS. Thank you, Mr. Chairman.

General Haig, I never met you until this morning, and I called someone to ask what you were like. He said to me that you were remarkable capable, bright and tough, and I think your performance today bears that out.

I think your record, which I have had a chance to look at, is very commendable in many areas, including especially NATO. I think what you did there was something that you should be very proud of.

But it is the nature of these hearings, as you know, to focus on areas where you and I may disagree, and that is what I would like to pursue with you. I do that because I think that you will be the Secretary of State, and in proper time, and in this nuclear age, the fact is that the fate of my children rests in your hands.

And when you look across the table at someone who controls the lives of your children, you take it very seriously. I am dedicated to that process of inquiry, and you are no stranger to dedication yourself, and I am sure you understand that.

Let's talk about Afghanistan, if we might, and I will get into the issues that I discussed with Mr. Califano on the phone 2 weeks ago, and which you and I discussed briefly on the phone yesterday.

You said that we should have taken a stronger stand when the Soviets tried to install a puppet regime in Afghanistan, so I take it you think it was wrong for them to do that.

General HAIG. Yes; I do.

Senator TSONGAS. And why is that?

General HAIG. I think it represented a fundamental challenge to our national interest, Senator. I believe the upsetting of a long-standing international posture for Afghanistan, which was achieved almost a century ago, primarily by the United Kingdom, represented an ominous departure from previous post-World War II Soviet activity. Not just in the context of the employment of force there, but more importantly, in the context of their willingness to directly dabble in a rather high-profiled way in such an area.

Senator TSONGAS. Well, I agree. I don't think the Soviets have any business changing governments around the world.

Let's talk about Chile.

General HAIG. Yes.

Senator TSONGAS. In 1970.

First of all, now that Senator Helms has arrived, for my own edification, Senator Helms stated that the women of Chile asked that Allende be brought down, and you said that's right, you had spoken with them.

Who were these women?

General HAIG. Well, Senator, I had the opportunity some years ago in Brussels to speak to one of the leaders of the women's uprising in Santiago. She recounted to me a story which I thought had tremendous credibility from my own ability to recall intelligence reports at the time. It ran something like this. The Chilean military had a very strong anti-interventionist bias, unlike many of the other Latin military attitudes, and a very small percentage vote—because of the split of the moderates in Chile—resulted in the ultimate incumbency of Allende.

The women of Santiago watched first the importation of masses of Cuban-printed textbooks into their schools. They watched the imposition of teachers who had to adhere to Marxist-Leninist philosophic lines, and during that period, according to this woman that you asked about, the women of Chile were profoundly disturbed. They went to their husbands, many of whom were in the military at that time, to try to urge them to take action to prevent the communization of Chile.

Senator TSONGAS. When was this?

General HAIG. This was during the early—I would say the second year of the Allende regime. She also recounted that finally the women banded together and operated to stop the flow of commerce, food, and fresh agricultural products into the city. They lay down and became human barriers. And she then described that at that time the Marxist government seized the women and threw them into jail, injuring some of them.

And it was at that time that the Chilean military rose up and by forceful action changed the government.

I don't know whether this represents a precise articulation of fact, but this story, along with my own recollections and professional access to intelligence, has a great deal of credibility with me.

Senator TSONGAS. There was also reference made to the Communists that Allende was associated with.

Who were those people? You said that was true. Can you indicate who those people were?

General HAIG. I am sorry. I don't—

Senator TSONGAS. Senator Helms referred to Communists that were associated with Allende, and you said that was true, and can you tell us who they were?

General HAIG. I hope what he asked me, because that is the question I thought I was answering, was "Were there Marxists introduced into the country?" There were increased levels of Soviet presence in Chile, increased levels of Cuban presence in Chile, to be specific, and then I suppose you could go into a number of other variations from Eastern Europe which may or may not have any importance in our discussion.

Senator TSONGAS. Let me say that your capacity to recall that conversation with the woman I think is remarkable, and I would hope as we get into the other issues regarding Chile, that we will have the same kind of recall.

General HAIG. Well, it was a very moving experience, Senator.

Senator TSONGAS. Some of the dates that I am going to be going through, obviously not all in this round, concern very profound issues, and I think I, in reading through the Church committee report on what happened, was quite moved as well.

The issue here is not so much Chile, because that is past. Ten years have passed since then, as you pointed out to me yesterday. The question is will the Reagan administration bring us back to the days when we try to overthrow duly elected governments.

The fact is that Allende got 36.3 percent of the vote. Under their constitution, the issue was to be decided in the congress, as you know.

Do you think that what we did in Chile was in any way improper, in trying to prevent Allende from taking power?

General HAIG. Well first, as I have sensed from the earlier portion of our discussion and right until now, you are attempting to draw me into a very unfortunate position which I do not think would be an accurate reflection of the role which I played during the Chile period, and I hope to avoid that, Senator, for good and proper purposes.

Senator TSONGAS. Let me say that your capacity to deal with the Senators that have questioned you is remarkable, and I am sure you can do that very well.

General HAIG. Well, in an effort to try to do that, I would like to first for the record reiterate the position I placed in my annex with respect to the role I played in Chile at that time, since you seem to be so interested in it.

It read as follows:

Now with respect to covert activities in Chile, as I indicated, I testified on this subject to the Senate Intelligence Committee in August of 1975, and that testimony is available to the members of this committee. In essence that testimony describes my limited involvement and confirms that Chile was not a special responsibility of mine, and that I was not deeply involved in either overt or covert policies toward that country. In general, throughout my service on the National Security Council staff I had no responsibility to review or approve any CIA covert activities in Chile. I am aware that the Congress—

and this is the pertinent part in response to your question, Senator—

I am aware that the Congress has established procedures for informing the Senate Intelligence Committee of all intelligence activities, including any significant anticipated intelligence activity. The Reagan administration, I know, intends to follow those procedures, and I personally intend to insist that we do so.

Senator TSONGAS. Before my time expires, could you answer the question as to whether you feel that anything we did in Chile in 1970 to prevent Allende, who was duly elected, from taking power was at all improper?

General HAIG. I would be not the one to give you a blanket answer to that. I was made aware by the Central Intelligence Agency after the fact of a failed kidnap attempt against General Schneider, which resulted in his death. General Schneider was a man who I had followed over the years and had high regard for. I think that was a profound and unacceptable mistake.

Senator TSONGAS. But—

General HAIG. However, the Central Intelligence Agency insisted and confirmed that they had not spawned that operation, although they had worked with the group that perpetrated it, and they were as appalled, at least in their reports to the White House to which I was made privy, as were we.

Senator TSONGAS. The question is whether it was—

The CHAIRMAN. Senator Tsongas, your time had expired before the question was asked.

Senator TSONGAS. I would simply say, Mr. Chairman, I am going to begin my next round with exactly the same question.

The CHAIRMAN. Thank you very much.

Senator Kassebaum?

Senator KASSEBAUM. Thank you, General Haig.

Thank you, Mr. Chairman.

As much as we would frequently like, I am sure, definitive, specific answers to foreign policy issues present and future, there is just not that comfort that I think we can afford at times regarding very complex foreign policy issues. And, it would even be inappropriate as a future Secretary of State to give such answers.

As the new chairman of the African Affairs Subcommittee of the Foreign Relations Committee, I would just like to commend you on the answer you gave this morning regarding the Namibia question, because, as I am sure you are aware, there is a conference going on this week in Geneva of a very sensitive nature regarding the future of Namibia. And, I think it was a very skillful and diplomatic answer.

You touched on an observation in your opening statement regarding the increasing frustrations that we find in foreign policy decisions advancing a position at the cost of one interest to the advantage of another interest of the United States. This seemingly leads us many times now to a paralysis of decisionmaking.

And, I think an example that is presented to us today is the question of Somalia and Ethiopia. I would like to ask you what you feel regarding the obvious need for the strategic advantage that a base at Berbera would provide us versus the obvious cost of upsetting the colonial borders that are important to allies. Or is it necessary even to feel that there should even be tradeoffs?

General HAIG. Well, this is a very complicated question in its own right, Senator. I think most of us who have watched the situation and the changing strategic environment not only in the Persian Gulf but also in the Horn of Africa area itself have been concerned by the growing Soviet presence along both littorals of the African continent. With the activities in Afghanistan and the successful outcome for the Soviets there, and the uncertainties in Iran, the concern grows that the lifelines of Western access to vital raw materials could rapidly come into serious threat.

Many in this current administration, have looked at the important needs to increasing the American presence in that area. They have

sought to gain access to a number of base rights, stretching far to the East to the island that we had some debate about here in town during my incumbency years ago, Diego Garcia, to Oman and to the African continent itself. These moves were designed to enhance American flexibility to react rapidly in the event the vital oil resources needed to this Nation were threatened.

And in general, I am comfortable with the current trend to accomplish that, to include the development and preparation of a rapid reaction force which can be perceived as available to the American President and to this committee, should it unfortunately become necessary to deploy it.

Now, with respect to particular locations from where American access should be based, I would like to take somewhat greater time to study what progress has been made by this administration in a number of ongoing talks in these areas, to know what commitments they would entail for us in order to achieve these openings, and what the regional consequences would be.

And one of the great problems of talking glibly about an American presence in the Persian Gulf area is that it could have precisely the opposite consequences that we are seeking. It could unite the so-called radical Arab States against us in a way that I think would be counter-productive.

Senator KASSEBAUM. And I think you would feel that there needn't necessarily be tradeoffs, that the two interests wouldn't necessarily co-opt each other?

General HAIG. This is the process of policymaking, in which you have to lay out all of the implications, ramifications, parse them out and hope that we arrive at the solution which best meets the vital interests of the American people.

Senator KASSEBAUM. I would like to ask briefly a question that was brought up this morning regarding the grain embargo. You answered it partially, in response to Senator Glenn's question. I would like to ask you, in light of the fact there has been thought that there would be Cabinet decisionmaking and particularly a super-Cabinet created, how much would you, for instance, involve the Secretary of Agriculture in a decision regarding the grain embargo, and what weight would you give to his opinion?

General HAIG. I have discussed this with the new Secretary of Agriculture designee. As you know, he had some earlier comments on this subject.

Senator KASSEBAUM. We all did.

General HAIG. I would like to make two points. First, I believe the Secretary of State must have the ability, in matters of international agricultural trade, energy, technology transfer, to apply the litmus test of our political interest first and foremost before policies are pursued. This is fundamental.

But I equally believe that when we establish policies with respect to agricultural affairs the Secretary of Agriculture must be a participant full time, with his full weight of concerns applied to that decisionmaking process. And that would be the way I hope—and we are in the process of starting to do that now—that our interdepartmental mechanisms would provide for this kind of overall coordination.

Senator Sarbanes has explored a reference from Leon Jaworski. He also mentioned that he has read, as have I, the remarkable interview in the Armed Forces Journal of April 26, 1979. So that the record might be somewhat balanced at this particular point, I will abstain from my planned line of questioning and read a quotation. I will quote in full. All of this is from Leon Jaworski and is on page 60 of the Armed Forces Journal International of January 1981.

"Now let's get into more discussion of Haig." This is the quotation.

I consider Haig, and still do, one of the unsung Watergate heroes. As Nixon became immobilized by the ordeal around him and consumed by the effort to save his job, Haig ran the White House. It is not altogether unlikely that in the final days of the Nixon Administration Haig ran the country. He was our Thirty-seventh and a half President, the way I described it. It may be quite a while before anyone knows the extent to which Haig became the acting President, but he is owed a debt for being the moving force in convincing Nixon to resign. I dealt with the General under circumstances that were unique.

This is Jaworski still speaking.

We were adversaries. At times we were engaged in stern and grudging discussions. But I recognized the loyalty of an officer serving his Commander-in-Chief, and I respected him. I do not believe he ever lied to me. He drew some conclusions that were far afield and I told him so. But he had a goal to keep his President in office and he tried.

That is the end of the quotation.

I think this is important testimony. I think it addresses, as we were bound to do this morning, the past, although much of the morning has been spent profitably in looking ahead.

I want to raise this line of questioning with you, General Haig, because an analog has been made between this hearing and one that was conducted by another committee of the Senate 4 years ago; namely, that of Bert Lance. It was suggested that in the enthusiasm of the Senate at that time especially of the majority Members of the Senate—and, for that matter, all save one of the Senators—wanted to give the President the people he felt he needed. It has been suggested that we were not very probing of Mr. Lance, especially with regard to his finances. I want to ask about your finances and I want to ask questions about your health and questions about your motivations, such as why at this point in your life and under these circumstances you are seeking this opportunity to serve again.

First of all, for the record, what materials have been made available to the committee with regard to your personal finances, so that all questions with regard to conflict of interest or any ways in which this office might impinge upon your financial circumstances might be explored? Can you describe that procedure?

General HAIG. Yes, Senator.

I know that my personal history form is available to members of the committee; my FBI form to the chairman under very special arrangements; and, of course, my financial disclosure report, which is not a very complicated piece of paper since I have spent most of my life in public service and have had very little, until this past year, to show by way of financial reward. I have had a very successful year in American industry. It has been a very pleasant year for me and my family, and also a very rewarding one. If one looks at my financial statement, one will see that it was rewarding, although I went into it with almost nothing.

Senator LUGAR. I appreciate that these records are in part—maybe in total—confidential.

The CHAIRMAN. May I ask this question, General Haig? I have received letters from your doctors. Do I have your permission to share those letters with members of the committee.

General HAIG. Absolutely, Mr. Chairman.

The CHAIRMAN. I would then make those available to any member of the committee who has asked to see those letters. I would just simply say that I would hope I could get a letter comparable to these as far as physical fitness is concerned.

Senator LUGAR. Thank you, Mr. Chairman.

With regard to the financial picture, what details can you give to us? As I recall, there has been mention of the fact that you received a large salary in your role with the United Technologies Co. Would you reveal to us the size of that salary?

General HAIG. Well, this is a complex problem for me, Senator, simply because it is my corporation's policy not to do this until the time of the publication of our annual report and the meeting of our stockholders. But I think the overall sacrifice for my family—not for me because I am greatly rewarded by public service; I suppose I just feel very strongly that I get great rewards from that, but for my family—is in the order of magnitude of an 8-to-10 times reduction in pay.

Senator LUGAR. So, in other words, your compensation would have been in excess of half a million dollars. Is that generally true?

General HAIG. Yes; when you include what I will be giving up in terms of stock options, when you include what I gave up in the way of a vested insurance policy for my wife, which is a multimillion dollar policy, you could, over a 4-year span perhaps put an \$8 million to \$9 million price tag on it.

Senator LUGAR. \$8 to \$9 million.

General HAIG. Yes.

Senator LUGAR. I think this is important. People on this committee and out in the country are going to wonder why a person with that prospect for income—and you have committed 35 to 37 years of your life, as you pointed out in your opening statement, to public service and you had a minimal net worth—would do this.

All of us in public life have a pretty good idea of why you would be willing to serve in this capacity at this point. But still, this is a very outstanding business opportunity that you have had at this point in life. Why did you decide to break off from that career so abruptly and accept the nomination of the President-elect?

General HAIG. First, Senator, a very dear friend of mine called me the day this appointment was announced. He said, "I knew you had just had a bypass; I did not think you needed a lobotomy." [General laughter.]

I think I can only answer that question, however it may sound, by reiterating my concern about this country and its recent drift, reflecting a span of perhaps 15 to 20 years of confusion.

I suppose one has only one life to give, and for me, my rewards would come from being successfully able to put some greater clarity, some greater sense of direction and some greater effectiveness into American foreign policy. I think that is the greatest legacy I could leave my children and my family.

Senator LUGAR. Thank you very much.

The CHAIRMAN. Senator Lugar, I would like to comment. In discussing with General Haig what this would mean to him, I did arrive at a \$9 million figure.

I never questioned why you made the decision, General. You have served your country almost your entire life and, when the President-elect of the United States asked you to do something, you did not equivocate.

You have received battle stars in Vietnam and in Korea. As I warned you, you will deserve another one by the end of this hearing. But I think the very fact that you are here shows what kind of country this is, and I hope every member of our audience today appreciates the fact that financial sacrifice is nothing in comparison to what you think you can contribute to your country.

Senator LUGAR. Yes.

The CHAIRMAN. I want to express deep appreciation to members of the committee for their full attendance today. I think it is unique in my 14-year Senate experience that we have started a meeting not only on time but with every Senator in place. I want to express my appreciation also to our audience, which has remained under crowded conditions for 4 hours and has been very attentive. We appreciate it.

This hearing is recessed until 2 p.m.

[Whereupon, at 12:55 p.m., the committee recessed, to reconvene at 2 p.m., the same day.]

AFTERNOON SESSION

The CHAIRMAN. We will resume our hearings, and I have just a few announcements.

It will be the policy of the committee to ask all public witnesses who have requested their testimony be submitted to the committee to submit their statements in writing. All statements of reasonable length will be printed in the record, and I will read the names of those groups into the record next week who have submitted testimony so that there will be public notice.

It is the intention of the committee this afternoon to resume these hearings on the 10-minute limitation rule for Senators. It will be restricted this afternoon to Senators of the committee. We will go from 2 o'clock to 4 o'clock; we will take a 10-minute break, and we will return and proceed until 6 o'clock, unless there is any request by Senators to continue after that.

General Haig, if anyone wishes to continue—members of the committee only—after 6 o'clock, would you be prepared to do so?

General HAIG. Yes, indeed, Mr. Chairman.

The CHAIRMAN. All right, thank you.

I think, considering the fact that we are resuming again at 9 o'clock in the morning, if it is agreeable to the committee, a 6 o'clock adjournment would probably be best.

We will resume our questioning with Senator Zorinsky.

Senator ZORINSKY. Thank you, Mr. Chairman.

General Haig, I am very pleased to know of your concerns with respect to the sufficiency of one Secretary of State for the United States of America. Chairman Percy earlier indicated that I had introduced

an amendment to make the National Security Adviser to the President subject to the advice and consent of the Senate. I realized full well all I would be doing is legitimizing a second Secretary of State, and as I previously pointed out, one is sufficient. That is the reason I have not pursued that line of action.

The resolution of that problem certainly best lies with the Chief Executive of this country, that is the President. I hope that you will continue to make your views known as to the need for only one Secretary of State. I understand President-elect Reagan has also indicated that the National Security Adviser will serve as an adviser to him personally as a staff member, not of the magnitude of the previous National Security Adviser.

With that, I would like to ask you a question, General Haig.

Was it truly your suggestion that Ambassador Mike Mansfield be requested to continue in his capacity of U.S. Ambassador to Japan under the new administration?

General HAIG. Yes, it was. I discussed this with the President at a meeting earlier this week. I had followed very carefully over the years Ambassador Mansfield's performance in Japan, and having been on the other side of many issues with him when he was here in this august body especially during the period of the Mansfield resolution, I was concerned. And I must say, on every issue that I have been able to assess, I think he has done an unusually brilliant job in Japan, and I think it is vitally important that we keep the former Senator in that post.

Senator ZORINSKY. General, I concur with you and certainly compliment you for that initiative.

I now would like to ask a question of you that is of concern to many people in this country and one requested by some of my constituents who are affected personally by the MIA situation that currently exists with respect to Vietnam. Lt. Gen. Eugene Tighe, the Director of the Defense Intelligence Agency, testified before the House Subcommittee on Asian and Pacific Affairs last December that the DIA has received since 1975 reports of hundreds of sightings of American prisoners of war in Vietnam.

Since you are a Vietnam veteran yourself, I know that you understand the agony of the families of those Americans said to be missing in action.

What steps will you take as Secretary of State to substantiate these reported sightings and to bring about a resolution of this issue?

General HAIG. Senator, I have been very closely associated with this issue in the past. As you know, I participated in the talks which ultimately resulted in the return of some 500 Americans from prison camps in North Vietnam, and at that time, as I recall, there were in the neighborhood of 2,500 Americans as yet not clearly accounted for.

Over the years, I have watched very carefully the insistence of many groups here in the United States—the families of those missing people—on maintaining pressure on Hanoi for a full accounting, and I think it is vitally important that we continue that effort in the period ahead.

Senator ZORINSKY. Then you will do all in your power as Secretary of State to continue to pursue the identification of those MIA's.

General HAIG. Yes, I will; yes, sir.

Senator ZORINSKY. Thank you.

Senator KASSEBAUM. I feel it is very important, and I am pleased to hear you say that.

How do you generally regard embargoes philosophically? Do you feel that they have ever really been successful?

General HAIG. I have a public record on this subject, that I have repeated most recently. That is, as a general rule I am very suspicious of food embargoes. I think we have found in the past, and I know we did during my period in the NSC, that we frequently end up shooting ourselves in the foot.

And by that I mean we end up selectively burdening one segment of our society or one segment of the Western community. I am more inclined to look first and foremost to be sure that before we institute that kind of selective pressure, we have unanimity among our allies and the other grain-producing or whatever the commodity-producing, technology-producing nations are involved, so that we will have a consistent front. Also, hopefully, to broaden the character of the application of these pressures to include not just food, but a host of other interests.

Senator KASSEBAUM. I only have a minute or so. But would you feel the same about economic sanctions?

General HAIG. I think we have to be very careful, to the degree we can—we're not always imbued with that luxury—to try to share the burdens of these problems and not to single out one segment of our society and, above all, to be sure that those of us who are engaged in it are equally burdened. And I mean that in a multilateral sense, internationally.

Senator KASSEBAUM. Thank you.

The CHAIRMAN. Thank you, Senator Kassebaum.

Senator Cranston?

Senator CRANSTON. Thank you, Mr. Chairman.

I welcome you before this committee, General. As I told you yesterday, it is my hope that these hearings will establish a basis for the Senate and the American people to achieve full confidence in you if, as of course is most likely, you are confirmed as our Secretary of State. This full sense of confidence would be in the national interest and in your own interest if you are to be the effective Secretary of State that we all hope you can be.

You are, as several Senators have noted preceding me today, a man of demonstrated abilities and achievements. I have a keen interest in learning how you would use these remarkable abilities and the unique background that you have acquired to address what I believe is the most important task confronting the incoming Reagan administration: the need to prevent United States-Soviet competition from escalating into a nuclear confrontation.

Full-scale nuclear war between us would destroy our security and all that we value and seek to defend. It would be the ultimate catastrophe, the ultimate human holocaust.

At the same time, I share with you the belief that what we value and seek to defend is even more important than life itself. The question is, how do we prevent that United States-Soviet competition from escalating into nuclear confrontation, either through design or inadvertence?

Certainly we must—we both agree—upgrade our nuclear and conventional capabilities to reduce the danger that adversaries might underestimate our strength and our resolve to defend our freedom and our security.

I trust you agree also that we must match this military effort with effective diplomacy to protect our interests, to promote democratic development around the world, and to address global issues which threaten our future, issues like poverty and overpopulation.

I want to be sure that I understand your answer to Senator Baker's question on the dangers of nuclear war. Did you mean that we run a greater risk of nuclear war, if we indicate any lack of will to undergo that ordeal, if necessary, to preserve our freedoms? In other words, General, if we lead our adversaries to believe and to act on the assumption that we value our lives more than our liberties, will we be increasing the danger of nuclear war?

General HAIG. I want to be sure I have the connotation of your question, Senator. I think that what you are asking me is, do I perceive international stability and peace are better preserved by projecting an image to potential adversaries, and in this instance the Soviet Union, that we are indeed prepared to employ the weapons that we are building, or are we better served to suggest to them that a nuclear exchange outcome would be an outcome that would be unacceptable to us under any set of circumstances?

Senator CRANSTON. That is what I meant. And in effect, do you thus mean that by taking that stance, we reduce the danger significantly that we will actually ever find ourselves in the catastrophe of nuclear war?

General HAIG. Yes. And I think you have to be very careful of cryptic, compressed, glib answers to a question of such a profound nature. But I think you have to get to it to get to the essence of what deterrence is all about. Because after all, I don't think there is anybody in this room, and least of all me, who would come up here and present a rationale which was flirting with the desirability of getting into a nuclear conflict. It would be a disaster.

But the problem is, how do you get there? And here there are differences between very well-meaning thoughtful people. And I would suggest my reading of history, my experience in the international community, suggests to me that our deterrence achieves its credibility by the perception of our willingness to do whatever is necessary to protect our vital interests if they are challenged. And that must include the arsenal of nuclear weapons that we maintain at such great cost today.

It does not mean in any sense that someone that harbors that view—and I think it is the right one—is a proponent for nuclear warfare or for destabilization.

Senator CRANSTON. That is what I thought you meant, and I concur in your judgment.

Do you believe that there is any acceptable alternative to the determined, steadfast pursuit of balanced, verifiable nuclear arms control agreements if our long-term security interests are to be advanced?

General HAIG. Here again, I think a glib answer could get you into deep trouble. I would want to make it very clear that I have always

been a proponent for arms control, and especially efforts to get the nuclear genie back into the bottle. That is, to minimize the level of nuclear weapons, and to minimize nuclear proliferation.

But if that becomes the end in itself, and it is sought at the expense of other vital national interests, we may end up with a process in which we put in jeopardy the very process you are seeking. I believe these are very important, vitally important objectives for the United States. But they must also and always be pursued as ancillary to our own vital national interests first and foremost.

For example, I have always believed that we acquire breakthroughs in negotiations with the Soviet Union in arms control only when they perceive that the alternative facing them is a willingness on the part of the United States to match or better what they are willing to deploy. Why in heaven should they sit down and negotiate limitations with us if we're going to do it to ourselves without such negotiations?

Senator CRANSTON. You said the United States should only agree to arms limitation agreements that are in our interest, and of course nobody would quarrel with that. You go on to link U.S. support for such agreements to other aspects of the United States-Soviet competition. Is there any reason for the United States to forego any nuclear arms control agreement that is clearly in our strategic interests?

General HAIG. Again, that is a very narrowly banded question.

I do not want to suggest to you that we should be in the business of scrubbing existing agreements. Not at all. The worst thing we can do as a nation—and I have said this in my opening statement—is to project an image of unreliability or inconsistency. Where we have made obligations, we must live by them unless the terms of those obligations provide for escape clauses because of abrogation by the other partner.

I hope that's the answer to your question.

Senator CRANSTON. Well, first of all, I was not thinking of any traps. I have none in mind. I was thinking prospectively more than to the present SALT I and SALT II terms. I was thinking of the effort to achieve further agreements like those which might ultimately lead to the reductions which you indicated this morning you and President-elect Reagan feel would be desirable.

Is there any reason to forgo arms control agreements that are plainly in our national interest?

General HAIG. Well, again, no. And I sense the same pitfall I sensed before, because you are clearly coming up on the concept of linkage from the side. And let me suggest to you that efforts on arms control cannot be divorced from the overall climate under which those negotiations are conducted.

One need only look at the recent events and our experience with SALT II, where the whole procedure was derailed by blatant Soviet intervention in Afghanistan. I was concerned even before Afghanistan that we had not been giving proper attention to illegal Soviet activity abroad, illegal activity.

Senator CRANSTON. I believe, as I know you do, that competition, controversy, and confrontation between the United States and the Soviet Union is inevitable now and in the foreseeable future. I believe,

and I ask you if you agree that a primary purpose of arms control agreements is to manage, to use your phrase, and to limit the dimensions of these inevitable collisions so that they do not escalate into nuclear conflict?

General HAIG. No, I think successful arms control agreements that are verifiable, that are equitable, and hopefully that reduce the levels of armaments cannot help but be a contributor to improved security for the United States and the international stability at large.

Senator CRANSTON. What do you see as the limits of linkage? For example, should we withhold our support for an otherwise desirable SALT treaty as a means of pressuring the Soviet leaders to show greater respect for their citizens' human rights? Or, as another example, should we attempt to use SALT to pressure Soviet leaders on Middle East issues, such as their support for the PLO?

General HAIG. Senator, again, I hope I made it reasonably clear in my opening statement that I do not view linkage as a mechanistic arithmetic game in which we add up pluses and minuses each day and decide how we are going to proceed in a number of important functional areas—not at all. And in the context of your question, hardly at all.

But I think it is vitally important for Americans to understand that the Soviets are not in arms control negotiations with us because they like the color of our eyes. It is because they see an interest in this subject too, and it is of importance to them.

Hopefully, if we do it right, that importance is going to be at the lofty area you and I are discussing. If we are foolish, it is going to be driven by other incentives as well.

But assuming the lofty outcome, if we find ourselves and international peace endangered, even perhaps to resort to nuclear weapons by unintended Soviet activity in the international environment, I think we must deal with these two in sync. We must make it clear to the Soviet leadership that they cannot expect benefits in a number of functional areas, whether it be arms control, trade, credit transfer, technology transfer, et cetera, while they are indulging in activity worldwide which is endangering international peace.

I know that the leaders of the Soviet Union would understand that message, and my own past experience in this Government suggests that they can cope with it in a constructive way.

Senator CRANSTON. Thank you very much.

The CHAIRMAN. Thank you, Senator Cranston.

Senator Boschwitz.

Senator BOSCHWITZ. General, I agree with the statement you have just made, and I want to express my high regard for you and congratulate you on your appointment to the Secretaryship, and also to compliment you on your opening statement with which I agree.

I also believe, as you stated, that the American people have not lost their will, and that certainly sometimes it appears that they may have, but I think that is the confusion that comes along with democracies that you spoke of earlier.

I heard you testify before this committee or the Armed Services Committee—I was on neither at the time of SALT—and also agree with you on your approach in that regard.

My subcommittee that I head on this committee deals with South Asia and the Middle East. It goes from Morocco on the west to India,

Bhutan and Nepal on the east. I would like to lead you through that area and ask you to discuss, if not the solutions, at least some of the problems, as you see them there. I understand that it is difficult for you to discuss solutions to particular questions or specific questions sometimes, but I would like to go from west to east through my region and ask you to talk about the problems and the solutions, as you see fit to talk about them.

Incidentally, I would also like to state my agreement to your answer to Senator Kassebaum's questions about the grain embargo.

Let's start with Morocco, General. That is over on the western edge of the area that comes under my subcommittee.

Could you talk about Morocco, its problems and how you foresee the United States participating in them?

General HAIG. Senator, as you know, we have a longstanding historically cordial relationship with the Government of Morocco and His Majesty there. We know that that situation has been complicated by the Polisario movement in an area of some controversy in the first instance.

I have watched over recent months and years efforts by the Moroccan Government to achieve some assistance from the United States to deal with that issue. There are related problems with the Moroccan neighbors which I would hope would be the focus for efforts on the part of the United States to serve as a catalyst to help resolve, because assistance from Algeria has from time to time caused great problems in the ability of the Moroccans themselves to cope with this situation.

I think I had best leave my observations at about that point because here again it is a dynamic, highly sensitive issue which could be influenced either constructively or unconstructively by what I say here this afternoon in public session. But I think I am acutely aware of the situation there and I have some rather strong views about it.

Senator BOSCHWITZ. Moving east through Algeria, Tunisia, and Libya, would you comment on Libya in particular, and its recent acquisition or domination of Chad?

General HAIG. Of Chad? Yes.

I think this is merely a further extension of what has been most outrageous international behavior on the part of the Government of Libya. They have been spawning terrorism, training terrorists; and they have been inciting difficulties throughout the African northern tier, and beyond.

Senator BOSCHWITZ. And beyond.

General HAIG. I think it is high time that the Western World at large, not just the United States unilaterally, assess with clarity the implications of this and hopefully moves in concert to deal with it more effectively.

Senator BOSCHWITZ. As we think about Egypt and the Middle East and the Camp David accord, the Camp David agreement and the whole process, would you comment on that process and if you have any feelings about whether or not we can include other nations in that process?

General HAIG. Senator, it goes without saying that here again we are in one of the most sensitive, dynamic areas of American and Middle Eastern policy, and I want to be extremely careful not to introduce counterproductive waves.

But with respect to Camp David, first and foremost, and I think Governor Reagan agrees, I am highly supportive of the outcome of

Camp David. I think it is a tremendous achievement for American diplomacy, and I think it is a great credit to President Carter.

If one would look back at where we were in 1970 and assess that against where we are today, one could only be pleased with the overall progress. Now, there are a number of contravening signals on the horizon that are very worrisome. Soviet inroads have become increasingly prevalent, and above all, the destabilization of Iran which had once been a stabilizing anchor in that part of the world, and had once served our purposes as a nation very well.

Now, with respect to broadening the peace process, I suppose what you are referring to is the so-called Jordanian option. Clearly anything of that gravity and that significance must be undertaken only in the context of the closest consultation with the parties in Tel Aviv and Cairo, and I would not presume here to cut new ground on that subject until those discussions and the discussions with the Jordanians that must precede any such speculation have taken place.

Senator BOSCHWITZ. There were many expectations that the war between Iran and Iraq would be rather short lived, and certainly here up on the Hill much advice we received and many opinions that were given indicated that.

You spoke earlier about the possibility of bases in the region with respect to mobile forces for the purpose of insuring stability.

I understand the difficulty of asking for specificity, but would you give your views of that war that has dragged on and has increasingly destabilized the Persian Gulf area. Also, where you think things will stand in the foreseeable future?

General HAIG. Well, Senator, a month ago, I would have given you a full-blown dialog on this subject. I do think one lesson to be learned from it is that one destabilization begets another, and the profound change in the orientation and character of the Government of Iran was clearly a contributor to the outbreak of conflict between Iran and its neighbor Iraq.

Motives can be attributed, and causal relationships can be established whether you go into the historic disputes between the two governments in the straits, or whether you would suggest that there were efforts to fill vacuums that have just been created.

I think, in the context of this conflict, neither side has either the stomach or the will for it to be conducted in a decisive way. But neither side will have the ability to terminate it for a period of time, perhaps until one side finds the economic burden of it, the energy impact of it, and other destabilizations already underway in their capitals unbearable. But I don't look for peace in the immediate future between Iraq and Iran.

Now, as you know, it has put in jeopardy 1, or perhaps 2 million barrels a day for the first 6 months of 1981 in our access to oil, and this is going to have a very important impact on international markets, spot market prices, and the overall industrial health and vitality of the Western World.

Senator BOSCHWITZ. I think there is no question about that. I think it is even more than 2 million barrels, and we have already seen the impact on the spot market.

I see my time is up, Mr. Chairman.

The CHAIRMAN. Thank you very much, Senator Boschwitz.

Now, 5 hours later, we are down to our anchor Senators, and if it is frustrating for them to sit here 5 years as the freshman Members at the bottom of the line, I can only remind both Senator Pressler and Senator Dodd that it took Senator Javits and Senator John Sherman Cooper 13 years even to get on this committee. Senator Pressler has gotten on in 2 years, and by some magical means in the Democratic Caucus, Senator Dodd is on in his first year in the Senate.

We are delighted to have both of you. Thank you for your patience. Senator Dodd will be first.

Senator Dodd. Thank you very much, Mr. Chairman, and being a member of this august body for 4 long days, now, I have enough patience to wait a little longer for these questions, but I appreciate your courtesy and your kindness.

General Haig, it is a pleasure to have you before the committee, and let me just say at the outset—as a person who is a fellow Nutmegger—that I congratulate you on your nomination by President-elect Reagan.

I would also like to join with other Members of the Senate and this body who commended you on your fine record over the past 35 years of serving our country.

Third, I would like to point out to you that while I would hope in the coming rounds to focus my attention on matters that I have told you about in personal discussion—that is, the area of human rights and nuclear nonproliferation, international energy policies and so forth—I feel I must at this juncture anyway return to a subject that was raised at the outset of this hearing. The reason I do so is not for any desire whatsoever to rehash the issue of Watergate or Cambodia or the covert operations in Chile, but merely to try and address an issue which I think is entirely appropriate for this hearing, and that is the issue of abuse of power or potential abuse of power.

So I raise this question for that purpose and no other purpose. I don't believe it ought to be the centerpiece of this hearing, but I don't know how we can complete this hearing without addressing the problems that are raised by that particular part of our most recent history, of which you played at least some part.

As I understand it, when you were Chief of Staff of the White House, there were some 100 hours of recordings between you and then-President Nixon. Only one of these recordings has been transcribed.

I was wondering, in light of the fact that we may be getting involved in the issue of subpoenas either later today or tomorrow, if we might shortcut that process by you requesting of former President Nixon that he consent to the release of these Presidential materials so that we might have direct access to them without going through the legal proceedings of subpoenas. Or maybe you have already asked him in light of your statements and comments earlier this morning, which I applaud, by the way, of your desire that this committee have every bit of information it should have in order to reach its decision.

General HAIG. No, I didn't ask him, Senator, but you know, since this question has specifically arisen, I think it is very important for the committee to know what period we are talking about with respect to these tapes. I came to the White House on May 8 of 1973, having served for a period of about 4 to 6 months as Vice Chief of Staff of the Army, and during the period preceding that, having worked in-

tensely in the negotiation of our Vietnamese peace treaty. That included trips to Paris and Saigon and back repeatedly.

When I arrived at the White House on May 8, I hardly even knew the details of Watergate. Shortly after my arrival, I learned there was a taping system, that one even existed, but I thought that it was a manipulated taping system of the kind President Johnson and, I believe, President Kennedy had. I know President Johnson had.

I learned at the same time the Senate investigating committee learned, that it was a voice-activated system, and on that very day I ordered it dismantled. It was dismantled, despite what you may read in some books by certain experts.

Now, we are talking about a period of from May 8—a good portion of which the President was away and in Florida—through the period of, I think, about July 13 or 14, at a time when I didn't even know the details of Watergate.

I just want to be sure the committee understands this issue. There were no tape recordings following that period. There were no tape recordings covering the period that seems to titillate so many people about my advice or nonadvice to President Nixon. I think that's important. Sometimes we forget that as we struggle on issues.

Now, I cannot presume for myself to deal with this issue. I think this is a problem for this committee and a problem for lawyers, especially within this committee, because I know for a fact that Mr. Nixon has been litigating this issue at great expense to himself for a number of years, and I can't presume to interpose myself in it. It is not my position to do so.

But I can assure you, I have no reservations whatsoever about what may or may not have been on those tapes.

Senator DODD. I know that you have stated that, and I appreciate that statement. I think that is commendable, and all I am suggesting—and I am not titillated—

General HAIG. But it is a fundamental issue. I am here under oath, and if we are dealing with that kind of a problem, then best we know it, and early on.

Senator DODD. I don't think it is, necessarily, for my part—and I am certainly not about to speak for anyone else on this committee—it just seemed to me we are talking about a primary body of evidence which could shed some light, that's all, on that issue, not the issue of Watergate per se. It just occurred to me that I know how strongly President Nixon feels about your appointment, and understandably so, given your record, and it just occurred to me that he might be willing, in light of this committee's desire to expedite the process, to assist us in that effort. That is all.

General HAIG. Senator, I am not going to interpose myself in this question because there are a number of other issues associated with it in terms of completing these hearings in a responsible amount of time.

Senator DODD. So in response to my inquiry your answer would be that you would not make that inquiry of him.

General HAIG. No; I won't interpose myself in an issue of that importance.

Senator DODD. Let me, if I can, follow up a question Senator Zorinsky asked you about the Panama Canal treaties. You indicated that you would support those treaties which are now the law of the land, and as

such, you would support them. You had some questions about them. You went back to, I think, Senator Kennedy's administration where you had had some experience in dealing with those treaties.

Oftentimes on the floor of the House or the Senate, amendments are offered that will tend to undermine certain obligations of this country, usually having to do with the appropriations process.

May I ask of you, in light of your earlier statement about your support for those treaties, whether or not you will aggressively oppose efforts that would undermine the Panama Canal Treaty specifically?

General HAIG. I hope I didn't leave you with the impression that I had made a value judgment at all on the Panama Canal Treaty. I thought I avoided doing so other than to say that we have this treaty and we certainly must support it.

Senator DODD. My question is that often we find that there are those Members of Congress who oppose certain treaties, certain obligations, and they will offer amendments on the floor or in committee which will in effect obviate those responsibilities by wiping out the appropriations for them.

General HAIG. That is what concerned me because you had concluded that I made a value judgment on the treaty itself, and therefore would proceed with certain actions in light of that value judgment. I hope I didn't—and by answering that question I have to make that value judgment, which I prefer to avoid.

You know, I don't disagree with what has been said here this morning. I made the point that these negotiations started, I believe at least conceptually, during the Kennedy administration. They were conducted beyond that into the Johnson years. I think I recall President Nixon suggesting we put it on the back burner. Subsequently it was revitalized by President Ford. There is a long historic tale to this issue, and we are there, and I would like to keep myself as one who supports the fact that we are there, and I intend to maintain that support.

Senator DODD. Let me just ask you one quick question while the yellow light is on. You may be able to answer it quickly.

We presently have committed some \$70 or \$75 million to the new government in Nicaragua.

Have you drawn any conclusions at all about whether or not we ought to continue that commitment?

General HAIG. No, I haven't, Senator. I make no bones about the concerns I had along the way as we got to where we are today.

Senator DODD. Thank you. I see my time has expired.

The CHAIRMAN. Thank you very much, Senator Dodd.

Senator Dodd, without objection, I will put in immediately after your closing comments on the subpenas, the letter to me that we received here last night at 8 o'clock from Senator Pell which attached the complete appendix of materials that he is now requesting; it is now much more specific.

Senator DODD. Thank you, Senator.

The CHAIRMAN. And we will take into account, then, that my reply to that letter was given in my response this morning during the course of our colloquy.

Senator Pressler.

Senator PRESSLER. General Haig, let me congratulate you on your appointment. I shall be asking some questions that relate to a subcommittee I will head in the Foreign Relations Committee, but first I was interested in your statement that we are almost finished with a bipolar situation in the world and have moved toward a multipolarity, and I certainly agree with that.

In the area of foreign aid, it has been alleged that the United States is doing more than certain other countries, particularly our wealthy European allies and wealthy Arab OPEC countries, and Japan. In the taking of refugees, we take refugees and give them citizenship, but some of these other wealthy countries take them and give them a 2-year work permit, which may be renewable, to do tasks that are needed to be done. I had an amendment in the Senate, along with Senator Javits, formally asking the President for a study comparing these aid levels, which is tough to do because some countries count sales as aid and so forth.

But in any event, I guess my bottom line is: What, as Secretary of State, will you do, what steps will you take to insure that some of our wealthy allies will pay more of the bill in terms of defense, aid, and other areas?

Let me add that every time I am in Europe, Europeans always preach to me about how the United States should be stronger and we should be doing more, but yet I think Europe is, according to statistics I have seen, lagging behind in defense expenditures.

General HAIG. Senator, I would be a little less than consistent myself if I joined the totality of your thesis because I think I emphasized in my opening statement the sterility that I feel that is associated with the subject.

We all have to do more.

With respect to American aid levels, I have watched them decline steadily. I think we are probably about 14th today in terms of gross national product applied to foreign aid and foreign assistance internationally. On the other hand, I have watched certain of our European partners dramatically increase their levels of support.

For example, in the recent difficulties in Turkey, it was West Germany who really bore the brunt of the economic support for our Turkish allies.

So you have to again be careful not to indulge in glib generalizations which could be terribly unjust and unfair to those who are doing that.

When you get into the area of defense burden sharing, I am not happy with our contribution and I am not happy with the contributions of many of our allies. But I think it is important for Americans to know that in relative terms, the allies have been doing better since 1970 than have we Americans in meeting NATO military needs. They are spending more relatively.

Now, they started from an incredible base. The United States at the end of World War II came out of it whole; our European partners were prostrate, and we were the total bearer of the burden. But in relative terms, our performance has been declining very, very sharply. It doesn't mean there aren't periodic exceptions to that general statement and we have to work. But I don't want here to leave the impression that I am endorsing all your theses. I am very sympathetic with your message, if you get what I am driving at.

Senator PRESSLER. Yes. When we have the final report under an amendment that Senator Javits and I sponsored, I think we will have better numbers with which to make comparisons. Certainly in the military area, other countries are not doing as much as we are. I know that the Russian grain embargo has been mentioned here by many others, but the problem with that has been that we haven't had an embargo on manufactured goods at the same time. We are selling the Russians things to grow their own grain with at the same time we have a grain embargo.

I was very hopeful that that embargo would be lifted. In fact, the Senate passed an amendment urging that it be lifted. Also, the President-elect pledged that he would move to lift it, but now I am hearing signals that it may not be lifted.

But if it is continued, would you recommend a total embargo—not only on grain but manufactured goods? I think the real problem is that we have asked our Olympic athletes and our farmers to make a sacrifice, and yet many tourists went to the Olympics, we have sold the Russians harvesters and machinery to grow their own grain with. Farmers are not at all hesitant to make the sacrifice provided the burden is shared.

Would you be prepared to recommend a total embargo if we are going to continue this?

General HAIG. Senator, this as you know is very sensitive, and the President has his own track record on it. As I pointed out this morning, this judgment is not as easy as it might have been before the embargo was applied. It's greatly complicated by the fact that it is in place, that we have impending some very worrisome and ominous threats against Poland, and the continuation of the difficulties in Afghanistan.

So I would prefer to have the time to very carefully consider this, to consult with this committee, as I intend to do, on this vitally important issue, and above all to have an opportunity to discuss it with President-elect Reagan before I bring the issue any further forward in a public sense.

Senator PRESSLER. Another area on which my subcommittee has oversight is the State Department. In your statement you mentioned the career Foreign Service. While we have already mentioned the importance of appointing more ambassadors from the career Foreign Service—what steps would you take as Secretary to improve the quality and capabilities of the Foreign Service?

I might say that we have faced up to the pay problem in the Congress. In the past few years a number of other issues have arisen—for example, the forming of a union of Foreign Service personnel.

Have you a plan to improve the morale and the quality, although I think it is now quite high in many instances, of the career Foreign Service?

General HAIG. As I have reiterated, I have an extremely high regard for our career Foreign Service Officers, some 3,400 of them. I think they are the future of our American foreign policy and they are a vital, crucial American asset.

In recent years I have been disturbed by a host of problems associated with their career patterns. First, their participation in policymaking. I think there has been a growing tendency over the years—and I don't give this a partisan tilt at all—to sort of push them aside.

And when that happens, frustrations develop in well-meaning people and they're going to take their talents elsewhere.

Many of them come up to this august body to help serve Senators and Congressmen, and they usually come up with not a great deal of reverence for their previous experience.

Second, yes; as one who has just left the private sector, I am familiar with the remuneration problem. And you gentlemen know even better than I do, where public service today leaves something to be desired in that respect. I hope it can be adjusted, at least modestly.

Third, I would hope that a Foreign Service that was plugged into the action, if you will, would recognize the vital importance of their profession, as they do today. And you know, there's another aspect of this, Senator. As we look increasingly at the service of our Foreign Service people, the numbers who are under the threat of violence and who have been exposed to it in recent years has been alarming.

I think we need the best and the most dedicated people that we can have, and we have to enhance our programs within the Department to that end. We have the recent Foreign Service Act that was completed, that I understand—I have not had an opportunity to study it—offers great opportunity here, and I'd like to look into it before I could complete the answer to your question. But yes, it is a high priority for me.

Senator PRESSLER. You mentioned another subject, linkage. The Law of the Sea Treaty is coming up, and there are many who strongly support it. Others feel that we are giving away, under the common heritage theory, some of our rights to minerals that the great maritime powers could just take without paying anyone.

Would you link the Law of the Sea Treaty and the behavior of other nations in terms of our approval of that treaty? Or do you have an opinion on that treaty, first of all?

General HAIG. That treaty, the original negotiations under the auspices of the United Nations began, I think, in 1970. And I recall having some nitpicking role in the initial U.S. position.

It is an extremely complex issue and a vitally important issue to our country, as well as to the world at large. I testified recently on world minerals before the Subcommittee on Mines and Mining in the House. And we are talking about a document with some 300 articles, I think about 890 pages worth of negotiated record. It includes everything from the right of free passage, exploitation of sea beds, a host of other crucial areas that are included. I would like very much to have an opportunity to study this in detail, because I think the final draft is due in March and action is due as early as June.

It is very important that we know where we are going, and I am not ready yet to give you a substantive judgment on it, other than to say that there are aspects of this treaty that concern me somewhat, especially in our ability to exploit the minerals and resources of the seabed under the common heritage provisions.

Senator PRESSLER. Mr. Chairman, I believe I have a red light. I have some more questions, but I will wait.

The CHAIRMAN. Thank you, Senator Pressler.

We have now completed one round. It does not appear as though, if we only stay until 6 o'clock tonight, we would even complete two rounds. It is still the intention to work toward a recess at 6 o'clock. But I will poll the committee again to see how they feel at that time.

I certainly would be prepared to stay late enough—and I have checked with General Haig; he can stay—so that we could possibly finish two rounds today.

But if by 6 o'clock it seems best to recess, we will pick it up again at 9 o'clock tomorrow morning.

Senator BIDEN. Will the chairman yield for a question?

The CHAIRMAN. Surely.

Senator BIDEN. Might it not be more advisable for us, so that each Senator, all of whom have other obligations beyond this one, would indicate how much longer they would be questioning? I for one at least have 3 hours more worth of questions. I expect that there are others who have roughly the same amount of questions. That means a lot of rounds.

It might be more advantageous for both General Haig and for all of us if we went to 30-minute rounds for each Senator. Other Senators could then leave, go on and do what they have to do. There would be continuity in the questioning. We would be able to schedule between now and 6 o'clock. And maybe if you had a straight 30 minutes, you would end up cutting the time that you had and wanted to go into significantly, because you have to retread the ground, you have to go back and remember, 5 hours ago I was asking you about such and such, now I'm back to it.

I wonder if anyone would be interested in that approach? We have done that on the Judiciary Committee. It seemed to work very well. And it seems as though it would also be better for the witness.

The CHAIRMAN. In all my years on this committee we have never done that. That is not to say that we should not consider it. We would have to take into account that we have 17 members—it would take 9 to 10 hours per round. In your case, Senator Biden, I would be very happy to stay tonight until midnight if you would like to finish up your 3 hours.

Senator BIDEN. OK, we will do that.

The CHAIRMAN. I think General Haig might be willing to stay with me.

Senator BIDEN. Well, I am serious about it.

The CHAIRMAN. I am quite serious. I cleared this with my wife.

Senator BIDEN. Maybe we could also at that time allow Senator Hart and others to question.

The CHAIRMAN. I think, Senator Biden, you've made an extraordinarily good suggestion. If it is possible for committee members to give me an idea as to about how much time they will take, we might take that into account in trying to arrange our program for the future.

I am thinking also in terms of my commitment to try to see that Senator Hart gets back to Colorado, as he wants to do. He is willing to stay here until he is able to question. But I am anxious to see that he maintains his responsibility to his constituents also. So I was trying to aim to see that he got on, and others who would want to ask questions, by Tuesday afternoon or something like that.

Fred Tipson, I wonder if you would mind getting an indication from each of the members as to how much time they would take. I think I would probably need, I would say, 30 minutes more total. I could cut it, if need be, to yield time to you, Senator Hart. I could cut it down to 15 minutes.

Senator Pell?

Senator PELL. I would not want any member to feel bound——

The CHAIRMAN. They are not bound by this at all. It's just a rough approximation to give us some idea.

Senator PELL. Because Mr. Ritch is going to keep a tally of all the questions that should be asked, and I was going to stay in the back-ground and hope they all will be asked. And if they're not asked, I will attempt to ask them myself.

Senator GLENN. Mr. Chairman, I don't think this has told us anything, because there are many areas that others will get into that will take away some of the questions I have. Because if I have to give a time right now, just as far as we've gone, I would say 10 hours, and I'll probably use 30 minutes. But I don't think this really accomplishes anything.

The CHAIRMAN. I'm just following a suggestion of a distinguished member of the minority and trying to see whether it does give us any idea.

Senator Baker?

Senator BAKER. Mr. Chairman, I think the whole thing is a bad idea. I think we ought to continue with what we are doing. As far as my vote is concerned, I want 10 minutes now and maybe some more later.

The CHAIRMAN. Senator Biden, are you willing to admit this is a bad idea?

Senator GLENN. Mr. Chairman, if I might add another word here, I think it is good to get a little bit longer questioning period. I agree with that. But what I was disagreeing with was trying to set a time that each of us would say is the amount of time that we need. I don't think we can possibly estimate that. But I would go for the longer questioning period. I think it is more productive that way.

The CHAIRMAN. I conclude it is not going to be a productive exercise, and I will start in with my questioning.

General Haig, I'd like to get back to Senator Cranston's subject of arms control.

I read 11 words which pleased me very much in your testimony. They are: "I believe that equitable and verifiable arms control contributes to security." I believe that deeply also. I think it is in our national security interests that we have verifiable, fair, balanced, and equitable arms control, and I have worked for that all of my years in the Senate.

I read yesterday or the day before yesterday some words on the front page of the Wall Street Journal that disturbed me very, very much indeed, that simply said: "New Arms Talks Should Wait Six Months, Caspar Weinberger Says."

Now, this is a designee for Secretary of Defense, a dear friend of mine for years, and an outstanding man. What bothers me about the statement is that first, it looks like policy on arms control, which is the responsibility of the Secretary of State, is being established by the Secretary of Defense.

Second, does he speak for the administration or is he just saying what the Defense Department preference would be? It is in sharp contrast to everything that has been told to me by the President-elect. My recent representations to Soviet officials were made with what I

felt was a thorough understanding of President-elect Reagan's position, and verified by Dick Allen, the designee for Assistant to the President for National Security.

Because of the importance of the subject, I would like to just read into the record what President-elect Reagan has said on this subject. On October 19 in a broadcast Governor Reagan said:

I would assign a high priority to strategic arms reduction. I have repeatedly said in this campaign that I will sit down with the Soviet Union for as long as it takes to negotiate a balanced and equitable arms limitation agreement designed to improve the prospects for peace.

The CHAIRMAN. But that is the pertinent part, about timing.

In a Washington Post story the next day, October 20, with headline "Reagan Vows To Seek SALT III Pact with the Soviets," he reportedly said:

As President, I will immediately open negotiations on a SALT III treaty. My energies will be directed at reducing destructive nuclear weaponry in the world and doing it in such a way as to protect fully the critical security requirements of our nation.

I had fine talks with Governor Reagan during the course of our campaign travels through Illinois. When the Chicago Sun-Times, the second largest newspaper in Illinois, endorsed President Carter I felt there was an erroneous underlying concern about the "warmonger" image. After talking with Governor Reagan, I wrote to the publisher of that newspaper and requested that they give comparable prominent space, which they did, to my own endorsement of Governor Reagan, which said in part:

In foreign policy, Reagan will bring consistency and resolve to our relations with our allies and our adversaries. He is committed to me, as ranking member of the Senate Subcommittee on Arms Control, to pursue meaningful arms control negotiations with the Soviet Union. He believes that peace can best be assured by a strong defense.

Now, following up on that and in preparation for my trip to Moscow, I met again with Governor Reagan and talked with Dick Allen. I did not feel, nor did Governor Reagan feel, it would be well to enter into immediate negotiations. Even though he has used the word "negotiations," it seemed to me, in the current climate, that "talks" was better. That was his expressed purpose and that of Dick Allen: talks leading to negotiations—meaning that if the climate was right, if there were no surprises, and if it appeared as though it were going to be a fruitful endeavor, there would be talks first, leading to negotiations.

So in meeting with President Brezhnev, I quoted the exact words of President-elect Reagan. I determined from them their desire to have an early meeting; after I returned, Ambassador Dobrynin reaffirmed that, and I have reaffirmed that to the Reagan administration.

The procedure was that we would have early talks. Things would progress from there if it appeared as though they would be fruitful and if the climate was right—because I made it clear that linkage is a political fact of life in America and that if there were more surprises like Afghanistan—heaven forbid if anything was done in Poland of a forceful and overt nature—everything would be off.

But if things were going well, then we would start out. The President-elect has said, "There is much in SALT II with which I agree." You start out with areas of agreement. I suggested, as a Member of the

Senate, that they start out with the 25 conditions and clarifications added by this committee before we voted SALT II to the floor of the Senate.

I then suggested that because Governor Reagan had made it clear he felt SALT II overall was faulty and he could not support it, nor could many other Senators, certainly not two-thirds of the Senate, it was dead as far as I was concerned. And I said we'd better start with those subjects that were raised by distinguished Senators such as Senators Helms, Garn, and others that I named to President Brezhnev. Then the other side could lay proposals on the table and begin the negotiating process.

That was all based on the premise that this was a high priority and that we were going to get underway early.

My question to you is: Has my distinguished friend Cap Weinberger spoken for himself personally, has he spoken for the Reagan administration, has he spoken for the designee for Secretary of State? Or possibly was he simply saying we are not ready for negotiations yet? I agree with that.

But certainly, you can begin to talk on this subject. We've been talking on it for a decade, and we certainly know where to start.

Fred Ikle, who was with Dick Allen, negotiated the two special treaties we have before us.

General HAIG. Senator, I believe that Cap Weinberger's experience in the confirmation process underlies the great dangers that I face today if I plow new ground that has not been coordinated. I think he was talking about negotiations in a formal sense, and I'm quite confident that he was, because he called me afterwards and expressed some concern that it might be reported or interpreted in a different way.

Second, it was a purely personal observation and was posed as a personal observation. So I don't think we are out one way or the other on that particular thing.

I think the whole issue is a matter of utmost priority for us and we're going to have to address it in the earliest days of the administration. And I certainly intend to see that this happens with respect to my responsibility.

The CHAIRMAN. In the early days of the administration?

General HAIG. Yes.

The CHAIRMAN. So it would be a matter of high priority, then, at least for beginning talks.

General HAIG. Absolutely, Mr. Chairman. But I do want to talk again about the problem of negotiations. There have been a number of proposals in your own deliberations here on this committee about how—or where we go from here. There have been solutions, as Dr. Kissinger discussed and put forward, and some that Senator Javits, I think, discussed and put forward. I think we have to sort this out and know where we are going and then seek those areas that promise the greatest progress, while protecting our interest in the process.

The CHAIRMAN. I thank you very much, indeed. And I am sorry that I have not personally had a chance to call Cap Weinberger about this. But I think your explanation is satisfactory and I accept it completely. Thank you very much.

I will begin with other questions. Senator Pell?

Senator PELL. Thank you, Mr. Chairman.

I would like to return to the basic question of war and peace, the degree to which we use or rely on the nuclear deterrent. And I am delighted that, General Haig, you recall our little conversation in our office. I did not mean to raise it myself, but I am glad you did.

And my recollection was that your thought was that there were many things worse than war. Now, I would agree with you that there are many things worse than perhaps normal war. But what is worse than nuclear war in your mind, full nuclear war?

General HAIG. Again it is an academic question that leads you into a number of simplistic responses that are devastating in their inadequacy.

Senator PELL. The things that are much worse?

General HAIG. There are very few things that I can imagine that would be comparable to a nuclear holocaust. I do not think the consequences of such a holocaust have been adequately assessed. On the other hand, the question is, how do you prevent the outcome that you and I are concerned about? And it is there, Senator, that the two of us would have some differences.

Senator PELL. I think this is a question faced by many people in Eastern Europe. My recollection is that you thought it was better to be dead than red. I think many of those nations feel that the system they are under will eventually be removed, but at least their country and their children and their grandchildren remain. I think these are fundamental and very big questions that we tend to put under the carpet, but they have to be addressed and thought about.

My one reservation or concern—my main concern—about your nomination—was that you would recommend and press in that direction. I feel somewhat relieved and delighted for any more relief that you can give regarding that worry.

General HAIG. I'm delighted that you do feel relieved.

Senator PELL. I said "somewhat relieved."

General HAIG. I think I had your conditioned response clearly before me as I launched my reply.

Again, Senator, I think the basic problem here is not the ends that we share, and I feel very comfortable about that—that you and I see very, very clearly the undesirability, almost the unacceptability—the unacceptability—of resort to nuclear conflict.

The differences probably rest, if they exist at all, in how you get there, and I think we are dealing in a very tough world of imperfect people and imperfect national leaderships.

Senator PELL. I was relieved this morning when you said there had been no event that had arisen since World War II that would have justified the use of nuclear weapons on our part.

But in connection with that, didn't you say to a group of Washington businessmen, quoted in the Boston Globe of December 2, 1979, that in connection with the hostages every option should be considered, including "even the unthinkable." What did you mean by the "unthinkable"?

General HAIG. In the first place, Senator, I am not sure I'm familiar at all with your reference. In the Boston Globe?

Senator PELL. Boston Globe of December 2. I don't have it in my hand, I will get it from the library, but I'm told that this was a quotation.

General HAIG. Including the unthinkable? And it said, "including the unthinkable"?

Senator PELL. Including the unthinkable.

General HAIG. I don't even recall the incident. It does not sound like my language—"unthinkable." I would have been more precise if I had felt it was justified.

Senator PELL. Somebody gave me the article.

General HAIG. I'm glad. He probably gave you the question, too. So he's probably the expert on it.

Senator PELL. Here is what the article said:

Perhaps the most startling aspect of Haig's Washington speech came in response to a question of how he would have handled the Iran hostage problem. After initially calling on Americans to rally around the President, Haig lowered his voice and said the administration should consider every option.

Then, after a melodramatic pause, he added,
Even the unthinkable.

[For complete text of article see appendix in pt. 2.]

General HAIG. Senator, I really don't recall that.

Senator PELL. Well, good. I'm delighted. And I trust the story is inaccurate and I'm glad to assume that it was.

Now, on another subject entirely—on human rights—what is your understanding of the Reagan administration's approach to the problem of human rights in the world? You touched on it in your testimony, but I'd be interested in a sentence or two as to how your interpret your role in the improvement of human rights around the world, or if you think that is an American responsibility.

General HAIG. I think it is a very important American responsibility—vitally important. I think human rights has always been high on the agenda of American values. Basic human values must be high on the agenda of a Secretary of State and certainly he must be the foremost proponent of it in an interdepartmental sense.

I hope no one gets the impression—from the caveat that I have expressed—that I do not support the policy itself, I do, fundamentally and unreservedly, but it is the manner in which we carry out these policies, which I think in some regards have been less than productive.

Senator PELL. Do you think that the human rights situation in a nation should be a factor in considering the degree of assistance that we would give that nation?

General HAIG. Yes; indeed I do, among a host of other factors.

Senator PELL. But it should be given some priority, not overriding priority but a priority consideration?

General HAIG. Absolutely.

Senator PELL. If you were asked, would you recommend that Congress modify or repeal those sections of the Foreign Assistance Act which legislatively link such assistance to human rights records?

General HAIG. I am not sure I understand.

Senator PELL. We have under law now the Foreign Assistance Act sections that link our assistance to a country's human rights record. Do you think that is a good idea or would you like to see it modified in any way?

General HAIG. I don't think that particular language is unnecessarily restrictive. I think it contemplates individual judgments in each case and I am not necessarily disturbed by it.

Senator PELL. I would agree with you, and I am glad you are not.

Should the relations of the United States and the Soviet Union be linked in any aspect to the Soviet treatment of domestic dissidents or their policy regarding Jewish emigration?

General HAIG. This has always been one of the high priority issues that govern East-West relations, and especially United States-Soviet relations. I participated early on in measures which got a substantial increase in the emigration of Soviet Jewry, and I noted with some alarm in the post-Afghanistan period that there has been another sharp dropoff, after we had achieved rather high levels of 50 to 55,000 per year.

Senator PELL. Actually this is quite an old concern. I think historically we passed the first law in this regard in 1911 when the czarist government was persecuting Jews and pogroms were in full flower.

What would be the attitude of the Reagan administration toward the ratification of the Genocide Convention?

General HAIG. I would like to reserve my answer on that, Senator, until I have an opportunity to discuss it with the President and be really sure I know where this committee stands on it too.

Senator PELL. The Congress has stood rather divided in the past, to my regret. I have always believed that we should ratify it, I have been in the minority, but I would hope that with more encouragement from an administration that the Congress and Senate might move ahead.

Thank you very much, Mr. Chairman.

The CHAIRMAN. Thank you, Senator Pell.

Senator BAKER. Thank you, Mr. Chairman, thank you very much.

Mr. Haig, a few months ago I had an opportunity to visit with you, as I indicated earlier, on my way to Moscow to talk about SALT. I had an opportunity later to return and make a visit to certain NATO countries. And I have to tell you I came away from that second visit with a different feeling about NATO than the first.

It seems to me that of late—meaning within the last several months—that there has been a changed perception among our NATO friends about the nature, extent, and relevance of the Soviet threat, particularly post-Afghanistan. I reported that in my report to this committee and to the Senate when I returned, and I found that it disturbed a number of our NATO friends. I did not mean to do that, I was simply reporting that it seemed to me that the United States was greatly concerned about Afghanistan as an evidence or symptom of a new attitude on the Soviets' part, and I perceived that our NATO Allies, or at least some of them, did not share that concern.

I wonder if you would give me your view on that subject from your unique and special perspective.

General HAIG. Senator Baker, I think a blanket generalization would be both inaccurate and unjust. I know for example, I spoke 3 months ago with a European foreign minister—one of the major European powers—who made it very clear to me that his nation's concern was that we Americans did not view Afghanistan with the gravity and significance that they felt we should.

Now I could find some others.

Senator BAKER. Let me make certain I understand. This particular Western European foreign minister expressed his concern about the adequacy of our concern?

General HAIG. That's right. And he felt that we had underestimated its significance and importance and the dangerous aspects of it.

Senator BAKER. That isn't the same one I talked to, I can tell you that.

General HAIG. And there are others—I could probably label them if we were not in open session—that would come out the other way.

I think this is a problem of communications.

Senator BAKER. The problem, too, it seems to me, with the health and spirit of NATO, is that if there is a growing difference in the perception and the nature of the Soviet threat between the United States and our NATO partners, then that spells trouble for us in the future.

General HAIG. Very much so. And that really underlies a large portion of my statement.

Senator BAKER. Do you feel that NATO is still relevant to our defense mechanisms and the stability of world peace that we all seek?

General HAIG. Yes, sir.

Senator BAKER. Do you feel that there is a need, then, in the next 4 years, for us to try to repair some of these divergent points of view and to bring us closer together in more effective collaboration with our NATO friends?

General HAIG. Very much so.

Senator BAKER. Could you give me some insight, then, sir, how you believe we might do that. I do not mean, of course, a comprehensive and exclusive package of remedies, but some suggestions, once again based on your special experience with NATO, of how we might rejuvenate the alliance and how we might bring our European friends and the United States closer together on our interpretation of the general world situation?

General HAIG. One area that I think is in need of some attention is the meshing or integration, if you will, of a multitude of functional policies.

Senator BAKER. Social policies?

General HAIG. Functional policies. And what I am saying is that our international economic policies, our monetary policies, our energy policies, and our nonproliferation policies must be conducted as a mosaic where the pieces are intimately interrelated.

Now you cannot come over on the one hand and urge them to indulge in deficit financing while on the other you suggest that we give the dollar benign neglect. I think these things cause terrible repercussions among our partners.

You cannot, for example, turn your back on Soviet intervention in one part of the world and then suddenly become vehement in another part, or in the same place, for the same offense. That is why I spoke for consistency in our policy—consistency in the way that it is generally understood where we stand on each issue and hopefully can work on getting the Europeans to join us in that perception.

Sometimes we have to modify ours in order to come to their perceptions, which may be more accurate on a given case. We have no monopoly on wisdom.

Senator BAKER. President Carter and his Secretaries of State, and I expect you as well, put us in a position where we were calling on our allies to make an investment above the inflation rate on 3 percent,

as I understand it. I supported that, and I still support that, and I am critical of our friends who do not fulfill that commitment. It would appear that few of them are right now.

But my question is, do you think we may have made a mistake in picking a specific figure and trying to adhere to that? It seems so to me, and I have a tendency to try to answer my own questions, but I would like your answer as well. It seems to me that we have created a problem that need not exist by setting a magical and mathematical formula.

General HAIG. Well, I suppose I have quite a history on this subject, having been very close to it from the day it was launched in the wake of the London summit of 1978. At that time I had some reservations about a fixed number because there are many ways of achieving numbers. We all know the game.

I was worried about the size of the game.

Senator BAKER. What about the size? It was too big or too little?

General HAIG. Too little. Too little.

Subsequently, in the next 2 years, we Americans, having been the proponent of that figure, failed to achieve it in our own defense budget.

Senator BAKER. In our own expenditure.

General HAIG. That had a devastating impact when, again, this year we asked our allies to do it and when we had finally achieved it, as a result of a number of things, not the least of which was a lot of congressional pressure on the executive branch.

So, again, while I share your disappointment that our partners will not make it this year—some of them in the early period, in 1978, 1979, did very, very well. We did less well.

Senator BAKER. It seems to me, in conclusion, General, that because of your experience at NATO and, I believe I can say correctly, the general respect in which you are held by our NATO allies, that there's a special opportunity for you to work in this field. Would it be your intention, as Secretary of State, to give particular and extensive attention to the health and vigor of the NATO alliance?

General HAIG. Well, I wouldn't want to suggest otherwise. On the other hand, I wouldn't want my answer to suggest that I'm going to have myopia.

I think the real answer to our fundamental NATO problem today is the manifestation of our ability to deal with a number of failures in American policy—as perceived in Europe.

One is getting our economic house in order. Two is getting our energy house in order. And three is dealing effectively with Soviet interventionism in the underdeveloped world.

Then I think a great number of the problems on the current scene of our European partners will somehow dissolve in the kind of respect that I described in our opening statement.

Senator BAKER. General, I thank you. Your answer was better than my question and I thank you.

The CHAIRMAN. Thank you, Senator Baker. Admiral Haig—excuse me, General Haig. That goes back to my Navy days.

General HAIG. You complimented me, sir.

The CHAIRMAN. We from the Navy accept that compliment.

I have now found the direct quotations from the transcript and your surmise about Cap Weinberger was exactly right. I will, if there is no objection, insert in the record at this point a short colloquy he had with Senator Cohen in which the word "negotiations" in just a few paragraphs is mentioned six times. And at no time do they mention "talks," which is the word used in the news article.

I will summarize it by one sentence. Cap Weinberger said :

But aside from in a sense getting our own side in order, getting our own agenda made up, then I don't think there is any particular problem about timing and I think it is important that the process continue.

So there's no conflict, really, between what he said, and I should have read the transcript before this. But we will have that in the record, and I thank you very much.

[The document referred to follows:]

Senator COHEN. You mentioned that we should not enter negotiations with the Soviet Union on SALT II from a position of weakness, and that suggests to me at least a question of timing. And I raise that because there is an item that appeared in the Washington Star several weeks ago in which it indicated there is some disagreement within the Reagan administration, the transition team, at least, at this point as to when those negotiations should begin. There are some who are advocating that they should be resumed almost immediately following the inauguration. There are others who would urge a 6-month delay so that key defense decisions could be taken.

I was wondering what your view on that is.

Mr. WEINBERGER. Well, I haven't any fully formed views as to the timeliness. Negotiations, of course, require two parties, and we would have to have some agreement as to the appropriate time, and I am not aware of any overtures or any discussions that have been initiated by the Soviets.

I would think it is very desirable from a number of points of view, general things that are going to happen in the next few months, appropriations bills and authorization bills coming up very soon, for us to have an opportunity to examine this whole matter from the point of view of being a government as opposed to a transition.

I would think that it would take a good six months for some formulations of policies to be made. I don't think we should enter the negotiations lightly or unadvisedly, and I think that we should have a very clear idea of the agenda that we would want to pursue, and the goals, the way in which we would like to have it come out. And I think that will take a few months.

But aside from in a sense getting our own side in order, getting our own agenda made up, then I don't think there is any particular problem about timing, and I think it is important that the process continue.

Senator COHEN. In other words, what you are suggesting is that before we move into any serious stage of negotiations, that this administration have an opportunity to formulate what in fact is going to be its overall defense policy.

Mr. WEINBERGER. Yes.

The committee is recessed for a period of 10 minutes, until 4:15 p.m., at which time we will resume.

[Recess.]

The CHAIRMAN. It is the intention of the Chair to adjourn the hearings at 5 o'clock, taking into account that we will be back at 9 o'clock tomorrow morning.

Senator Biden.

Senator BIDEN. Mr. Chairman, before that buzzer goes on, I had a very brief discussion with Senator Baker, not that I was empowered to speak for the minority at all, but he indicated that we might go earlier today and later tomorrow. I suggested later tomorrow is not a very good idea, speaking for one minority member. And his response was, "Well, if we go early today and early tomorrow? Is that

the deal, or are we adding on tomorrow night?" Secretary Califano is shaking his head. I didn't know he was a member of the committee, but maybe you can tell us what the story is.

The CHAIRMAN. What are you bidding?

Senator BIDEN. I am bidding tonight.

The CHAIRMAN. I would think we would not want to run unreasonably late tomorrow.

Senator BIDEN. Is 5 o'clock unreasonably late? Knocking off about 5?

Senator GLENN. I thought we were going till noon tomorrow.

The CHAIRMAN. We had not yet decided about tomorrow. We are coming in at 9 o'clock. Certainly, I think we ought to be prepared to stay at least till 1 o'clock. Let's take a consensus at that time, to see if there are Senators that wish to stay that would have pressing questions. Otherwise, if there are not and it is the will of the committee that we recess at 1 o'clock, that would be perfectly acceptable to the Chair.

Senator TSONGAS. Mr. Chairman, could the chairman indicate what the outside limit might be tomorrow, so that we can make plans accordingly?

The CHAIRMAN. The outside limit would be 5 o'clock, but I think, just getting a sense and feel, that there may not be too many Senators around after 1 o'clock. My judgment would be that it would probably be closer to 1 o'clock. But the Chair is willing to stay here until 5 o'clock or 6 o'clock, if necessary. But if you need a deadline, would you accept 6 o'clock as an absolute deadline?

Senator BIDEN. Five sounded better.

Senator SARBANES. Mr. Chairman, it seems to me that we ought to try to get some sense of how we are going to proceed. As I said earlier, I don't think there is any desire other than to cover the necessary ground. It seems to me we can go today, do half a day tomorrow, come back on Monday. By that time, the proceedings will probably have shaken down pretty well, and we should know whether we will be able to finish by the first 2 or 3 days of next week, which I perceive to be plenty.

The CHAIRMAN. Is the shared preference to recess at 1 o'clock tomorrow?

Senator SARBANES. Yes. It would seem to me that continuing until 5 o'clock does not make sense. I don't think the members ought to be put in a position of saying, "Well, maybe it's going to be 5, maybe it's going to be 1."

The CHAIRMAN. Let's simply say it will be 1 o'clock tomorrow. Is there any objection from anyone to 1 o'clock? It will be 1 o'clock tomorrow, then. And we will start Monday at 10 o'clock. I felt on Monday, with Senators out of town, we ought to give them time to get back in town that morning. I would hope that we could start at 9 o'clock Tuesday morning.

Senator DONN. Mr. Chairman, has there been any consensus at all on the question that was raised earlier by Senators Glenn and Biden, about the time, the period of questioning? I, as the most junior member on this side—and Mr. Pressler isn't here at the moment—but I have no objection at all. And I appreciate what someone has suggested, some concern of the more senior members that the more junior members have to wait very long before they get their crack at 10 minutes.

But I fully concur with the positions that have been expressed by others, that having a longer period of time for more continuity to the questioning, makes more sense. And I wonder if tomorrow we're going to proceed on that basis when we begin at 9 o'clock.

The CHAIRMAN. If we did that tomorrow, then it would be obvious that only a couple of Senators would be questioning and maybe even show up. I think it really would be better to stay with the 10-minute rule.

Senator SARBANES. Why don't we do the 10-minute rule through another round, that is, through the second round, and then face as a committee the idea of lengthening times. There may be some members at that point who really do not want to pursue questioning; others will. The 10-minute rule, once everyone has been through it twice, will permit us to identify some of the issues that people will not want to pursue. I think that begins to offer some basis for an orderly procedure.

The CHAIRMAN. I will ask Senator Pell to poll the minority members as to what their indications for preferences would be. I will do the same on the majority side, and we will get together sometime on Sunday or early Monday morning to determine or to come in with a recommendation.

Senator PELL. Preferences as to what?

The CHAIRMAN. Preferences as to whether or not we should lengthen the 10-minute rule.

Senator GLENN. Mr. Chairman, just to get something positive so that we know what we're considering here, I thought one-half hour was too long, too many people would shove off. I know I would certainly stick around if there were 20-minute time periods. So why don't we just double? Twenty minutes is a long time to question.

The CHAIRMAN. Twenty minutes is a long time.

Senator PELL. Let's see who we have for the next round.

The CHAIRMAN. I would rather not. We don't have enough majority members here to poll. If you poll your members and I will poll my members, and we'll see what the preferences would be.

Senator CRANSTON. Mr. Chairman, could we try to decide that tomorrow rather than Monday, so we could plan our own schedules?

The CHAIRMAN. We could decide about tomorrow afternoon, I would think, around noon or 1 o'clock.

Senator CRANSTON. Fine.

Senator PELL. Also, speaking for the minority, we may at some point, in connection with the agreement the lawyers will have negotiated tomorrow morning, caucus for 10 or 15 minutes.

The CHAIRMAN. I would hope you could do that on your own time and not the time the committee has set aside for hearings tomorrow, because we have really a very short time now that we've shortened it down to 1 o'clock. I think 9 till 1 is the period that we ought to hold to.

Senator Biden, do you have questions?

Senator BIDEN. I am prepared to go on, Mr. Chairman. I would like generally to pick up where Senator Baker has left off, which is often my habit on this committee.

As you know better than anyone, our NATO allies supported both the SALT II agreement—and I realize you described the reasons for that support different than I described for that support, but nonetheless, we both agreed that they went on the record as supporting SALT II—and TNF—theater nuclear force—modernization.

Some of them imposed their own linkage, some of our European allies by coupling the theater nuclear force—or as I am always corrected when I speak with Chancellor Schmidt, “Euro-strategic force”—decision both to the ratification of SALT II and to the initiation of European arms control efforts; that is, that we would simultaneously begin efforts to reach agreement on limiting theater nuclear force weapons. That was the condition that a number of our European allies placed, both in their legislative bodies and at an executive level, to their support for the December 12, 1979, decision to move forward.

And since you very strongly not only supported but advocated the decision that there be a modernization of our theater nuclear force, how, as Secretary of State, would you proceed to satisfy our allies that there is a continuing commitment to arms control both within the theater and with the Soviet Union and central systems?

General HAIG. This, Senator, is an extremely complex subject, not only because of the issues that you raise—and they are very precise—but also because of a number of other related issues such as the recent turn in the international environment, Afghanistan and the concerns about the situation in Poland, among others.

What you have ascribed to me is accurate, about my support for European arms control measures. My great concern has always been that if these talks were launched before the consensus and the necessary implementing steps were launched, then we would be at a negotiating table without a single negotiating tool. And we are clearly looking at both Backfire under the old SALT II and perhaps not under a modified SALT II or a SALT III, and, above all, SS-20 deployments, which are now literally in the hundreds—these are 5,000-mile missiles.

So I think I am not uncomfortable with your question, but I am afraid that I cannot give you the kind of definitive answer that it deserves, the answer that must be given in the very near future.

Senator BIDEN. Well, let me try to help you, General. Implicit in your answer was the assumption that events in Afghanistan and possible intervention in Poland have somehow altered, galvanized, changed the European attitude toward the linkage of arms control in the theater with deployment of long-range nuclear force in the theater. And that is incorrect.

General HAIG. No. There is more to it than that. There are other events. You know we have already launched Hawk. We had the initial discussion at least between I believe it was Secretary Vance—it may have been Secretary Muskie—and the Soviet Foreign Minister, which would have launched the theater nuclear discussions. Unfortunately, again, I had some complaints from European friends that they had not been consulted very carefully. I don't mean by that to suggest that they've gotten into substance yet. They have not. But I think we have to bring all of these things into tandem, and we have a lot of consultations to do in our European capitals to make sure that we proceed from a single point of departure.

Senator BIDEN. Will you acknowledge that if we fail to proceed on arms control discussions that relate to the theater with the consultation and advice of our European allies, that the decision to

deploy long-range nuclear forces that was taken on December 12, 1979, will be in jeopardy?

General HAIG. Yes, I believe that and other factors have begun to unravel or at least put in jeopardy the consensus arrived at last December.

Senator BIDEN. Yes. Well, we agree, then. I see the point you're driving at: that the December 12 decision is less secure today than it was December 12. I appreciate your saying that, because I misunderstood. I thought you were implying that there has been a stiffening, and that is, that it was more secure.

So the initiation, or at least a demonstration of an intent on the part of the Reagan administration to pursue arms control is something that Europeans still are looking for, will be looking for, and will be one of the factors that they will put into their mix about whether or not they will comply with the December 12 decision. Would you not agree with that?

General HAIG. I would agree that that is an element in a somewhat more complicated picture, yes.

Senator BIDEN. I agree that the picture is very complicated. And, believe it or not, I think I understand the complications.

For the record, I would like to insert in the record a series of recent quotations—recent in that it is November 1980, October 1980, September 1980, September 1980, September 1980, September 1980 vintage—from six of our European allies, either their Foreign Ministers or Prime Ministers, that relate to the urgency with which they, publicly at least, suggest still exists and with terms of arms control.

[The material referred to above follows:]

German Chancellor Schmidt (in a speech to the Bundestag, November 24, 1980):

"We advocate with emphasis the continuation of the SALT process. I am happy to report to the Bundestag from my dialogue with Governor Reagan that his considerations point in the same direction. We commend the fact that on October 17 this year talks were opened between the United States and the Soviet Union on nuclear medium-range weapons. Our alliances' two-part decision in December of last year created the prerequisites for these talks. We adhere to both parts of this dual decision. The West must modernize and strengthen its potential in Europe in view of the dangerously increasing Soviet superiority in the field of Euro-strategic weapons, yet just as important is that we want mutual limitations in this field."

British Foreign Secretary Lord Carrington (in a speech to the U.N. Association, October 24, 1980):

"As we have consistently made clear, the British government very much hope the SALT II Treaty can be ratified soon. A world without SALT would be less predictable, more unstable and more dangerous for us all. I want to see the SALT process revived and both sides to move on to SALT III."

French Foreign Minister Francois-Poncet (in an address to the U.N. General Assembly, September 24, 1980):

"Last year the signing of the SALT II agreements gave us hope. . . . While I understand to what extent the international atmosphere affects that agreement, I would like to state here once again that my country hopes to see it brought into force as quickly as possible."

Italian Foreign Minister Colombo (in an address to the U.N. General Assembly, September 24, 1980):

"The substantial progress made toward banning chemical weapons and on nuclear tests encourages us further to hope that ratification of the SALT II Treaty by the United States will not be further delayed, so that negotiations may begin on the SALT III Treaty."

The Belgian Government (in a statement adopted on September 20, 1980) :

"The Belgian Government hopes the negotiations between the United States and the Soviet Union on medium-range nuclear arms will be opened as soon as possible on a reasonable and positive basis and that they will be concluded as quickly as possible. Belgium expects to be effectively involved in preparing and carrying out these negotiations. Belgium is prepared to make an appropriate contribution to the course of negotiations carried out in a responsible way. In this connection, the Belgian Government thinks that a rapid ratification of SALT II would be likely to contribute to the success of the negotiations."

NATO's Scandanavian Members (in a joint communique from the Foreign Ministers, September 2, 1980) :

"The Ministers express their anxiety at the consequences for international peace and security arising from the continued arms race which also reduces resources for the peaceful buildup and assistance efforts in the developing countries. The Ministers agreed once again that the ratification of the SALT II Treaty had been postponed and reiterated the importance that the two states' parties, in the interim period before entry into force of the Treaty, continue to observe its provisions."

Senator BIDEN. To put it in the vernacular, they are still saying, General, "Hey, fellas, if we aren't convinced in the next little while that," as they say in the southern part of my State, "you-all ain't going to go forward with arms control, then we ain't going forward with deploying long-range nuclear weapons."

And I think that would be catastrophic. I think that would be extremely detrimental to our interests. But I would ask, while in your capacity as Secretary of State, you can be assured that I will ask to consult with you fairly frequently on that point.

The second point I would like to raise with you with regard to Europe follows on another aspect of Senator Baker's questioning, and that is that the question of whether or not our European allies were shouldering their burden—that was not his phrase, it's mine—but whether or not they were carrying the proper load.

I should note parenthetically that I have literally spoken with every foreign minister and all but one prime minister of every European nation. And uniformly, they have a positive view of you, which is an important factor, I think, in terms of judging your past record on your performance and your ability as Secretary of State to deal with the very critical element of our security capability. And that is the strengthening of NATO.

Having said that, it seems to me that the issue of the 1980's would be whether or not we get our European allies to understand the NATO Treaty which was essentially drafted to stop Russian tanks from rolling across the East German border into West Germany, and the alliance can shift focus. They still have a very myopic view of the role of NATO in terms of its precise geographic bounds.

Chancellor Schmidt at length tells me, as we argued in his office, that: "You understand the Constitution generally precludes a German flag flying in the Gulf." And you've heard all of the arguments. And I respond to that, "We're not going to ask you to fly the flag, but maybe we'll ask you to take a bigger chunk of the economic burden of Turkey, even bigger than you already have, which is big. We may ask you, Great Britain, to do more in the North Sea. We may ask you, France, to do more in the northern theater," and so on and so forth.

My question is: Do you agree that we must begin to redefine the burdens that each of our European allies should be carrying through

the decade of the 1980's in order for the NATO Alliance to remain a viable security interest to the United States?

General HAIG. I do, Senator. But I want to be very careful, again.

Senator BIDEN. The idea is good enough.

General HAIG. I do not want to stop there.

Senator BIDEN. I do not want you to caveat it.

General HAIG. I do not want to caveat it. I do not want anybody to walk out of here and say that General Haig or Mr. Haig or Secretary-Designate Haig is about to launch a program to bludgeon our allies into greater defense contributions or an enlarged functional area.

But as I said in my statement—and I addressed this very carefully—we all must do more, and in the process of doing more ourselves we have the right to expect our allies to do more. But I also pointed out in my response to Senator Baker, that one of the great causes of the loss of European confidence in America has been the European perception of our inability to deal with our own problems outside of the NATO sphere, our economy, our energy problems, and above all our inability to cope with difficulties in the developing world.

That does not mean they should be excluded from criticisms themselves. They are not doing that well themselves, either. But I think all of these things should be put together in a far more sensitive, far more free-wheeling exchange of ideas and attitudes, in such a way that the outcome brings progress and not further fragmentation or crystallization of animosities.

Senator BIDEN. On the next round I will pursue that one with you, General, if I may.

The CHAIRMAN. Senator Helms?

Senator HELMS. Thank you, Mr. Chairman.

Mr. Haig, during the recess at 4 o'clock, I went up to my office and I asked if I could see the mail on one subject, relating to you. On top of the pile was a letter from a lady that raised the question, and I think she stated it about as adequately as anybody, and about as frankly. And I will put it to you just like she put it to me.

Is Henry Kissinger going to be running the State Department if you are confirmed?

General HAIG. Senator, let me not be flippant in addressing that. Let me avoid flippancy in answering your questions.

First, I want the committee to know that Henry Kissinger is a very close personal friend of mine, a man whom I respect, a man whose past relationship with me has been one that I am proud of, and I hope he could say the same were he here.

Now, with respect to the official relationship of Henry Kissinger with my State Department, should I be fortunate enough to be confirmed. I would view Henry Kissinger just as I would any other former illustrious Secretary of State of this Nation—Ed Muskie, Cy Vance, Henry Kissinger, Dean Rusk, Bill Rogers. I would hope from time to time to have the benefit of their advice and counsel.

But there would be no question about where the buck stops and from whom I will be taking my guidance, and that will be from the President of the United States.

Senator HELMS. So those people who are concerned about that can give a sigh of relief.

General HAIG. Indeed they can, Senator.

Senator HELMS. All right. How much concern do you have about what has appeared to many to be selective application of human rights standards by the United States?

General HAIG. Well, again, I touched upon this in my opening statement. I think it is presumptuous of me to go very much further than to suggest that I think the problem is not the principle of human rights, which I fully support—and I have reiterated that here today—but in the application of that principle I think we have made some mistakes.

I do not like to think it is naivete or stupidity that caused those mistakes, but perhaps an excess of zeal combined with what is probably an inadequate mechanism for the application of it. Here I want to look very carefully at my own Department and the way that the human rights issue has been given policy consideration, to be sure that that was not the source of some of this excess zeal and distortion.

You know, I have spoken on philosophic terms to this question, and it is always dangerous, because it is when you get into those areas that people's sensitivities are irritated. But I have made the point, and I will make it again, that authoritarian or autocratic regimes generally derive their character, as unpleasant as it is to Americans, from environmental forces: a lack of political development, a lack of economic development, perceived internal or external threats, an historic legacy, as is true in so many of our Latin American countries.

But because the situation is the product of environment, it lends itself to an entirely different approach as you seek to move it toward a more moderate condition. On the other hand, a totalitarian regime by ideological conviction rejects the principles and values and ideas that you and I espouse.

It cannot serve the purpose of social justice nor meet the vital interests of this country to pursue policies that seek to drive, or have the practical consequences—no one seeks to do it—of driving autocratic or authoritarian regimes, some traditionally friendly to us, into totalitarian molds. Such a state is fundamentally antagonistic to all we represent and seek to achieve in the world.

I really could say very little more than that. But I think we have been guilty of it in several instances, and some may be debatable.

Senator HELMS. I think you said it well.

I do not want to belabor the subject of Chile and I will just touch on it one more time. My friend Paul Tsongas asked you almost in jest to name the women who prompted the revolution there. Paul is not here at the moment. But I wish he could go to Chile, as I have, and meet with the trade union people and the farm groups and the school teachers and so forth, and all of them unanimously will tell you the same thing. I do not know whether you have done that, but I have.

It was not the meddling of the U.S. Government that led to the overthrow of Salvador Allende; it was the people who were fed up with what was happening to their country and their system. And I thought you stated it well and I appreciate your having done so.

Incidentally, I remember a highly publicized political prisoner in Chile. I went and investigated that political prisoner. He happened to be a chemistry professor at a university who had committed a little misdemeanor of teaching terrorists how to make incendiary bombs,

and they put him in jail for it. And the outcry around the world was that he was a political prisoner.

He was not a political prisoner. He was a criminal. He was aiding and abetting the destruction of life and property.

And I hope, as Secretary of State, that we can have some means of identifying precisely who is violating human rights and who is not.

Now let me touch on one other thing, Mr. Haig. You know of the widespread concern about the current Law of the Seas negotiations. There are claims, and I think they are substantive, that there is a problem of penalizing U.S. initiative in the area of deep seabed mining, where American firms enjoy an immense technological advantage.

Do you want to comment about it now or do you want to think about it? Do you support efforts to give American businessmen assured access to ocean minerals, as mandated by the Deep Seabed Hard Mineral Resources Act, which was enacted by Congress last year? Do you want to comment on that?

General HAIG. Senator, I do not want to suggest to you that I am not acutely familiar with those provisions and with the concerns of American business, because I just came from American business and a corporation that expressed itself on the Moon treaty aspects of that same issue.

But I would prefer, if I may, to defer any statement, because of the importance and complexity of it, until I have had a chance to read it and be sure I know what position President Reagan will take.

Senator HELMS. I think that is fair. And in light of that, Mr. Chairman, I ask unanimous consent that I be permitted to file additional questions on that subject with General Haig, to be answered when he can.

The CHAIRMAN. Without objection, so ordered.

Senator HELMS. I yield back the balance of my time.

The CHAIRMAN. Thank you, Senator Helms.

Senator Glenn?

Senator GLENN. Mr. Chairman, as I indicated this morning, I feel very strongly that any Members of the Senate who have interest enough to come here and be part of the hearing should be granted a hearing. And I know normally we would wait until after this move, for Senator Hart, after the regular members have had their time to pursue questioning.

But Senator Hart, who has been here all day, cannot be here tomorrow or the first of the week because of longstanding commitments. And I would yield my time in this round to Senator Hart.

The CHAIRMAN. On that basis, Senator Hart, we are very happy to have you proceed.

Thank you very much, Senator Glenn.

Senator HART. Mr. Chairman, I want to thank my colleague for his extraordinary generosity, given the long time delays between periods of questioning. I greatly appreciate his consideration and the hospitality of the committee.

General Haig, do you believe it is desirable and, if so, is it possible for the United States to achieve or seek to achieve strategic nuclear weapons superiority?

General HAIG. I think this is another very complex and difficult question, Senator, that does not lend itself to too many glib answers because of the visceral reactions generated by such words as superiority versus adequacy, adequacy versus equivalence or essential equivalence.

I would hope that the policy we pursue in this area would contribute to the slowing of an arms race. In that context it's very important that we not pursue policies that we think are retarding the assurance but that are really contributing to an impasse in arms control negotiations.

I suppose I'm conditioned by past American history and attitudes, and there is no simple answer to this question. I am sorry to belabor it, but I lived with the post-Cuban missile crisis situation, when we first spoke of parity, equality. And then we spoke of equivalence. Then we spoke of rough equivalence or essential equivalence. Each concept represented a weakening of the American posture and, if you will, a justification for our failure to maintain the strategic levels of capability we should have as a nation.

In this hearing I would prefer not to get into whether or not we are seeking superiority in the narrow sense of that term or simply adequacy right now. The key issue facing the American people right now is that we are less capable than we should be in this area, and very early on into this decade we are going to be seriously less capable than we should be. And that is a problem of past discussions of the kind we have had here, and I hope I don't sound like I am attempting to avoid your question.

Senator HART. Well, to try to answer my own question, based on what you said, I take it, as Secretary of State-designate, it is not your intention to recommend or pursue a policy for this country and Government of nuclear superiority?

General HAIG. In general that is right, with the conditions and the great number of nuances that I suggest or that I suggested in my response.

Senator HART. General, are there any circumstances under which you would advocate or support covert operations to destabilize or overthrow a constitutionally elected government, including an avowedly Marxist government?

General HAIG. First, let me say, Senator, this is not a forum for discussion of the kind of questions you suggest, in my view.

Senator HART. Why is that?

General HAIG. Simply because it is an open forum and it should be conducted in a closed session, I believe.

But let me just try to answer your question as best I can in open session. The law now requires that the reporting—a priori reporting—of all intelligence activities be made to the Select Intelligence Committee—to the Intelligence Committee. I think they have entered a relationship with this committee that provides that any significant action will be reported to this committee.

The very act passed by this legislature, this Congress, the preceeding one, was one that addresses the sensitive issue of clandestine covert activity. I think that if you will analyze it, the act endorses such activity, under the most unusual of circumstances, which are the judgments which you gentlemen will share with the executive branch. Now I intend to live by that regulation and that rule.

Senator HART. So it's safe for the Senate of the United States to conclude that there are no circumstances under which you would participate in a decision by an administration to undertake such activities without legal and due notification of the appropriate Members of Congress?

General HAIG. Absolutely, and we will share that burden together, gentlemen.

Senator HART. And I take it, based on previous testimony, General, there are no circumstances under which you would support or advocate a covert or clandestine military operation in any circumvention of the War Powers Act whatsoever?

General HAIG. The War Powers Act? No. No, indeed. I think both of these acts are interrelated and it depends on where the breaking line of the definition comes—whether it's a covert activity or an act of force under the provisions of the War Powers Act.

Senator HART. General, what factors would you weigh in a consideration as to whether to commit American land forces to reestablish supplies of oil from the Persian Gulf, if those supplies were cut off in appreciable amounts?

General HAIG. Well, as tantalizing as the answer to that question may be, I think if I've ever learned anything, it is when you discuss American contingencies in an open, public forum you deprive yourself and the President and all involved of the ability to ever conduct them or even consider them.

Senator HART. Why is that?

General HAIG. I think that is a subject that should not be discussed in a public forum.

Senator HART. So you are not willing to testify in your confirmation hearings that factors such as an invitation from a host government for logistics for landing troops or any factors like that are factors to be weighed?

General HAIG. No, no; not at all.

Senator HART. That is what I asked you.

General HAIG. I thought you asked me what conditions we would intervene militarily.

Senator HART. No; I said, "What factors would you weigh in considering whether to advocate commitment of land forces?" I don't think that is classified information in any way. You are going to be Secretary of State.

General HAIG. I am not sure I understand the nature of the question. I'm sorry, Senator. I may be obtuse.

Senator HART. All right. I will repeat.

As Secretary of State, what factors would you consider or weigh in advocating or participating in a decision to commit American land forces to the reestablishment of oil supplies in the Persian Gulf, if substantial amounts of those supplies were cut off?

General HAIG. I suppose there would be a number of them, not the least of which would be whether or not such an operation would succeed.

Senator HART. That's one. What else?

General HAIG. Whether or not there was another course of action which would more effectively accomplish what we were seeking, in

the light of the imponderables of the question, for instance what would be the consequences of failure to act.

You know, any—and I think I said this in my prepared statement—any application of American commitment or power must be taken with the greatest reservation and once you do it, you should be aware that you have done something that must have a prospect of succeeding, not only an ironclad guarantee. No one can be sure of ironclad guarantees of success but the probability of success that's going to be a key factor.

Do I mean to suggest that I am recommending military intervention to protect our oil? Well, there are clearly circumstances where such a recommendation might be made. I am very concerned today about the inadequacy of our capability to do the kinds of things that your question suggests, and I think the Carter administration has been equally concerned.

I think we have a great deal to do to correct that capability. That is, some of the military aspects of it. Now I'm talking about airlift, sea-lift. I'm talking about staging areas, basing areas, and I am talking about ready forces, capable to intervene at the level of capability necessary.

Senator HART. General, one final question.

You noted, in your prepared remarks, and I think very appropriately, the need for partnership between the President and the Congress on foreign policy. I think you stated it very well.

In that regard, General, let me refer to an exchange that you and I had about a year-and-a-half ago in a hearing before the Armed Services Committee on the SALT treaty.

You said, in response to a series of questions which I asked—and I would be glad to put the entire exchange in the record, but the context really is not important—"I am no longer at your beck and call in uniform. I am a private citizen now, Senator." I think what you intended to say was that "I am no longer at your beck and call since I am not in uniform," but since I had never, in 6 years, beckoned or called you personally, I assumed you were referring to the Senate as an institution.

Now you are no longer in uniform. You will be Secretary of State. I'm interested in knowing whether that statement in any regard casts any shadow on the commitment you made in your opening statement about cooperation with the Senate and with the Congress.

General HAIG. Senator Hart. I think it means that I'm back at your beck and call. [Laughter.]

Senator HART. General, what will be your attitude toward those in the Senate who vote against your confirmation?

General HAIG. I'll still be at their beck and call.

Senator HART. Thank you very much. And thank you, Mr. Chairman.

The CHAIRMAN. Thank you very much indeed, Senator Hart. Senator Hart, if you would like to pursue in executive session some of those questions you asked, if have such a session, we will invite you to join us.

Senator GLENN. Mr. Chairman, could I ask a question? Would it be in order to suggest also that Senator Hart and any other Senators who wish to submit written questions to be replied to before we conclude our deliberations have those questions submitted to the witness along with those of the regular members of the committee? I would so move, if that is necessary.

The CHAIRMAN. It would not be necessary to move it. We will simply request staff to advise, through the leadership, all Senators that they have that privilege and that privilege will be granted to them.

Senator HART. Mr. Chairman, my profound thanks to Senator Glenn.

The CHAIRMAN. All right; if there are no further comments, the hour of 5 o'clock having arrived, we will recess the committee until 9 o'clock tomorrow morning.

[Whereupon, at 5 p.m., the committee recessed, to reconvene at 9 a.m., the following day.]

NOMINATION OF ALEXANDER M. HAIG, JR.

SATURDAY, JANUARY 10, 1981

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

The committee met, pursuant to notice, at 9 a.m., in room 1202 Dirksen Senate Office Building, Hon. Charles H. Percy, chairman of the committee, presiding.

Present: Senators Percy, Baker, Helms, Hayakawa, Lugar, Mathias, Kassebaum, Boschwitz, Pressler, Pell, Biden, Glenn, Sarbanes, Zorinsky, Tsongas, Cranston, and Dodd.

Also present: Senator Kasten.

OPENING STATEMENT

The CHAIRMAN. Good morning. We will begin our proceedings today with the intention to take a 10-minute break at roughly 11 o'clock and proceed until approximately 1 o'clock.

I would like to update the committee on action that has been taken since the close of the session yesterday with respect to the materials that the minority members have been attempting to obtain, using the White House as the focal point for those materials. After the session was finished yesterday, I drafted a letter to the President, and transmitted it by telephone last evening around 7 o'clock to Deputy Counsel Mr. Cardozo, who has been assigned to this work by the President of the United States. I would like to read into the record the brief letter that I sent:

President JIMMY CARTER.

DEAR MR. PRESIDENT: In reference to the response of January 8 of your Deputy Counsel, Mr. Cardozo, to Senator Pell in connection with his request for materials on the nomination of Alexander Haig to be Secretary of State, the committee notes that your administration is in the process of responding to this request.

On behalf of the majority of the committee, I urge you to respond on an expedited basis in order to make use of this material prior to formal action by the committee on this nomination. Such material as is submitted must be available to the committee by Tuesday, January 13, at 12 noon.

I asked that all necessary personnel be assigned to expedite this process, and I do believe we have full cooperation from the White House on this matter. It is my understanding that a good deal of that material will be here by Tuesday noon.

Senator Pell, do you have any comments?

Senator PELL. Yes; I do. It should be noted that this letter, while gratefully and delightedly received by us, does not get to the nub of the matter, which is the question of these tapes of that 100 hours of

conversation between General Haig and President Nixon, with references to General Haig, from May 4 to July 18, 1973, which will probably require a subpoena.

I regret to say that in the meeting of the lawyers yesterday when they met, there really was no bottom line as to any item that they would agree to subpoena.

So we are still left, on the minority side, with a decision to make as to whether we should subpoena these documents. And since time is rolling by—and I recognize the urgency of the hearing—it would seem to me we ought to reach a conclusion on our side today, probably, whether or not there should be a motion for a subpoena on these documents.

I would think we would probably want to wait until we have perhaps a more full attendance, but if that motion is made, to be of any effect, it ought to be made today.

So I think that the letter is one level, but the agreement we had that the counsels would come back—or I hoped we had—that counsels would come back with some kind of a recommendation has not worked out, there is no bottom line apparently. And so we are left with no alternative but either to ask for a subpoena or not to ask. And I don't know the wishes of the majority of my colleagues, their not all being here as of now. You may want to wait until about 10 o'clock and resume the subject then.

The CHAIRMAN. We will defer that matter until a decision has been made by the minority members that they can present to the majority.

If there is no other committee business, we will start with Senator Hayakawa.

Senator HAYAKAWA. Thank you, Mr. Chairman.

Mr. Haig, we have not yet had an opportunity to explore your ideas on East Asia. That area, of course, is of prime interest to me as chairman of the Subcommittee on East Asian and Pacific Affairs. So perhaps we could begin with China.

What do you see as China's role in Asia, where Peking is concerned? That is, Peking is improving relations with Japan and the Asean countries, which are in conflict with Vietnam and Cambodia and potentially at odds with us over Korea. Now, how should we balance our interest in a stronger China with our absence of interest in creating a Chinese threat to Taiwan to the rest of Southeast Asia? That is, the stronger we make China, the more threat it becomes to Taiwan. And I think we want to remain neutral on this: don't we?

General HAIG. Senator, as you probably know, I was a participant in the early efforts to normalize relationships with the People's Republic. And as a matter of fact, I made the trip that was the stalking-horse, if you will, for President Nixon's historic trip some years ago.

I think it's awfully important that we recognize that the situation is fundamentally one of strategy. It's a strategic relationship that is the underlying motivation for normalization of relationships with the People's Republic of China. It doesn't mean in any respect that we have a convergence of interests and values.

I have said that the challenge of this decade facing us is the necessity on the one hand to conduct our policies in such a way that the People's Republic of China recognizes that there is some value in a normalization of relationships with the United States, that we are

reliable, and on the other hand not permit this normalization process to result in a situation that my European friends describe as "poking sticks in the polar bears' cage."

Clearly, this is a balancing act of some importance. On the one hand, our relationships with China should be based on our strategic motivations for that relationship. On the other hand, we must not get ourselves into a triangular relationship that constantly serves as an irritant to improving East-West relationships.

Now, with respect to China's role, the People's Republic of China, in the regional area, I think their concern about what they describe as the search for hegemony by the Soviet Union on their southern and northern borders has given them a motivation to be a certain stabilizing influence in the area. As evidence—without judging the morality of it—I cite their punitive action against Hanoi when Hanoi continued its activities in China.

So I see a compatibility and a convergence, in the strategic sense, between ourselves and the People's Republic of China. I think it is in our interest to continue the normalization process begun during the Nixon years, advanced during the Ford years, and advanced still further during the Carter administration.

At this juncture I do not see a particular threat to the other nations of the area as we look at the overall assets of the People's Republic of China. For example, they have a long, long way to go before they could be considered a military threat, in my view, to the people of Taiwan, to Japan. I would hope there would be a structuring of improved relations between Japan and the People's Republic—and there is a great deal underway today that could lead to that—despite historic differences.

Senator HAYAKAWA. Do you see an improved relationship between the People's Republic of China and Taiwan, too?

General HAIG. I think this is a question that only time can answer. It's a very delicate matter. It came up in the campaign, and I would prefer not today to add any fuel to the controversy.

Suffice to say I think we have a strategic interest in improving and normalizing our relationships with the People's Republic of China on its own merits.

Senator HAYAKAWA. Yes.

General HAIG. We also have a fundamental responsibility to demonstrate American reliability to previous commitments in a historic sense. And we do, and continue to have an obligation to the people of Taiwan.

Senator HAYAKAWA. We are at the present time supplying non-lethal military equipment to the People's Republic of China, are we not? Is there any thought of going beyond that to more serious forms of military cooperation, such as the sale of weapons and training visits of our naval forces to Chinese ports, joint exercises, or anything of that kind?

General HAIG. Well, there again, Senator, you are on the edge of an extremely sensitive issue, not only in the context of our relationships regionally, but in the East-West context, at large.

Senator HAYAKAWA. Yes.

General HAIG. I would prefer not to break any new ground on this subject this morning. It is clearly an area which will continue to be

reviewed in the light of the international environment and the tensions and evolution of those elements in the international environment today.

Senator HAYAKAWA. In our relations with the People's Republic, should American firms be encouraged to pursue joint ventures with China in offshore petroleum development or aircraft production or computers or the manufacture of steel and other areas which could have military implications?

General HAIG. I think, Senator, this proposition has to be measured against the litmus test of practical good sense—and that would include a measurement of the kind of contribution or potential contribution such activity would generate or make. In general I think that improving multinational or American investment—American participation in Chinese economic development, perhaps investment in return for raw materials—all of these things are constructive in the overall international climate and would contribute to an improved relationship. It must be measured against the issue that is clearly of concern to you.

Senator HAYAKAWA. President-elect Reagan talked about a policy toward Taiwan, and there was considerable press coverage of that in September. Could you give us your views on what you might recommend as a policy toward Taiwan?

General HAIG. Senator, I haven't had an opportunity to talk to the President-elect on this subject specifically. Clearly, I would prefer to have reached a good sense of the President-elect's views on the subject. I would hope to contribute to that discussion my concerns with respect to the overall desirability of maintaining a strategic relationship with the People's Republic of China.

Senator HAYAKAWA. I would like to say, in passing, that I see in the future a kind of cooperation developing between Taiwan and the mainland, because what the mainland needs very much is technology, science, applied industrial management, and so on. And these are all things that Taiwan can supply—without a language barrier. And so it's inevitable that the small trade that's now going on between Taiwan and the adjacent province in the People's Republic of China may develop into something warmer as time goes on.

Well, that's just a comment in passing. I don't know if you see such an optimistic outlook.

General HAIG. I am not necessarily uncomfortable with that thesis. Of course, it leads to the "one China" concept. But I think it's important in the context of that thesis that we, as a government, do not unnecessarily complicate that process.

Senator HAYAKAWA. Thank you, Mr. Haig.

The CHAIRMAN. Thank you, Senator Hayakawa.

Senator Sarbanes.

Senator SARBANES. Thank you, Mr. Chairman.

General, it's difficult to evaluate your judgment if, at least on certain matters, we don't know what it is. And I can appreciate that where there are matters of pending concern—for example, Poland or Iran—there is difficulty in stating a view, particularly in an open session, since there are continuing pressing, emergency situations.

I would like to ask a series of questions to which I think probably we could get some definitive response on.

First do you support the Camp David accords?

General HAIG. Yes, I do.

Senator SARBANES. Do you support the Zimbabwe settlement that was negotiated by Lord Carrington and the British?

General HAIG. Yes, I do. I discussed this with Lord Carrington on several occasions at great length.

Senator SARBANES. Now, I know you've addressed this question before the committee, but I am still not altogether clear on your position. Do you support the Panama Canal Treaties?

General HAIG. I hope I made it clear yesterday that I do and will continue to.

Senator SARBANES. Do you favor establishing official relations with Taiwan?

General HAIG. I think that question was one that was just touched upon in a more indirect way. But certainly, it was clearly connoted in the discussion with Senator Hayakawa, and I think it is very important that I have an opportunity to discuss this issue with the President-elect at some length before I would want to go on the public record with respect to that issue. I would prefer that you ask it in the context of official relationships with the people of Taiwan, for example.

Senator SARBANES. Well, let me ask you whether you support the Taiwan Relations Act, which was enacted?

General HAIG. In general, yes. But there again, I think we have to look at this whole picture. It is a matter high on my agenda because of its long-term importance, not only to our relationships with the People's Republic of China, but of equal importance in an East-West context along the lines of my discussion with Senator Hayakawa.

Senator SARBANES. What is your view of the international financial institutions and the question of U.S. contributions to them, first, with respect to the amounts of our contributions, and second, with respect to attaching conditions to our contributions?

General HAIG. Well, this, as well, is an extremely delicate question, and it is one on which there has been some rhetoric in the recent campaign. As a matter of fact, there is some language with respect to it in the Republican platform.

As a general rule, there is no definitive generalization that I would want to make on this. I think it is awfully important as we enter into multilateral arrangements, that we know specifically what use is going to be made of our contribution, that we know clearly what influence we are going to have within that mechanism to insure that the American people's objectives are being met. After all, they are paying for these contributions.

As a general rule, of course, it is always much easier to insure those things if we make our contributions in a bilateral framework. Now, that is not to say that I am opposed to multilateral contributions and participation, not at all. But it is a whole panoply of assessments that have to be made associated with such contributions. And that includes everything about the issues I have discussed.

It also includes, perhaps, the character of the recipient of this assistance, what our objectives are and what we are seeking to achieve by these contributions. It has to have folded into it our assessment of whether we are doing this to influence other contributors in a constructive way. And I can see many instances where that would be the case.

So it is not something that lends itself to a glib, short answer, Senator. I am sorry.

Senator SARBANES. Well, in light of that answer, what degree of support can the institutions such as the World Bank or the International Monetary Fund, the Inter-American Bank, and the Asian and African Banks expect from you if you are the Secretary of State?

General HAIG. I think you can expect that I will remain an advocate of support for these institutions. I would like to reserve judgment on the level to which that support—the level that I would recommend for that support—until I have had an opportunity to consider the matter at great length with advisers in the State Department, with the members of this committee, and, above all, with the President-elect. Clearly the question came up because there is some controversy in it.

Senator SARBANES. When the question was broached, you made reference to the fact that issue was touched upon in the platform of the Republican Party. To what extent, therefore, can one assume that your views on foreign policy issues will be governed or guided, or that you will feel an obligation to conform to, the provisions of the Republican Party platform in this area?

General HAIG. Since I did not participate in any way in the structure or in the drafting of that platform, I would only be aware that it exists, and take it into consideration as the judgments are made on issue to issue. In no way would I anticipate an approach which visualized strict adherence to something I had no role in drafting.

Senator SARBANES. Should the Congress have made available aid to Nicaragua to be used by the President if he determined it served our interest?

General HAIG. I am sorry, Senator, I did not quite—

Senator SARBANES. Should the Congress have made available to the President, to be used by him if it was determined to be in our interest, aid for Nicaragua?

General HAIG. I would like to see the President afforded by the Congress as much flexibility as he can in the case of Nicaragua or any other troubled spot.

I suppose I have some reservations as I look back at the evolution of the Nicaraguan situation. I don't put it in the same category as, perhaps, I would put my concerns about the evolution of the situation in Iran, but nonetheless it has many of the same overtones. But, I was not a participant. I did not follow it minute by minute.

I am not really sufficiently attuned to the pressures and the considerations of the moment that shaped our policy. I don't think that it would be appropriate for me to cast myself this morning as an expert critique on the thing. I would like to look very, very carefully at the current situation in Nicaragua, the policies of that Government, the activities they are supporting throughout the Central American area, and to assess very carefully whether or not we are, indeed, contributing to additional troubles for the American people.

Senator SARBANES. My question really did not go to that point. The question neither sought an evaluation by you of our past policy in Nicaragua, or your views as to what the Executive should do now. The question was whether the Congress should have acted favorably on the request that aid be made available to the executive branch for its use in Nicaragua.

General HAIG. I apologize because I certainly read more into your question than perhaps you meant, and I think that this is a question that only the Congress can answer. I think it is the obligation of the Congress to make the value judgments with respect to the actions they take—whether it is the right or the wrong thing to do. Clearly they felt that it was the right thing to do.

Senator SARBANES. Do you expect not to indicate to the Congress, if you are the Secretary of State, your view as to whether or not we should act favorably or unfavorably on various issues?

General HAIG. I think beyond any question I will be an advocate for executive branch initiatives of a great variety, and this committee will sense that in very short order.

Senator SARBANES. This is an issue on which we have acted, so it is behind us. How should we have acted, in your view? I am simply asking for your judgment.

General HAIG. Senator, you are asking me, and what I have told you is that I prefer not to be an expert on something with which I was not intimately involved. I made it clear that I have reservations about the evolution of events in Nicaragua, and the outcome that confronts us today.

I have also made it clear that I have some strong concern about the policies of the current Government in Nicaragua, the use to which the money we are providing is being made, and I think that it is important that we assess, regardless of the first decision, to provide the money, whether or not that money is being used in the interest of the American people.

Senator SARBANES. I take it, then, that it is your view that the Congress ought to make that judgment. In effect, what you are saying is that it was our judgment to make.

General HAIG. No; I think the provision of funds, of course, was your judgment to make. I think that it is the executive branch's decision to make a judgment and by that I mean the President, as to whether or not to seek that money, and to expend it.

Senator SARBANES. What I draw from my question, and in some way it is helpful, is that you are not very strong on the idea that the Congress ought to give the Executive some latitude to make the judgment, but that the Congress itself ought to make the basic substantive judgment on these questions.

General HAIG. I prefer not to be quoted in the context of your question. I think that this is a partnership. I made that point clear in my opening statement. I think that both the Congress and the executive branch bear a heavy responsibility. I would not want to be quoted as relieving the Congress of its value judgment responsibilities any more than I would wish to relieve the executive branch.

I think over the years, especially since the Vietnam experience, the Congress has increasingly become enmeshed and involved in these activities to a degree that they have not heretofore, and certainly in post-World War II American history. That involvement brings with it additional obligations and responsibilities.

I think your question sort of suggested that you can play the game without those responsibilities, and I would not want to be quoted as an advocate of that point of view.

Senator SARBANES. I see my time is up. Thank you, Mr. Chairman.
The CHAIRMAN. Senator LUGAR.

Senator LUGAR. Thank you, Mr. Chairman.

General Haig, during your testimony yesterday, you mentioned that for the time being you would like to study further the embargo issue. Let me ask this question for the record, a question which I think is especially urgent in view of that answer.

In the past the members of the Agriculture Committee have worked with the members of the Foreign Relations Committee, and likewise the Department of Agriculture with the State Department, to try to work out a better arrangement for our agricultural attachés and others to sell grains and agricultural products abroad.

It is an extremely important issue to American agriculture, made even more crucial by the point that you made yesterday: that ultimately the State Department and foreign policy is to take precedence over normal commercial relationships, and thus we are going to sell our products only to our friends. If that is so, we really have to move expeditiously.

The Congress passed legislation in this area 2 years ago. It has been the judgment of some of us on both of the committees, who have two hats, that things have moved tediously. This is not simply an indictment of the past administration; this has apparently been true through recent history.

As a part of your confirmation hearing, I would like to have your personal assurance that you understand the problems of American farmers and exports, and will do all you can to make certain that laws already on the books for expediting these arrangements might really be made sound and whole, and we might make progress in that area.

General HAIG. I think I can give you that assurance this morning, Senator.

Senator LUGAR. I would like assurance in another area likewise, and this one somewhat more complex. In the intelligence community a discussion has gone back and forth for a long time with the Foreign Service operatives, with the Department of State officials responsible for making certain that we have the maximum degree of security for intelligence personnel as they come in contact with our embassies and our State Department people.

I know that you are fully cognizant of this difficulty, and of some of the personnel and bureaucratic problems, quite apart from the intelligence and foreign policy problems. But, as a part of this confirmation proceeding, once again I would like to draw your personal attention to this problem, which is of crucial magnitude, I believe, to the success of our intelligence efforts.

Obviously, you will want to help in this respect, but would you give some assurance that this will be a high priority for you?

General HAIG. It clearly will be, and this is one of the subjects we are seized with now as we are attempting to establish mechanisms to guarantee precisely the kind of coordination to which you refer.

Senator LUGAR. General Haig, in your testimony yesterday, you outlined in your opening statement the thought that events are manageable, that we need not respond on an ad hoc fashion and need not be bantered about in this way, that we must try to obtain control. You suggested that there are ways in which we can actively shape

events and, as you said, in the process attempt to forge consensus among like-minded people.

You listed four fundamental tasks: Management of Soviet power; reestablishment of an international economic climate; the economic and political maturation of developing nations; and the achievement of a reasonable standard of international stability.

I think that these are very important. I would not disagree with the importance of them. What I want to draw from you today, though, or at least ask you to think through, is whether there is not generally one generally overriding difficulty. You touched upon it in your first objective, but let me approach it in this way.

It seems to me that if there were great dilemmas in President Carter's foreign policy, they came from the fact that there was no focal point, there was not a sense of management. As a matter of fact, the major problem, although seen, was not seen as that important.

When President Carter said that we must get over our inordinate fear of communism in the Notre Dame speech and then moved in that direction, it seems to me that he may have overlooked the fact that all of the situations that you list, and that he might have listed at other times, finally come back to the perception of others of how we stand and how the Soviets stand.

In other words, this may oversimplify things, but it appears to me that from your unique position in NATO, and in foreign policy for a long time, you have noted even in Europe people making bets on how history was going to work out. If one had to make a conclusion as to who was moving ahead, and who was moving behind, the judgments in many cases have been adverse for us.

In short, the Soviet Union is the one large power that threatens our existence and the existence of other nations, and ultimately if General Zia does not want to accept aid, he does not want to accept it because he does not want to aggravate the Soviets. If people in Latin America are not very responsive, it is because the Soviets are there now, entering into situations in various ways.

If our European allies are reticent, very frequently it may well be that they are keeping an olive branch out in that direction. If Saudi princes now are touching base with Moscow as well as Washington that is now, and not exactly unexpected.

Is not the fundamental point that you are trying to make—and if it is not please tell me—that if we are to have management of affairs, we have to recognize the need for defense policies in this country that are more credible to ourselves, to our friends, and to the Soviets, and to begin to tilt the situation back in such a way that the theme of our foreign policy becomes an America that is credible vis-a-vis the Soviet Union, one on which everybody can bank. Then if anybody is to make a judgment as to how history is going, they will make the correct inference, and one which makes all of the rest of these problems infinitely more solvable, whether it is stability or aid to other countries, to strengthen our alliances, or all the rest.

Would you make a comment on that general thesis?

General HAIG. Well, clearly that is not at all inconsistent with my formal opening statement. It is not inconsistent with the general thrust of my articles and public speeches over a period of 5 or 6 years.

I would like to point out one aspect of that world view that I think we Americans must keep very, very clearly before us as we assess the sacrifices we must make in the period ahead to remedy the problems you have outlined. We are not facing the inevitable and inexorable supremacy of Marxist-Leninism as a system. Quite the contrary, it is a profound historic failure.

If one measures the success of the Soviet brand of communism, we find economic shortfalls that are increasing in severity over the last 3 to 4 years. We find an agricultural basket case in the history sense. Despite the fact that Soviet leadership has driven larger and larger segments of their population into agriculture, the consequences have not been remunerative.

We find growing demographic problems with the Soviet system, as the non-Soviet populations begin to thrust for greater autonomy and a greater voice in the conduct of Soviet policy. We find that transmitted into the Eastern European zone of influence.

What I suggest by that is, if we Americans, and we Western nations, those who share common values, have the values and disciplines to get our act together and to move in concert, and to manage this very dangerous period at the far end of a decade or more, I think we are facing a period of utmost opportunity and promise.

Why is the decade facing us so dangerous? There are two converging realities. On the one hand, we have this growth in sheer Soviet military power, which some years ago my friend, Sonnerfeldt, described as inorganic because it was not accompanied by growth and success in the other segments of the Soviet society, and simultaneously Soviet society was faced by these pressures, these manifestations of failure described earlier.

I pointed out, and I think history would confirm that totalitarian states, when plagued with internal failure, and armed beyond the limits of prudence and reasonableness, frequently indulge in external diversions to insure their incumbency and continuation in power. One need only look at Africa, the Middle East, Southeast Asia, to suggest at least there is some flirtations with that kind of diversion underway in Moscow today.

Senator LUGAR. Thank you very much.

The CHAIRMAN. Senator Lugar, at the end of your first question on agricultural exports, as I understood General Haig's answer, he said: "I think I can give that assurance this morning."

If there is any doubt about it, would you reaffirm that back to the committee when you have no doubt, or can you change your answer now or modify it to, "I can give you that assurance this morning"?

General HAIG. I suppose my rhetoric sometimes can be confusing. Of course, I meant it to be a categorical, "I can give you that assurance."

The CHAIRMAN. It is categorical?

General HAIG. Yes.

The CHAIRMAN. Thank you very much.

Senator ZORINSKY.

Senator ZORINSKY. Thank you, Mr. Chairman. General Haig, did you have any involvement in the planning of the recent meeting between President-elect Reagan and President José Lopez Portillo of Mexico?

General HAIG. Yes, I did.

Senator ZORINSKY. You previously, in testimony, indicated that you felt that Latin America, Central America, Mexico, the Caribbean, was a very important area of concern to this Nation. Are you familiar with the current situation in which both an Ambassador at Large position and Ambassador to Mexico position exist?

General HAIG. Yes, I am, in a general sense. I'm not familiar with the genesis of how we got to where we are, but I've been looking at these Ambassador at Large posts.

Senator ZORINSKY. A booby prize for losing an election is, I think, the genesis of the Ambassador at Large position. I have spoken with people in ranking positions in Mexico, and at the time they felt that it was less than respectful to have two Ambassadors to Mexico, one being a politically initiated position. Another Ambassador at Large position is the Ambassador at Large to the United States of America, who provides services for mayors and for Governors.

What is your feeling on these Ambassador at Large positions? They seem to rise out of the atmosphere with no apparent demand or outcry for them?

General HAIG. Senator, I anticipate eliminating those posts and going back to square one, if you will. There are certain vitally important, ongoing negotiations, for example, that might justify such posts, but I think, as a general rule, they have grown to too large, too many. They cause confusion and make life quite difficult for the incumbent Ambassador, and I would think rather confusing for the host nation. At least the risks of that are there, and that's no value judgment on the performance of the fine men who are occupying those posts today. They have made great contributions and the American people owe them a great debt of gratitude.

But I would like to reassess and go back to the beginning and be sure that in each case we are not retarding rather than advancing American policy.

Senator ZORINSKY. I have always felt that the proliferation of these posts diffused the importance of the ambassadorial position itself in the diplomatic arena.

I'd like to ask you now, General, do you intend to recommend that the current U.S. Ambassadors to El Salvador and Nicaragua be replaced? Or have you made that judgment?

General HAIG. I haven't gotten into the process of assessing our diplomatic posts. That is one of my concerns about the process underway here today, Senator. I've got to launch into, first, the manning of the Department of State. I feel that's the most important early-on task I have.

And then, in conjunction with the President, I'll have to assess our worldwide diplomatic posts.

Senator ZORINSKY. Are you aware of any so-called hit list with the names of those Ambassadors?

General HAIG. No, and I sometimes shudder at the connotation of even the word.

Senator ZORINSKY. Well, I suppose you read the same newspaper articles that I've read, using those words.

General HAIG. I can assure you I have no hit list of any kind and that, for example, I spoke last week to the President-elect about the desirability of maintaining former Senator Mansfield in his post in

Tokyo. I think his performance has been unique and remarkably effective.

I don't anticipate any hit list. I think our country has had enough of that.

Senator ZORINSKY. What standards or qualifications will you look at with respect to your appointments to ambassadorial positions? Will knowledge of the language of the country by the Ambassador by one of those prerequisites?

General HAIG. This would be a very high priority aspect. It would not be disqualifying in every case, and I think that's one of our long-term problems as a nation—language training in our schools and the overall attention we give to the importance of our ability to communicate outside our own language.

If the man is unusually well qualified I think we'd have to discount that handicap. On the other hand, it's a very important asset and one who has lived abroad, as I have, can only underline how important it is.

Senator ZORINSKY. General, the issue of the grain embargo has been raised several times by my colleagues on this committee. Do you feel that members of the State Department have sufficient grasp as laymen concerning the evolution of products of the agricultural industry?

Let me clarify that question for you. I attended a code level briefing concerning Afghanistan by officials of the State Department—high-level members of the State Department. After we finished the discussion concerning the Soviet incursion into Afghanistan, I asked a question concerning the grain embargo. The question was, if the State Department felt that there was sufficient documented evidence to know how much grain flows into the U.S.S.R. so that we would be able to evaluate, to some degree, how effective this grain embargo has been. The State Department official said yes, categorically.

I don't want to cost anybody their job, so the individual shall remain nameless, but he was a high ranking State Department official. I asked the following question: Do you keep track of how much flour goes into the Soviet Union? And he said, no, that's not on the embargo list. Then I asked him if he knew where flour comes from because just recently 1.2 million metric tons of U.S. wheat had been shipped to West Germany. They milled it to flour, and shipped it into the Soviet Union.

Now the mentality of a professional in the State Department who can rationalize with an embargo in process that you keep track of wheat going into an embargoed nation but not flour led me to believe that he has no conception of what an embargo is all about.

And that's why I'd like to raise this point to you. It goes deeper than words, like embargo. It goes to the very heart and essence of understanding the nature of an entire industry. I would hope that in your position you would initiate some educational process for those members of the State Department who need that type of education.

General HAIG. I may need some education myself, Senator. I was going to answer that everybody has heard of flower gardens. I didn't mean that to be flip, of course.

Senator ZORINSKY. No; I understand. Thank you, Mr. Chairman. I yield back the balance of my time.

The CHAIRMAN. Thank you, Senator Zorinsky. Senator Helms.

Senator HELMS. Thank you, Mr. Chairman. Good morning, Mr. Haig.

General HAIG. Senator.

Senator HELMS. Following up Senator Sarbanes' line of questioning relative to the Panama Canal treaties, are you aware of President Royo's difference with the United States in terms of the interpretation of the treaty?

General HAIG. No; I'm sorry I'm not, Senator.

Senator HELMS. I will furnish you copies of his letter and President Carter's response, and I should like for you to give me a memorandum at your convenience as to your reaction to both.

In essence President Royo said that he did not accept the DeConcini amendment and the Brook amendment, without which the U.S. Senate would never have approved those treaties. And this has been laid aside, but I think it's a question of great moment, given the vital nature of that canal. So I will furnish you copies of those letters, and I would like to have your opinion as soon as you can conveniently give it to me.

Mr. Chairman, in the interest of time I think I'm going to yield back the balance of my time so we can proceed.

The CHAIRMAN. Senator Mathias, by the way, will be here soon. Senator Tsongas.

Senator TSONGAS. Thank you, Mr. Chairman. Good morning, General Haig.

General, you are from Philadelphia, I understand.

General HAIG. That's right, Senator.

Senator TSONGAS. And your home area and mine shares a heritage and I'd like to read from an article that was published in Philadelphia and it's just one paragraph.

But it says, "Governments are instituted among men, deriving their just powers from the consent of the governed." That, as you know, is the Declaration of Independence. And that commitment to that principle was what led to Lexington and Concord, in my own home State.

I would assume that when the United States signs a treaty that it pledges its honor and its integrity in that process. I'm sure you would agree with that.

General HAIG. Yes; I do.

Senator TSONGAS. I think it is important, if we are to live up to those principles that your State and mine were in the forefront, that that commitment be pursued.

One of the treaties that we signed was the Organization of American States [OAS] Charter. Let me read article 18:

No state or group of states has the right to intervene, directly or indirectly, for any reason whatever in the internal or external affairs of any other state. The foregoing principle prohibits not only armed force but also any other form of interference or attempted threat.

Article 19:

No state may use or encourage the use of coercive measures of an economic or political character in order to force a sovereign will of another state and obtain from it advantages of any kind.

Now those articles of nonintervention are codified in the OAS Charter. Do you think that the United States has a responsibility to live up to those sections?

General HAIG. Yes; I think in general we have put our signature on a treaty which incurs obligations for the signatories. And I think yes, that is correct.

Senator TSONGAS. And so when we sign a treaty, that government can expect that we will live up to those provisions.

General HAIG. Yes; I think so, unless we were to withdraw or modify. And, of course, the OAS Treaty was spawned and signed at a time when the basic issues—and I mentioned this in my formal statement yesterday—when the circumstances have changed, then these things have to be either adjusted or reassessed.

Senator TSONGAS. On March 25, 1970, the so-called 40 Committee met and allocated \$135,000 for a so-called spoiling operation in Chile. In your opinion, did that violate article 18 of the charter?

General HAIG. It really depends a great deal on precedent. For example, I could cite for you, when you talk about violation of that charter, recent pressures applied to the Government of Nicaragua, El Salvador, withholding armaments shipments, and all constitute, in the spirit of the OAS Charter, some divergencies, I think, from that spirit.

And I would suppose the same applied to your question on Chile.

Senator TSONGAS. On June 27, 1970, the 40 Committee met again and upped the ante to \$300,000 for spoiling operations in Chile. That would also be in violation of article 18.

General HAIG. Yes; just as failure to supply armaments paid for by other nations in treaties under the guise of human rights or some other violation would be a violation. It constitutes a violation of the spirit of a treaty of that kind. Yes.

Senator TSONGAS. September 4, 1970, Allende won the election with 36.3 percent. And under Chilean law the matter was then going to go to the Congress for resolution, very similar to our own situation.

September 8, 1970, the 40 Committee met again and asked then-Ambassador Korry to prepare a 'cold-blooded assessment as to whether a coup could be organized prior to October 24.' On September 14, the 40 Committee met again on the so-called Track 1 operation, allocated \$250,000 to bribe members of the Chilean Congress, because they did not feel that the coup prospects were favorable.

Do you think that allocating \$250,000 to bribe members of another government's congress violates article 18?

General HAIG. I think it's in contrast to the spirit of it, yes. But, you know, there are a host of questions that had to be asked then, and frankly I didn't participate in those deliberations in the 40 Committee. I was aware of them. But there are a host of questions that have to be answered in conjunction with them. Democratic freedom is involved, not only in that case but just as we have been insisting on our friends with an almost ruthless pen in recent months, that they adhere to human rights. We have changed fundamental policies which they had a reason to expect we would not change.

This is not to say what we have been doing is not justified, but I think there are many aspects of these obligations that you've got to deal with in the broadest sense of what is in the best interest of the American people as well.

Senator TSONGAS. On September 15, 1970, there was a meeting at the White House. There were four principals—President Nixon, Secretary of State Kissinger, CIA Director Helms, and Attorney General Mitchell. At that meeting \$10 million was allocated.

Let me read the testimony or the report of the Senate Committee on Assassinations. This is testimony by Director Helms:

The impression of the President came down very hard that he wanted something done and he didn't care how, and that he was prepared to make money available. That was a pretty all-inclusive order. If I ever carried a marshal's baton in my knapsack out of the Oval Office, it was that day.

Let me read the CIA directive that went out after that session—the cable—from CIA Headquarters to Santiago informing the CIA chief of station of his new directive, again, contained in the public print of the Senate report of the Assassinations Committee.

Purpose of exercise is to prevent Allende assumption of power. Parliamentary legereidmain has been discarded. Military solution is objective.

B. Track 2. This is authority granted to CIA only to work toward a military solution to problem. As part of authority we were explicitly told that 40 Committee states Ambassador and Embassy were not to be told of this Track 2 nor involved in any manner.

Would you say that the decision arrived at in the White House on September 15 to engage in an attempt, a military attempt, to prevent Allende from taking power violates article 18 of the OAS Charter?

General HAIG. I'd say the same with respect to your earlier question. It is clearly not. It is in contrast to the spirit of that charter. But, again, it has got to be viewed in the context of a host of other countervailing pressures and other countervailing imperatives. And I don't think you, Senator, or anyone in this room would want a rigid legalistic preoccupation which does not assess exigencies of the moment or particular events which represent American interests.

This is not an endorsement of that activity. In many respects it's a rather, somewhat moot question, because I think new regulations have been passed in the interim that will place a lot of these anguishing questions on your plate as well as on the executive branch's plate.

Senator TSONGAS. Well, I, for one, have no appetite for that morsel on the plate.

General HAIG. That's frequently true of executive branch people as well.

Senator TSONGAS. Is it true of yourself?

General HAIG. Yes. Of course. On many occasions.

Senator TSONGAS. October 15, 1970, a meeting at the White House took place with three participants—Secretary of State Kissinger, General Haig, and Tom Karamessines, who was a CIA official.

As a result of that meeting, again contained in the public report of the Assassinations Committee, the following day CIA headquarters cabled the results of the White House meeting to the CIA station in Santiago. "It is firm and continuing policy that Allende be overthrown by a coup. We are to continue to generate maximum pressure toward this end utilizing every appropriate resource."

General HAIG. What was the date of that meeting, Senator? I'm sorry. I missed it.

Senator TSONGAS. October 15, 1970. Do you think that that cable violated the OAS Charter?

General HAIG. It's clear it was an extension of the earlier activity you described. But I think it is important to point out to the committee that that's a selective recounting of the committee report with respect to that meeting on the 15th, because on that meeting of the 15th my recollection was that covert activity with respect to Chile was turned off, unless my memory is faulty—and I think that there's some reference to that in that report. And I think that's the sworn testimony of Dr. Kissinger to that effect.

Senator TSONGAS. Mr. Chairman, in pursuit of that issue I would ask that the entire section involving the covert activities in Chile of the Assassinations Committee, pages 225 to 254 be inserted in the record at this point, so that readers of the record can make up their own minds.

The CHAIRMAN. Yes. Without objection it is so ordered. Thank you very much, Senator Tsongas.

[The document referred to follows:]

COVERT ACTIVITIES IN CHILE—EXCERPT FROM ALLEGED ASSASSINATION PLOTS INVOLVING FOREIGN LEADERS, SENATE REPORT 94-465, 94TH CONGRESS, 1ST SESSION

F. SCHNEIDER

1. SUMMARY

On September 4, 1970, Dr. Salvador Allende Gossens won a plurality in Chile's Presidential election.¹ Since no candidate had received a majority of the popular vote, the Chilean constitution required that a joint session of its Congress decide between the first and second place finishers. This constitutional requirement had, in the past, been pro-forma. The Congress had always selected the candidate who received the highest popular vote. The date set for the Congressional joint session was October 24, 1970.

On September 15, 1970, President Richard Nixon informed CIA Director Richard Helms that an Allende regime in Chile would not be acceptable to the United States. The CIA was instructed by President Nixon to play a direct role in organizing a military coup d'état in Chile to prevent Allende's accession to the presidency. The Agency was to take this action without coordination with the Departments of State or Defense and without informing the U.S. Ambassador in Chile. While coup possibilities in general and other means of seeking to prevent Allende's accession to power were explored by the 40 Committee throughout this period, the 40 Committee was never informed of this direct CIA role. In practice, the Agency was to report, both for informational and approval purposes, to the President's Assistant for National Security Affairs, Henry Kissinger, or his deputy.

Between October 5 and October 20, 1970, the CIA made 21 contacts with key military and Carabinero (police) officials in Chile. Those Chileans who were inclined to stage a coup were given assurances of strong support at the highest levels of the U.S. Government, both before and after a coup.

One of the major obstacles faced by all the military conspirators in Chile was the strong opposition to a coup by the Commander-in-Chief of the Army, General Rene Schneider, who insisted the constitutional process be followed. As a result of his strong constitutional stand, the removal of General Schneider became a necessary ingredient in the coup plans of all the Chilean conspirators. Unable

¹ Dr. Allende, a long-time Senator and founder of the Socialist Party in Chile, was a candidate of the Popular Unity Coalition. The Coalition was made up of Communists, Socialists, Social Democrats, Radicals, and dissident Christian Democrats. Allende was a self-proclaimed Marxist and was making his fourth try for the presidency. His opponents were Rodomiro Tomic Romero, candidate of the ruling Christian Democratic Party, and Jorge Alessandri Rodriguez, candidate of the right-wing National Party. Dr. Allende won 36.3% of the popular vote; Alessandri was second with 35.3% of the vote. Dr. Allende's margin of victory was 39,000 votes out of a total of 3 million votes cast in the election. The incumbent President, Eduardo Frei Montalvo, a Christian Democrat, was ineligible for re-election. Chilean law prohibits Presidents from succeeding themselves.

to have General Schneider retired or reassigned, the conspirators decided to kidnap him. An unsuccessful abduction attempt was made on October 19, 1970, by a group of Chilean military officers whom the CIA was actively supporting. A second kidnap attempt was made the following day, again unsuccessfully. In the early morning hours of October 22, 1970, machine guns and ammunition were passed by the CIA to the group that had failed on October 19. That same day General Schneider was mortally wounded in an attempted kidnap on his way to work. The attempted kidnap and the shooting were apparently conducted by conspirators other than those to whom the CIA had provided weapons earlier in the day.

A Chilean military court found that high-ranking military officers, both active and retired, conspired to bring about a military coup and to kidnap General Schneider. Several of the officers whom the CIA had contacted and encouraged in their coup conspiracy were convicted of conspiring to kidnap General Schneider. Those convicted of carrying out the actual kidnap attempt and the killing of General Schneider were associates of retired General Roberto Viaux, who had initially been thought by the CIA to be the best hope. However, later the CIA discouraged General Viaux because the Agency felt other officers, such as General Camilo Valenzuela, were not sufficiently involved. General Viaux was convicted by the military court and received a twenty-year prison sentence for being the "intellectual author" of the Schneider kidnap attempt. General Valenzuela was sentenced by the military court to three years in exile for taking part in the conspiracy to prevent Allende's assumption of office. The military court found that the two Generals had been in contact throughout the coup plotting.

The principal facts leading up to the death of General Schneider (all of which are discussed in more detail below) are as follows:

1. By the end of September 1970, it appeared that the only feasible way for the CIA to implement the Presidential order to prevent Allende from coming to power was to foment a coup d'etat.
2. All of the known coup plots developed within the Chilean military entailed the removal of General Schneider by one means or another.
3. United States officials continued to encourage and support Chilean plans for a coup after it became known that the first step would be to kidnap General Schneider.
4. Two unsuccessful kidnap attempts were made, one on October 19, the other on October 20. Following these attempts, and with knowledge of their failure, the CIA passed three submachine guns and ammunition to Chilean officers who still planned to kidnap General Schneider.
5. In a third kidnap attempt on October 22, apparently conducted by Chileans other than those to whom weapons had been supplied, General Schneider was shot and subsequently died. The guns used in the abortive kidnapping of General Schneider were, in all probability, not those supplied by the CIA to the conspirators. The Chilean military court investigated the Schneider killing determined that Schneider had been murdered by handguns, although one machine gun was at the scene of the killing.²
6. While there is no question that the CIA received a direct instruction from the President on September 15th to attempt to foment a coup, the Committee received sharply conflicting testimony about whether the White House was kept informed of, and authorized, the coup efforts in Chile after October 15. On one side of the conflict is the testimony of Henry Kissinger and General Alexander Haig; on the other, that of CIA officials. Kissinger testified that the White House stood down CIA efforts to promote a military coup d'etat in Chile on October 15, 1970. After that date, Kissinger testified—and Haig agreed—that the White House neither knew of, nor specifically approved, CIA coup activities in Chile. CIA officials, on the other hand, have testified that their activities in Chile after October 15 were known to and thus authorized by the White House.³

² The Committee has not been able to determine whether or not the machine gun at the scene of the Schneider killing was one of the three supplied by the CIA.

³ The basic issue is whether or not the CIA informed the White House of its activities. In context, informing was tantamount to being authorized. No one who testified believed that the CIA was required to seek step-by-step authorization for its activities; rather the burden was on the White House to object if a line of activity being pursued by the CIA seemed unwise. Both Kissinger and Haig agreed that if the CIA had proposed a persuasive plan to them, it almost certainly would have been approved. The CIA did not believe it needed specific White House authorization to transfer weapons to the Chileans; in fact, CIA Deputy Director (Plans) Thomas Karamessines testified that he did not formally approve the transfer, but rather that in the context of the project it was clear that the Agency had the authority to transfer weapons and that it was clear to Karamessines' subordinates that he would approve their decision to do so. He believed he probably was informed before the weapons actually were sent.

This conflict in testimony, which the Committee has been unable to resolve through its hearings or the documentary record, leaves unanswered the most serious question of whether the CIA was acting pursuant to higher authority (the CIA's view) or was pursuing coup activities in Chile without sufficient communication (the Kissinger/Haig view).

2. THE PRESIDENT'S INITIAL INSTRUCTION AND BACKGROUND

(a) September 15 White House meeting

On September 15, 1970, President Nixon met with his Assistant for National Security Affairs, Henry Kissinger, CIA Director Richard Helms, and Attorney General John Mitchell at the White House. The topic was Chile. Handwritten notes taken by Director Helms at that meeting reflect both its tenor and the President's instructions:

One in 10 chance perhaps, but save Chile!
worth spending
not concerned risks involved
no involvement of Embassy
\$10,000,000 available, more if necessary
full-time job—best men we have
game plan
make the economy scream
48 hours for plan of action

In his testimony before the Select Committee, Director Helms recalled coming away from the meeting on September 15 with:

"* * * [the] impression * * * that the President came down very hard that he wanted something done, and he didn't much care how and that he was prepared to make money available. * * * This was a pretty all-inclusive order. * * * If I ever carried a marshall's baton in my knapsack out of the Oval Office, it was that day." (Helms, 7/15/75, pp. 6, 10, 11)

However, none of the CIA officers believed that assassination was within the guidelines Helms had been given.

"Senator HART of Colorado. . . did the kind of carte blanche mandate you carried, the marshall's baton that you carried out in a knapsack to stop Allende from assuming office include physical elimination?"

"Mr. HELMS. Well, not in my mind, because when I became Director, I had already made up my mind that we weren't going to have any of that business when I was Director, and I had make that clear to my fellows, and I think they will tell you this."

The following day, September 16, Director Helms called a meeting at the CIA to discuss the Chilean situation. At this meeting, he related to his colleagues his understanding of the President's instructions:

"2. The Director told the group that President Nixon had decided that an Allende regime in Chile was unacceptable to the United States. The President asked the Agency to prevent Allende from coming to power or to unseat him. The President authorized \$10,000,000 for this purpose, if needed. Further, the Agency is to carry out this mission without coordination with the Departments of State or Defense." (Memorandum/Genesis of the Project, 9/16/70)

Henry Kissinger's recollection of the September 15 meeting with President Nixon is in accord with that of Richard Helms.⁴ Although Dr. Kissinger did not

⁴ Director Helms also testified that the September 15th meeting with President Nixon may have been triggered by the presence of Augustin Edwards, the publisher of the Santiago daily *El Mercurio*, in Washington. That morning, at the request of Donald Kendall, President of Pepsi Cola, Henry Kissinger and John Mitchell had met for breakfast with Kendall and Edwards. (Mitchell calendar) The topic of conversation was the political situation in Chile and the plight of *El Mercurio* and other anti-Allende forces. According to Mr. Helms:

I recall that prior to this meeting [with the President] the editor of *El Mercurio* had come to Washington and I had been asked to go and talk to him at one of the hotels here, this having been arranged through Don Kendall, the head of the Pepsi Cola Company. * * * I have this impression that the President called this meeting where I have my handwritten notes because of Edwards' presence in Washington and what he heard from Kendall about what Edwards was saying about conditions in Chile and what was happening there. (Helms, 7/15/75, pp. 4-5)

⁵ The documents, and the officials from whom the Committee has heard testimony, are in substantial agreement about what President Nixon authorized on September 15, namely CIA involvement in promoting a military coup d'état in Chile. There is not, however, agreement about what was communicated between the CIA and the White House—and hence what was authorized by the latter—in the week between October 15 and the shooting of General Schneider on October 22. This matter will be discussed in Part V of this report.

recall the President's instructions to be as precise as those related by Director Helms, he did testify that:

"* * * the primary thrust of the September 15th meeting was to urge Helms to do whatever he could to prevent Allende from being seated. (Kissinger, 8/12/75, p. 13)

* * * * *

"It is clear that President Nixon wanted him [Helms] to encourage the Chilean military to cooperate or to take the initiative in preventing Allende from taking office." (Kissinger, 8/12/75, p. 12)

Operationally the CIA set the President's instructions into motion on September 21. On that day two cables were sent from CIA Headquarters to Santiago informing the CIA Chief of Station (COS) of his new directive:

"3. Purpose of exercise is to prevent Allende assumption of power. Parliamentary legerdemain has been discarded. Military solution is objective. (Cable 236, Hq. to Sta., 9/21/70)

* * * * *

"B. (Track Two)—This is authority granted to CIA only, to work toward a military solution to problem. As part of authority we were explicitly told that 40 Committee, State, Ambassador and Embassy were not to be told of this Track Two nor involved in any matter." (Cable 240, Hq. to Sta., 9/21/70)

(b) Background: Tracks I and II

United States Government concern over an Allende regime in Chile did not begin with President Nixon's September 15 instruction to the CIA.⁶ For more than a year, Chile had been on the 40 Committee's agenda. At an April 15, 1969, meeting of the 303 Committee (the predecessor of the 40 Committee) the question arose as to whether anything should be done with regard to the September 1970 Presidential election in Chile. At that time, Director Helms pointed out that "an election operation will not be effective unless an early enough start is made."⁷ On March 25, 1970, the 40 Committee approved a joint Embassy/CIA proposal recommending that "spoiling" operations—propaganda and other activities—be undertaken by the CIA in an effort to prevent an election victory by Allende's Popular Unity (UP) Coalition. A total of \$135,000 was authorized by the 40 Committee for this anti-Allende activity. On June 18, 1970, the U.S. Ambassador to Chile, Edward Korry, submitted a two-phase proposal to the Department of State and the CIA for review. The first phase involved an increase in support to the anti-Allende campaign. The second was a contingency plan to make "a \$500,000 effort in Congress to persuade certain shifts in voting on 24 October 1970." On June 27, 1970, the 40 Committee increased funding for the anti-Allende "spoiling" operation to \$390,000. A decision on Ambassador Korry's second proposal was deferred pending the results of the September 4 election.

The 40 Committee met twice between the time Allende received a plurality of the popular vote on September 4 and President Nixon issued his instruction to Director Helms on September 15.⁸ At each of these meetings the question of U.S.

⁶ Covert U.S. Government involvement in large-scale political action programs in Chile began with the 1964 Presidential election. As in 1970, this was, in part, in response to the perceived threat of Salvador Allende. Over \$3 million was spent by the CIA in the 1964 effort. (Colby, 7/14/75, p. 5)

⁷ This and other references to 40 Committee discussions and actions regarding Chile are contained in a memorandum provided to the Committee by the CIA entitled "Policy Decisions Related to Our Covert Action Involvement in the September 1970 Chilean Presidential Election," dated October 9, 1970. On August 25, 1975 we subpoenaed all White House/National Security Council documents and records relating to the effort by the United States Government to prevent Salvador Allende from assuming office. On September 4, the Committee received 46 documents from the White House relating to Chile covering the period September 5 to October 14, 1970.

⁸ Following the September 4 election, the CIA's Directorate of Intelligence circulated an intelligence community assessment of the impact of an Allende government on U.S. national interests. That assessment, dated September 9, 1970, stated:

Regarding threats to U.S. interests, we conclude that:

1. The U.S. has no vital national interests within Chile. There would, however, be tangible economic losses.

2. The world military balance of power would not be significantly altered by an Allende government.

3. An Allende victory would, however, create considerable political and psychological costs:

a. Hemispheric cohesion would be threatened by the challenge that an Allende government would pose to the OAS, and by the reaction that it would create in other countries. We do not see, however, any likely threat to the peace of the region.

b. An Allende victory would represent definite psychological set-back to the U.S., and a definite psychological advance for the Marxist ideas (Intelligence memorandum) "Situation Following the Chilean Presidential Election," CIA's Directorate of Intelligence (9/7/70)

involvement in a military coup against Allende was raised. Kissinger stressed the importance of these meetings when he testified before the Committee:

"I think the meeting of September 15th has to be seen in the context of two previous meetings of the 40 Committee on September 8th and September 14th in which the 40 Committee was asked to look at the pros and cons and the problems and prospects of a Chilean military coup to be organized with United States assistance." (Kissinger, 8/12/75, p. 5)

According to the summary of the 40 Committee meeting on September 8, the following was discussed:

"* * * all concerned realized that previous plans for a Phase II would have to be drastically redrawn. * * * The DCI made the point, however, that congressional action against Allende was not likely to succeed and that once Allende was in office the Chilean opposition to him would disintegrate and collapse rapidly. While not advocating a specific course of action, the Director further observed that a military golpe against Allende would have very little chance of success unless undertaken soon. Both the Chairman and the Attorney General supported this view. * * * At the close of the * * * meeting the Chairman directed the Embassy to prepare a 'cold-blooded assessment' of:

"(1) the pros and cons and problems and prospects involved should a Chilean military coup be organized now with U.S. assistance, and

"(2) the pros and cons and problems and prospects involved in organizing an effective future Chilean opposition to Allende." (CIA Memorandum/Policy Decision Related to Our Covert Action Involvement in the September 1970 Chilean Presidential Election, 10/9/70)

Ambassador Korry responded to the 40 Committee's request for a "cold-blooded assessment" on September 12. He stated that "We [the Embassy] believe it now clear that Chilean military will not, repeat not, move to prevent Allende's accession, barring unlikely situation of national chaos and widespread violence." The Ambassador went on to say that "Our own military people [are] unanimous in rejecting possibility of meaningful military intervention in political situation." He concluded by stating: "What we are saying in this 'cold-blooded assessment' is that opportunities for further significant USG action with the Chilean military are nonexistent." (Memorandum/Ambassador's Response to Request for Analysis of Military Option in Present Chilean Situation, 9/12/70)

The CIA's response was in the same vein. Kissinger's assistant for Latin American affairs on the NSC staff summarized the CIA's "cold-blooded assessment" in a memo to his boss: "*Military action is impossible*; the military is incapable and unwilling to seize power. We have no capability to motivate or instigate a coup." (Memorandum for Dr. Kissinger/Chile—40 Committee Meeting, Monday—September 14, 1970)

On September 14, the 40 Committee met to discuss these reports and what action was to be taken:

"Particular attention was devoted to a CIA prepared review of political and military options in the Chilean electoral situation based on the Embassy and Station's 'cold-blooded assessment.' The Committee focused on the so-called 'Rube Goldberg' gambit which would see Alessandri elected by the Congress on October 24th, resigning thereafter to leave Frei constitutionally free to run in a second election for the presidency.

"Ambassador Korry was asked to go directly to President Frei to see if he would be willing to commit himself to this line of action. A contingency of \$250,000 was approved for "covert support of projects which Frei or his trusted team deem important." It was further agreed that a propaganda campaign be undertaken by the Agency to focus on the damage of an Allende takeover." (CIA Memo/Policy Decision Related to Our Covert Action Involvement in the September 1970 Chilean Presidential Election, 10/9/70)

Following the September 14 Forty Committee meeting and President Nixon's September 15 instruction to the CIA, U.S. Government efforts to prevent Allende from assuming office proceeded on two tracks.¹⁰ Track I comprised all covert

⁹ The \$250,000 approved by the 40 Committee was never spent. The only proposal for using it which arose—bribing Chilean congressman to vote against Allende—was quickly perceived to be unworkable.

¹⁰ The terms Track I and Track II were known only to CIA and White House officials who were knowledgeable about the President's September 15 order to the CIA. The Committee sent letters to various senior officials inquiring if they were, in fact, not knowledgeable of the Track II activities. Those letters were sent to Secretary of State William Rogers, Secretary of Defense Melvin Laird, Deputy Secretary of Defense David Packard, Under Secretary of State for Political Affairs U. Alexis Johnson, Chairman of the Joint

activities approved by the 40 Committee, including the \$250,000 contingency fund to bribe Chilean congressmen as well as propaganda and economic activities. These activities were designed to induce the opponents to Allende in Chile to prevent his assumption of power, either through political or military means: Track II activities in Chile were undertaken in response to President Nixon's September 15 order and were directed towards actively promoting and encouraging the Chilean military to move against Allende. In his testimony, before the Committee, Kissinger stressed the links between Tracks I and II:

"* * * There was work by all of the agencies to try to prevent Allende from being seated, and there was work by all of the agencies on the so-called Track I to encourage the military to move against Allende * * * the difference between the September 15th meeting and what was being done in general within the government was that President Nixon was encouraging a more direct role for the CIA in actually organizing such a coup." (Kissinger, 8/12/75, p. 13)

Tracks I and II did, in fact, move together in the month after September 15. The authorization to Ambassador Korry, who was formally excluded from Track II, to encourage a military coup became broader and broader. In the 40 Committee meeting on September 14, he and other "appropriate members of the Embassy Mission" were authorized to intensify their contacts with Chilean military officers to assess their willingness to support the "Frei gambit"—a voluntary turnover of power to the military by Frei, who would then have been eligible to run for President in a new election. (Memorandum/Policy Decisions Related to Our Covert Action Involvement in the September 1970 Chilean Presidential Election, 10/9/70)

In a situation report to Dr. Kissinger and Assistant Secretary Charles Meyer on September 21, Ambassador Korry indicated that in order to make the Frei gambit work, "if necessary, General Schneider would have to be neutralized, by displacement if necessary."¹¹ (Situation Report, Korry to Meyer and Kissinger, 9/21/70) In testifying, Kissinger felt the Korry report indicated "the degree to which Track I and Track II were merging, that is to say, that individuals on Track I were working on exactly the same problem as the CIA was working on Track II." (Kissinger, 8/12/75, p. 21)

Ambassador Korry's activities in Chile between September 4 and October 24 support Kissinger's view that the line separating Track I and Track II often became blurred. For example, the Ambassador was authorized to make his contacts in the Chilean military aware that if Allende were seated, the military could expect no further military assistance (MAP) from the United States. Later, in response to his own recommendation, Korry was authorized to inform the Chilean military that all MAP and military sales were being held in abeyance pending the outcome of the Congressional election on October 24. On October 7, Ambassador Korry received the following cable from Washington, apparently authorized by the 40 Committee:

"2. * * * you are now authorized to inform discreetly the Chilean military through the channels available to you that if a successful effort is made to block Allende from taking office, we would reconsider the cuts we have thus far been forced to make in Chilean MAP and otherwise increase our presently programmed MAP for the Chilean Armed Forces. * * * If any steps the military should take should result in civil disorder, we would also be prepared promptly to de-

Chiefs of Staff Admiral Thomas Moorer, NSC Staff Member for Latin America Viron P. Vaky, Director of the State Department's Bureau of Intelligence and Research Ray S. Cline, and the Deputy Chief of Mission in Santiago Harry W. Shlaudeman. The Committee has received written responses from Messrs. Moorer, Johnson, Vaky, Shlaudeman and Cline. All except Cline have indicated that they had no knowledge of the Track II activity at the time; Cline indicated he heard of the activities in a general way, from his subordinate who handled 40 Committee work and from former associates at the CIA. In oral communications with Committee staff members, Secretaries Rogers and Laird have indicated they were unaware of Track II.

¹¹ In this same situation report, Ambassador Korry related a message that he had sent to President Frei through his Defense Minister indicating the economic pressures that would be brought to bear on Chile should Allende assume office:

Frei should know that not a nut or bolt will be allowed to reach Chile under Allende. Once Allende comes to power we shall do all within our power to condemn Chile and the Chileans to utmost deprivation and poverty, a policy designed for a long time to come to accelerate the hard features of a Communist society in Chile. Hence, for Frei to believe that there will be much of an alternative to utter misery, such as seeing Chile muddle through, would be strictly illusory.

The use of economic instruments as levers on Frei and the Chilean military was a persistent subject of White House/CIA discussions and of instructions to the field. Helms' notes from the September 15 meeting with the President included the notation "make the economy scream." Economic leverage was the primary topic of a September 18 White House meeting involving Kissinger, Helms and Karamessines.

liver support and material that might be immediately required." (Cable 075517, Hq. to Sta., 10/7/70)

The essential difference between Tracks I and II, as envisioned by instructions to Ambassador Korry during this period, was not that Track II was coup-oriented and Track I was not. Both had this objective in mind. The difference between the two tracks was, simply, that the CIA's direct contacts with the Chilean military, and its active promotion and support of a coup *without* President Frei's involvement, were to be known only to a small group of individuals in the White House and the CIA. Kissinger testified that Track II matters were to be reported directly to the White House "for reasons of security." (Kissinger, 8/12/75, p. 14) Thomas Karamessines, the CIA's Deputy Director for Plans at the time and the principal CIA contact with the White House on Track II matters, testified on his understanding of why State, Defense, the 40 Committee and Ambassador Korry were excluded from Track II:

"That was not a decision that we made. But the best I can do is suggest that there was concern about two things. Number one, that there might be serious objections lodged, for example, by the State Department particularly if Track II were to be laid out at a Forty Committee meeting. And the only other thing I can contribute to that is that it was felt that the security of the activity would be better protected if knowledge of it were limited." (Karamessines, 8/6/75, p. 122)

(c) *CIA views of difficulty of project*

On one point the testimony of the CIA officials who were involved in Track II is unanimous: they all said they thought Track II was unlikely to succeed. That view ran from the working levels of the Agency to the top. They all said they felt they were being asked to do the impossible, that the risks and potential costs of the project were too great. At the same time, they felt they had been given an explicit Presidential order, and they tried to execute that order.

A few excerpts from the testimony follow:

Richard Helms, CIA Director—

"* * * my heart sank over this meeting, because * * * the possibility of bringing off something like this seemed to me that time to be just as remote as anything could be. In practical terms, the Army was constitutionalist. * * * And when you look here at the time frame in which the man was suddenly asking you to accomplish something, it seemed really almost inconceivable. * * *

What I came away from the meeting with the distinct impression that we were being asked to do almost the impossible and trying to indicate this was going to be pretty tough. * * *" (Helms, 7/15/75, pp. 6-7)

Chief, Chile Task Force—

"* * * it [was] my feeling that the odds [were] unacceptable, it [was] something that [was] not going to work, and we [were] going to be burned if we [got] into it * * * what [were] the chances of pulling off a coup successfully, or in any way stopping Allende from assuming the presidency? * * * we never even got to two chances out of 20. (Chief, Chile Task Force, 7/31/75, p. 16)

"* * * I assure you that those people that I was in touch with at the Agency just about universally said, my God, why are we given this assignment?" (Chief, Chile Task Force, 7/31/75, p. 53)

Deputy Chief, Western Hemisphere Division—

"There was just no question that we had to make this effort, no matter what the odds were. And I think that most people felt that the odds were just pretty long." (Deputy Chief/WH Division, 7/15/75, p. 20)

Further, CIA officials believed their judgment of the project's difficulty was known to the White House. Helms commented on the September 15th meeting: "So realizing all of these things, I'm relatively certain that day that I pointed out this is going to be awfully tough." (Helms, 7/15/75, p. 16) Karamessines recalled pointing out to the President that "the Chilean military seemed to be disorganized and unwilling to do anything. And without their wanting to do something, there did not seem to be much hope." (Karamessines, 8/6/75, p. 10)

3. CIA'S IMPLEMENTATION OF TRACK II

(a) *Evolution of CIA strategy*

The President's instruction to the CIA on September 15 to prevent Allende's assumption of power was given in the context of a broad U.S. Government effort to achieve that end. The September 15 instruction to the CIA involved from the beginning the promotion of a military coup d'état in Chile. Although there was

talk of a coup in Chilean military circles, there was little indication that it would actually take place without active U.S. encouragement and support.

"There was much talk among Chilean officers about the possibility of some kind of coup . . . but this was not the kind of talk that was being backed by, you know, serious organizational planning." (Karamessines, 8/6/75, p. 32)

(i) *The "constitutional coup" approach*

Although efforts to achieve a political solution to the Allende victory continued simultaneous with Track II, the Agency premised its activities on the assumption that the political avenue was a dead end. On September 21, CIA Headquarters cabled its Station in Santiago:

"Purpose of exercise is to prevent Allende assumption of power. Paramilitary legerdemain has been discarded. Military solution is objective." (Cable 236, Hq. to Sta., 9/21/70)

The initial strategy attempted to enlist President Frei in promoting a coup to perpetuate his presidency for six more years. The Agency decided to promise "help in any election which was an outgrowth of a successful military takeover." (Memo, Helms to Kissinger, 11/18/70) Under this plan Frei would invite the military to take over, dissolve the Congress, and proclaim a new election. Thomas Karamessines, the Deputy Director for Plans, testified:

"So this was in a sense not Track II, but in a sense another aspect of a quiet and hopelessly non-violent military coup. * * * This was abandoned when the military were reluctant to push Frei publicly * * * and, number two, Frei was reluctant to leave on his own in the absence of pressure from the military. * * * There was left as the only chance of success a straight military coup." (Karamessines 8/6/75, p. 6)

At the same time, the Station in Santiago reported:

"Strong reasons for thinking neither Frei nor Schneider will act. For that reason any scenario in which either has to play an active role now appears utterly unrealistic. Overtures to lower echelon officers (e.g., Valenzuela) can of course be made. This involves promoting Army split." (Cable 424, Sta. to Hq., 9/23/70)

(ii) *Military solution*

President Frei's failure even to attempt to dissuade his own party convention on October 3-4 from reaching a compromise with Allende ended all hope of using him to prevent an Allende presidency. (Memo, Helms to Kissinger, 11/18/70, p. 16) Thus, by the beginning of October, it was clear that a vehicle for a military solution would have to be found in the second echelon of Chilean officers, and that the top leadership of the Armed Service, particularly General Rene Schneider, constituted a stumbling block. (Cable 424, Sta. to Hq., 9/23/70; Cable 439, Sta. to Hq., 9/30/70) The Agency's task was to cause a coup in a highly unpromising situation and to overcome the formidable obstacles represented by Frei's inaction, Schneider's strong constitutionalism, and the absence of organization and enthusiasm among those officers who were interested in a coup.

A three-fold program was set into motion:

"a. Collect intelligence on coup-minded officers;

"b. Create a coup climate by propaganda,¹² disinformation, and terrorist activities intended to provoke the left to give a pretext for a coup: (Cable 611, Hq. to Sta., 10/7/70)

¹² A cable sent from CIA Headquarters to Santiago on October 19 focused on creating an appropriate justification for a coup. The cable stated:

1. It still appears that Ref A coup has no pretext or justification that it can offer to make it acceptable in Chile or Latin America. It therefore would seem necessary to create one to bolster what will probably be their claim to a coup to save Chile from communism * * * You may wish include variety of themes in justification of coup to military for their use. These could include but are not limited to: (A) Firm intel. that Cubans planned to reorganize all intelligence services along Soviet/Cuban mold thus creating structure for police state. * * * (B) Economic situation collapsing. * * * (C) By quick recognition of Cuba and Communist countries Allende assumed U.S. would cut off material assistance to Armed Forces thus weakening them as constitutional barriers. Would then empty armories to Communist Peoples Militia with task to run campaign of terror based on alleged labor and economic sabotage. (Use some quotes from Allende on this.)

2. Station has written some excellent prop guidances. Using themes at hand and which best known to you we are now asking you to prepare intel report based on some well known facts and some fiction to justify coup, split opposition, and gain adherents for military group. With appropriate military contact can determine how to "discover" intel report which could even be planted during raids planned by Carabineros.

3. We urge you to get this idea and some concrete suggestions to plotters as soon as you. Coup should have a justification to prosper. (Cable 882, Hq. to St. 10/19/70.)

"c. Inform those coup-minded officers that the U.S. Government would give them full support in a short of direct U.S. military intervention." (Cable 762, Hq. to Sta., 10/14/70)

(b) The Chile take force

Because of the highly sensitive nature of the operation, a special task force was created in the CIA's Western Hemisphere Division to manage it. The task force was placed under the daily direction of the Deputy Director for Plans, Thomas Karamessins, and a group of the Agency's most experienced and skilled operators were detailed to the task force. One experienced CIA officer was summoned back to Washington from an overseas assignment to head the operation. With the exception of the Division Chief, William Broe, his deputy and the head of the Chile Branch, no other officers in the Division were aware of the task force's activities, not even those officers who normally had responsibility for Chile. The task force had a special communications channel to Santiago and Buenos Aires to compartment cable traffic about Track II. (Memo, Helms to Kissinger, 11/18/70, p. 30) Most of the significant operational decisions were made by the Chief of the Chile Task Force, Broe and Karamessins, who met on a daily basis.

It should be noted that all those involved with the task force described the pressure from the White House as intense. Indeed, Karamessins has said that Kissinger "left no doubt in my mind that he was under the heaviest of pressure to get this accomplished, and he in turn was placing us under the heaviest of pressures to get it accomplished." (Karamessins, 8/6/75, p. 7) The Deputy Chief of the Western Hemisphere Division testified that pressure was "as tough as I ever saw it in my time there, extreme." (Deputy Chief/WH Division 7/18/75, p. 20) Broe testified that "I have never gone through a period as we did on the Chilean thing. I mean it was just constant, constant, * * * Just continual pressure. * * * It was coming from the White House." (Broe, 8/4/75, p. 55)

(c) Use of the U.S. military attache and interagency relations

The CIA Station in Santiago had inadequate contacts within the Chilean military to carry out its task. However, a U.S. military attache in Santiago knew the Chilean military very well due to his broad personal contacts among the Chilean officers. Following a proposal by the Chief of Station, the CIA decided to enlist the attache in collecting intelligence concerning the possibility of a coup and to use him as a channel to let the interested Chilean military know of U.S. support for a coup. Karamessins described this procedure for the Committee:

"We also needed contact with a wider segment of the military, the senior military which we had not maintained and did not have, but which we felt confident that our military representative in Chile had. * * * And we got the approval of the DIA to enlist the cooperation of the attache in our effort to procure intelligence." (Karamessins, 8/6/75, p. 6)

To obtain the attache's services, CIA officials prepared a suggested message for the Director of DIA to send to him in Santiago through CIA communications channels. Because the DIA Director, General Donald V. Bennett, was in Europe on official business, the Deputy Director of Central Intelligence, General Cushman, invited DIA Deputy Director Lt. General Jamie M. Philpott to his office on September 28, 1970.¹² During that meeting, General Cushman requested the assistance of the attache, and General Philpott signed a letter which authorized transmission of a message directing him:

"* * * to work closely with the CIA chief, or in his absence, his deputy, in contacting and advising the principal military figures who might play a decisive role in any move which might, eventually, deny the presidency to Allende.

"Do not, repeat not, advise the Ambassador or the Defense Attache of this message, or give them any indication of its portent. In the course of your routine activities, act in accordance with the Ambassador's instructions. Simultaneously, I wish—and now authorize you—to act in a concerted fashion with the CIA chief.

"This message is for your eyes only, and should not be discussed with any person other than those CIA officers who will be knowledgeable. CIA will identify them." (Cable 380, Hq. to Sta., 9/28/75)

For this and all subsequent messages intended for the attache, the secret CIA communications channel was used.

¹² General Bennett returned to the United States on the evening of October 10, 1970. General Philpott was Acting Director in Bennett's absence.

Both General Philpott and Thomas Karamessines testified that initially the attache would be used only to "obtain or procure" intelligence on Chilean military officers.¹⁴ (Philpott, 8/5/75, p. 11; Karamessines, 8/6/75, p. 6) The September 28, 1970 message to the attache, however, did in fact trigger his deep involvement in the coup attempt. According to the attache's testimony, he received day-to-day instructions from the Chief of Station, and on occasion, the COS would show him messages, ostensibly from Generals Bennett and/or Philpott, directing him to take certain actions. The COS also transmitted messages from the attache to these Generals.

General Bennett testified that he never had knowledge of Track II and that he never received any communication relating thereto, nor did he ever authorize the transmission of any messages to the attache. General Philpott also testified that he had no recollection of anything connected with Track II after his initial meeting with General Cushman on September 28. (Philpott, 8/5/75, p. 16)

U.S. Army Colonel Robert C. Roth, who in September and October 1970 was the Chief of the Human Resources Division, Director of Collection, DIA, testified that he recalled working for Generals Bennett and Philpott on "a priority requirement to identify Chilean personalities who might be helpful in preventing the election of Allende as President of Chile." (Roth, 8/14/75, p. 6) Though Roth recalls no mention of Track II as such, the goal of this mission was identical to that described in the message of September 28 bearing Philpott's signature.

Beginning on October 15, Roth kept a chronology of his activities connected with Chile. This chronology reflects that there was a meeting on October 21 regarding the preparation of biographic material on Chilean generals which focused on their willingness to participate in a military coup. Generals Bennett, Philpott, and a CIA representative attended. The chronology also shows that on October 21, Roth delivered a message to Mr. Broe to be sent by CIA channels.¹⁵ A message was sent to the attache that same day, ostensibly from General Bennett, which authorized:

"FYI: Suspension temporarily imposed on MAP and FMS has been rescinded. This action does not repeat nor imply change in our estimate of situation. On the contrary, it is intended to place us in a posture in which we can formally cut off assistance if Allende elected and situation develops as we anticipate. Request up date on situation." (Cable 446, Sta. to Hq., 10/21/70; Ref.: Cable 762, Hq. to Sta., (Cable 934, Hq. to Sta. 19/21/70)

Roth testified that this DIA project ended on October 23 when he followed Philpott's instructions to deliver biographic information on Chilean figures to Mr. Broe at CIA. Philpott also instructed him that "any further action on the subject would henceforth be the responsibility of the CIA and that DIA would perform normal support functions." (Roth, 8/14/75, p. 8)¹⁶

Both Bennett and Philpott testified that the activities described by Roth were routine DIA activities. However, Colonel Roth testified:

"I believe my impression at the time, or my recollection, is that I was informed that there was concern at the highest U.S. Governmental level over the possible election of Allende, that DIA then had a priority responsibility of coming up with the identities of key Chilean personalities that would be helpful, and so forth. I have nothing specific as to the nature of the instructions or the channels through which they came.

"Q. It was your sense at the time that you were working on a project that if it had not been initiated by, at least had the attention of or concern of, the highest level?

"Colonel ROTH. That was my impression at the time.

"Q. You understand from your work in the Defense Department that the highest level of government usually indicated the President of the United States?

"Colonel ROTH. I would assume that."

The CIA produced copies of several messages which identify Generals Bennett and Philpott as either the sender or recipient. Among these documents is

¹⁴ In this connection it should be noted that when questioned about this letter, General Philpott testified that he recalled signing an authorization such as that contained in the first paragraph of Headquarters 380 but that he did not recall the authorizations and instructions in paragraphs two and three.

¹⁵ Roth believes that General Philpott directed him to deliver this message and also pressed him on several occasions to seek a response from Broe to an earlier message to the attache. (Roth, 10/7/75, p. 53)

¹⁶ Roth's chronology also indicates that Philpott had asked that Broe be queried on two or three occasions regarding a report from the attache and that Philpott instructed that only he (Philpott) would communicate with Cushman if the need arose. (Roth, 8/14/75, p. 11) Roth also testified that Philpott advised him that communications with the attache would be by CIA channels. (Roth, 8/14/75, p. 41)

a message relating to Track II which bears Philpott's purported signature. (Undated message, 10/14/70) General Philpott admitted that the signature appears to be his but doubted that it was and he could not recall signing it, or having seen it. (Philpott, 8/5/75, p. 22) CIA also produced messages of October 14 (Cable 762, Hq. to Sta., 10/14/70) and October 21 (Cable 934, Hq. to Sta., 10/21/70) conveying instructions from General Bennett to the attaches. General Bennett testified he did not authorize these messages:

"It is beyond the responsibilities which I had in the military assistance area. It goes beyond the responsibility which I had in terms that I would have to get the authority or the approval of the Secretary through the Chairman for covert action of this magnitude. The message would not have been signed by me." (Bennett, 8/5/75, p. 21)

According to Karamessines, only the White House had the authority to issue the directives contained in those messages. (Karamessines, 8/6/75, p. 84)

The Department of Defense was unable to provide any documents bearing on the issue of the attache's Track II instructions or responses. A DOD file search under the direction of General Daniel O. Graham, Director of DIA, produced no copies of communication documents for the September-October period. (Graham, 8/5/75, p. 6) However, Roth testified that detailed memoranda for the record which he prepared on his activities are missing from the files. (Roth, 10/7/75, p. 58)

CIA officials maintain that they acted faithfully in transmitting messages to Generals Bennett and/or Philpott and in never sending a message without proper authorization. Mr. Karamessines was particularly forceful in this regard:

"* * * I can recall no instance in my experience at the Central Intelligence Agency in which a message was received for an individual, an officer of the government anywhere, in whatever department, which was not faithfully, directly, promptly and fully and accurately delivered to that officer, or to his duly authorized representative. (Karamessines, 8/6/75, p. 79)

"We may have played tricks overseas, but it stopped at the water's edge, and we didn't play tricks among ourselves or among our colleagues within the Agency or in other agencies. (Karamessines, 8/6/75, p. 79)

"We could not remain in business for a day * * * if this had been the practice of the Agency. It would have been no time at all before we would have been found out, a single instance of the kind of thing you are suggesting might have taken place would have put us out of business." (Karamessines, 8/6/75, p. 80)

Dr. Kissinger denied he was ever informed of the attache's role or that he authorized any messages to be sent to the attache. (Kissinger, 8/12/75, p. 22)

The investigation to date has not resolved the conflict between the statements of the senior CIA, DIA and White House officials. There are four possibilities that could explain the conflict. First, Generals Bennett and Philpott were cognizant of Track II and communicated their general instructions to the attache. This possibility would be contrary to their sworn testimony. Second, General Bennett was not aware of Track II but General Philpott was and communicated general instructions to the attache. This possibility is supported by Roth's testimony but would be contrary to Philpott's sworn testimony and his duty to keep General Bennett informed. Third, the CIA acted on its own, and, after receiving initial authority from General Philpott, co-opted and ordered the attache without further informing any member of the Department of Defense or the White House. This possibility would be contrary to the sworn testimony of the Chief of the Chile Task Force, William Broe, Thomas Karamessines, and William Colby. Fourth, members of the White House staff authorized the CIA to convey orders to the attache on the basis of high or highest government authority. Further, that the White House staff directed that the attache's superiors in the Pentagon not be informed. This possibility would contradict the sworn testimony of Dr. Kissinger and General Alexander Haig.

(d) Agents who posed as third country nationals

In order to minimize the risks of making contact with dissident Chilean officers, the task force decided in late September to send four agents to Chile posing as third country nationals to supplement the attache's contacts with Chilean military officers. Headquarters felt this was necessary because "We don't want to miss a chance." (Cable 363, Hq. to Sta., 9/27/70) The agents were compartmented from each other and reported separately on their contacts to an operative in Santiago, who in turn reported to the Station. According to the testimony of the Chief of Station, they received their instructions from Washington and not from the Station.

(e) Chief of Station

Although most of the Station officers in Santiago did not know of Track II, the Chief and Deputy Chief of Station were knowledgeable and the Chief of Station initiated contacts on his own with Chilean officers. The COS has testified that he regarded Track II as unrealistic:

"I had left no doubt in the minds of my colleagues and superiors that I did not consider any kind of intervention in those constitutional processes desirable * * * And one of the reasons certainly for my last recall [to Washington] was to be read the riot act—which was done in a very pleasant, but very intelligible manner. Specifically, I was told at that time that the Agency was not too interested in continuously being told by me that certain proposals which had been made could not be executed, or would be counterproductive." (Chief of Station (Felix), 8/1/75, p. 10)

The Chief of Station's objection to Track II did not go unnoticed. The following instruction to the COS was sent on October 7: "Report should not contain analysis and argumentation but simply report on action taken." (Cable 612, Hq. to Sta., 10/7/70) Very simply, Headquarters wanted the Station to take orders quietly as was the Agency itself.

Three examples of the Chief of Station's reporting bear out his claim to have dissented:

"Bear in mind that parameter of action is exceedingly narrow and available options are quite limited and relatively simple. (Cable 424, Sta. to Hq., 9/23/70)

"Feel necessary to caution against any false optimism. It is essential that we not become victims of our own propaganda. (Cable 441, Sta. to Hq., 10/1/70)

"Urge you do not convey impression that Station has sure-fire method of halting, let alone triggering coup attempts." (Cable 477, Sta. to Hq. 10/7/70, p. 2)

4. CIA EFFORTS TO PROMOTE A COUP**(a) The Chilean Conspirators**

Anti-Allende coup plotting in Chile centered around several key individuals. One of these was retired General Roberto Viaux, the General who had led the "Tacnazo" insurrection a year before.¹⁷ Following the "Tacnazo" revolt, and his dismissal from the Army, Viaux retained the support of many non-commissioned and junior officers as well as being the recognized leader of several right-wing civilian groups. (CIA Briefing Papers, "Special Mandate from the President on Chile," 7/15/75) Another individual around which plotting centered was General Camilo Valenzuela, Commander of the Santiago Garrison, who was in league with several other Chilean officers. (CIA Report on Chilean Task Force Activities, 11/18/70) These officers, with one possible exception, were in contact with Viaux as well.¹⁸

There was considerable communication among the various plotting elements. As Thomas Karamessines testified:

"* * * I might add that it seemed that a good dozen or more Chilean senior officers were privy to what was going on * * * they were all talking to one another exchanging views and trying to see how best to mount the kind of coup that they wanted to see take place." (Karamessines, 8/6/75, p. 10.)

(b) Contacts prior to October 15

The CIA's initial task in Chile was to assess the potential within the Chilean military to stage a coup. It recognized quickly that anti-Allende currents did exist in the military and the Carabineros (police), but were immobilized by "the tradition of military respect for the Constitution" and "the public and private stance of General Schneider, Commander-in-Chief of the Army, who advanced strict adherence to the Constitution." (CIA Report on Chilean Task Force Activities, 11/18/70), p. 17) The Agency's task, then was to overcome "the apolitical, constitutional-oriented inertia of the Chilean military." (Ibid, p. 2)

¹⁷ This revolt was engineered by Viaux ostensibly for the purposes of dramatizing the military's demand for higher pay, but was widely interpreted as an abortive coup.

¹⁸ The record of meetings between Viaux and the active duty military officers is incomplete. The record does show, however, that several met with Viaux during the Track II period. One high ranking officer may have been a member of Viaux's inner circle of conspirators. Although a distinction can be made between the Viaux and Valenzuela groups, as CIA witnesses did throughout their testimony before the Committee, the principal distinction between the two was that the latter was led by active duty military officers. The two groups were in contact with each other. The record also indicates that they worked together in at least two of the three Schneider kidnap attempts.

Since the very top of the Chilean military, embodied by General Schneider and his second-in-command, General Prats, were hostile to the idea of a coup against Allende, discreet approaches were made to the second level of general officers. They were to be informed that the U.S. Government would support a coup both before and after it took place.¹⁹ (Cable 611, Hq. to Sta. 10/7/70) This effort began in earnest on October 5 when the attache informed both an Army General ("Station's priority contact") and an Air Force General of the pro-coup U.S. policy (Santiago 469, October 5, Santiago 473, October 6.)²⁰ Three days later the Chief of Station told a high ranking Carabinero official that "the U.S. Government favors a military solution and is willing to support it in any manner short of outright military intervention" (Task Force Log, 10/9/70) The official informed the COS that there was no chance of a coup by the Chilean Army high command. (Task Force Log, 10/10/70)

On October 7, the attache approached members of the War Academy in Santiago who in turn asked him to provide light weapons. This was the attache's first contact with the Army officer to whom he would ultimately pass three submachine guns on October 22.²¹ At this meeting, the Army officer told the attache that he and his colleagues were:

"* * * Trying to exert forces on Frei to eliminate Gen. Schneider to either replace him, send him out of the country. They had even studied plans to kidnap him. Schneider is the main barrier to all plans for the military to take over the government to prevent an Allende presidency." (Cable 483, Sta. to Hq., 10/8/70)

The next day, October 8, Headquarters cabled the Station in response to the attache-Army officer meeting. Headquarters took note of Schneider's resistance to coup plans and stated:

"* * * This would make it more important than ever to remove him and to bring this new state of events . . . anything we or Station can do to effect removal of Schneider? We know this rhetorical question, but wish inspire thought on both ends on this matter." (Cable 628, Hq. to Sta., 10/8/70)

During the first week of intensive efforts chances of success looked bleak. The Chile Task Force Log commented:

"* * * the highest levels of the armed forces unable to pull themselves together to block Allende. The Chilean military's tradition of non-intervention, Frei's reluctance to tarnish his historical image, General Schneider's firm constitutional stand, and most importantly, the lack of leadership within the government and military are working against a military takeover." (Task Force Log, 10/8/70)

The following day the Station made reference to the "rapid(ly) waning chances for success." (Cable 487, Sta. to Hq., 10/9/70) This pessimism was not dispelled by their simultaneous judgment: "Station has arrived at Viaux solution by process of elimination." (Cable 504, Sta. to Hq., 10/10/70) Three days later the Task Force agreed: "We continue to focus our attention on General Viaux who now appears to be the only military leader willing to block Allende." (Task Force Log, 10/13/70)

If Viaux was the CIA's only hope of staging a coup, things were bleak indeed. His own colleagues, including General Valenzuela, described him as "a General without an army." (Cable 495, Sta. to Hq., 10/9/70) Yet in the first two weeks of October he came to be regarded as the best hope for carrying out the CIA's Track II mandate.

Although the U.S. military attache was instructed not to involve himself with Viaux because of the high risk involved (Cable 461, Sta. to Hq., 10/5/70), he

¹⁹ The military officers were told, for example, that should Allende be prevented from taking office, "The Chilean military will not be ostracized, but rather can continue to count on us for MAP support and maintenance of our close relationship." (Cable 075517, Hq. to Sta. 10/7/70)

²⁰ According to the CIA's wrap-up report on Track II, between October 5 and October 20, the CIA Station and the attache—for the most part the latter—made 21 contacts with key military and Carabinero officials. (CIA Report on Chilean Task Force Activities, 11/8/70)

²¹ In his testimony, the attache indicated that the Army officer was affiliated with an Army general. (U.S. military attache, 8/4/75, p. 52) In a cable sent to Headquarters on October 18, in which the Army officer's request for three submachine guns was made, the Station indicated that the attache believed the officer, and his companion, a Navy officer were in league with a Navy admiral. (Cable 562, Sta. to Hq., 10/18/70) At another point in his testimony, the attache stated, "There was Valenzuela here and the Navy officer and the Army officer and the Air Force General over here." (The attache, 8/4/75, p. 107) The Committee has been unable to determine the exact affiliation of the Army officer. However, as previously stated, both the Army general and the Navy admiral were affiliated with General Valenzuela and the Navy admiral was in contact with General Viaux.

served initially as a contact to Viaux through a military attache of another country. This attache reported on October 5 that Viaux wanted several hundred paralyzing gas grenades to launch a coup on October 9. (Cable 476, Sta. to Hq., 10/6/70) Headquarters turned down the request, concluding that a "mini-coup at this juncture would be counterproductive" and Viaux should postpone his plans, "while encouraging him in a suitable manner to maintain his posture so that he may join larger movement later if it materializes." (Cable 585, Hq. to Sta. 10/6/70)

The primary purpose of the CIA agents who posed as third country nationals was to contact Viaux, and they very rapidly relieved the attache of his indirect role in that task. Viaux reiterated his demand for an air drop of weapons to one of these CIA agents, and again the response was the same: reject the demand for arms, but encourage him to keep planning. In essence the Agency was buying time with Viaux: "We wish to encourage Viaux to expand and refine his coup planning. Gain some influence over his actions." (Cable 689, Hq. to Sta. 10/10/70) To achieve this latter purpose, Headquarters authorized passing \$20,000 in cash and a promise of \$250,000 in life insurance to Viaux and his associates, as a demonstration of U.S. support. (Cable 729, Hq. to Sta., 10/13/70)

On October 13, Headquarters again indicated its concern over Schneider by asking: "What is to keep Schneider from making statement in early hours which will freeze those military leaders who might otherwise join Viaux?" (Cable 729, Hq. to Sta., 10/13/70.) The Station's response later that same day was "Viaux intends to kidnap Generals Schneider and Prats within the next 48 hours in order to precipitate a coup." (Cable 527, Sta. to Hq., 10/13/70) This Viaux kidnapping of Schneider was reported by the Station "as part of a coup that included Valenzuela." (Cable 529, Sta. to Hq., 10/13/70)

At about this time the Station began to receive encouragement from its other contacts. On October 14, ten days before the Chilean Congress was to vote, the Task Force Log concluded:

"Now we are beginning to see signs of increasing coup activity from other military quarters, specifically, an Army General [deleted] and Admiral [deleted], and the forces in conception and Valdivis * * *" (Task Force Log, 10/14/70)

(c) *October 15 decision*

To summarize, by October 15 General Viaux had advertised to his contact a desire to proceed with a coup, had indicated he would deal with the Schneider obstacle by kidnapping him, had met at least once with General Valenzuela and had once postponed his coup plans.²²

On October 15 Thomas Karamessines met with Henry Kissinger and Alexander Haig at the White House to discuss the situation in Chile. According to the Agency's record of this meeting, Karamessines provided a rundown on Viaux, a meeting between two other Chilean military coup conspirators, and, in some detail, "the general situation in Chile from the coup-possibility viewpoint." (Memorandum of Conversation/Kissinger, Karamessines, and Haig, 10/15/70) A decision was made at the meeting "to de-fuse the Viaux coup plot, at least temporarily."

"It was decided by those present that the Agency must get a message to Viaux warning him against any precipitate action. In essence the message should state: 'We have reviewed your plans and based on your information and ours, we come to the conclusion that your plans for a coup at this time cannot succeed. Failing, they may reduce your capabilities in the future. Preserve your assets. We will stay in touch. The time will come when you with all your other friends can do something. You will continue to have our support.'" (Memorandum of Conversation, Kissinger, Karamessines, Haig, 10/15/70)

The meeting concluded, according to the Agency's record, "on Dr. Kissinger's note that the Agency should continue keeping the pressure on every Allende weak spot in sight—now, after the 24th of October, after 5 November, and into the

²² The reason for Viaux postponing his coup plans was the subject of a cable from Santiago to Headquarters:

We discount Viaux's statement that he had called off his coup attempt because of the CIA agent's impending visit. Other reporting indicated Viaux probably not able or intending move this weekend. (Cable 499, Sta. to Hq. 10/10/70)

There is also reason to believe that General Valenzuela was instrumental in persuading Viaux to postpone. According to the Chile Task Force Log:

Station reported that on 12 October General Valenzuela met with General Viaux and attempted to persuade him not to attempt a coup. (Chile Task Force Log, 10/14/70)

future until such time as new marching orders are given. Mr. Karamessines stated that the Agency would comply."²³

The following day CIA Headquarters cabled the results of the White House meeting to the Station in Santiago:

"2. It is firm and continuing policy that Allende be overthrown by a coup. . . . We are to continue to generate maximum pressure toward this end utilizing every appropriate resource.

"3. After the most careful consideration it was determined that a Viaux coup attempt carried out by him alone with the forces now at his disposal would fail. Thus it would be counterproductive to our Track Two objectives. It was decided that CIA get a message to Viaux warning him against precipitate action." (Cable 802, Hq. to Sta. 10/16/70)

The message was supplemented by orders to "continue to encourage him (Viaux) to amplify his planning; encourage him to join forces with other coup planners." (Cable 802, Hq. to Sta., 10/16/70) The message concluded: "There is great and continuing interest in the activities of Valenzuela *et al* and we wish them optimum good fortune." (Ibid)

(d) Coup planning and attempts after October 15

The decision to "de-fuse" General Viaux was passed to a Viaux associate on October 17. The associate responded that it did not matter because they had decided to proceed with the coup in any case. (Cable 533, Sta. to Hq., 10/17/70) At the final meeting of the CIA agent and the Viaux associate on October 18, the Agency was informed that the coup would proceed on October 22, "and that the abduction of General Schneider is the first link in chain of events to come." (Cable 568, Sta. to Hq., 10/19/70) An "emergency channel" of communication with Viaux was maintained. (Report on CIA Chilean Task Force Activities, 11/18/70, p. 21)

As previously stated, by mid-October things suddenly looked brighter for a coup being mounted by the high-level Chilean military contacts.²⁴ A CIA overview statement on Track II stated:

"Coup possibilities afforded by the active duty military group led by General Valenzuela and Admiral [deleted] had always seemed more promising than the capabilities of the Viaux group. These military officers had the ability and resources to act providing they decided to move and organized themselves accordingly." (CIA Briefing Paper, "Special Mandate from the President on Chile," 7/15/75, p. 5)

By mid-October the Chilean military officers appeared to be moving in this direction.

On the evening of October 17, the U.S. military attache met with the Chilean Army officer and the Navy officer. They requested 8 to 10 tear gas grenades, three 45-caliber machine guns and 500 rounds of ammunition. The Navy officer said he had three machine guns himself "but can be identified by serial numbers as having been issued to him. Therefore unable to use them." (Cable 562, Sta. to H., 10/18/70) The attache and the Chief of Station have testified that the officers wanted the machine guns for self-protection. The question, of course, is whether the arms were intended for use, or were used, in the kidnapping of General Schneider. The fact that the weapons were provided the Army officer and the Navy officer and that Viaux associates were convicted of the Schneider killing suggests that the guns were not involved.

The machine guns and ammunition were sent from Washington by diplomatic pouch on the morning of October 19, although Headquarters was puzzled about their purpose: "Will continue make effort provide them but find our credulity stretched by Navy officer leading his troops with sterile guns. What is special purpose for these guns? We will try send them whether you can provide explanation or not." (Cable 854, Hq. to Sta. 10/18/70) The first installment was delivered

²³ Secretary Kissinger's recollection of the October 15 meeting is not in accord with that of Mr. Karamessines or the cable (Headquarters 802) that was sent the following day to the Station in Santiago. This matter will be discussed in Part V of this report.

²⁴ Two coup plotters, both Chilean generals, made one last attempt to persuade General Schneider to change his anti-coup position on October 15. The Station reported that the meeting turned out to be a "complete fiasco. Schneider refused to listen to their eloquent presentation of Communist action in Chile * * * and [remained] adamant in maintaining his non-involvement stance." (Cable 548, Sta. to Hq., 10/16/70).

to the Army officer and the Navy officer late in the evening of October 18 and consisted of the six tear gas grenades intended originally for Viaux.²⁵

That same day, General Valenzuela informed the attache that he and three other high ranking military officers were prepared to sponsor a coup. (CIA Report on Chilean Task Force Activities, 11/18/70) Their plan was to begin with the kidnapping of General Schneider on the following evening, October 19, at a military dinner being given for Schneider,²⁶ after which Schneider would be flown to Argentina, Frei would resign and leave Chile, one of Valenzuela's colleagues would head the military junta, and dissolve Congress. With respect to the kidnapping of Schneider, the cable reported:

"General Viaux knowledgeable of above operation but not directly involved. He has been sent to Vina to stay with prominent physician. Will be seen in public places during 19 and 20 October to demonstrate fact that above operation not his doing. Will be allowed to return to Santiago at end of week. Military will not admit involvement in Schneider's abduction which is to be blamed on leftists." (Cable 566, Sta. to Hq., 10/19/70)

The kidnapping of the evening of October 19 failed because General Schneider left in a private vehicle, rather than in his official car, and his police guard failed to be withdrawn. The Army officer assured the attache that another attempt would be made on October 20. (Cable 582, Sta. to Hq. 10/20/70) The attache was authorized to pay Valenzuela \$50,000 "which was the price agreed upon between the plotters and the unidentified team of abductors," but the attache insisted that the kidnapping be completed before he paid the money. (Task Force Log, 10/20/70) At the same time General Valenzuela assured the attache that the military was now prepared to move. (Task Force Log, 10/20/70) The second abduction attempt on the 20th also failed and the Task Force concluded

"Since Valenzuela's group is apparently having considerable difficulty executing even the first step of its coup plan, the prospects for a coup succeeding or even occurring before 24 October now appears remote." (Task Force Log, 10/22/70)

(e) *The Shooting of General Schneider*

In the early morning hours of October 22 (2 a.m.), the attache delivered the three submachine guns with ammunition to the Army officer in an isolated section of Santiago.²⁷

At about 7 am that day the group intended to kidnap General Schneider met to discuss last-minute instructions. According to the findings of the Chilean Military Court which investigated the Schneider killing, neither the Army officer nor the Navy Officer were there. Shortly after 8 am, General Schneider's car was

²⁵ As previously stated, after October 15 CIA efforts to promote a coup in Chile focussed on the active duty military officers—Valenzuela, et al.—rather than Viaux. An example of this shift in focus was the decision to provide the Army officer and the Navy officer the tear gas grenades originally intended for Viaux. A cable from Santiago explained the purpose of this action:

Station plans give six tear gas grenades to the attache for delivery to Armed Forces officers (deletion) instead of having CIA agents posing as third country nationals deliver them to Viaux group. Our reasoning is that the attache dealing with active duty officers. Also CIA agent leaving evening 18 October, and will not be replaced but the attache will stay here. Hence important that the attache credibility with Armed Forces officers be strengthened. (Cable 562, Sta. to Hq., 10/18/70.)

²⁶ The CIA agent who was in contact with Viaux at the time the Valenzuela plan was given to the attache apparently understood that Viaux was involved in the October 19 attempt. He stated:

Q. Were you told any of the details of how the (Viaux) kidnapping would be carried out? Mr. SARNO. They indicated it was going to be at some sort of a banquet which the General (Schneider) would be attending. (Sarno, 7/29/75, p. 37)

²⁷ Although the attache's testimony and the cable traffic do not clearly establish the identity of the group to which the Army officer was affiliated (see page 240 of this report) two CIA statements on Track II tie the weapons and therefore the Army officer, to the Valenzuela group:

* * * The only assistance requested by Valenzuela to set the plan [of October 19] into motion through Schneider's abduction was several submachine guns, ammunition, a few tear gas grenades and gas masks (all of which were provided) plus \$50,000 for expenses (which was to be passed upon demand). (CIA Report on Chilean Task Force Activities, 11/18/70, p. 22)

* * * Three sub-machine guns, together with six gas canisters and masks, were passed to the Valenzuela group at 2 a.m. on 22 October. The reason why they still wanted the weapons was because there were two days remaining before the Congress decided the Presidential election and the Valenzuela group maintained some hope they could still carry out their plans. (CIA Briefing Paper, "Special Mandate from President on Chile," 7/15/75, p. 7)

intercepted on his way to work by the abductors and he was mortally wounded when he drew his handgun in self-defense. The Military Court determined that hand guns had been used to kill General Schneider, although it also found that one unloaded machine gun was at the scene of the killing.²⁸

The first Station reports following the Schneider shooting said "Military Mission sources claim General Schneider machine gunned on way to work" (Cable 587, Sta. to Hq., 10/22/70) and "Assailants used grease guns." (Cable 589, Sta. to Hq., 10/22/70). The submachine guns had previously been described by the Station as "grease guns." Thus the initial reaction of the Station was that Schneider had been shot with the same kind of weapons delivered several hours earlier to the Army officer. Santiago then informed Headquarters "Station has instructed the attache to hand over \$50,000 if Gen. Valenzuela requests" (Cable 592, Sta. to Hq., 10/22/70), thus indicating that the Station thought the kidnapping had been accomplished by Valenzuela's paid abductors. Later that day, the Station cabled Headquarters:

"Station unaware if assassination was premeditated or whether it constituted bungled abduction attempt. In any case, it important to bear in mind that move against Schneider was conceived by and executed at behest of senior Armed Forces officers. We know that General Valenzuela was involved. We also near certain that Admiral. [deleted], Army officer and Navy officer witting and involved. We have reason for believing that General Viaux and numerous associates fully clued in, but cannot prove or disprove that execution or attempt against Schneider was entrusted to elements linked with Viaux. Important factor to bear in mind is that Armed Forces, and not retired officers or extreme rightists, set Schneider up for execution or abduction. * * * All we can say is that attempt against Schneider is affording Armed Forces one last opportunity to prevent Allende's election if they are willing to follow Valenzuela's scenario." (Cable 598, Sta. to Hq., 10/22/70)

(f) *Post October 22 events*

The shooting of General Schneider resulted immediately in a declaration of martial law, the appointment of General Prats to succeed Schneider as Commander in Chief, and the appointment of General Valenzuela as chief of Santiago province. These measures, and others taken, caused the Chile Task Force to make the following initial judgment:

"With only 24 hours remaining before the Congressional runoff, a coup climate exists in Chile. * * * The attack on General Schneider has produced developments which closely follow Valenzuela's plan. * * * Consequently the plotters' positions have been enhanced." (Chile Task Force Log, 10/22/70)

On October 23, Director Helms reviewed and discussed Track II:

"It was agreed * * * that a maximum effort has been achieved, and that now only the Chileans themselves can manage a successful coup. The Chileans have been guided to a point where a military solution is at least open to them." Task Force Log, 10/24/70)

Although it was not immediately clear to CIA observers, the Station's prediction of October 9 that the shooting of Schneider (as a result of an abduction attempt) would "rally the Army firmly behind the flag of constitutionalism" was correct. (Cable 495, Sta. to Hq., 10/9/75) On October 24 Dr. Allende was confirmed by the Chilean Congress. General Schneider died the next day.

5. CIA/WHITE HOUSE COMMUNICATION DURING TRACK II

The testimony given to the Committee by Henry Kissinger and General Haig conflicts with that given by CIA officials.

Kissinger and Haig testified that on October 15, 1970, the White House stood down CIA efforts to promote a military coup d'etat in Chile. Both testified that after that date they were neither informed of, nor authorized, CIA Track II activities, including the kidnap plans of General Schneider and the passage of weapons to the military plotters.

²⁸ The Military Court determined that those who participated in the shooting of General Schneider on October 22 were part of the Viaux-led conspiracy. The Court also found that this same group had participated in the October 19 and 20 kidnap attempts.

In June 1972 General Viaux was convicted for complicity in the plot culminating in the death of General Schneider. He received a 20-year prison sentence for being "author of the crime of kidnapping which resulted in serious injury to the victim," and a five-year exile for conspiring to cause a military coup. General Valenzuela was also convicted on the latter charge. He received a sentence of three years in exile.

By contrast, CIA officials testified that they operated before and after October 15 with the knowledge and approval of the White House.

The conflict pertains directly to the period after October 15, but it bears on the degree of communication between the White House and the CIA in the earlier period as well. For instance, Henry Kissinger testified that he was informed of no coup plan which began with the abduction of General Schneider. He was aware of General Viaux's plan—which he and Karamessines decided on October 15 to try to forestall—but did not know that it was to begin with Schneider's abduction.

CIA officials, especially Thomas Karamessines, stated that there was close consultation throughout Track II between the Agency and the White House. Karamessines testified that he met with Kissinger some six to ten times during the five weeks of Track II (Karamessines, 8/6/75, p. 66); and that he kept Kissinger generally informed of developments. (*Ibid.*, p. 56) The Committee has records of two meetings between Karamessines and Kissinger's deputy, General Alexander Haig. Karamessines' daily calendar indicates that three other meetings with General Haig took place—but does not establish with certainty that the topic was Track II. The calendar also suggests that Karamessines and Kissinger met on three other occasions and so might have had the opportunity to discuss Track II.

Henry Kissinger's testimony before the Committee differs from Karamessines in two respects: he believed Track II was "turned off" on October 15,²² and, after that date, he was informed neither of the coup plans of the Chilean conspirators nor of the passage of weapons to them. He said that Track II was:

"In the nature of a probe and not in the nature of a plan, * * * no plan for a coup was ever submitted to the White House. So my recollection of events, this was a request by President Nixon for Track II which led to two or three meetings which then on October 15th led to being turned off by the White House, after which Track II was dead as far as my office was concerned, and we never received another report on the subject. (Kissinger, 8/12/75, p. 15)

"In my mind Track II was finished on October 15th and I never received any further CIA information after October 15th on the basis of any records that I have been able to find." (*Ibid.*, p. 59)

General Haig's testimony generally coincided with Kissinger's recollection: "I left [the October 15th meeting] with the distinct impression that there was nothing that could be done in this covert area that offered promise or hope for success. I had the distinct impression that was Dr. Kissinger's conclusion, and that in effect these things—and I wasn't even really familiar with what these two groups were to do and how they were to do it, but they were to cease and desist. (Haig, 8/15/75, pp. 28-27)

"My recollection would be that we had no hope for a viable covert plan of action. That is the impression I got." (*Ibid.*, p. 29)

The following pages present the Committee's record of communication between the White House and the CIA from September 18 through December 21, 1970:

(a) September

September 18.—Helms and Karamessines met with Kissinger at the White House. As Helms' notes of the September 15 meeting indicate, Kissinger wanted a plan within 48 hours. In the meeting on the 18th, according to CIA records, there was little discussion of a military coup. Rather the conversation focused on "what economic leverage could be exercised in the Chilean situation." (Memorandum/Meeting with DDP, 9/18/70) The efficacy of economic pressure continued to be a subject of concern during the last days of September. Apparently that pressure was viewed as another inducement to Frei to opt for the "Frei gambit."

September 21.—The 40 Committee met. The Committee has no confirmation that Chile was on the agenda at this meeting. Karamessines' calendar confirms that he attended; presumably Kissinger, the 40 Committee chairman, also attended, although the Committee has not been able to review his calendar. All that can be said about this meeting—and the meetings of the Senior Review

²² Secretary Kissinger, in a written response to a Committee question, stated that he had not been able to find any "written instruction from the President to discontinue efforts to organize a coup. The President did, however, convey this decision to me orally in mid-October, 1970."

To date, the Committee has been unable to question former President Nixon on this point.

Group, which Kissinger also chaired—is that the meetings afforded Karamessines and Kissinger an opportunity to meet privately and discuss Track II if they desired. In all these instances save the 40 Committee meeting on September 22, the Committee has no evidence to confirm that such a private Kissinger/Karamessines meeting actually took place. That the CIA prepared a memorandum of conversation for the private meeting on the 22nd but has been able to find none for other meetings may provide some support for the argument that no other such private meetings occurred.

September 22.—Kissinger asked Karamessines to stay behind after a 40 Committee meeting called to discuss Track I. The two men also discussed Track II actions. According to the CIA record of the meeting, Kissinger told Karamessines that "our handling of the problem during the earlier meeting had been perfect and he added we were doing fine and keep it up." (Karamessines Memorandum for the Record/Chile, 9/22/70)

(b) *October*

October 5.—A cable sent to Santiago, released by Karamessines, requested a report on how the Station planned to contact the three Chilean Generals, including Valenzuela, named in a cable of September 30. (Cable 449, Hq. to Sta., 9/30/70) The October 5 cable indicated that the report was needed for a discussion with Kissinger on October 6.³⁰ (Cable 556, Sta. to Hq., 10/5/70) Karamessines presumed such a meeting had taken place, although he had no specific memory of it. (Karamessines, 8/6/75, pp. 69-70) His calendar for October 6 indicates that he attended a 40 Committee meeting on Chile. (Karamessines calendar.) Kissinger chaired that meeting.

October 6.—The Station reported that General Viaux was "ready to launch *golpe* evening 9 October, or morning 10 October." (Cable 472, Sta. to Hq., 10/6/70) In response, CIA Headquarters labeled the prospective coup one "with scant chance of success which will vitiate any further more serious action." The Station was directed to try to "stop ill-considered action at this time." (Cable 585, Hq. to Sta., 10/6/70)

Kissinger testified he had not been informed of the Viaux plan, supporting his recollection with the fact that the CIA memorandum of an October 10 conversation between Karamessines and Haig (see below) makes no mention of any previous plots. (Kissinger, 8/12/75, p. 24) Similarly, Kissinger did not remember having been informed that the CIA had called off a coup it regarded as premature. He stated:

"My perception at that period was that if they had a coup they would come * * * back to us before triggering it * * * at no time during the period did they, in fact, tell us * * * that they had a coup that might be ready to go. And, indeed, they generally told us the opposite." (Kissinger, 8/12/75, pp. 25-26)

As Karamessines' calendar indicated, there was a 40 Committee meeting on October 6. He attended this meeting, along with Richard Helms and William Broe of the CIA. According to the minutes of that meeting, CIA efforts to promote a military coup in Chile were not discussed. However, in an exchange with Charles Meyer, who was then the State Department's Assistant Secretary for Latin American Affairs, Dr. Kissinger stressed the desire of "higher authority" (President Nixon) to prevent Allende's assumption of office. According to the minutes:

"Mr. Meyer pointed to the need to determine a post-Allende position such as proposed in NSSM 97. It was agreed that an early NSC meeting was desirable on that subject. Mr. Kissinger said this presumed total acceptance of a fait accompli and higher authority had no intention of conceding before the 24th; on the contrary, he wanted no stone left unturned." (Memorandum for the Record/Minutes of the Meeting of the 40 Committee, 10/6/70, 10/7/70)

October 8.—Karamessines met for lunch with General Haig. (Karamessines calendar.)

In his testimony, Haig recalled being aware that the CIA was in touch with two different groups of military plotters. He believed there must have been another meeting in which the CIA informed him of its on-going contacts.

"It seems to me, although the records don't reflect it, that there was a meeting in September, a very brief one, in which I must have been told that there was a specific program going underway. That probably would have been by Henry

³⁰ In a written response to a Committee question, Kissinger stated that he was never informed that these contacts had been made.

(Kissinger) and perhaps with Karamessines there. I am not sure." (Haig, 8/15/75, p. 12)

October 10.—Karamessines discussed the Chilean situation by telephone with General Haig. He indicated that the Station had "made direct contact with a number of the senior military officers, especially those who had been reportedly very activist-minded and had received pessimistic reactions from all." (Memorandum/FUBELT, by William Broe, 10/10/70)

Haig recalled the telephone conversation with Karamessines on the 10th. His recollection accords with the CIA memorandum of conversation.

"I do know, and I know that from looking at the record this morning, that Karamessines made a telephone call to me in which he gave a progress report. I recall that, It was in effect a negative progress report, that they were just not coming up with it." (Haig, 8/15/75, p. 12)

Haig indicated to the Committee that he would have passed along the substance of that conversation to Kissinger, and that in general his role at the time was one of a conduit to Kissinger:

"I am quite confident that, given my own conception of my role at that time, that I would have conveyed that information to Henry, * * *. (Haig, 8/15/75, p. 13)

"Q. If Mr. Karamessines was unable to see Dr. Kissinger, and talked to you, what degree of latitude did you have concerning what you would pass on to Dr. Kissinger?

"General Haig. At that time I would consider I had no degree of latitude, other than to convey to him what had been given to me." (Id., p. 15)

October 14.—A cable to Santiago for the attache, ostensibly from General Bennett, authorized the attache to select two Chilean general officers and convey to them the following message: "High authority in Washington has authorized you to offer material support short of armed intervention to Chilean Armed Forces in any endeavors they may undertake to prevent the election of Allende on October 24." (Cable 762, Hq. to Sta., 10/14/70) Karamessines testified that in this case "high authority" would have been Kissinger or the President, for no one else could have given the attache such broad authorization. Karamessines presumed that the message had been drafted in, or at least cleared with, the White House. (Karamessines, 8/6/75, p. 91)

However, Kissinger did not recall having authorized the October 14th cable. He found the sequence of events puzzling; having been told on the 10th that little was happening, he would have expected in the meeting on the 15th (see below) to have discussed the results of the October 14th message. But the CIA record makes no mention of any such discussion. (Kissinger, 8/12/75, p. 53)

The 40 Committee met to discuss, among other topics, Chile. In addition to the 40 Committee principals (Kissinger, John Mitchell, David Packard, Alexis Johnson, Admiral Moorer), the meeting was attended by Karamessines, William Broe and General Robert Cushman of the CIA, Charles Meyer from State, and Ambassador Korrry, who had returned to Washington from Santiago for a short period of consultation.

According to the minutes of that meeting, Kissinger asked Karamessines to give a rundown on the latest developments and present situation in Chile. Karamessines pointed out that "a coup climate does not presently exist." He noted that "the unpredictable General Viaux is the only individual seemingly ready to attempt a coup and * * * his chances of mounting a successful one were slight." Ambassador Korrry agreed with Karamessines' assessment and stated that "as of now it seemed almost certain that Allende would be voted into office on October 24th." Kissinger then observed that "there presently appeared to be little the U.S. can do to influence the Chilean situation one way or another." Other participants at the meeting concurred. (Memorandum for the Record/Minutes of the Meeting of the 40 Committee, 10/14/70, 10/16/70)

October 15.—Karamessines met with Kissinger and Haig at the White House to discuss Track II. According to the CIA memorandum of conversation, Karamessines gave a run-down on Viaux, a meeting between two other Chilean military conspirators and "the general situation in Chile from the coup-possibility viewpoint." It was concluded that Viaux did not have more than one chance in twenty—perhaps less—to launch a successful coup. Kissinger ticked off the list of negative repercussions from an unsuccessful coup. The CIA record of the meeting continues:

"5. It was decided by those present that the Agency must get a message to Viaux warning him against any precipitate action. In essence our message was

to state: 'We have reviewed your plans, and based on your information and ours, we come to the conclusion that your plans for a coup at this time cannot succeed. Failing, they may reduce your capabilities for the future. Preserve your assets. We will stay in touch. The time will come when you with all your other friends can do something. You will continue to have our support.'

"6. After the decision to de-fuse the Viaux coup plot, at least temporarily, Dr. Kissinger instructed Mr. Karamessines to preserve Agency assets in Chile, working clandestinely and securely to maintain the capability for Agency operations against Allende in the future.

"8. The meeting concluded on Dr. Kissinger's note that the Agency should continue keeping the pressure on every Allende weak spot in sight—now, after the 24th of October, after 5 November, and into the future until such time as new marching orders are given. Mr. Karamessines stated that the Agency would comply." (Memorandum of Conversation/Dr. Kissinger, Mr. Karamessines, Gen. Haig at the White House, 10/15/70)

Kissinger, in his testimony before the Committee, regarded the CIA memorandum of conversation as substantially correct, although somewhat more detailed than he would have remembered. (Kissinger, 8/12/75, p. 52) He believed the Agency had been told to "stand down and preserve your assets."

Kissinger believed that the gist of the October 15th meeting as recorded in the CIA memorandum was incompatible with the order the CIA issued to its Station the next day, an order ostensibly based on the October 15th meeting. And, he noted, in writing its memorandum of the meeting of the 15th, the CIA had a "high incentive to preserve the maximum degree of authority." (Ibid., pp. 55-56) The October 16th order indicated that Track II had been reviewed at "high USG level" the previous day, and stated:

"2. It is firm and continuing policy that Allende be overthrown by a coup. It would be much preferable to have this transpire prior to 24 October but efforts in this regard will continue vigorously beyond this date. * * *

"4. There is great and continuing interest in the activities of Valenzuela et al, and we wish them optimum good fortune." (Cable 802, Hq. to Sta., 10/16/70)

Kissinger recalled the October 15th conversation as "turning off the coup plans rather than giving a new order to do them." (Kissinger, 8/12/75, p. 56) Haig agreed in his testimony.

"The conclusions of that meeting were that we had better not do anything rather than something that was not going to succeed. * * * My general feeling was, I left that meeting with the impression that there was nothing authorized." (Haig, 8/15/75, p. 13)

October 10 to October 22 (approximate).—Karamessines and one or two others went with Kissinger to speak with the President, after a larger meeting. Karamessines believed this meeting took place between October 10 and 24. (Karamessines, 8/6/75, p. 89) According to Karamessines, the "President went out of his way to impress all of those there with his conviction that it was absolutely essential that the election of Mr. Allende to the presidency be thwarted."²¹ As they were leaving the Oval Office, the President took Karamessines aside to reiterate the message. (Karamessines, 8/6/75, p. 8)

October 19

Station cabled Headquarters early in the morning, advising that the tear gas had been passed and outlining the Valenzuela coup plan, beginning with the kidnap of Schneider. In testimony before the Committee, Karamessines indicated he certainly would have reported the Valenzuela plan to Kissinger "very promptly, if for no other reason than that we didn't have all that much promising news to report to the White House. * * * " (Karamessines, 8/6/75, p. 72)

In the afternoon of the 19th, Karamessines met with General Haig at the White House. (Karamessines calendar.) By then, Karamessines would have had in hand the cable outlining the Valenzuela plan, since the cable had arrived that morning. However, General Haig had no recollection of the meeting with Karamessines on the 19th. Nor did he believe he had been informed of the Valenzuela plan. "This is all very new to me. I hadn't seen any of this, and

²¹ If the meeting with the President occurred after October 15, that would lend credence to the testimony of CIA officials that they were not directed to end their coup efforts in the October 15th meeting. Unfortunately, the Committee has not had access to the daily calendars of President Nixon or Secretary Kissinger, which might pinpoint the date of the President's conversation with Karamessines.

I was not familiar with this particular plan * * * or \$50,000, or any of the characters that are described in here." (Haig, 8/15/75, pp. 38-39)

Similarly, Kissinger testified that he had not been informed of the Valenzuela plan. He said he "was informed of nothing after October 15th. (Kissinger, 8/12/75, p. 65) He indicated that, according to his daily calendar, he had no conversation with either Karamessines or Helms between the 15th and the 19th. (*Ibid.*, p. 53) He indicated that he never knew that the CIA was in the process of passing guns and tear gas to Chilean military conspirators. He said "there was no further meeting on that subject. In anybody's record, mine or theirs [the CIA's], none of the information from the 16th on was familiar to me." (*Ibid.*, p. 62)

Kissinger further testified he did not know that the United States was dealing with Chilean officers who plotted a coup which involved the abduction of General Schneider:

"Senator HART of Colorado. I am not sure that the record clearly shows your answer to the direct question of whether you knew or did not know that we were negotiating with military officers with regard to a plot that did involve the abduction of General Schneider.

"Secretary KISSINGER. I said I did not know." (Kissinger, 8/12/75, p. 86).

Nor did General Haig believe he had been informed of any abduction plans before the fact.

"Q. Were you aware during that period of time of the plans to kidnap General Schneider?

"General HAIG. I was aware after the fact. . . .

"Q. But you were never informed prior to his attempted abduction?

"General HAIG. I don't believe I was at all."

October 20.—A cable to the Station indicated that "while awaiting word on whatever events may have occurred 19 October, please let us know what you can on interim basis. * * * Headquarters must respond during morning 20 October to queries from high levels." (Cable 883. Hq. to Sta., 10/20/70) Karamessines testified that the references to "high levels" in the cable of the 20th meant White House officials, probably Kissinger. He felt quite certain that Kissinger would have been briefed in advance about Valenzuela's plan for the 19th and so would have been expected to ask what happened on the morning of the 20th. (Karamessines, 8/6/75, p. 73) In contrast, Kissinger interpreted that cable in precisely the opposite light. He felt it indicated that he had *not* been informed of the Valenzuela plan in advance. When news of the Schneider kidnap reached the White House, Kissinger believed he would have had "somebody pick up a telephone and say, 'What is this all about?'" (Kissinger, 8/12/75, p. 68)

October 22.—Karamessines met with Haig at the White House. (Karamessines calendar) General Haig remembered that word of the shooting of Schneider came as "a great shock" to him, and he believed that Karamessines had told him about it in their meeting on the 22nd. He thought that Kissinger either was present at the meeting or that he, Haig, had gone immediately in to Kissinger's office to relate what Karamessines had told him. (Haig, 8/15/75, p. 36)

(c) December

December 2.—A memorandum, dated December 2, 1970, from Helms to Kissinger stated that Helms had given a recapitulation on Track II to Attorney General Mitchell, who would deliver it personally to Kissinger. A handwritten note on the memorandum read: "sent to Kissinger via DCI [Helms]." (Memo, Helms to Kissinger, 12/12/70) The report, which was dated November 18, 1970, contained a full account of CIA activities during Track II, including the several plans to kidnap Schneider and the passage of weapons to the Chilean conspirators. (Report on CIA Chilean Task Force Activities, 15 September to 3 November 1970, 10/18/70)

In his testimony to the Committee, Kissinger did not recall receiving the report, although he doubted that he would have read such an "after action" report in any case. He testified that he could not find it in his files, in contrast to his finding a CIA report on Track I, dated November 19, 1970. Kissinger was puzzled by a number of aspects of the memorandum and report: why there were two reports, why the report of the 18th apparently was only called to his attention on the 2nd of December, and why it was to be delivered through Mitchell. (Kissinger, 8/12/75, pp. 71, 74)

(d) *Did Track II end?*

The Committee also received conflicting testimony about whether Track II ever ended, formally or in fact. As noted above, Kissinger indicated that Track II was supposed to have ended, as far as he was concerned, on October 15. It was formally terminated, according to Kissinger, by a new Presidential marching order issued prior to the October 24 vote of the Chilean Congress. The Committee does not have this new "marching order" in its possession. However, CIA officials from whom the Committee took testimony believed that there had been no such definitive end to Track II. It merely tapered off, to be replaced by a longer-term effort to effect a change of government in Chile. Karamessines' testimony was most explicit:

"Mr. KARAMESSINES. I am sure that the seeds that were laid in that effort in 1970 had their impact in 1973. I do not have any question about that in my mind either. (Karamessines, 8/6/75, p. 26)

"Q. Was Track II ever formally ended? Was there a specific order ending it?

"Mr. KARAMESSINES. As far as I was concerned, Track II was really never ended. What we were told to do in effect was, well, Allende is now President. So Track II, which sought to prevent him from becoming President, was technically out, it was done. But what we were told to do was to continue our efforts. Stay alert, and to do what we could to contribute to the eventual achievement of the objectives and purposes of Track II. That being the case, I don't think it is proper to say that Track II was ended." (Ibid., pp. 128-129)

When informed of Karamessines' testimony that Track II was never ended, Kissinger testified:

"The CHAIRMAN. Would you take issue with that, with the [Karamessines] testimony?

"Secretary KISSINGER. Totally. * * * It is clear that * * * after October 15th that there was no separate channel by the CIA to the White House and that all actions with respect to Chile were taken in the 40 Committee framework. There was no 40 Committee that authorized an approach to or contact with military people, no plots which I am familiar with, and all the covert operations in Chile after Allende's election by the Congress were directed towards maintaining the democratic opposition for the 1976 election. And that was the exclusive thrust and if there was any further contact with military plotting, it was totally unauthorized and this is the first that I have heard of it." (Kissinger, 8/12/75, pp. 75-77)

The CHAIRMAN. Senator Mathias.

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

General, in your opening statement you say that the U.S. Government must speak with a single voice. And I agree very completely with that. But then you add, a line or two later, that, "the authoritative voice must be the President's."

I listened very carefully when you said that, and I think I know what you are saying. And I would agree also that the President and Secretary of State are and should be the spokesmen of our Nation on foreign policy matters. But this touches on a very sensitive point. And it seems to me that it is worth exploring to be sure that we mean the same thing by the same words.

Although the President and the Secretary of State—and you were too modest to include the Secretary in your formulation—although the President and the Secretary may be the appropriate officials to enunciate policy, the policy that they publish is the policy of the U.S. Government—and at least in my mind, that means the coordinate policy decided upon, agreed upon by the legislative and the executive branches.

So when you describe the President as "the authoritative voice," I would hope you were describing the perception that his words will create in the minds of people, particularly abroad, and not to the method of formulating that policy.

General HAIG. I agree with that concept, Senator, as you have articulated it.

Senator MATHIAS. I would hope that you do.

You said yesterday that you believed passionately in the Office of the President.

General HAIG. Yes.

Senator MATHIAS. Well, I believe equally passionately in the Congress of the United States and its awesome responsibility to be the trustee of the rights and liberties of the American people—passionately. And I think that these two great institutions should work together in a coordinate way for the American people.

Of course, one of the difficulties is that there is no exact definition of this shared responsibility for the making of policy. It has varied historically from period to period. There were strong Presidents and weak Congresses, weak Presidents and strong Congresses, and the Executive has at times been dominant, sometimes the Congress has been dominant.

But one important element, one constant in all of this shifting of weights, in the formulation of sound foreign policy to enhance the security and well-being of the country is the availability of accurate and timely information about events around the world. And, of course, as you know from your experience in the White House and your experience at NATO, unless policymakers are well informed and informed in a timely way, in season, then theories about the world may be very wide of reality, and the theoretical consideration of foreign policy can have very disastrous consequences for the security of the United States.

On October 14, 1980, the President signed Senate bill 2597, which provided the Congress, through the intelligence committees, full access to information concerning the most sensitive and important secrets that this country has. And that statute, after a long period of searching and discussing, institutionalized the sharing of information to the security and policy interests of the country. But that statute also provided the Foreign Relations Committee with the means of access to any intelligence where it is relevant to foreign policy considerations.

Of course, there are a great many less fragile, less sensitive kinds of information in the realm of foreign policy. And I would hope the Department of State would share those, as well.

So that leads me to ask you if you will assure the committee that you will provide the information required by this committee for the conduct of its jurisdictional responsibilities?

General HAIG. Senator, I am in complete agreement with the comments you have made and the concerns that you have expressed. I do not believe that it serves any useful purpose for us not to be operating from the same basis of fact, at least insofar as we can determine those facts. That always contributes to partnership and convergence of view. I would hope to be a very strong advocate of the kinds of exchanges you've raised.

Senator MATHIAS. As you know, there is already a statute requiring the Department of State to supply to the Foreign Relations Committee a record of all treaties and executive agreements, including secret executive agreements, the purpose being to assure the people of the United States that the United States won't enter into any binding

agreements with a foreign power without the full awareness of the appropriate committees of Congress.

Is it your intention to assure the Foreign Relations Committee that it will be fully and promptly informed of any treaties or executive agreements, including secret executive agreements?

General HAIG. Absolutely, in accordance with the obligations that you've cited.

Senator MATHIAS. In the past, the foreign policy of the United States has, in some instances, been affected by departmental rules and by regulations and by Executive order. It's amazing what you can do with internal regulations, Executive orders. And in the past, this committee has not been aware of changes in rules and regulations or of the promulgation of Executive orders.

Can you assure this committee that it will be informed of any and all changes in rule, regulation, or Executive order?

General HAIG. My instincts are: absolutely. I am not sure that I understand precisely the nature of that question and the obligation I am incurring.

Senator MATHIAS. Let me suggest that in the operation of the State Department, which will be committed to your care, various policies in relation to specific programs may be affected by internal decisions within the Department. To the extent that those decisions affect the operation of the Department and its relationship with the rest of the world, I think that this committee would want to be informed.

General HAIG. I think, as a general rule, I am very comfortable with that. But I would hate to find ourselves in a position where we were just inundating you with a lot of trivia that might or might not fit into that criteria in a subjective assessment. I just don't want to make too sweeping a statement here, not because I am in any way uncomfortable with the objective you are seeking.

Senator MATHIAS. The purpose of this line of questioning has been to make clear, from the outset, the kind of shared relationship that ought to exist between the Foreign Relations Committee and the Department of State under your direction. A close and effective working relationship between the executive branch and the legislative branch can best be assured by a very full and complete understanding of the problems that this country faces in the world.

I don't disagree with you that it's very difficult to adopt some equation between us at this moment that is going to satisfy every kind of contingency that may arise in the next 4 years. But I think we ought to have an understanding of the spirit of that shared responsibility and the willingness to share the information.

The purpose of my question has been to make it clear that it's not only a legal obligation on you, a burden imposed upon you by law, but that it is the sound policy of the Government in order to share information.

General HAIG. Well, I couldn't agree more with that, Senator. I think it's become so, even if it were not historically so. And I think it is also historically so, with a dialectic curve here and there. I just think it's a fundamental aspect of the successful conduct of foreign policy in the modern day.

Senator MATHIAS. Thank you.

The CHAIRMAN. Thank you very much, Senator Mathias.

Senator CRANSTON.

Senator CRANSTON. Thank you very much.

And good morning, General.

General HAIG. Good morning, Senator.

Senator PELL. I would just like to say that in the recess period the Democrats will be caucusing in room 1223 for the period of the recess.

The CHAIRMAN. That is at 11 o'clock, approximately. And the Republican members will be caucusing at 11 o'clock in room 4219. One elevator will be held for you, so please move expeditiously down to the center of the building.

Senator Kasten, because of your faithful attendance at these hearings, we would be very pleased to have you join our caucus.

Senator PRESSLER. Mr. Chairman, could we complete the round of questioning before recessing? I think it is going to be very close to 11 o'clock.

The CHAIRMAN. Would you be able to?

Senator PRESSLER. I am going to ask if we could complete the round of questioning. It will probably take us to 11:10 or 11:15.

The CHAIRMAN. There is no possibility of that, I don't think. We will certainly move it along, but it looks like it will be tight. Let's see if we can do it, though. If we are reasonably close, we will do so.

Senator CRANSTON. We are meeting in room 1223?

Senator PELL. 1223.

The CHAIRMAN. Senator Cranston.

Senator CRANSTON. General, in my judgment, there is no compelling reason why a professional military man should not be confirmed as Secretary of State, witness the outstanding performance that is so often cited of Gen. George C. Marshall. Nonetheless, the nomination of a lifelong professional soldier, who quite naturally would bring the special views and perspectives of the military to the helm of the Department of State, inevitably raises certain concerns that need to be allayed. The Secretary of State is probably the most important and powerful appointive officer in the executive branch, holding great authority directly affecting the safety and security of our Nation and our friends and our allies, and dealing with fundamental issues of war and peace.

So it is only natural for us to seek assurances that such a nominee understands not only the use of military force as his training demands, but also its limits, that he is sensitive to distinctions between proper and improper use of military power in the furtherance of the U.S. national interest and protection of our national security, that his grasp for the power of peaceful diplomacy is at least equal to his grasp of the power of naked force.

In your statement you assert that, "Our commitment to peace will not be furthered by abdicating the right to use force." I would like to ask if you believe that we actually have abdicated our right to use force in recent years?

General HAIG. No, I don't believe so at all, Senator. Especially in recent months, there has been increasing reference to the threat, and there have even been some manifestations of it, if you consider the raid in Iran. I think the point I am trying to make in the formal statement is that any assessment of history is a tide of historic dialectic.

tic, if you will. And in the post-Vietnam era in America there was a great tendency to abhor anything military—with good and proper reason. And I understand that.

But I think history is not necessarily generous in understanding such things. For a period, it appeared that the United States had perhaps abrogated almost any consideration of the employment of our military resources. We were also perceived to be withdrawing within our own shell—and I am giving you the perspective from abroad.

And so these are all issues of relative balance that I have listed in my statement, and I hope I have put some perspective into why I have included it and what my concerns were.

Senator CRANSTON. Yes, you have. Have there been occasions in recent years since Vietnam where you feel we should have employed force, but did not?

General HAIG. In no particular place, no. I think there have been places where we have not applied our power, and when I use that term I mean in its broadest sense: economic, political, moral, and the whole host of other assets we have available, to challenge breaches of international law. You can't seek international stability and civility if you unilaterally ignore breaches of it.

Senator CRANSTON. Looking into the future, then, I would like to explore your views concerning the appropriate circumstances under which we could exercise our "right" to resort to force.

Do you believe that clarifying our deterrence policy, committing ourselves to sustained defense budget increases, pre-positioning U.S. forces in troubled regions and like measures, along with firm pronouncements of our determination to use force, if necessary, to protect our interests, should be enough to convince those who do not share our interests and our values, that we are indeed prepared to employ our strength?

Or do you believe that an actual demonstration of American willingness to use force, which many have suggested has increased since Vietnam, is necessary to make the point?

General HAIG. Well, I would certainly hope that it wouldn't be necessary to make the point. On the other hand, we shouldn't delude ourselves, either, that we now have a situation in which our credibility is in question in a number of these areas, and it's going to take time. We're not going to reverse attitudes that have grown up since the conclusion of the Vietnam conflict merely by spending more money for defense and doing the things you say.

I think whether we're talking about friend or foe or potential foe, America's day-to-day actions on the international scene really constitute the bonafides of our credible beliefs and policies. High defense budgets or rhetoric are no substitute; it's got to be day-to-day consistent performance. And I think we have some problems here that are going to take some time to correct—along with all the other things, which I highly recommend.

Senator CRANSTON. If it does turn out that the steps we are now taking, declarations like those that we have made and the steps that are being taken to prepare us for the use of force, if need be, don't suffice, do you believe that there are any steps that we can take to limit the dimensions of whatever conflict might arise? What steps might be taken to reduce the danger that any such exercise of force could lead to a major engagement, a major confrontation?

General HAIG. I think the use of force, Senator—just like our dialog yesterday in the nuclear area—is in itself a profound step. It's awfully important that we Americans know and recognize that once a drop of American blood is shed in a foreign conflict, a chain of actions and counteractions are unleashed which we must always be prepared to face before we take the first decision. If that does anything, it makes us increasingly cautious about such a decision in the first instance.

I have no monopoly on the solution to your question, which is a difficult question. I sensed you were asking earlier whether or not we should undertake something in a demonstrative way to correct problems that confront us. I would hope not.

Senator CRANSTON. Generally, would you advocate the use of force to advance our political and economic interests, or only to deal with direct threats to our security and the security of our treaty allies?

General HAIG. In general, I think the latter is the only tenable sustaining objective in the modern world.

Senator CRANSTON. Going back to the matter of SALT which Senator Baker and I expressed particular concern about yesterday, in reviewing your opening statement, I noted that you only devoted one sentence to the specific subject of arms control and that you did not mention SALT. I welcomed, however, your endorsement in principle yesterday of mutual balanced nuclear arms agreements and reductions.

I am concerned that the Reagan administration may make the same mistake which I believe the Carter administration made very early in its incumbency; namely, to set aside a nearly complete arms control agreement and to insist on major reductions as the next stage of the SALT process.

I totally share your desire, and that of President Carter and that of President-elect Reagan, to achieve reductions in nuclear arms levels. But the ultimate effect of the Carter administration's early insistence on major reductions was a 4-year delay in SALT.

Therefore, I want to ask this: Do you agree that it may be desirable and necessary, first, to achieve agreement on a treaty, not necessarily SALT II, but on a treaty, placing ceilings and subceilings on nuclear arms levels, and that it may not be in our national interest to set immediate achievement of major arms reductions as a condition for the next SALT Agreement?

General HAIG. I want to be careful and not jump in too rapidly to assent to your question, although I am not basically discomforted by it.

I would like to refer to one of the comments I made yesterday, Senator, that there are a number of ways of skinning this cat, and I know of at least three that have been discussed right in this committee and in the arms control family. I have not had the opportunity to consider which would be in the best interest of our country and our people and the best interest of advancing real arms control progress. Nor have I had a chance to discuss it with the President.

So I would like to defer on the commitment requested by your question. It isn't because I am discomforted by it.

Senator CRANSTON. I understand that. And I appreciate the fact that you are placing these matters high on your agenda.

My time is up. Thank you.

The CHAIRMAN. Thank you, Senator Cranston.

If we can hold to the 10-minute limit, we will be able to finish the first round of questioning by the time of the recess.

Senator Kassebaum.

Senator KASSEBAUM. Thank you, Mr. Chairman.

General Haig, I would like to follow up a little bit on some of the thoughts that Senator Cranston was expressing. Perhaps one answer to your colloquy might be a quote from the Chinese military philosopher Sun Tzu. I am sure you are far more familiar with his work than I am.

But one quote was that,

The supreme excellence is not to win 100 victories in 100 battles, but the supreme excellence is to subdue one's enemies without even having to fight.

I think this speaks to strength not only militarily, but diplomatically.

I am sure that you are very aware there is concern abroad that you might turn to military options more quickly than to diplomatic alternatives. I frankly think you have shown a great deal of diplomatic expertise here before this committee.

But I would like for you to address your own views of the role of diplomacy in these situations, and perhaps speaking specifically to some of the areas with which you had to deal as commander of NATO; for example some of the extremely important negotiations involving Greece and Turkey that would help allay some of the fears that there might be.

General HAIG. First, Senator, I am glad you gave me an opportunity to comment on this subject, because I think I have been on the public record repeatedly with respect to my personal assessment of the role of force and the role of military power in the conduct of American foreign policy and national security policy.

What I have said is that it is diplomacy that is the core of successful American operations abroad, that military power merely provides the credibility and the bona fides for an effective diplomacy.

We cannot ask our Ambassadors or our negotiators either to sit down at the negotiating table or to deal with foreign powers, some of whom may not be friendly, unless they have a credible military base behind them. But the core of it is, of course, the political—and I use that in the broad sense, not in the domestic sense.

And it is in that sense that every asset that America has must be integrated and assessed: economic, political, moral, military, technological. All of these things have to be brought into the core of the political assessment, and that is the role of the Department of State, as I see it. It is the role of successful diplomacy to bring those assets to bear effectively to achieve our ends.

Now, in my experience in NATO, I have said that that was as much a political job as it was a military job, although the military responsibilities were heavy, because I was also the commander of U.S. forces in Europe. But in the political area it involved a number of things: Developing consensus for tactics and strategy in a multinational forum, developing a multinational consensus to force contributions, for modifications in strategy, some of which were highly sensitive political issues—the Greek-Turkish situation, and I am very pleased that the formula that I left for General Bernie Rogers, which would have

permitted the reintegration of Greece back into the unified command structure of the alliance, was ultimately successful, thanks to General Rogers' persistence and brilliant work with both parties.

I suppose I could go on and on through the tactical nuclear issue. I worked with great vigor for the consensus that was discussed yesterday. These are essentially political questions. Frankly, I think we lose sight of the fact that military responsibilities frequently, by their very nature, involve political action and at least familiarity with the political nuance.

I recall in the beginning of the Kennedy administration—I served in the Pentagon at that time—that a great debate arose as to what our military people were to advise the Secretary of Defense and the President. There was one school of thought that had a fundamental bias against military men ever indulging in the political aspects of the issue in their policy recommendations.

President Kennedy said, "No, I want their views. Of course, they're primarily military. Their background orientation will take care of that. But I also want to hear what their political concerns are." And I think it was a very sage and wise solution to the problem.

Senator KASSEBAUM. Yes, I think so too. I feel very strongly that it takes both skills: The strength of one's military resources and an understanding of those strengths, certainly, which I think you bring; and the diplomatic, if you will, or political—I think I prefer "diplomatic" as a term—skills as well. I appreciate your speaking to those both.

I would like you briefly, if you could, to give us your assessment of the current situation in Angola and specifically what your thoughts are regarding the Clark amendment, which bars any covert activity there on our part.

General HAIG. In general, while I understand the purposes of the Clark amendment, I think it is self-defeating and an unnecessary restriction on the executive branch in its attempt to carry out a successful American foreign policy. I say that in the context of the highly dynamic situation in Angola. I don't think it ever serves a useful purpose as a general rule to lay out prior restrictions and thereby already, by that very act, begin to influence the ebb and flow of events which may not be to our liking or in our interests. That is just a general comment.

In Angola, UNITA elements are still going strong and are functioning. Several years ago I felt that we could have done something to prevent the outcome that confronted us there.

As modest as it probably was at the time, I think that was the start of the slippery slope that brought about subsequent Soviet risk taking in Ethiopia and the Ogaden, in the Horn in general, and Southern Yemen and Northern Yemen. And at least in calendar terms, you could have linked it to that initial activity in Angola, undertaken by Cuban proxies of the Soviet Union and with some direct Soviet assistance as well.

Senator KASSEBAUM. Regarding the Clark amendment, I would generally agree with you, given the background of why it was felt it was necessary at the time. But I think now we realize that it has perhaps placed us in a bind and has strapped, or will strap our decisions of the future particularly, and I would like your thought on this,

what Nigeria's reaction will be; which is very important to us, if indeed there is now an attempt to repeal the amendment. There are ramifications there that would be, of course, I think, significant.

General HAIG. Senator, it's like the grain embargo in many ways.

We're there now, and now we don't just have to deal with the right or wrong of whether we should have been there, but more importantly we have to deal with the impact of a change in status quo. This is why every action generates its own momentum and climate.

I haven't had an opportunity to study that sensitive issue with the care I would like to before I comment.

Senator KASSEBAUM. Thank you. I realize that it is one you couldn't necessarily answer with great specificity now.

The CHAIRMAN. Thank you, Senator Kassebaum. Senator Dodd.

Senator DODD. Thank you, Mr. Chairman. Good morning, General.

General HAIG. Good morning, Senator.

Senator DODD. I'd like to, this morning in my first opportunity to speak with you, talk about nuclear nonproliferation.

During the 1980 Presidential campaign it was quoted that President-elect Reagan said at one point nuclear nonproliferation is none of our business. During the Presidential debates President-elect Reagan quarreled with that quote and mentioned then that he thought that nuclear nonproliferation ought to be a very high priority in his administration.

Without getting into the question of whether or not the first statement was actually made or not, which of those two statements do you feel more comfortable with?

General HAIG. Well, I think I've touched upon that here. I think nonproliferation is a very important objective for American foreign policy. It must not be the exclusive one. And above all it must be dealt with in a context in which our other activities and policy don't generate the incentives which bring—that drive have-not nations into a position that they want to be nuclear powers.

For example, you must keep consistency in a regional sense. Policies toward India should be consistent with policies toward Pakistan.

Senator DODD. I presume you are familiar with the Nuclear Nonproliferation Treaty of 1968 and the Nuclear Nonproliferation Act of 1978. Could I ask you to comment on whether or not you support both that treaty and that act as passed by Congress?

General HAIG. Oh, indeed. I spent a great deal of time in the executive branch while in the NSC laying out strategies and supporting efforts to broaden the signatories.

Senator DODD. And you accept the full-scope safeguards provision of the 1978 act?

General HAIG. With the 1978 act I would like to study it with a little greater care than I have, but I know of no reason not to say yes, with the caveat that I have to study it, because I was abroad during the period that that was consummated.

Senator DODD. You sort of touched upon it a little bit in your response to my second question with regard to India. As you will recall, in 1974 India detonated what it called a peaceful nuclear device. India has, of course, also refused to sign the Nuclear Nonproliferation Treaty of 1968 and has indicated that it would not accept any international inspections and so forth.

I am remembering what you said about your mother yesterday in rehashing events past, but I wonder if you might make an exception and comment on whether or not you think the present administration was correct in its decision to export nuclear components—materials—to India despite the fact that they have refused to sign or agree to the Nuclear Nonproliferation Treaty.

General HAIG. Here again, Senator, the basic answer to that question is one that is a rather misinformed one in the context of the question itself, and I want to be sure I caveat that.

Clearly the remark I made a moment or two ago was in reference to that very subject. So basically I was not comfortable with the decision. But I was not in on the give and take of the motivations for the action taken, and I think it's highly ill advised to indict a particular course of action without having all those facts.

The last linkage that you created at the end of your question is one that I am more sensitive to and would not want to endorse.

Senator DODD. That is the failure to sign that treaty should not necessarily preclude the decision to sell?

General HAIG. I would not necessarily endorse that. That certainly must be a major factor in decisions related to this subject. But it must not be rigid. There may be other courses of action or the very act of doing that may further contribute to nonproliferation objectives. A priori, you cannot establish that. That's the point I made about the Clark amendment. I think we have to be very careful. We have a great tendency to do that. Perhaps it's our legal mentality.

Senator DODD. Could I ask you to comment just generally, understanding your response. Take Argentina, Brazil, South Africa—three nations, in addition to India, have refused to sign the treaty. And understanding the context of your response to my previous question, what sort of assurances would you want to have, or how would you try to insure, as Secretary of State, assuming that we decided to sell nuclear components to those three countries, that they would not be used for the production of nuclear weaponry?

General HAIG. Well, I think we'd have to insist on ironclad assurances. Now what the nature of those would be I couldn't spell out beforehand. One of them clearly might be signature commitment.

Senator DODD. But not necessarily inspection?

General HAIG. Well, you know, I think everything is relative here. You can speak to some of our friends abroad and they think they're being inspected on a 24-hour basis and we haven't been very generous with them in this particular area.

We should be careful as we establish policies in this crucial area that we are not creating ramifications or impressions that are counterproductive to our broader interest. I saw this in Europe some years ago when we came over and threatened to cut off enriched uranium if West Germany and France continued with contracts that they had made—one in Brazil and one in Pakistan, as I recall.

Well, you can imagine the impact that has on a trusted ally. It was devastating. And from that point on America's ability to do business in the European market in the nuclear area began to decline. One should take a look at the contract for American industry in the nuclear power area, which used to average about 300 a year in Europe. They are now down to a handful.

We've abrogated this whole industry, this whole technology, to other nations. Now I think that is a product of some kind of myopia that we want to be very, very careful about.

Senator DODD. I wouldn't disagree with you on that, but I do think it is sort of intriguing to note that, for instance, the Canadians, who were also involved in the sale of nuclear components to India, immediately ceased any relationship with India after the nuclear test.

The Soviet Union is far more stringent than we are on the restrictions it places on the sale of nuclear components. I am not going to disagree over the idea that we want to make sure that American industry does well. However, the whole issue of nuclear nonproliferation is so threatening that those nations which presently possess the ability to exercise a degree of control have an inordinate responsibility to see to it that those nations which refuse—blatantly refuse—to impose any kind of safeguards or allow any kind of inspection is something that we've got a very great responsibility on.

General HAIG. I couldn't agree more, Senator. And I think I failed to carry it the next step as I explained why I was concerned. Why was I concerned? Because that technology is transferred abroad now, and we are, instead of being the core of it, these nations are not going to be, perhaps, as scrupulous as we would like to be in this area.

So we have circumvented our own objectives. That's the point I was really trying to make—not the need for American business to—

Senator DODD. Let me move to another area, if I can, quickly, and I guess I see I have time for one question.

Do you believe that it would be in our interests to try and improve our relationship with Cuba, and what conditions would have to be present, in your mind anyway, before such an undertaking could begin?

General HAIG. It would be very, very difficult for me to support efforts toward the normalization of relationships with Cuba just so long as they are spawning, instigating, manning, and conducting terrorist activities in this hemisphere designed to change, by force, legitimate governments.

Senator DODD. Thank you, sir. Thank you, Mr. Chairman.

The CHAIRMAN. Thank you, Senator Dodd. And I might say in reference to your question on the Tarapur nuclear fuel shipments, that anytime you have a lunch available Senator Glenn and I, who coauthored the Nuclear Nonproliferation Act and who came up with diametrically opposed positions in interpreting that same act, would be happy to debate this issue with you.

Senator GLENN. That lunch may give us indigestion, but we'd be glad to have it. [Laughter.]

The CHAIRMAN. Senator Boschwitz.

Senator BOSCHWITZ. General, I appreciate your answer to Senator Kassebaum's question and I share Senator Lugar's approach with respect to foreign policy and intelligence.

I also concur with Senators Lugar, Kassebaum, and Zorinsky in their questions about the grain embargo. You always talk about the grain embargo somewhat in future, and without dealing with the current grain embargo and its lifting. I can understand the sensitivity of that issue. While I am a firm opponent of the embargo, I hope that

in the event it is lifted that it will be lifted with some quid pro quo, particularly in the area of agricultural knowledge. We don't have much agricultural knowledge of what's going on in Russia. We certainly should improve our onsite inspection as well as the formulation of bilateral agreements. The Russians seem to come into our marketplace and raid and upset it unlike most of the countries that we trade with.

General, would you comment on your assessment of the lifting of this embargo?

General HAIG. Senator, for a host of reasons which I'm sure are evident to you, I would prefer to refrain from answering that.

Senator BOSCHWITZ. In that case, let me ask you to comment on something else you touched upon. You commented on the success and failure of the Russian system in response to Senator Lugar. It is interesting, in the area of agriculture, that 52 percent of the Russian population live on the farm—a situation that hasn't existed in our country for 100 years, since 1880—and that the gross national product of the free nations was approximately \$5.4 trillion in 1979 as opposed to \$1.2 trillion in the case of the Russians and their satellites, which is about a 4½ to 1 ratio.

So that, indeed, if we had the will to go forward in our own defense, we can effectively do so.

You spoke about the inorganic growth of Russia that Hal Sonnenfelt spoke about: That the military has grown at the expense of other economic sectors. Would you give us a longer view of how long you feel the Russian society will tolerate and support such inorganic growth?

General HAIG. Senator, I think we have been invariably wrong in estimating the limits of toleration among suppressed people at large. And I think it would be very difficult for me to fix a bracket. But in my own calculations and the readings I have made, I would anticipate that these failures, these difficulties, are going to become increasingly difficult for this leadership in the Soviet Union or the one soon to follow to manage effectively.

I look almost at a span of 10 years before the consequences of these failures will become unmanageable in the sense of status quo.

One could draw a number of scenarios as to where that would lead. Some would be rather pessimistic. Some, hopefully, would be less so. This will depend on the enlightenment or the lack of enlightenment of Soviet leadership.

Senator BOSCHWITZ. You also spoke about the growing demographic problems of the Russians. The Russians themselves are becoming a minority in their own country. Would you expand upon that as well as project what impact that will have on their foreign policy and on our relations during the 1980's.

General HAIG. Yes. I think we know that since the day of the revolution, Lenin, through Stalin, to today's Soviet Union, that the Russian elite, if you will, have been rather careful in protecting their control of the apparatus of power in the Soviet system.

Now I suppose today roughly 50 percent of the Socialist Republics are non-Russian in ethnic background. That figure is going to change rather dramatically in the period ahead as you assess the burgeoning birthrate of the non-Russian populations, especially the Moslem re-

publics of the southern Soviet Union. You look at the declining birth-rates of the elites—of the Russian populations. It's a rarity today to find a Soviet family with more than one or two children—a Russian family.

Senator BOSCHWITZ. That's something of a reflection of the inorganic growth.

General HAIG. Yes. So the ratios are going to change and, as I said, that's going to result in pressures for greater autonomy by these non-Russian populations, for a greater voice in the conduct of Soviet policy.

These difficulties, combined with the failures we talked about in the economic, agricultural, and energy field will be shared very generously with the Soviet Union's Eastern European partners. These failures are going to stimulate already virulent centrifugal pressures existent within Eastern Europe. We have there the genesis for considerable difficulty within the Soviet Union and its sphere of influence.

Senator BOSCHWITZ. Has any of that been seen within the Russian presence in Afghanistan, among their troops, that you are aware of?

General HAIG. No, sir. I've seen some reports which suggested the performance of certain troops were not up to snuff in the initial activity. They had to shift forces to get more reliable performance. There is some suggestion of that in the very strategy that's being conducted, which is sort of a peripheral Soviet presence—the avoidance of presence and activity in the mountainous and more remote area.

Senator BOSCHWITZ. Thank you, Mr. Chairman. I would yield back the balance of my time so that Senator Pressler can get on.

The CHAIRMAN. We're grateful for that. Senator Pressler.

Senator PRESSLER. Good morning, General. The recent outbreak of anthrax in the Soviet Union has raised again the question of Soviet compliance with the Biological Weapons Convention and the whole issue of biological weapons. But more deeply it raises the question of the whole arms control process.

What do you believe about that outbreak of anthrax in the Soviet Union?

General HAIG. Senator, I'm sorry. I have read the reports and the speculation about it. It worries me a great deal. It would not surprise me in the context of the posture of unilateral prohibition that we've accepted for ourselves.

But I have no evidence to support that it is either true or untrue, and I prefer not to project myself as an expert.

Senator PRESSLER. I guess this is the problem with arms control. Everybody's in favor of it, but it is so difficult to verify. Indeed, I'm going to be chairing the Arms Control Subcommittee in the Foreign Relations Committee and this seems to be a stumbling block.

Let me ask you another arms control question regarding what is your view of the results, or do you feel there have been results, of the mutual balanced forces reduction talks in Vienna? Do you feel there have been results, first of all, and second of all, do you think we should continue with those talks?

General HAIG. I think the progress has been extremely disappointing. But when you go back to the genesis of those talks, the purpose for which they served alongside the simultaneous development of the

Helsinki discussion, then perhaps you could not be quite so disappointed.

The formulas I have seen which would seek the reduction of mutual combat power in the central region or in the guidelines area have not progressed at all. And I watched them for almost 5 years in Europe and it's been disappointing. As a matter of fact, I personally recommended in the last year of the Ford administration that we reassess the whole conduct of these talks. But that can't be done simply or glibly, and it can't be done unilaterally, and it requires very careful discussion with our partners in Europe.

Senator PRESSLER. So basically the arms control process, you would recommend that it would go on, but perhaps on a more limited basis? Is that correct? I mean, do you intend to initiate areas in arms control? You advocate continuing SALT talks at some level. What are the possibilities of a SALT III, or how do you view the process, or is it a process in futility so long as there are Russian troops in Afghanistan?

General HAIG. I want to be careful not to immediately remove any sense in a forum of this kind of the gravity with which we must view the Soviet presence in Afghanistan. And for me to speculate on that issue in an open forum I think could have a counterproductive effect to do it unilaterally without discussing the issue with our allies, as a new administration comes in and has to establish or reestablish a dialog. I certainly intend to be a strong advocate for such a dialog.

Senator PRESSLER. OK, then, removing Afghanistan, let me try to be a bit more specific. You have stated that global power balance may be shifting against us, and I think you are sort of an advocate that, if we negotiate, it should be, perhaps, from a position of superiority. But under the present analysis of things, we certainly can't claim superiority absolutely.

Must the United States always negotiate in arms control from a position of superiority, in your view?

General HAIG. We had a very lengthy exchange here yesterday on that subject. I suppose I don't like the term because it's like domino theory a few years ago. It became a codeword that generated visceral reactions on two sides of a spectrum and frequently, when it was induced, rationality left the discussion. I'm inclined to think superiority's beginning to generate that kind of a reaction.

Let me just say that I think we are totally ill-prepared, under the current menu of decisions that have been made, to negotiate successfully, in my view, the kinds of arms control breakthroughs I'd like to see. I would like to see some rather dramatic improvement in our overall posture as an incentive for greater breakthrough. It doesn't mean that until that's done we are not able to talk. Not at all. It does mean that we've got to change the backdrop under which those talks and ultimately the negotiations themselves can be conducted successfully.

Senator PRESSLER. Another area of arms control regards satellites—the increasing use of communications satellites. We're depending more and more on satellites. We're told the Russians are way ahead of us in killer satellites and in the ability to turn off our satellites. At first glance that may not seem to be a serious matter, but I think it's a very serious matter. I don't know how you get verification if one went into such talks.

Do you plan to push for arms control initiatives in the area of killer satellites?

General HAIG. I think disarmament in outer space is a very desirable objective, of course. As you probably know and I suppose this is in the public venue, that we started both late and we are perhaps even today lagging badly Soviet capabilities in this area.

Senator PRESSLER. Yesterday I did not have a chance to ask a followup question. More specifically, I was talking about what the United States spends, per capita, on defense compared with Europe. And my staff tells me that the United States now spends about \$700 per capita on defense with the new figures. This is almost twice as much as West Germany and more than twice as much as the NATO average per capita spending.

And these figures are exclusive of veterans' programs. They appear to be real spending on defense. Yesterday you agreed with me in general with these figures, but specifically what, as Secretary of State, will you do to persuade our allies? You mentioned that in the arms control area you'd be talking with our allies.

Increasingly our allies are saying we should be stronger, and so forth, but they're just giving a lot of rhetoric, it appears to me. They're not doing their share in the area of defense. What specifically can you do about that?

General HAIG. Senator, what I don't want to do is leave you with the impression that I'm completely comfortable with your thesis. As you know, I've been a proponent for a more balanced view and a proponent for the view that both the United States and our European partners have done less than they should do.

You know, I think it's awfully important for the American people to recall once in a while what we get out of the NATO Alliance and the basic level of contributions—not in monetary terms, because these are very dangerous measures if taken exclusively and alone. But, you know, I've said if we went to war tomorrow, as a NATO commander I would have gotten 90 percent of my ground forces from the European nations, 80 percent of my naval forces, and about 75 percent of my air forces.

It was some years ago that Jim Schlesinger conducted a study in the Pentagon which suggested that were we not a partner to the NATO Alliance, and if we did not have the benefit of the defenses contributed by our European partners, that we would have to double the allocation of gross national product we currently employ to get a comparable security shield for the American people.

So I think it's awfully important we not go into this thing with a chip on our shoulder and with the attitude that we are the only guys doing the job. You know, if Helmut Schmidt were sitting here today and you said why don't you do more, Mr. Chancellor, he'd say, Senator, I maintain about 500,000 men under arms today, full time, which constitutes a 12-division force on the line, ready to go. If you Americans were bearing a comparable burden you'd have 42 divisions in Europe instead of the 6-plus you maintain.

So you have to be very, very careful. And I would hope that the emphasis that we would place on this important issue is the one to which I spoke. Both of us have to do more. Since 1970, our European partners have been on an upward trend of defense spending, I think

somewhere in the neighborhood of 22-percent increase overall, to NATO defense.

Ours has been on a declining 10-year curve. It wasn't until there last 2 years, primarily because of the American Congress, that our defense spending has turned around. I welcome that.

Senator PRESSLER. I very much appreciate this exchange. I see I have a red light, but I might say part of my answer might be that the divisions are in German territory, which means they are defending German territory also.

General HAIG. Absolutely. Absolutely.

Senator PRESSLER. Mr. Chairman, I have a red light. I have more questions but I'll wait until my next turn.

The CHAIRMAN. Thank you, Senator Pressler. Senator Helms has a unanimous-consent request.

Senator HELMS. Thank you, Mr. Chairman. I would like to insert in the record portions of a report from the Church committee with reference to the Schneider assassination. My unanimous-consent request relates only to the yellow-overlined portions.

The CHAIRMAN. Without objection, so ordered.

Senator HELMS. I thank the Chair.

[The information referred to above follows:]

FINDINGS OF THE CHURCH COMMITTEE, NOVEMBER 20, 1975

* * * * *

(b) *Schneider*

We find that neither the President nor any other official in the United States Government authorized the assassination of General Rene Schneider. The CIA, and perhaps the White House, did know that coup leaders contemplated a kidnapping, which, as it turned out resulted in Schneider's death.

* * * * *

(ii) *Schneider*

As explained above, there is no evidence that assassination was ever proposed as a method of carrying out the Presidential order to prevent Allende from assuming office. * * *

* * * * *

(iii) *Schneider*

* * * Rather, the issue posed is whether White House officials were consulted, and thus given an opportunity to weigh such matters as risk and likelihood of success, and to apply policy-making judgments to particular tactics. The record indicates that up to October 15 they were; after October 15 there is some doubt.

* * * * *

However, the absence of any substantive memoranda in CIA files—when contrasted with several such memoranda describing contacts with the White House between September 15 and October 15—may suggest a lack of significant communication on the part of the CIA as well as a lack of careful supervision on the part of the White House.

The CHAIRMAN. The majority will meet now in caucus in room 4219, the minority in room 1223.

We are recessed for 15 minutes.

[Recess.]

The CHAIRMAN. The hearings will resume. I'll call upon Senator Pell because the caucuses were held at the initiative of the minority and I understand they have a request to put to the committee.

Senator PELL. I thank the chairman very much for his courtesy in recognizing me at this time in behalf of the minority.

We appreciate too that the majority of the committee has urged President Carter to respond on an expedited basis to our request for those materials now under his possession and control and needed by us to satisfy our constitutional responsibility in this matter. I regret that the majority did not join this request prior to the start of the hearings so that they might have been received in a more timely manner. I hope that the majority will now join in our request for a subpoena or otherwise assist us in obtaining the tapes of conversations between General Haig and President Nixon during a limited but highly controversial period of time.

So that the reasons for this request and need for these materials will not be misunderstood, let me make the following points. One, we are not seeking to rehash Watergate nor are we seeking to listen to an unreasonable number of tapes. All we are seeking are those taped conversations of General Haig and others which consists of 100 hours or less of tape time.

Two, since there is an index or log of these conversations, our counsel or other persons designated by the full committee could further limit the tapes needed.

Three, since the requested tapes are generally of good quality and have already been gathered together, this material is readily available to us, and a good faith effort at working out the logistics need not delay these proceedings.

Four, most importantly, it is my understanding that, contrary to the suggestions of yesterday, these conversations of General Haig during this critical period of time have not been listened to or otherwise investigated, nor are they readily available.

Five, we understand the only tape, June 4, 1973, which has been transcribed, may raise a question which might be resolved by the opportunity to listen to the actual tape.

Six, while General Haig has been questioned by various individuals and bodies about a variety of matters, questions have not focused upon the contents of the questioned conversations because the contents of the conversations have been and continue to be unknown.

Seven, we certainly have the means of discriminating between the relevant and irrelevant, and there are ample means to handle the tapes in a discrete, responsible manner and materials would be treated as confidential.

Mr. Chairman, if there are matters on the tapes which would disqualify General Haig then he should be disqualified. On the other hand, if these tapes do not reveal any such information, then we will all be more comfortable with General Haig's confirmation.

In any event, I do not see how, as U.S. Senators, we can ignore or refuse to examine material available to us which could be important in exercising our constitutional duties.

Furthermore, our request represents a significant reduction in the quantity of materials sought and a reasonable effort to accommodate the need for information on the one hand and the need for an expeditious proceeding on the other.

For these reasons, and on behalf of the minority, we would respectfully move this committee issue a subpoena for the following limited

materials. All tape recordings and indexes and logs of conversations between Alexander M. Haig, Jr., and President Nixon and others involving General Haig during the period of May 4, 1973, through July 18, 1973.

The CHAIRMAN. Thank you, Senator Pell. I appreciate also your reiteration of our avowed intention to see that the proceedings go forward in an expeditious manner so that the President can have a Secretary of State when he assumes office on January 20.

To review what has transpired, I did agree that any time the minority decided it needed material I would issue a similar letter asking for that same material so that it would be available to the committee on both sides of the aisle.

At the time the initial letter was issued by you it was considered by our counsel and by me as so vague and obscure that I simply could not issue that same letter then. At no time did the majority in any way obstruct your attempt to get that material, which you have every right to do as a U.S. Senator and the ranking member of this committee.

However, the White House apparently took the same position—that it was too obscure and vague—and after a series of discussions with the counsel at the White House, I understand, you have redefined your request and made it much more precise. That was done in a letter by you to the President dated January 9, where you listed a great deal of material that you wished to obtain.

Having read that letter—

Senator PELL. Excuse me, December 30.

The CHAIRMAN. December 30. But the last letter that I have is January 8, giving the concise group of material that you desire.

Senator PELL. That was letter to you. But the letter to the President was on December 30.

The CHAIRMAN. I see. My notification was January 8 and on January 9 I issued a letter to the President requesting that every effort be made to expedite this material and in fact I telephoned the letter last night to the counsel to the President so that they would be on notice immediately and not have to wait for the letter to arrive there this morning. We wish to cooperate in every way possible.

With respect to your present request, it is our feeling that we should at this time develop a committee resolution to provide for the issuance of a subpoena or subpoenas for any material, tapes, documents, or materials that would be relevant to these hearings. Obviously when we take into account the 6,000 hours of tapings and so forth we all recognize it would be impossible. Even the 100 hours is highly problematical, but certainly if counsel, between them, can determine that this material is relevant, we would issue that.

The material that you mentioned would take one person hours just to listen to, much less transcribe; we must recognize that this material would not be available to the committee in time for full processing, thorough analysis and study, without unduly delaying the proceedings. It is our feeling that we should approve the resolution of the committee—approve it, I would hope, unanimously—agree that subpoenas will be and shall be issued, but proceed with the hearing and come to a vote at a time that would enable us to make a report, have the 3-day waiting period and have the nomination on the floor of the Senate in time for a vote on January 20.

We would suggest the hour of 4 p.m. on Wednesday, January 14, be established for that vote and that in the meantime the subpoenas would be issued on relevant material. I have already been assured by the White House that a great deal of this material that has been requested by you can be available here by the deadline that I set of Tuesday the 13th. So that you would have a good deal of it in here for a day and a half. And some of it, I would hope, would start to arrive now.

Senator PELL. At first blush that sounds enticing. But when thought through I really believe we ought to vote on the motion that is before us and, hopefully, affirmatively, because we've already tried this business of leaving it to counsel to speak for us as a committee, and the majority counsel was not able to come up with a bottom line of any tapes on which a subpoena would be issued. And I don't think we should tie ourselves into a specific date.

We all share in wanting to get the hearing through as quickly as possible for the sake of the country and for our own sakes too. But, by the same token, I think we would not have any great problem if this subpoena was issued. There's certainly an adequate staff to listen to 100 hours. They can divide it up amongst them and listen to 10 hours each, 5 hours each, and we Senators can divide it up amongst us, if there's anything relevant. And we hope there will be nothing relevant.

So, speaking for myself, I would be concerned, but I would be interested in the views of other minority members.

The CHAIRMAN: Senator Pell, I would like to recognize Senator Baker first, who has a good deal of knowledge of Watergate and then we'd be happy to recognize Senator Tsongas.

Senator BAKER. Mr. Chairman, thank you very much. I really do not know what finally will result here.

I had thought that this proposal made by the chairman would be so attractive and so obviously in the best interests of this hearing that we could proceed to refine the details of it and get on with the business at hand.

I, for one, have never been enthusiastic about any subpoenas because I think the last thing on Earth we need is a replay of Watergate and, least of all, the Watergate tapes, 100 hours or 6,000 hours or any portion of them. But I agreed to that only on the basis of relevancy, and only on the basis that procurement of those tapes will not delay this proceeding.

I believe every person on this committee on both sides has said they do not wish to delay the hearings. But when the first subpoena is issued it will trigger things that are beyond our control. It is not just up to President Carter or President Nixon or the Archivist or a half a dozen other people to decide whether that subpoena will be issued or not. It may be up to countless U.S. district judges and courts of appeals and, finally, the Supreme Court, over a period not of days or of weeks or of months but perhaps years.

The balancing judgment we have to make, it seems to me, is whether or not a subpoena, which would trigger those mechanisms, is in the best interests of this committee, of the Senate, and of the country.

I think the proposal of the minority would have the inevitable effect of leaving us without a Secretary of State for months at a serious time in this country's history and at a dangerous time in the world.

So, in attempting to make some sort of balancing accord, I congratulated the chairman for coming up with this proposal.

Let me reiterate the proposal as I understand it. No. 1, that subpoenas would issue for relevant material. I say again I had not favored this. I still fear it will lead us down a labyrinth of pathways that may be endless. But I agree to it on condition that we set up some mechanism to decide, in the first instance, that material is relevant.

I suppose the way that would be done, as a practical matter, is not greatly divergent from the suggestion made by Senator Pell. That is, counsel on both sides would listen to this tape or look at those logs or make some preliminary judgment on what was relevant and what was not. I expect that they would agree in every case or virtually every case. I would hope so. I would encourage them to.

And then to issue subpoenas for those things that could not be procured otherwise. Keep in mind that some of it, surely, would be available without subpoena and I would favor that first.

By the way, I notice the remark that Senator Pell made that he wished that our distinguished chairman had joined earlier in the request to the President. I find it startling that they think on the minority side that we have more influence with President Carter than they do. [Laughter.]

But in any event, I visualize that procedure—that is, there would be a preliminary ascertainment by the staff—this is not part of the agreement; this is my visualization in my mind's eye of how the chairman's proposal would work—on the relevance of this material.

Following on after that, if it could not be obtained voluntarily, that subpoenas would indeed issue on the signature of the chairman.

But beyond that, then, I think it would be necessary, and I believe it is implicit in what the chairman has stated, that the committee adopt a resolution that would continue that inquiry beyond the time of the confirmation of the Secretary of State. We have done that before; there is precedent for that. And I must tell you I would support such a resolution and vote for it—that is, that the proceeding would continue, because otherwise the effort to subpoena the documents might be moot in the eyes of the courts after the confirmation, if indeed General Haig is confirmed as Secretary of State.

We would have to provide that mechanism; but I am convinced that we should get on with the business at hand. If indeed every person on this committee who has asserted they do not wish to delay this hearing will think about the consequences of what we are about to do we must make some provision for proceeding apace and saving the inquiry past the time of confirmation. Otherwise, it does indeed become a fishing expedition.

So I think that Senator Percy has made a generous proposal. I feel that it is in the best interests of the committee, of the Senate and of the country. And I urge that we accept it.

Senator TSONGAS. Mr. Chairman?

The CHAIRMAN. I would like to comment on Senator Baker's remarks. In my opening statement, I said that everything should be covered and nothing should be left uncovered. And I have maintained that pledge.

I'd like to add that the investigators, who have been hired by the committee at the initiative of the majority—chief investigator Phil

Manuel, who was the chief investigator for Senators McClellan, Sam Nunn, and Abe Ribicoff; his qualifications are unblemished—is under direction that if he finds anything in all of the material he is reviewing relevant to the fitness or character or qualifications of General Haig to serve as Secretary of State, he is directed to notify immediately minority counsel, and we have a counterpart agreement on the part of the minority. So we have tried to work very closely together.

Before Senator Tsongas asks his question, I'd like to put one question to Senator Pell. Suppose it was decided by the majority and we asked permission of the committee for the chairman to issue a subpoena—and I can issue a subpoena with the approval of the committee—to President Carter for all matters relating to the Huyser mission—General Huyser's mission—to Tehran, General Huyser being a general who was subordinate to and reported to General Haig. It was a mission on which there has been public speculation about whether or not General Haig had approved of it. It was a mission that was prior to the taking of hostages, of course. It was before Khomeini seized power.

If I issued such a subpoena, is there anyone on the minority side that could give the chairman assurance that President Carter would honor that subpoena and deliver such material under proper classification to this committee?

SENATOR PELL. That is a question that I would have to refer to President Carter. I do not know the answer to it. Maybe some of my colleagues would care to comment.

SENATOR SARBANES. Mr. Chairman, it is an interesting question, but the only point that I would make is that the request to which Senator Pell has now directed our attention is extremely limited and concerns only the tapes for that limited period—which I understand are in the Archives—pertaining to General Haig and President Nixon.

It seems to me that it is clear that those may indeed be important. They are important in two respects. They may be important for what they show and they may be important for what they do not show.

It is clear that the one tape which was available, of which a transcript was made, was of sufficient consequence that it required considerable attention and explanation. It was addressed directly by General Haig in his appendix to his testimony and has been commented on by a number of observers.

It seems to me that the request that is now before the committee has greatly whittled down the original request. It now deals with a very finite and manageable body of material, some of which, upon inspection and review, probably can clearly be set aside. I think it is very important that that point be understood.

We can engage in all kinds of speculation and hypotheticals about seeking other materials and about a whole range of other matters, but I think it is important to know exactly what was embodied in the request, not only its reasonableness but its potential relevance. Therefore, I think it is a request now which really deserves the very serious attention of the committee.

I do not think it carries with it the problems that you have just indicated with respect to another subject matter, or the problems that might arise from a request that was broader in terms of going into other subject areas.

The CHAIRMAN. What I would want to make clear is, if the committee determines that the material is relevant, then the subpoena would be issued even if it may be challenged by someone else. We have passed laws that prevent us from receiving materials that can be objected to by President Ford and President Nixon and President Carter.

Senator CRANSTON. Mr. Chairman, we cannot determine the matter of relevance without reviewing the material.

The CHAIRMAN. Senator Cranston, I did say I would recognize Senator Tsongas. If he wants to yield to you, he can.

Senator CRANSTON. Just very briefly, I want to say that we cannot determine the matter of relevance without seeing the material. Based on our present knowledge, the relevance is determined by the people and the time—the people being General Haig and Richard Nixon—and the time being May 4, 1973, to July 18, 1973.

The request for the material involving these people in that brief time span represents a significant reduction of the original request.

Senator TSONGAS. Mr. Chairman?

The CHAIRMAN. Senator Tsongas.

Senator TSONGAS. Mr. Chairman, I would like to address the concern raised by Senator Baker, which I think is legitimate. That is, if we engage in a process simply of delay and President Reagan does not have a Secretary of State when he is sworn in. I don't think anyone is served in either minority or majority, and least of all the country.

And I think that is a real concern. I think he's correct and I think we should all be mindful of it, but I would ask, in listening to the proposal by the majority, as I understand it, if the difference between that of Senator Pell and that of the majority is that in the majority's proposal the question of relevance would be determined by counsel? And in essence, then, what happens is that the majority counsel has veto power.

Senator BAKER. Mr. Chairman, would the Senator yield at that point?

Senator TSONGAS. Yes.

Senator BAKER. That is not what I meant to say and I apologize for not saying it clearly. What I meant to say is I visualize in my mind's eye that counsel would make the first cut at deciding relevance. At any point that matter could be presented to the committee for determination. The committee has the authority.

Senator TSONGAS. If I may, with all due respect to counsel—counsel was not elected to the U.S. Senate, has no constitutional mandate to advise and consent, and I would not want to allocate my responsibility to counsel.

Senator BAKER. The point I was trying to make, Senator Tsongas, is that we are not delegating any authority to the staff to make any judgment except to make a recommendation, and that, if there is a disagreement on the question of relevance, then that matter would be submitted to the committee to decide, not to counsel.

Senator TSONGAS. In that case, the question of relevance would be decided by the majority of the committee?

Senator BAKER. It would be decided by the committee; yes.

Senator TSONGAS. It seems to me that—how do we decide relevance on documents we haven't seen?

Senator BAKER. Mr. Chairman, may I answer?

The CHAIRMAN. If you would, please, Senator Baker.

Senator BAKER. The very concern that I have is cornered on the observation just made by the Senator from Massachusetts. We are on a fishing expedition unless we have some mechanism to review these matters. Whether we are speaking of 1,000 hours or 600 hours or 100 hours or tapes or documents or the like, someone has to decide that are or are not relevant.

You know, when you get right down to the fundamentals, it seems to me that at least in the parlance of a law suit—litigation—the question at hand here is not a fishing expedition but to test the credibility of this witness. This witness is the best evidence. He has given the best evidence and he has done it under oath administered by his own request. He asked to be placed under oath.

The only question at hand, it seems to me, then, is the credibility of his testimony. And in that view anything that is on those tapes that bears on what he has testified about would be relevant.

Senator TSONGAS. Could I offer a compromise to the Senator?

Senator SARBANES. Why don't we subpoena the tapes—the limited tapes for that period?

Senator BAKER. That is what I am offering you if you will accept it.

If I may say so, in all deference and respect, it is harder to give up on this issue than any issue I ever saw. We are offering, it seems to me, a mechanism by which all of the tapes can be listened to and a determination could be made only on the question of relevance. Are they relevant? If they are not relevant then it is a pure fishing expedition.

Senator TSONGAS. Would the Senator yield?

Senator SARBANES. I understand that in order to get the tapes and in order to make that recommendation, you are prepared for the committee to issue a subpoena, is that right?

Senator BAKER. Absolutely.

The CHAIRMAN. Absolutely, that is the assurance we gave you.

Senator GLENN. Would the Senator yield?

The CHAIRMAN. Senator Glenn.

Senator GLENN. You would not prohibit a Senator who wanted to go and work with counsel from hearing anything he wanted?

Senator BAKER. Of course not.

Senator GLENN. Well, that takes care of Senator Tsongas' problem.

The CHAIRMAN. We just don't want to impose a burden of 100 hours of listening for every Senator. We would like the screening to be done by counsel.

Senator GLENN. I'm willing to turn that job over to counsel, but I wouldn't preclude somebody who wanted to get into this from going and sitting with counsel and doing this.

The CHAIRMAN. Absolutely not; we also have the further assurance that has been reiterated by General Haig. He has no concern about anything that is on those tapes and you heard his agreement yesterday that the subpoenas can be issued. All we want is to be sure that we don't end up having a lot of tape recordings played that are irrelevant, nor do we want the proceedings delayed.

Senator Glenn.

Senator GLENN. I would like to ask, what was the time agreement for receiving this; was that part of this agreement?

The CHAIRMAN. That is always subject to a reasonable time period. We were simply suggesting one which takes into account the 3-day layover rule, and takes into account the desirability of preparing a report. I don't see how we could put a report together, have the 3-day layover, and have it available for a vote, unless we set a time around 4 p.m., Wednesday, the 14th.

Senator GLENN. I was a little hesitant about agreeing to the time thing. Have we decided yet whether we want a committee report prior to the vote?

Senator BAKER. I can speak in a different role, other than as a member of the committee. When I was the minority leader, I used to insist on the 3-day rule. Now that I am in the majority, I have suffered a great transformation.

[General laughter.]

Senator CRANSTON. I would think the 3-day rule might possibly be waived in this case.

Senator BAKER. I would hope so, and I think the surest way to do that is to see that the committee does not, in fact, file a written report, which would obviate the provisions of the 3-day rule.

Senator GLENN. There are two reasons. One is, if we are looking into additional information, I think the report would not be complete without whatever additional information might or might not be turned up. So I would hate to see us agree to a Wednesday date, and maybe come up to Wednesday with a time certain to vote, and still have a lot of additional questions some of us have not had a chance to answer yet.

Senator BAKER. May I speak for a moment?

The CHAIRMAN. Having a report is desirable, but we at this stage are quite prepared to say, if Wednesday is too soon, Thursday, Friday, and if it can be done, even on Saturday, the majority will cooperate in waiving any ruling.

Senator GLENN. I agree with the desirability of it, but I think there has been so much attention focused on General Haig and this whole proceeding, that I don't think any Senator who has an interest in following this is going to lack information on which to make his judgment.

While on some more obscure issues in the Senate we do need a report to inform people, I think that this is probably not going to be as necessary in this case as it might be in some others.

Senator BAKER. I think that is right.

If the Senator would yield to me. One of the elements of the proposal that the chairman made, as I understood it, was the committee adopt a resolution that would continue the inquiry for the purpose of receiving information under subpoena or by request after the date of confirmation. We have done that in the past, and I think we should again.

The question is, will that hobble the Secretary of State in his performance of duty, and my answer is an emphatic, "No." I think we have a good track record in that respect. These matters would go routinely and regularly, and it would not be a serious impediment.

Senator PELL. Mr. Chairman, just in connection with the report, I

would add here that I have had colleagues who have requested that they not be put in a position of having to vote without having a written report, and hearings. I would be remiss if I did not relay their concern.

We all want a Secretary of State in place by January 20; we agree on that. But, if there was a delay of a day or two, we should not think that the Republic would fall apart. We have David Newsome who has been Acting Under Secretary in the past, and who could be Acting Secretary again. He has been in this job for 30 years and is perfectly competent for a day or two. [Laughter.]

While the confirmation is pending, he would be perfectly competent to carry on.

Senator SARBANES. Could I ask Senator Baker a question?

As I understand it, the procedure you are outlining is, one, that the committee would issue a subpoena for the tapes that Senator Pell referred to. Second, the committee would adopt a resolution to the effect that efforts to obtain that material, and the inquiry associated therewith, would continue after the confirmation, and not become moot. Third, that a date and time certain be set to vote on this nomination, and that time certain would be sometime at the end of the next week, or toward the middle or end of next week.

Senator BAKER. Mr. Chairman, Senator Sarbanes states it correctly with one minor exception. I also provided that if access could be gained without a subpoena, that staff counsel make a first determination of relevance before any subpoena is issued, so that we are not subpoenaing a great mass of material, but that the subpoena is limited to those things that the committee requires.

Senator SARBANES. It seems to me that the request has been whittled down now, to asking simply for this particular period of tapes, and that we must have them in order to say that this is relevant and this isn't. It seems to me that this would only delay the process further.

The proposition put forward which does not contain that element has the potential of permitting the committee to arrive at a committee agreement, which I think is important. I understand one concern of the Senator from Tennessee. I think it is legitimate to hold that subpoenas not be issued and then be contested and litigated for months and months, and that it then be asserted on the basis of that, that consideration of the nomination cannot take place. I recognize that concern. I think it is a reasonable concern not only for him to have, but for members to have.

The problem in setting the time certain is that something may develop in the next few days that may create a problem, and we would be forced to a vote anyway. It would seem to me that that part of the proposal ought to be modified to say that the fact that the subpoenas have not been responded to, as we approach a decisionmaking, ought not itself to constitute a basis for delaying action, but at the same time ought not to put us in the position where, if something does in fact develop, we are nevertheless programmed for a time certain. That would, in effect, preserve the existing situation in terms of moving to dispose, and would insure that the issuance of the subpoenas would not constitute a basis for delaying action on the nomination.

The CHAIRMAN. In order to move this along, Senator Pell, with his usual courtesy, had informed the Chair informally of what his

recommendation would be, and of the general proposition that could come forward—not in the exact terms that it did, but the general form of it.

The majority not only took a position that was favorable to the thrust of it, but has a substitute motion that it will offer whenever the minority would be prepared to yield for that purpose.

Senator Tsongas, do you want to say something?

Senator Tsongas. I would say to Senator Pell, just speaking for myself, I think the majority has gone a long way in trying to meet the concerns. I think that we could arrive at an agreement; I think we are very close in any case. I think if there is agreement as to what Senators Sarbanes and Glenn have said, I for one would be quite prepared to vote favorably.

The CHAIRMAN. I can assure again all of my colleagues that there is no attempt, and there will be no attempt, to move these proceedings in any way that does not give every committee member, and hopefully noncommittee members, an opportunity to question General Haig completely on every aspect of his work that is necessary for us to make the judgment that must be rendered as to his fitness for this position.

The date by which we vote must be a decision of the Chair, based on a judgment as to when we have really completed this hearing in a satisfactory fashion. The date that we suggested was simply one that would allow for a report and a 3-day layover. If we now have the approval of the majority leader that that will be waived, we can certainly delay that vote.

Senator Dodd. Mr. Chairman, I wanted to follow up on what Senator Sarbanes was inquiring of, and his possible suggestion.

Since January 20 seems to be the date that most people are most concerned about, the inauguration date, it might not be a bad idea to use that date, rather than something next Tuesday or Wednesday. So that even if we had not completed the hearings by that date, we might be able to use that as sort of a benchmark, rather than talking about something next Tuesday or Saturday. I would be uneasy about that.

I completely concur with Senator Tsongas that I feel very comfortable with the majority leader's suggestion, with just that one exception, the fixed date. That worries me a bit.

Senator Sarbanes. I tried to address that, and I think I have, at least as I understand the concerns of the majority leader. I can understand that he would not want the issuance of the subpoenas to constitute the basis for delaying committee action. That, as I understand it, is the concern he has expressed. I welcome the fact that the resolution would go forward, so one inquiry would continue. It would seem to me the suggestion I made earlier, that it would not constitute such a basis, solves that problem.

The CHAIRMAN. Could I ask this question of you, though. Would it solve the problem with respect to any other Members of the Senate who, knowing the subpoenas have been issued, might attempt to hold up the vote on the floor until such time as all of this material has come in, which as we well know could run into a matter of months.

Senator Baker. Mr. Chairman, could I be heard?

Senator Sarbanes. That problem would exist even under the proposal that Senator Baker has made. We have tried to respond. I think we can close an agreement here.

Senator BAKER. I think we are very close, Mr. Chairman, if you will let me make a couple of other observations.

I am not hung up on the Wednesday at 4 time, and I understand why you are concerned that if something else turns up it might alter circumstances.

Let me do it this way instead. When the time comes to make a motion, I would presently feel that I would omit that part. In good conscience, though, I must say to the committee that at some point next week it would be my hope that I could make a motion to proceed into executive session for the purpose of reporting the nomination of General Haig. You can do that anyway. At some point, we will make that motion.

I wanted my friends to be on notice that I will probably do that on Wednesday, unless there are other circumstances that intervene, sort of like the justice of the peace in Tennessee who heard a law suit for 2 weeks, and then wanted to sound pontifical, and he said: "Gentlemen, I will take this case under advisement until next Wednesday at which time I will find in favor of the plaintiff." [General laughter.]

Senator CRANSTON. Mr. Chairman.

Senator BAKER. Could I say one other thing, Senator Cranston, before I finish?

I can solve that problem by omitting it, and I think Senator Sarbanes' point is well taken.

The other point that I want to make sure is clear, though, there will not be in this formulation an immediate issuance of a subpoena for all of this material. What will happen is that there will be a first cut by staff to decide what is relevant on the basis of that which we can now get, or already know about.

If there is agreement on that, a subpoena will be issued. If there is a dispute about it, the committee will decide. If it is unknown or unavailable, then that would be the basis for the issuance of a subpoena. But the ultimate question at hand is whether there will be a blanket subpoena issued, and the answer, under my formulation, is that there would not.

The CHAIRMAN. The relevance would be determined first by counsel, and ultimately by the committee itself.

Senator CRANSTON. I think you have the assurance of the majority leader that the 3-day rule and the report would be waived.

Senator BAKER. I am so happy in my new position that I would not sully it by offending the minority leader who is not here, but no doubt is listening.

The CHAIRMAN. That is why I wanted to ask the question.

Senator BAKER. I cannot do that without him.

The CHAIRMAN. Taking into account that we did walk in the shoes of the minority for so many years, can you speak on behalf of Senator Byrd as to whether the request that the 3-day rule be waived would be honored by the minority leader as well?

Could you, in your capacity as assistant minority leader, possibly answer that, or you would want to refer it to Senator Byrd?

Senator BAKER. If Alan Cranston answers that, he is a braver man than I am. [Laughter.]

Senator CRANSTON. All I am empowered to say on that point is that I would do my best to see that the minority would waive the 3-day rule.

Senator BAKER. Thank you.

The CHAIRMAN. Thank you.

Senator CRANSTON. I also want to say, I think what the minority is now suggesting is a promising approach, and a reasonable approach to what we are seeking to accomplish. As far as any concerns that may exist about any effort to delay matters on the floor because a subpoena has been issued, but the material we are after has not been produced, under the circumstances that are being suggested, I think it very unlikely that any such effort would be made, and if it was made, I don't think that it would have any significant support.

The CHAIRMAN. I think that that assurance is very important, indeed. Thank you, Senator Cranston.

Senator Pressler asked for recognition.

Senator PRESSLER. Let me say that this agreement pleases me very much. I just had one question about it. Is there a time? Could the materials lead to other subpoenas that would go on for several months, and would this put the Secretary of State in some jeopardy in performing his duties?

The CHAIRMAN. I think that this is the essence of what we are trying to accomplish now. The proceedings would go on, the subpoena would be issued, but the confirmation process would be completed. We would report the nominee out, and we would take it up on the floor of the Senate, it is hoped, by the 20th.

Senator SARBANES. Mr. Chairman, I have to pursue this matter with Senator Baker, because I misunderstood his earlier formulation, if I understand his latest one.

Senator BAKER. They are the same.

Senator SARBANES. It does not correspond with the way I formulated it.

My understanding was that with respect to the limited materials contained in the Pell request, which are simply those tapes involving General Haig and President Nixon for that limited period from early May until the middle of July—

The CHAIRMAN. That is May 4 to July 18, 1973.

Senator SARBANES. Correct. The committee would issue a subpoena for them. The premise of that is that in order to examine them, and see which ones bear on the matter before us, we must have them.

Are they being requested then simply out of whole-cloth? No, there is one tape that is available and a transcript has been made of it, which has required some explanation. I don't put that forward as any sort of exhibit, but it has required explanation; therefore, obviously, it has some pertinency and relevancy. The amount of information being sought is greatly reduced.

My impression of what we discussed earlier is that the committee would go ahead and authorize that subpoena, and that that action would carry with it the resolution to continue on beyond. Counsel would take the response to that subpoena and examine it. The members could participate if they chose. Counsel would then weed out materials which may bear on factors pertinent to this nomination. This would then put it in place, and we could proceed with our business.

Furthermore, I recognize that the chairman can move to act on this matter when he chooses. I sought to indicate that the request for the subpoena which I am talking about was not being put forward as the basis for asserting the necessity of a delay in proceeding in this matter, and therefore it seems to me to meet the concern that Senator Baker expressed with respect to action on this nomination.

That seems to me to be an effective, forthright way for the committee to discharge its responsibilities in every respect, both to carry out its inquiry and also to leave open one path for acting on the nomination in a proper manner and at a proper time to address the problems which Senator Baker has indicated.

It seems to me that we ought to decide today to authorize the chairman to go ahead and issue the subpoena with respect to that limited amount of material. This does not now constitute seeking an enormous range of materials. I think that it would enable us to act together as a committee. Afterwards we would be able to take some measure of satisfaction that we had done our inquiry as we should do our inquiry. I think that that is an important consideration for this committee, for the Senate, and for individual Senators.

The CHAIRMAN. Senator Hayakawa.

Senator HAYAKAWA. Mr. Chairman, may I call attention to the fact that we are talking about the confirmation of the Secretary of State, and not the Secretary of Agriculture, or the Secretary of Commerce, or any other department that deals only with internal affairs.

We are dealing with the Secretary of State, whose impact will be on the whole world. Therefore, how expeditiously we act upon his confirmation, and what we say about his confirmation is being observed in Germany, France, Britain, Japan, Iran, and elsewhere around the world. The longer we take hemming and hawing about his confirmation, the more do we subtract from his authority and strength when he deals with foreign affairs.

I say in all seriousness that Senator Percy has made a generous concession to the demand of the minority that the tapes be examined. It is a general concession in the sense that many of us on this side do not feel that the tapes should be reexamined at all. On the other hand, if they want them reexamined within the limits of the time available, Senator Percy has made an offer that meets those time requirements, and at the same time meets the request of the minority to hear those tapes, or to examine their contents.

So I urge my distinguished colleagues on both sides of the aisle to accept the proposal made by Senator Percy, and let's get on with it.

Senator BAKER. Mr. Chairman, could I say one last word, or at least I hope that this is the last word. [Laughter.]

The CHAIRMAN. I doubt it, and I hope it is not.

Senator BAKER. It will be the last word until the playoffs start. [Laughter.]

I really hope that we do not bog down on this agreement because there should be an agreement. The committee should move in unison on this subject. I hope we do not bog down on the question of the blanket subpoena versus the relevant subpoena. Let me tell you why, Mr. Chairman, if I may for just a moment.

Think for a second about the request as it has been refined, and indeed it has been refined. We are now down from 6,000 hours of tape to about 100 hours of tape, but 100 hours is 5 days, 24 hours a day, if you are going to listen to it, and 12½ days if you listen to it on anything like a humane basis. That is the first point.

The second point is, certainly there are parts of that time frame from May til July that have nothing to do with anything that would relate to the duties of Al Haig as Secretary of State, and certainly we should

not engage in a fishing expedition to get into that. So it seems to me that absolute reasonableness requires that we have some sort of relevancy test.

As a practical matter, what is going to happen, I suspect, is this: Some of this material is probably going to be available without subpoena. Counsel is going to go over that carefully, and decide where that leads them. It may lead them immediately to subpoena some data, some tapes, perhaps.

Then counsel, I suspect, probably will get into the logs—there are logs, at least according to the information we have at hand, and they are described in Senator Pell's letter—the logs of those tapes. I suppose that from that log you can probably tell something about whether the material is relevant or not relevant. So that will form the basis for a decision to issue subpoenas.

Finally, we will get to the question of whether or not you can get the material without a subpoena, including tapes. Incidentally, almost certainly you will not get the tapes without a subpoena, and maybe you will not get them then. As I understand, the archivist has very strong views of the basis on which these things are to be released.

In any event, at each stage it seems to me there should be a good faith judgment on whether or not it has something to do with this proceeding. It was my suggestion that there be a test of relevance.

Once again, I am not suggesting that we delegate anything. Senators ought not to do that in a matter of this importance, and perhaps we cannot under our constitutional duties. But I am suggesting that instead of each one of us spending 12½ hours listening to tapes, or examining logs and the other data, that we mandate that to our bipartisan counsel, our counsel on both sides.

Incidentally, in collaboration with Senator Javits, who is the committee's consultant, we should establish: (1) What you really need; (2) whether you can get it without subpoena or not; and (3) whether it is relevant to this inquiry. If it meets those three tests, then I have no doubt but that the chairman will issue a subpoena without ever consulting the committee. If he fails to do that, I am sure that it could be brought before the committee, and I will assure that there will be members on this side who will insist that a subpoena be issued in questionable cases.

I think we have the basis for an agreement, and I hope that we can proceed on a unified basis to do this matter.

My final concluding remark is that I really do not feel that the resolution to continue this inquiry will damage the potential performance of Al Haig as Secretary of State. I have an extraordinary respect for General Haig. I have come to know him very well in the last few days and weeks. I have known him before that. He is a strong man. He is going to be a historic Secretary of State.

I cannot believe for one moment that the continuation of this inquiry will damage his prestige abroad, his standing at home, or his effectiveness in that role. Everybody here ought to understand that we are not trying to cripple the Secretary of State. We are simply trying to perform the duties of the Senate committee and, indeed, the Senate as a whole.

To provide against the termination of an inquiry by the act of confirmation, I said a moment ago that there was a precedent, and there

is a precedent for this committee continuing it. That precedent did not in any way diminish the effectiveness of that Secretary of State. It concluded promptly, and I think in a reasonable way.

So I hope, Mr. Chairman, that we will get on with this, and that it will not be necessary to even vote on it. I would hope that we could have a unanimous agreement that this procedure will work. It is the best way to deal with this aspect of the problem.

The CHAIRMAN. I had promised to yield to Senator Pell.

But I want to respond to Senator Baker that not only will those subpoenas be issued, but if we have an agency of government that says that it cannot give the material to us even if the subpoena is issued, and we feel there is a reasonable reason for getting them, we will issue the subpoena anyway; I have been told in the past by agencies such as even the Justice Department that they could not release certain material even if a subpoena were issued. We issued the subpoena, and we got the material.

So we will lean over backward to get the material.

I promised to recognize first the ranking minority member, Senator Pell.

Senator PELL. Thank you, Mr. Chairman.

First, I apologize to Under Secretary Newsome, if there is any thought that I didn't think he is competent. He has been, I believe, Acting Secretary of State before, and is competent to run the State Department not only for a couple of days but a couple of months. [Laughter.]

VOICES. Years.

Senator BAKER. They're talking about 4 years over here, Mr. Chairman. I overheard it.

Senator PELL. Second, it seems to me that, in essence, this resolution of the chairman puts us about where we were yesterday, because as a result of yesterday's decision by the committee the two counsels met and they discussed what we were after. And the majority counsel took the position at that time, I am informed by minority counsel, that none of these tapes of that 100 hours were relevant. So if that's the position which they have already taken, I don't see why or how we're doing anything different.

I think what's needed is to examine the tapes and let our counsel also determined whether they're relevant. And I would hope that we could hold firm in trying to get the tapes, at least the logs, to determine it, because it is already a predisposition on the part of the majority to say they're not relevant.

If we pass this amended resolution, that would mean we'd find out on Monday or Tuesday that we'd be in the same position where we are today.

Senator TSONGAS. Mr. Chairman.

The CHAIRMAN. Yes, Senator Tsongas.

Senator TSONGAS. Counsel has indicated to me—and it is disquieting, if what Senator Pell has just indicated is true—I wonder whether counsel for the majority would indicate whether it is his position, because if his position is that nothing is relevant—

Senator PELL. Of these 100 hours.

Senator TSONGAS [continuing]. Of those 100 hours, then I think we're really engaged in a fool's errand here. Can we get the determination? If it was made last night, I think that would be important to know.

The CHAIRMAN. Does any other member wish to make a comment now before I call upon Senator Baker?

Senator GLENN. You asked for comment.

Senator TSONGAS. I was quite prepared to be supportive, as I indicated earlier. Then I am told that counsel said last night that nothing's relevant.

Senator PELL. Of these 100 hours.

Senator TSONGAS. Of those 100 hours. And if that's the case, I would like to know it now, because it certainly has, I think, implications as to whether the resolution has weight.

Senator BAKER. Mr. Chairman, if you would permit me. We can ask counsel to speak for himself, but it is my understanding that special counsel has said that as of this moment nothing has been shown to be relevant. On the other hand, you don't yet have the logs, you don't have the information on which to make that judgment.

I am not suggesting an idle thing. I am not suggesting that you are walking in to a trap where counsel will immediately say, "Nothing is relevant, and to heck with it." I am saying, in good faith, that there will be a careful examination on the basis of every material piece of evidence or circumstance that could be ascertained, to determine whether or not there is probable cause that something is relevant—it does not even have to be proven it's relevant, because you do not have the material—but there is a reasonable basis for believing that something is relevant to this industry.

Senator SARBANES. Mr. Chairman, it seems to me that to determine whether most tapes bear on the issues before the committee, the tapes must be available to us to be examined by counsel and by the members if they choose to do so.

Some of those tapes may discuss matters that have no bearing; others may discuss matters that do have a bearing. It seems to me that the committee should go ahead and issue the subpoena for those tapes, allow counsel to do their work; and as Senator Baker suggested, proceed on the assurances that have been given that if the subpoenas are not responded to, that fact will not constitute basis for the committee is delay to action on the nomination before us; and endorse the resolution which would continue that line of inquiry. Then we have covered the question of doing a full and proper inquiry.

We have tried to recognize some of the problems that Senator Baker alluded to. Senator Baker himself in his earlier statement indicated that the archivist would need a subpoena to be forthcoming with respect to the tapes. And it seems to me that we ought therefore to go ahead and authorize that subpoena for the limited purpose which Senator Pell has indicated.

The CHAIRMAN. Senator Tsongas, would you yield for a question there at that point? If we assume, as General Haig has testified, that 90 percent of his time was devoted to managing the problems of the Presidency and the White House and problems of the world as well as this country, and only 10 percent was relevant to Watergate matters and other such matters, wouldn't it be wise to go through the logs made by the Archivist and determine whether or not there was any material relevant to the matters that we're discussing? If it is determined that there were, then they would be subpoenaed.

Senator GLENN. Would the Senator yield on that point?

The CHAIRMAN. Of course.

Senator GLENN. You need the subpoena even to get the lists. That's the point. You get nowhere. You can't go through the Archivist's list; you can't go through the Archivist's list to even find out what the listings are of where anybody was in these things without a subpoena. That's the point.

Senator BAKER. I do not think there is any doubt that that is clearly available.

The CHAIRMAN. There's no question about that.

Senator BAKER. Clearly if anything on Earth is relevant, it ought to be the index to the tapes.

The CHAIRMAN. That would be the first thing we would subpoena.

Senator GLENN. We're suggesting that counsel get together to discuss what's relevant, and we don't even have a list to go over for counsel of what is relevant. And that is what the subpoena is needed for, No. 1. Then you go beyond that point to see if you do find something that's relevant, which ones they are, to pull out. But we can't even go that first step without a subpoena.

The CHAIRMAN. What we're reluctant to do only is to issue subpoenas for material we clearly know have no relevance whatsoever—

Senator GLENN. How do we know whether it's relevant or not?

The CHAIRMAN. [continuing]. And then have to transcribe that material, hundreds or thousands of hours.

Senator GLENN. Oh, I agree with that.

The CHAIRMAN. Certainly, the first subpoena that's issued will be for the logs to find out what is relevant. Whatever is relevant, I can assure that subpoenas will be issued and signed by the Chairman.

Senator SARBANES. Well, then, is the chairman prepared to issue a subpoena right now?

Senator GLENN. Would the chairman issue a subpoena for the list?

Senator SARBANES. Right now?

Senator BAKER. Mr. Chairman, I am not prepared to vote for a subpoena for anything until we go through the procedure. Now, it is my opinion—

Senator PELL. We get nowhere.

Senator BAKER. Wait a minute, Claiborne, you do get somewhere. I am prepared to say that it is my opinion that the very first subpoena that would issue, if a subpoena is necessary, is the list of the tapes or the index, which exists. But what I am really saying is that the real difference between what you're talking about and what I am talking about is whether right this minute we issue a fishing-expedition subpoena for 100 hours of tape and sit around and gorge ourselves on it or whether we make a reasonable effort to try to find out what's there.

Now, I do not think we are going to get an agreement, Mr. Chairman, and I think that we might as well get on with the matter at hand.

The CHAIRMAN. Senator Baker and Senator Pell, unless there is objection, the Chair will issue subpoenas today for the indexes and the logs so that we can immediately begin this weekend to go over this material and determine its relevance.

Do you see any problem with that?

Senator PELL. I am delighted and would agree.

The CHAIRMAN. We have only one suggestion from counsel, and I think it is wise: We should assume that we would not issue a subpoena if we can determine it is not necessary. I did not say, in my

discussion last night with President Carter's counsel on this matter, that I was going to issue subpoenas to them. I simply said we are joining together as a committee and asking you to expeditiously deliver this material to the committee and do so by noon Tuesday.

If we ascertain by a telephone call in the next hour that we can obtain the material without a subpoena, then why go through the procedures of issuing a subpoena? If they say to me, "We cannot issue it without a subpoena," I am prepared to sign a subpoena, unless there is objection.

Senator CRANSTON. Are you referring to the index?

The CHAIRMAN. That is the index and the logs, so we can determine the relevance.

But I do come back to Senator Baker's reaffirmation of what I had originally said. There must be shown relevance, because we don't want a fishing expedition. We can certainly narrow this down in focus so that we get material to review that is relevant to these hearings and not just so vague that once again we go back to the original problem.

Senator TSONGAS. Mr. Chairman, I think if you are prepared to do that, that would certainly vitiate my concern about last night's determination. I would be prepared to live with that.

The CHAIRMAN. That's fine.

Senator SARBANES. I understand the chairman, and I think it was a response to a reasonable argument. You are prepared to issue a subpoena for the index and the logs with respect to the tapes today.

The CHAIRMAN. I would again say that if in the next hour or so we can determine that the Archivist will see that they are delivered to us promptly without a subpoena, then I see no reason to issue a subpoena.

Senator SARBANES. I am not out to get a subpoena issued just for the sake of issuing a subpoena.

The CHAIRMAN. A telephone call can be accomplished more quickly than a subpoena.

Senator SARBANES. But if the telephone call is not enough, then the chairman would issue a subpoena for the logs?

The CHAIRMAN. If it is necessary, the chairman will issue a subpoena today for that material.

Senator GLENN. Will the chairman yield?

The CHAIRMAN. Yes.

Senator GLENN. I would suggest, too, that right from the word "go," when we're going down this track, that we make this material confidential and not releasable without vote of the full committee. I do not want to see us off on some wild witch hunt with people making press releases and so on of whatever may be on the list and not on the list and whatever follows as far as tapes or whatever.

I share the views of others already expressed of the importance of getting this thing through by the 20th. And I respectfully disagree with my colleague from California who felt that this detracted from this, that extended hearings detract.

I think it adds to your authority, General, that we get into all of these things, for several reasons. I think during the campaign there were so many changes in the views expressed by the candidate on foreign policy, whether we're going to blockade Cuba as a result of Afghanistan, whether we have official or unofficial relations with Taiwan,

and that nonproliferation is none of our business versus making it high priority, that I think spelling out all of this and giving you your opportunity to make all of your points here strengthens your position.

And that is one reason that I want to get through all of these things, because I want to see you fully prepared to hit the ground running on January 20. So I don't think that this detracts from your authority here at all in any shape or form.

One thing I was concerned about was that in Senator Baker's proposal here that we not be setting a time limit for next Wednesday or anything like that—and that is understood, as I understand it.

Senator BAKER. It is understood, except the Senator from Ohio will understand I also said that, barring unforeseen circumstances, next week I propose to make a motion to proceed into executive session to consider the nomination. That is not part of the agreement; it's just a simple statement that if at some point the chairman recognizes me, I intend to make that motion.

Senator SARBANES. Since the Senator has the authority, I assume that he will do it at the time when it is reasonable to do so.

The CHAIRMAN. That is correct. I have discussed it, and I will not recognize him for that purpose until such time as we have mutually determined that it is an appropriate period.

I would like to close this particular phase of our discussion, if we could. We will determine within the next hour whether or not a request—and I will work with the ranking minority member on this—signed by the chairman to the Archivist will produce the logs. And if not, the Chair will issue a subpoena for that material today.

Senator SARBANES. The index and the logs.

The CHAIRMAN. The index and the logs.

Senator TSONGAS. If I could make one final observation, I would like to say for the record that I do not disagree with anything that General Haig has said in the last hour and 15 minutes. [Laughter.]

The CHAIRMAN. Yes; Senator Lugar.

Senator LUGAR. Could I ask Senator Baker, what is the formulation the chairman just gave—that within the next hour, the Archivist is going to be asked whether on the motion of this committee the logs will be offered and if not that he will issue a subpoena? At least as I heard the formulation earlier on, that would not have fit. I ask the question simply to get an interpretation.

Senator BAKER. Mr. Chairman, that was not what I described initially, but I am willing to agree to it. As I also said, I believe, I cannot imagine that there is anything more relevant to this inquiry than the index or the logs so that you can decide what is relevant.

I also indicated, I think, that I was sure that counsel for both the majority and minority would agree that an index or a log would be relevant to their continuing inquiry, because that is the access point, the beginning.

Now, beyond that, the question then is whether or not a tape or a transcript is relevant. And that is where the judgment of the committee, initially on the recommendation of counsel, will have to be made. But I fully concur in the remarks of the chairman in that respect, I would say.

Senator GLENN. Will the Senator yield? Is it understood that part of your amendment to our substitute amendment includes the confidentiality of all of this information?

Senator BAKER. By all means. Incidentally, the chairman has provided that all of the material that is delivered to the custody of this committee or any member or staff member of this committee should be kept in a central repository, which is the Office of Classified National Security Information that George Murphy maintains, which is locked in room S-406 of the Capitol. There is tight control on access, a prohibition against taking material out except under very tightly controlled circumstances. And I would suggest to the Senator from Ohio, if he is agreeable, that you make a part of this agreement that any material that is received be kept in the custody of that facility.

Senator GLENN. That would be fine with me, and I would hope that—well, I think probably I will request some time next week that we go into executive session, because there have been some areas, and quite justifiably so, that the witness has chosen to say that he thinks in overall interest he should not discuss in public. And I think we want to have an executive session some time to go into some of this in a more background nature.

I would suggest a discussion of the committee on any of these tapes or logs, documents, whatever, be taken care of in executive session at that time.

Senator ZORINSKY. Mr. Chairman, I would suggest that the high-placed sources are almost never identifiable. But I agree with you.

The CHAIRMAN. Any other comments from committee members?

Senator BOSCHWITZ. Mr. Chairman, are we now going to run into some problems with people objecting to the subpoena; for example, former Presidents?

The CHAIRMAN. There isn't anyone outside of ourselves who can object. You are the only ones who are empowered to object.

Senator BOSCHWITZ. President Nixon or his counsel can object?

The CHAIRMAN. He can't tell whether he'll be on it or not, obviously.

Senator BAKER. I do not know whether President Ford said anything or not, but so far we have an objection from President Nixon. We have an objection to the Iranian material from President Carter. We have an objection from the Archivist who said to us that he does not know for sure whether we can get anything or not. But I do not believe we can resolve that.

I believe we must do what we must do, and that is to depend on the authority of the Congress to try to compel the production of documents that we deem to be relevant to this inquiry.

The CHAIRMAN. The problem that we run into is that of issuing subpoenas for material which the Congress itself has prohibited access to without certain prior approvals. And we're bound by our own laws. I hope we will observe those laws; we are bound by them, but we don't always do it.

Senator BOSCHWITZ. I am very concerned, Mr. Chairman, that we are going to become involved in delays. And I am sorry that you took the specific time for voting out of the resolution on which we're going to vote, or we're not going to vote, or the manner in which you're going to proceed, because that can always be set back by another vote as well.

I think it's most important that we don't hobble our new Secretary of State and, most important, that we get him expeditiously confirmed or at least reported out of our committee. I am most concerned that there are going to be ramifications that we haven't yet envisioned

that are going to come up and that are going to prevent us from moving forward.

The CHAIRMAN. Well, it is the authority of the Chair to establish a time certain, a date by which we vote. There isn't any committee member here who would challenge that. We have honored that authority when it belonged to the Democratic Party, and they will do so with us.

However, in keeping the tradition of this committee, working together in comity, the Chair will not call for such a vote until such time it is determined that we have had a reasonable chance to cover all of the relevant ground. And we have obviously now lost a chance to start on a third round because of this very important colloquy.

But we will proceed expeditiously in this area. We have been, I think, helped a great deal by having the 3-day rule and the report waived by the majority; I hope it will be true of the minority. And if Senator Cranston would ascertain from Senator Byrd his position on that—and telephone me—I would appreciate it.

That gives us several more days. We will proceed with dispatch. But we will also proceed in accordance with the rules laid down in my opening statement, that the hearing will be thorough, exhaustive, and complete from every standpoint.

Did somebody else want to be recognized? Senator Glenn?

Senator GLENN. For a new subject, just temporarily?

The CHAIRMAN. Yes, of course. And I would tell the committee now that we have finished our second round, it is now my turn to question. General Haig, you will have all weekend to think about what questions I would have asked you—provocative questions on the Middle East, on NATO, et cetera. We will start that round on Monday.

Senator GLENN. I agree with that.

The CHAIRMAN. So we have a few minutes left.

Senator GLENN. I agree with our distinguished chairman, and I am sure that his questions will be very good. I am sure also that they will require amplification and followup. And I would, therefore, like to bring up the matter of whether, since we're just getting into the third round, it would not be the appropriate time to start 20-minute sessions. And I would so move: 20-minute question periods.

The CHAIRMAN. Will we have a substitute motion, then, that someone would care to offer on this side?

Senator BAKER. Mr. Chairman, I do not think I am prepared now to agree to that.

I might Monday. Let me think about it; I might offer you 15 minutes.

The CHAIRMAN. Would you like to settle that right now? The majority would be prepared to settle on 15 minutes right now. And otherwise, I am prepared to call for a vote on it right now.

Senator SARBANES. Why don't we think about it over the weekend? We might be able to move it along faster if we have longer periods, and on the other hand there may be reasons not to do that.

Senator BAKER. If we agreed while I was not watching on the substitute proposal, do we need to take a procedural step in that respect?

Senator SARBANES. I thought we agreed on the proposal that was put forward by the chairman.

Senator BAKER. Just for the record, Mr. Chairman, I ask unanimous consent that that proposal be adopted.

Senator HAYAKAWA. I prefer that we maintain the 10-minute rule.

Senator BAKER. No; this is on the arrangement on the tapes.

The CHAIRMAN. The objection has been withdrawn.

Is there any objection to the proposal by Senator Baker?

[No response.]

The CHAIRMAN. If not, so moved.

The committee will resume its hearings at 10 a.m. on Monday. It will be the intention of the Chair to call hearings at 9 a.m. on subsequent days.

This meeting is adjourned.

[Whereupon, at 12:59 p.m., the committee adjourned, to reconvene at 10 a.m. Monday, January 12, 1981.]

NOMINATION OF ALEXANDER M. HAIG, JR.

MONDAY, JANUARY 12, 1981

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

The committee met, pursuant to notice, at 10:01, a.m., in room 1202, Dirksen Senate Office Building, Hon. Charles Percy (chairman of the committee) presiding.

Present: Senators Percy, Helms, Hayakawa, Lugar, Mathias, Boschwitz, Pressler, Pell, Biden, Glenn, Sarbanes, Zorinsky, Tsongas, Cranston, and Dodd.

OPENING STATEMENT

The CHAIRMAN. The hearing will come to order, please.

Let me review what has transpired since our recess on Saturday.

At that time, it was made apparent after the caucuses of both the minority and the majority and after a unanimous decision by the majority members that it was not possible to act on the motion of the minority, which had asked that subpoenas be issued for all tapes involving conversations between General Haig and former President Nixon that had occurred between the dates of May 4, 1972, and July 18. Inasmuch as that motion could not be supported, after the discussion, it was the unanimous view of all members of this committee, minority and majority, that a request should be made of the National Archivist to provide to this committee the Archival log, which accurately has indexed all of the tapes in question with, in general—although I have not seen it—the subject matter involved in those tapes.

The Chair had indicated that an attempt would be made to have this material given voluntarily this Archival log; and that, if after a reasonable effort had been made to obtain the material in this way, it could not be done, the Chair would then issue a subpoena with the full authority of this committee.

The Chair contacted the National Archivist, put him on notice that the committee would be requesting the Archival logs, and requested that a meeting be set up between the National Archives and its representatives and representatives of former President Nixon. That meeting was set for 1 p.m., at the National Archives on Sunday.

After several hours of meetings, in which none of us here participated—these were entirely between representatives of the National Archives and Mr. Nixon's representatives and lawyers—it did not appear as though the request of the committee could be granted, or a voluntary agreement reached on it. Apparently some progress was made. A degree of cooperation was evidenced, but not enough to satisfy the requirements and the request of this committee.

Therefore, at 6 o'clock last night, in the presence of Senator Pell who, thoughtfully, on a few moments notice, came down with me to the Senate, issued a subpoena to Dr. Warner. I had arranged that a subpoena would be served on him at his home in McLean; it was served last night.

I talked with Dr. Warner this morning inasmuch as the subpoena requires that he appear before this committee at 2 p.m. He has advised me that he will be here at 2 p.m. and will be prepared to give the response of the National Archivist as to what is within his authority and power under the statutes of the Congress of the United States by which he is bound.

So, General Haig, we will question you this morning. But we will call the National Archivist before the committee at 2 p.m. I hope that will take about half an hour. We will then resume with your testimony in the afternoon.

I would like to advise the committee that we would hope to conclude our questioning of General Haig this afternoon at 5 p.m. We will continue from now until 1 p.m. and will take a 10-minute break at 11:30. We will resume again at 2 p.m. with Dr. Warner, and following his testimony we will continue questioning General Haig until 5 p.m. At 5 p.m., immediately after we conclude our open hearing, we will have an executive session of the committee in room 4221 of this building, the regular committee hearing room. We will be in executive session to discuss any confidential material that has been revealed to the committee by General Haig in accordance with the requirements of the confirmation proceeding. We will also have any other discussion that any member would wish to have on any of the classified material.

General Haig, if you could stay with us for a while at that time, we will provide adequate office facilities here for you. We hope that any committee member would wish to use that occasion to question you on matters involving national security, which would have to take place in closed session. This would probably be the best occasion to do that.

In response to the minority request that we extend the questioning period, the Chair cannot, in good conscience, extend the period to 20 or 30 minutes per Senator, because we will have a shorter day than had originally been planned. But the Chair would extend the questioning period to 15 minutes so that Senators may have a slightly longer period.

The second round of questions having been completed, I myself will commence the questioning for the beginning of the third round.

Before I begin my questions, however, I wish to say that the understanding was made very clear in this committee, and was reaffirmed by Senator Pell to me yesterday, that the discussions of Saturday with respect to procurement of the Archival log, would not be a condition precedent to the committee's formal action on General Haig's nomination. I expect that the vote on confirmation in committee can, and should, take place some time Wednesday afternoon or evening, January 14, which would be necessary if the Senate is to be able to act on the nomination by Inauguration Day and still provide for the 3-day rule which has not as yet been waived by the minority leader.

I do wish also to say that our decision to seek this log from the National Archives should in no way be taken as casting doubt, any

doubt, upon the testimony given under oath, voluntary oath, already by General Haig to this committee, or to suggest that we have any reason whatsoever to suspect that there is anything in these conversations with former President Nixon to justify committee concerns. General Haig himself has said that he has no concerns about what might be on those tapes. We simply wish to be sure that we have taken every reasonable effort to obtain the materials that may be relevant to the qualifications of General Haig to be Secretary of State.

As I have outlined before, General Haig, this is the responsibility that this committee has to the Senate of the United States, to the President, to the American people, and to you, yourself.

I would like simply to say that as a result of the 2 days of hearings we already have had, though I have been privileged to have known you for a number of years and I have dealt with you on many matters of concern to our national security, your 2 days of testimony, concise and precise in every respect, fully answering every question put to you that you possibly could answer, reaffirms my judgment that you are a man of extraordinary intelligence and background, with the necessary military background that the circumstances of the world call for today. This is balanced off, however, I think, by an understanding of world affairs, as has been evidenced by the testimony that you have given. My own confidence has not been shaken one bit. But I have the duty and the obligation to take every reasonable step that is necessary to be certain that this hearing is thorough and complete and that everything has been covered and brought forward that should be uncovered.

We will aim for Wednesday, January 14, as the date, as previously mentioned. But we will discuss this further at our executive meeting today. That is not a firm date. It is subject to discussion in executive session. That is still the goal, however, that I originally established and is still the goal if we do not waive the 3-day rule. As I understand from my conversations over the weekend with Senator Cranston, Senator Byrd has not yet made a decision on the 3-day rule. Any Senator can object to waiving it and the 3-day rule would hold. Senator Byrd himself has not yet made a definitive decision as to whether he will waive it, although the majority leader already has said that he would.

Senator CRANSTON. Mr. Chairman, may I speak just briefly to that? It will take me only 30 seconds.

The CHAIRMAN. Of course.

Senator CRANSTON. I spoke to Minority Leader Byrd at your request. He said that with the change in the power in the Senate, his views and those of Senator Baker have somewhat reversed on the 3-day rule. He did not wish to make a commitment at this point to waive that, but he would consider it and talk to us later.

I want to point out that if there is no report by the committee, there is no 3-day problem. If there is a committee report, it would create a 3-day problem. These would create a 3-day problem or an opportunity for delay.

We might be able to reach an agreement among ourselves, if need be, that there would be no committee report, no majority report, no minority report, and then we would not have that 3-day problem.

The CHAIRMAN. That is correct. I think, in general principle, it is desirable to have a report so that all of our colleagues can have the

benefit of our conclusions, both minority and majority conclusions. But, as I believe Senator John Glenn has mentioned, I would be rather surprised if most of our colleagues are not keeping up with these proceedings. We have invited them to appear with us. It is the expressed hope of the Chair that we will, certainly by Wednesday afternoon, be able to have an open session for other Senators to have the opportunity to question General Haig. I hope we can move right along. Certainly, if we do not have to have a report, this does give us a little more time.

Senator SARBANES. Mr. Chairman.

The CHAIRMAN. Yes.

Senator SARBANES. Are there other witnesses who are going to be testifying before this committee?

What is the agenda?

The CHAIRMAN. Senator Weicker, Senator Goldwater, and former Senator John Sherman Cooper have requested to testify. Other public witnesses have requested to testify. I have had to rule, regrettably, that we simply do not have the time to take their testimony. But we will insert their full testimony in the record.

Senator SARBANES. Have statements been received yet from such groups? I take it they will be made available as soon as they are submitted. Is that correct?

The CHAIRMAN. May I ask staff to make available, immediately upon receipt, any testimony from any outside groups, to members of the committee.

I think it might be well to insert that testimony into the record just as soon as it does come in, so that we will have maximum time to study it.

Senator SARBANES. I understand that the two Senators and the former Senator whom you mentioned will appear before the committee at some point. Is that correct?

The CHAIRMAN. They will. I have ascertained at a meeting with Senator Weicker this morning that he simply cannot be prepared until Tuesday afternoon. So we tentatively agreed to aim for 3 o'clock on Tuesday afternoon. He would be followed by Senator Goldwater and by former Senator John Sherman Cooper.

Senator GLENN. Mr. Chairman.

The CHAIRMAN. Yes; Senator Glenn.

Senator GLENN. Have any other Senators indicated an interest in being here so as to ask questions themselves rather than to give testimony from the witness table?

The CHAIRMAN. I have notice only from Senator Gary Hart and, due to your thoughtfulness, he already has asked some questions. He certainly has the privilege of coming back.

I have sent a handwritten "rush" note to Senator Byrd this morning asking if he knows if any Senator wishes to ask questions. If so, I would like to be notified immediately.

At this time I would ask, by public notice, that any Senators who do wish the privilege of asking questions advise me immediately of this fact. We would see that they are given a proportionate amount of time. It is the intention of the Chair to set aside a block of time and to rather equally divide it among all of those Senators who have asked. So, the fewer Senators there are making this request, the more time each would have available to him.

Senator GLENN. I appreciate that and it is fine. I would go even one step further because I do feel very strongly about what I view is a right of Senators to come and participate in hearings after the regular committee members have finished their questioning. If there are Senators—and I think most of them are probably represented by staff either here or watching these proceedings on PBS in their offices—who wish to have questions submitted to the witness instead of appearing here themselves personally, I would hope we would be glad to accommodate that. I think this is a very important principle that we are maintaining here.

The CHAIRMAN. Absolutely.

I cordially invite my colleagues to do so. It is a right that we would want to preserve. We just hope every Senator recognizes the need to keep these proceedings moving along. Otherwise, the time may come out of time desired by members of this committee, who are the first to have the responsibility for asking questions as they are the only ones who have to vote on this nomination before it goes to the Senate floor.

Senator Pell.

Senator PELL. Thank you, Mr. Chairman.

To follow up on that thought, I have some questions here offered by our colleagues, Senators Proxmire and Baucus. I would suggest that we start this proceeding now and would ask you to insert these questions into the record and ask the witness to respond to them in writing.

The CHAIRMAN. I would suggest that you put them in the record and that henceforth all minority questions be put into the record by you, Senator Pell. I will put into the record all questions from the majority. We will also ask General Haig to respond to these.

I realize, General, that you have limited staff. But to the extent that these questions can be answered, please do so in order that they can be inserted into the record of this committee at the earliest possible time. We are taking into account the fact that you have many responsibilities to this committee. We will try to get the questions to you as expeditiously as possible.

Senator PELL. I would add that the questions and answers should appear in the written hearing proceeding so that it will be available to all members at the time of the vote for confirmation.

The CHAIRMAN. Yes. I thank you.

Now, General Haig, we will begin our questioning of you this morning.

Again, we welcome you to this committee.

Senator Baker made reference to his own trip to NATO and a report that he filed with this committee and with the Senate, which I found extraordinarily interesting. He said in that report that for the first time in its history, the primary threat to the security of the Western Alliance may not be a frontal assault in central Europe; but the primary threat may now be to NATO's oil supply in the Persian Gulf. This is a concern that I have shared with Senator Baker for many, many months.

What steps do you see as necessary to insure international rights of passage in the Persian Gulf, which is essential to the economies of the United States of America, Europe, Japan, and the entire free world?

**STATEMENT OF GENERAL ALEXANDER M. HAIG, JR., TO BE
SECRETARY OF STATE**

General HAIG. Mr. Chairman, you touched upon the NATO aspects of this question and I would like to touch upon those first.

For the 4½ years I served this country under both President Ford and President Carter in NATO, I insistently and consistently drew attention of our partners to the fact that the dangers facing the alliance were no longer those confined to the central region of NATO Europe, but rather underlined the concerns that your question itself conveyed: That we would likely be facing problems in the developing world, such as access to raw materials—and not just exclusively oil, but vital minerals, which also sustain the economies of Western industrialized societies. That broadens the focus of concern not only for the gulf but into the continent of Africa as well.

I think the committee should be aware that it is my assessment that the alliance, per se, will not develop the consensus that would permit an extension of the formal boundaries of the alliance visualized at the inception of that alliance. What we must seek, and where we have had some success already, is a growing level of consultation, both within the alliance framework, and beyond—bilateral or trilateral or some other form. This is necessary if the alliance itself cannot formally come to grips with these essential issues—I would use the term “peripheral” issues; although they are not peripheral in the context of their importance, they are outside the formal boundaries of the alliance.

I think we would be deceiving ourselves if we anticipated that in the foreseeable future the alliance would somehow broaden its formal boundaries by consensus.

Now, with respect to the resources and to petroleum, the second part of your question, I think we know that while we are highly dependent upon Persian Gulf sources for petroleum and oil, our European partners are even more dependent, as is Japan in the Pacific. Therefore, it is clear that an intensive level of consultation must be undertaken, and I am confident this has already been undertaken by the current administration. Hopefully, such a consultation would develop a consensus that would enable us to deal with these vital lines of maritime access to our oil needs.

Were that not to occur, then I think, certainly, as a nation we must be prepared to act, even unilaterally, to insure access to these vital resources.

The CHAIRMAN. Some time ago, President Carter sent Clark Clifford, an eminent lawyer, to India. While there, Mr. Clifford implied, or stated, that if there were an interruption of the oil supplies, that would mean war.

Would you care to comment on Mr. Clifford's statement or make your own statement? Knowing that the best way to deter war is to have adequate strength, would you feel it wise to, and how should we, strengthen U.S. forces in the gulf region?

General HAIG. I suppose everyone has his own way of conveying intentions, determination, and will. Mine would not be to make threats.

I think what we do rather than what we say is even far more important in conveying American will. It has been my experience, for example, with the Soviet Union, that American rhetoric has far less

significance in their decisionmaking calculations than what they measure to be the expenditure of American resources or Western resources as the bona fides of our true intentions.

I would hope, in the period ahead, with respect to that vital area, that we could continue to expand some of the steps that already have been undertaken by the current administration to demonstrate our will.

The CHAIRMAN. There has been the suggestion that the United States, with the cooperation of powers in that area, actually could establish a base in that area. Would you care to expand on that suggestion and what your own judgment is as to whether we should proceed in that direction and, if so, how we should proceed?

General HAIG. I think, again, Mr. Chairman, that in the light of recent events and shifts which have occurred, geopolitically, if you will—such as the changes in Iran, a nation that formerly played a very strong stabilizing role—and in the light of the withdrawal of Great Britain's presence—not a total but a rather substantial withdrawal—and in the light of the step-up of Soviet activity, manifested by activities in the Horn, Southern Yemen, and Afghanistan, there is a clear requirement for the United States to evidence increased concern, interest, and commitment.

Now, whether that lends itself specifically to a permanent base arrangement or intermittent presence of clear significance is a question that must be dealt with in the period ahead in a very sensitive way as we carry on discussions with what would be the host nations involved. It is clear that the United States does not have carte blanche to move into areas and establish bases in the current international environment.

So, I would prefer to hold off detailed comments, other than to answer your question generally: Yes; I think an increased presence by the United States in a military sense is necessary in the period ahead.

The CHAIRMAN. What would be your thought with respect to the United States establishing a base in the Sinai, where Israel is withdrawing from major, modern military facilities? Are there any conditions under which this might be acceptable to Egypt?

General HAIG. Well, there are a number of pros and cons to this issue, not the least of which is the attitudes of the nations most importantly affected, Egypt and Israel, distance and time factors with respect to areas of likely contingency or difficulty, and the general attitude of other Middle Eastern nations, Arab States whose good will and, hopefully, convergence of policy we would seek in the period ahead. So I would prefer not to lay down a definitive marker this morning on that in open session, but would assure you that it is an area that would be considered, along with a host of other options.

The CHAIRMAN. I know that President-elect Reagan looks upon peace in the Middle East as one of his highest priorities. I know it is also one of your own highest priorities.

Would you be prepared to let the Palestinians know in some way that their chances of having any kind of homeland will be indefinitely delayed unless they renounce terrorism, unless they recognize publicly Israel's right to exist as a sovereign state with defensible borders and with the right of its people to live in peace and security in that area—to indicate that, in fact, in a sense the ball is in their court now to respond? For 6 years I have indicated that in my judgment there will

be no peace in the Middle East unless we settle this question, and no real chance to settle this question until the Palestinians themselves recognize what other Arab States have done. Israel is here to stay. That is an avowed national policy of the United States. It is of the United Nations itself. They must, then, come forward and recognize that right and be realistic about it if their legitimate rights, as they would term them, are to be given adequate consideration.

General HAIG. Well, Mr. Chairman, I could do little beyond reaffirming your comment.

There were two American Presidents who established the conditions to which you referred for dealing with the Palestinians.

I would want to look very carefully before I would go beyond what already is in the public record and the diplomatic record among all parties on this issue and what has been reiterated repeatedly, and again this morning in this very important forum.

The CHAIRMAN. Thank you.

In a meeting which we had with the President-elect at Blair House some time ago, I reiterated that I felt—important as our relationships with the allies are and with all of our other friends around the world—really our first responsibility is at home. Our next door neighbors are the ones with whom we must have the strongest bond, as are the ones in our own hemisphere, the Western Hemisphere.

I urged the President-elect to visit both Mexico and Canada; regretably President Carter has not been able to visit Canada and meet with its leaders.

I am gratified by the meeting that has taken place with Mexican President Lopez Portillo, and I understand that President-elect Reagan has made an attempt to meet with Canadian Prime Minister Trudeau and that this will be pursued. I am very gratified.

Crucial to an improved relationship with Canada, which is, I believe, one of your priorities, would be to work with this Committee—and might I have the attention of the distinguished ranking member because this is a crucial question to him which we have discussed many times—to find a basis for reaching agreement on the East Coast Boundary and Fisheries Treaty, an agreement which would be acceptable to both Canada and the U.S. Senate.

Would you pledge to work closely with the members of this committee to see if we can resolve this issue so that we can get this matter behind us quickly to our mutual satisfaction?

General HAIG. Mr. Chairman, I am very conscious of the recent controversy that has been added to some long-standing difficulties on the subject.

Incidentally, the committee should be aware that I have had a European head of state, who shall remain unnamed, suggest to me, "How in Heaven's name do you Americans expect to get along with us if you don't even get along with your nearest neighbor?"

I know that President-elect Reagan has placed as first priority for his international communications what would constitute early meetings with the leaders of both our northern and southern borders. As you know, he had a very successful initial meeting with the Mexican President along the border last week. I expect an early meeting with Prime Minister Trudeau. I can assure the committee that it will be a matter of priority for me to try to remove not only the fishing irritant

but a number of other energy-related and trade and monetary-related irritants between us and our very important northern borders.

The CHAIRMAN. My final question deals with arms control, a matter of deep interest to all of us, and particularly to Senator Glenn.

Do you expect the Reagan Administration to continue the negotiations to reach a Comprehensive Test Ban Treaty, negotiations which appear now to be stalled? Do you think it would be helpful if this committee acted on the Threshold Test Ban and Peaceful Nuclear Explosion Treaties which were negotiated by the Nixon and the Ford Administrations, treaties signed by both of our former Presidents, one of them banning any explosions in excess of 150 kilotons?

Finally, do you support continuation of a stringent nuclear non-proliferation policy?

General HAIG. Let me answer the second question first with an unequivocal yes.

The CHAIRMAN. Yes.

General HAIG. With respect to the first question, it has been almost a year and a half since I was intimately involved in my duties in Europe and have held discussions with a number of European leaders and heads of state and government as well as on this subject. I knew at that time there were some reservations in certain capitals. I had some myself with respect to threshold levels and verifications of those levels, to say nothing of restrictions that me might impose on ourselves in the area of necessary testing to modernize and improve our own nuclear capability.

I would like to have the opportunity to review the current status of those talks in greater detail before I would commit myself in this forum. But I can assure you, that will be done in very short order once these proceedings are concluded and I can get to my work.

The CHAIRMAN. I would very much appreciate that.

Do you have any idea as to when it might be possible, how long it would take for you to formulate a judgment on that?

General HAIG. Well, clearly I would like to commit to a very, very early date. But I would also caveat that with the understanding that this is an interdepartmental issue in which Secretary-designate Weinberger and the NSC at large will have to carefully assess it. But I think in the context of the question, time will press us.

The CHAIRMAN. Thank you very much.

For my colleagues—and I think I speak on behalf of all of my colleagues—I express deep regret that Senator Baker's absence today is necessary because of illness. I talked with him twice yesterday and he knows that we express our feeling for a quick and complete recovery to both him and Mrs. Baker, who is in the same hospital.

I want to express appreciation to Senator Pell for taking time out yesterday so that we could fulfill the will of the committee, and again, to all of my colleagues on the minority side for their continued cooperation in these confirmation hearings.

Senator Pell.

Senator PELL. Thank you, Mr. Chairman.

I was very glad to be with you yesterday at that rather historic moment.

Let me follow up your thought on the Fisheries Treaty for a moment. I would just like to remind the Secretary of State-designate that

not one Senator from any of the areas affected supports the treaty. We think it is a poor treaty and that it should be renegotiated. That view is very firm and without exception.

Second, I would like to follow up on Senator Pressler's question of yesterday. I regret that we do not have the transcripts. I would hope that transcripts could always be made available the next day to each member.

The CHAIRMAN. I'm sorry, Senator Pell, but I had a copy of the transcript delivered to me. It was available to both minority and majority counsel yesterday and it should have been available.

May I ask the majority counsel why I was provided a copy of the transcript yesterday and it was not made available to the minority.

Mr. THOMPSON. I believe it is available.

The CHAIRMAN. Apparently one copy is available and has been available to the minority.

Senator PELL. I thank the chairman. I would ask the staff to take it on itself the responsibility of insuring that each Senator has the transcript at his place at his desk here for the next day's hearing.

In any case, my recollection of Senator Pressler's question was that he asked the Secretary of State-designate under what circumstances he believed SALT could be resumed, and the nominee replied that he thought there should be a dramatic improvement in our military posture before resuming SALT conversations.

Is that a correct analysis?

General HAIG. I think, Senator, I wouldn't want to suggest that I'm saying that these improvements should be in place.

As you know, many decisions made today will require as many as 5 to 8 years, in general terms, between what we used to refer to as "womb to boom," the time of a decision and the time a system can be produced and deployed.

The point I was making and which I hope to reiterate this morning is that decisions, decisions on allocation of resources to programs designed to enhance our strategic posture are the precondition that I suggested, as I did a year ago in SALT testimony.

Now, some of those already have been taken and they are formulated. But clearly, with this new administration and these new Defense budget submissions, we have the need to give recognition to the implication of those submissions, to be able to anticipate the kind of success that we are seeking in SALT III and, above all, hopefully to be able to achieve some genuine reductions in armaments.

Senator PELL. Now the improvement in posture means an improvement in our strategic posture or in conventional posture?

General HAIG. It means really the entire posture, but with primary focus on our strategic posture.

Senator PELL. May I follow up that thought for a second and ask you what is your thinking with regard to the idea to which I always have subscribed, that is, that if you can destroy your opponent once, if you can inflict unacceptable damage on your opponent, it does not matter if you can multiply that by a factor of 2, 3, or 4, as I think it was Khrushchev who once said to make the rubble bounce.

Don't you believe it is more a question of will? Are we able to use the force we have in a crisis rather than just having a larger amount to make the rubble bounce?

General HAIG. Well, I don't anticipate that what you are suggesting to me is a so-called MAD concept within the connotations of your remarks. If it were, my answer to you would be I would be stringently opposed to a MAD concept for American strategy. As a matter of fact, the outgoing administration clearly departed from that in its recent decision memorandum which it made public.

I think to answer your question in dialectic-strategic terms, it is really not quite so simple as to suggest that merely the perception of overkill or adequacy in the context of damage to populations, cities, or both is the essence of our strategic need. I think it is vitally important for Americans to recognize that the perceived balances between us and the Soviet Union, as a backdrop to the conduct of all of our relationships with the Soviet Union, are a vitally important aspect of our anticipated success.

You know, in crisis management, at lower levels of tension in which probably, certainly hopefully, the rattling of nuclear sabers will not be engaged, this backdrop serves to strengthen American diplomacy, to enable the American President to speak authoritatively at these lower levels, and hopefully to bring about a resolution without resort to higher levels of tension and potential conflict. That certainly had a role to play in President Kennedy's successful management of the Cuban missile crisis in 1962.

What I am suggesting is if you slip into the exclusive mentality that it makes no difference what our levels of strategic power are because we have enough to register what we presume to be an unacceptable damage, then you tend to discount all of these other factors.

I'd suggest another thing that you discount by such a theory, and that is the incentive, as we sit down to negotiate with the Soviet Union, to achieve real breakthroughs in reduction of nuclear armaments, an objective you and I share very, very strongly.

You cannot unilaterally apply restrictions to American arsenals while ignoring unbridled and unchecked growth of Soviet Union arsenals in the nuclear area without at some point providing a disincentive for breakthroughs in arms control and, above all, to provide a backdrop that could be extremely dangerous in the management of our day-to-day crises, inevitable as they are, with the Soviet leadership.

I hope I have shed some light on my thinking with respect to your question.

The CHAIRMAN. Senator Pell, would you yield 30 seconds on my time for me to put into the record exactly what General Haig said on Saturday?

Senator PELL. Certainly.

The CHAIRMAN. He said:

It doesn't mean that until that's done we are not able to talk. Not at all. It does mean we've got to change the backdrop under which those talks and ultimately the negotiations themselves can be conducted successfully.

Thank you.

Senator PELL. I guess what bothers me is the question of the response of the man on the other side of the negotiating table. I think it was Talleyrand who once said that the mark of the real diplomat is the man who spends 10 minutes of every 60 thinking he is in the skin of his opponent. If you know that you are threatened

by someone with a small bore gun or a cannon and it was pointed right at you, it would seem to me that then the factoring in your decision is what is the likelihood of this man pulling the trigger. In the case of a nation for example, in World War II, Switzerland and Sweden were faced with that gun, yet they retained their freedom because they had tremendous will; but France, with its great maginot line, succumbed.

I would have thought there would be more emphasis not on the size of the backdrop but on the state of the will, the national character of the participants.

What would be your reaction to that thought?

General HAIG. Well, I think beyond a shadow of question that is an important aspect of the overall mix that we are talking about.

But also, as you get into the discussions we are talking about, Senator, I think it is important for the American people to recognize that America's strategic ballistic nuclear capability increasingly is in jeopardy, based not on negotiating mistakes but primarily unilateral decisions made over a period of years here in the United States; and it is a matter of some importance that we rectify that. That is what this MX debate is all about. That's what led to this administration submitting, or at least preparing a deployment plan for the MX.

We find, as we look into the decade of the 1980's, that the United States, for a host of reasons, has permitted itself to be exposed in this vital area of first strike vulnerability in the ballistic missile area—fixed silo capability. I think that is an unacceptable position for us to be in. I have felt that way. I think now that most of the experts have come to believe that and I think it is an area, among several others, that has to be corrected.

Senator PELL. I want to be sure I understand what you are saying.

Are you saying that if the present trends continue there could be a nuclear exchange in which only the United States would be destroyed? I thought that would be incorrect because of the Trident, the third leg of the Triad, which is always there to render the unacceptable damage if such occurred.

General HAIG. It really isn't so simple as who is destroyed and who isn't destroyed. There are a number of unfathomable and unmeasurable calculations that have to go into that: what level of damage would American leadership accept versus what the Soviets might accept. I think there could be some substantial differences there.

That is one issue.

Another issue of overriding importance is after the first exchanges, what residual capability remains on both sides with which to influence ultimate outcomes. It can be rather substantial under current trends with respect to assets available to the Soviet leadership. Now we have to deal with that problem and I think it is important that we do. We are beginning to do so.

Senator PELL. I had always understood that the Trident is a pretty secure secondary, followup weapon system. I had always inclined to the old triplet: "Put the weapons out to sea, where the real estate is free, and far away from you and me." I think that is how it goes.

General HAIG. Yes; we all like that jingle.

Senator PELL. To me it makes a good deal of sense. Yet the weapons remain there.

Would that not give you the followup that you are talking about if, God forbid, such an exchange occurred?

General HAIG. Well, there are a host of reasons why I wouldn't endorse that jingle unreservedly. One is unforeseen technological breakthroughs available to the Soviets which might, in very quick order, enable them to neutralize, given the overwhelming number of submarines they maintain today, our undersea delivery capability. The second aspect that would give me pause is the current accuracy in what I call silo-busting capability of our current submarine launched systems. While they are improving tremendously, they are in no way comparable to heavy silo-based missiles of the kind the Soviet Union has deployed in large, large numbers, and continues to modernize.

You know, some years ago, we Americans pursued a philosophy that technological accuracy and precision could compensate for the yields of Soviet weapons which we largely relegated to free run.

Now we have been faced with what I would call the imprecision of that attitude as we see the Soviets not only merge these huge yields—or not only develop them—but to merge them with an alarmingly improved technological capability which is enhancing the accuracy as well as the yield.

And so, we find ourselves today in a very serious dilemma that must be dealt with, and it must be ballistic in character to be an appropriate counterweight. It must also be of the yield and the accuracy that is necessary. And, above all, its response time must be comparable in deterrent terms.

There is another problem with our undersea delivery systems. There are some lags in response time, recycling time, which our silo-based systems would not have.

Now please do not misunderstand what I have said as a reflection of skepticism on my part about the desirability and the incalculable role that our undersea delivery systems contribute to our overall deterrent. But we have maintained a Triad in the American strategic inventory to assure a redundancy, to be sure that one system wasn't neutralized and we found ourselves totally without an alternative.

I feel very confident that we have been well served by this so-called Triad concept and we should not abandon it.

Senator PELL. Thank you for your response.

My time has expired.

The CHAIRMAN. Senator Helms.

Senator HELMS. Thank you, Mr. Chairman.

I know all members of the committee send their best wishes to our distinguished majority leader. I asked that a check be made about his condition. I am not particularly pleased by what I hear, that he may be out as long as a week. He has diverticulitis, which is a very uncomfortable condition, to say the least.

Howard, if you are looking, we are thinking about you. We are not quite as uncomfortable as you are.

Good luck.

Mr. Haig, I was out of the room on Saturday morning when you responded to an inquiry about the Republican platform.

I asked for a copy of the proceedings Saturday and I have them before me. What I read that you said does not entirely square with some of the perceptions of what you said publicly. But, notwithstanding that, I wonder if you would walk me briefly through the way you feel about the provisions of the Republican platform.

General HAIG. I am very pleased you asked for this clarification, Senator, because after reading some of the media reports of what I said or did not say, I think it is very helpful to get the record straight this morning.

The CHAIRMAN. General Haig, may I just comment that I also have said that I do not feel bound by certain provisions in the Republican platform.

General HAIG. I want to assure all of the members that I spent a great deal of time over the few hours I had this weekend to review that platform with some care.

Senator BIDEN. With all due respect, Mr. Chairman, that is more expected coming from you.

[General laughter.]

General HAIG. I did not find that I could, on the surface, take exception with very much of it.

I do feel that the American people at the ballot box clearly registered their support for the broad outlines of that platform and that any official of the executive branch must feel obligated to give it the greatest weight in the conduct of policies that ensue.

On the other hand, I do want to make it clear that I don't feel this is so literal a mandate that we must feel totally confined and constrained to live accordingly to the platform as we would be were it the Great Tablets brought down from Mount Sinai by Moses some years ago.

Senator HELMS. Well, for one thing, circumstances change.

General HAIG. Absolutely.

Senator HELMS. But principles don't.

General HAIG. True.

Senator HELMS. If I read what you said, that is what you meant.

General HAIG. I hope that's what I conveyed, but clearly I did not do so to all. It is important that you asked this question and that I reiterate my support for that platform. But I would again caveat that circumstances do change, and once you find yourself in a position that has been set into motion, it is not the same as though you were debating whether or not you should have done something in the first place.

Senator HELMS. Let's take a look at two or three things in the platform. I have some small, proprietary interest in the platform. I didn't do much, but I did make a few contributions to some of the provisions.

With respect to Asia and the Pacific, the platform states, and I quote:

A new Republican administration will restore a strong American role in Asia and the Pacific. We will make it clear that any military action which threatens the independence of America's allies and friends will bring a response sufficient to make its cost prohibitive to potential adversaries.

Do you find any fault with that?

General HAIG. No; I find no fault with that, Senator, and I think it is the essence of our commitments, not only in Asia, but worldwide where we have made them.

Senator HELMS. Let's talk about Korea a little bit.

In particular, I would like for you to address yourself to rather massive North Korean buildup and the outline of whatever steps you may have in mind if you choose to discuss them now to be taken in the light of that North Korean buildup.

General HAIG. Well, Senator, first I think it is important that we all recognize that we have almost habitually underestimated in our official intelligence estimates the gravity of that buildup over the years, just as we have underestimated in large measure the strategic buildup of Soviet nuclear power.

I would make no bones about the concern I felt 4 years ago, when we committed ourselves to a withdrawal of American ground forces in the current environment from the Korean peninsula. I am very pleased that in the subsequent months that decision was modified and reversed, and I think as a consequence of some of the concerns registered right in this committee.

Now, with respect to the future, I think we continue to march or continue to proceed with an obligation to help Korea, whose own economic resources have improved tremendously over the years, to maintain an environment in which this miracle of economic resurrection, rebirth, has been able to proceed. It is an unusual testimony of our free enterprise and our free democratic system, despite whatever "warts" one may attribute to the current regime in Korea.

There is no Eastern counterpart—none. So I think it is vitally important for the projection we are trying to convey around the world that we insure the security of the Korean Peninsula. That means the maintenance of at least current levels of ground, air, and naval forces. It means, hopefully, that we are going to succeed in strengthening the region at large by increased capabilities on the part of Japan.

So, I do not see any justification in the current environment for a reduction of any kind in the American presence in Korea.

Senator HELMS. How about the Kim dae-Jung issue over there, the dissident political figure? That's a sticky wicket for us in terms of public psychology. But that would not have any particular effect on your overall view of the importance of South Korea. Is that correct?

General HAIG. Well, that importance is a strategic reality, and it will not change. It has certain universal overtones, permanent overtones in the context of threats to Japan and the whole stability of the region.

I think what you are referring to is the Kim situation, is that correct, Senator?

Senator HELMS. That's correct.

General HAIG. Well, this is a situation of such sensitivity and importance that I would prefer not to discuss it in an open session. I think Mr. Reagan has made his position clear on this through Mr. Allen some weeks ago.

Senator HELMS. He and President Carter alike agreed on that.

Mr. Chairman, why don't we reserve that for discussion in our closed session. I can recognize the danger of saying too much publicly about it at this time.

The CHAIRMAN. We can try to take that up this afternoon at our 5 o'clock session.

Senator HELMS. Thank you.

Continuing on the platform, you have touched on Taiwan several times and with satisfaction to me. The platform, as you know, says that the United States will give priority consideration to Taiwan's defense requirements. I take that to mean that we will continue to furnish Taiwan with defensive weaponry it feels it needs to provide for its defense.

Now, how do you feel about sales to Taiwan of defensive fighter aircraft, like the F-16?

General HAIG. Well, here again, Senator, if you had just said "defensive fighter aircraft," I might have been more easily able to respond.

Senator HELMS. Well, then, put the question mark after "aircraft" and leave out the F-16.

General HAIG. I think we have made a public record on that issue which we are going to have to maintain.

Senator BIDEN. Excuse me, but what is that public record? I am afraid that I am not aware of it.

General HAIG. It is that we have certain obligations to be of assistance to the people of Taiwan in a defensive, purely defensive sense. We have certain ongoing commitments.

Now, when you get down to the degree of sophistication and what have you, that is where I would want to be far more measured and would want to consult, indeed with this committee, on the character of what might be done. The same would apply for the People's Republic on technology transfer and other things.

Senator HELMS. Senator Biden will follow up I am sure on his own time.

Senator BIDEN. Thank you.

Senator HELMS. How about the provision in the platform which says we do not support U.S. assistance to any Marxist government in this hemisphere and we oppose the Carter administration aid program to Nicaragua?

General HAIG. I think, in general, that is representative of my view. I do not want to make a priori commitments which might bring a contradiction or two to that, taking certain action might bring about the outcome that leads to that objective more effectively than some other outcome.

Senator HELMS. We are talking about circumstances and principles again, General.

General HAIG. The principle would be fine.

Senator HELMS. I took a very strong position on the Senate floor on this question, but I can see that circumstances would change. So did the platform. I did you an injustice, sir. I didn't finish reading the sentence before I allowed you to comment. The platform further stated: "However, we will support the efforts of the Nicaraguan people to establish a free and independent government." That puts a totally different cast on the whole question.

General HAIG. Absolutely.

Senator HELMS. I apologize for not finishing the statement.

The Panama Canal treaties we have talked about.

Did I use that much time?

Senator BIDEN. The Senator is welcome to have a minute of my time.

Senator HELMS. Thank you, but I won't impinge upon the Senator's time.

You feel that implementation of the treaties should be based on what the Senate meant when it approved the treaties, is that correct? I'm talking about the DeConcini amendment, for example.

General HAIG. Yes; in general, yes.

Senator HELMS. I am going to send down to you a copy of President Royo's letter in which he takes exception to the whole thing. I will not draw you out on that, however.

There is one final thing. Much has been said here in these hearings about Chile. That is the basis of some of the opposition to your nomination, General.

Would you care to state to me what would have occurred if Allende had continued in office in Chile? What would have been the effect on the United States, among other countries?

General HAIG. Well, I wouldn't presume to speak with infallibility on the subject, Senator. There are many, many uncertainties that would be hard to address.

One point I would like to make, now that this question again has resurfaced—and I think it is vitally important that we all recognize that the demise, if you will, or the expulsion of the Allende regime in Chile was the consequence of action taken by the Chilean people. That sometimes gets lost in these exchanges in which we have been indulging at length; that is the first point.

The second point is I cannot speak with certainty as to what would have happened. But, really, a country of the size and demographic significance of Chile, in the Marxist mold, as a platform for further expansion of Cuban subversion in this hemisphere and a very crucial area of this hemisphere, is not something that I would view with anything but the most profound concern. I think that was true of our national leadership for an extended period, not unlike the period when I served President Kennedy to President Johnson. They were equally concerned about subversion in the hemisphere and they launched a number of highly important, some covert and some open, programs, designed to deal with this issue.

Senator HELMS. General, we can continue with this on my next round of questions. But I think it ought to be borne in mind, for example, that the inflation rate in Chile at the time of Allende's downfall was 1,000 percent. That ought to tell us something about the kind of government he was running.

General HAIG. He was a failure.

Senator HELMS. Right.

We will continue this later.

Thank you very much.

The CHAIRMAN. Thank you, Senator Helms.

Senator Biden.

Senator BIDEN. Thank you, Mr. Chairman.

General, let me begin by apologizing for not being here on Saturday. Friday evening a member of my family was rushed to the hospital. Everything is fine now, but I was called back to Wilmington. So I apologize for not being here.

But I sat with my father in the hospital and watched the proceedings, so I don't think I missed much except the opportunity to question.

I was going to begin by further fleshing out what I think to be a very useful discussion that you have undertaken, that all of us have undertaken here with you, concerning your view of strategic policy. Let me see if I can follow on with Senator Helms' point for a few moments and maybe help him a little bit.

I recognize that you may be, in answering these questions, as they might say in some parts of my State possibly between a rock and a hard spot. But I am going to see if I can help alleviate that.

There has been a great deal of discussion, General, by President-elect Reagan and much more, and very articulate, discussion by Senator Helms and members of the majority party that we should keep our distance from Marxist Governments.

As a matter of fact, all of us observed at this last election that there were even organizations that made their involvement in political campaigns directly based upon what I would call the Marxist quotient: whether or not a Senator voted for aid to a country that had or espoused or was thought by some to have a Marxist government.

The point that Senator Helms made is that circumstances may change, but principles don't. It is very important for us to understand what your principles are under any circumstances.

In that regard, the Republican platform states, as I just heard, that any Marxist government in this hemisphere should not be supported, with the caveat that we will obviously work for whatever the people want in those various governments.

General, can you see any circumstances, without nailing you down to any particular country, where it may be in the best interest of the United States of America to give both economic and even military aid to flatout, old-fashioned Marxist regimes?

General HAIG. Well, first, Senator, let me say that I haven't really determined whether you are the rock or the hard place. [General laughter.]

Senator BIDEN. I haven't figured that out, either. But maybe you will have a judgment on that after I finish my questioning. [General laughter.]

General HAIG. I think, as you know, that we have quite a history of dealing with the Government of Yugoslavia, although I think Mr. Djilas might contest whether it is a model of Marxist-Leninist socialism.

I think the point I would wish to make is that in general we must be concerned about the nature of the regime we are supporting. If it is a regime which pursues policies that violate the values that we cherish, then really we can only go into supporting actions with great reservation. I think those reservations are going to have to include an assessment of whether that particular action at that particular time and that particular junction of history in that particular recipient country would, in the long run, make a contribution to the amelioration and elimination of the problem that concerned us in the first place.

Senator BIDEN. As I understand your answer, General, you would put it in the same framework as you did the question regarding human

rights. You said human rights is a consideration, but it should be one of a number of considerations.

I think it is very important that the American people who watch this—and they are watching, I was amazed to learn over the weekend—understand this clearly. They tend not to be given a picture by us in public office—not you, but those of us in the Senate, the White House, and in the Congress generally—that is easy for them to understand. They are very bright and they are very deep, and we many times tend to be fairly shallow. The shallow perception of the Congress has been to argue the question of military or economic aid based on either human rights, whether they have thumb screws or don't, or whether or not they are Marxists or call themselves Marxists.

As I understand your answer, you would reject both of those as absolute tests in terms of whether or not aid would be forthcoming from the United States.

General HAIG. Of course.

Senator BIDEN. We do, in fact, aid Marxists governments now and I assume it will be the continued policy of the administration.

General HAIG. Well, I think you can anticipate, Senator, that we are going to take a very, very hard look at those policies which we have inherited with respect to that issue.

Senator BIDEN. Sure. But you are not going to stop relations with China, the People's Republic, are you?

General HAIG. Of course not. Not at all. We are going to proceed in the other direction, I would hope.

Senator BIDEN. Hopefully to build up relations, economic and otherwise—correct?

General HAIG. Precisely.

Senator BIDEN. So you are anxious to have more relationships with those Marxists in China because it is in the U.S. interest to do that. Right?

General HAIG. It is in our strategic interest to do so.

Senator BIDEN. It surely is. I completely concur.

I assume you also suggest that we should maintain a relationship with Yugoslavia and do all we can to keep Yugoslavia from coming under the direct hegemony of the Soviet Union, even if it means, once again, aiding a Marxist government, economically or politically, as circumstances would warrant.

General HAIG. I don't disagree with that.

Senator BIDEN. I am really not trying to trap you, General, but there are a number of people who have been characterized as on the right, for whom I have a great deal of respect, as on the left. As a matter of fact, one is sitting behind you. I have a great deal of respect for you—and I wasn't referring to your wife. [Laughter.]

General HAIG. You may have been, Senator. [Laughter.]

Senator BIDEN. I may have been, but I wouldn't want to insult her. I was referring to Secretary Califano. And the point is that I think that opinion is significant since it comes from you as opposed to from Joe Biden or John Glenn or anyone on the Democratic side, a man of your military bearing and background, with what is characterized in the press as a hard-line position, being tough. And I'm not being sarcastic.

I think it is very important that the American public hear you say what you just said, so that we can put a rest to some of this diatribe that goes on on the far right, this malarky that if you hate anyone, if you vote for anything that in any way enhances a Marxist regime for whatever reason you are somehow less than American. And I thank you for your answer, General.

I'd also like to ask you, speaking of the Republican platform, another question. There's a line in the Republican platform that says we must harmonize economic policy with foreign policy. And with regard to that economic policy, there are various schools of thought.

For example, let's talk about United States-Soviet relations for a minute. And I'm going to try my best not to get you into specifics, because you need as much flexibility going into this new job on bilateral and multilateral relations as you possibly can be afforded. But we talked a little about linkage in this committee, General, and you were very forthcoming on that subject. And I'd like to speak in terms of linkage as it relates directly to United States-Soviet bilateral economic relationships.

There seem to be about three schools of thought. There may be more. Some feel that Western capital, trade and technology, and grain and agriculture products simply keep a faltering civilian Soviet economy afloat. It's subsidizing, allowing, the continued high military levels. By our giving this aid, all we're doing is really aiding the Soviet leadership by allowing them to put more money into guns, because we're helping them out on the butter side.

Another school of thought is that if we just would isolate economically and pinch the Soviet Union more, rather than less, we would be apt to bring about a more chastened attitude on the part of the Soviet Union and lessened military expenditure.

There's a third school of thought that says if we pinch the Soviet Union economically and technologically we'll just increase their appetite for adventurism. Instead of diminishing it, we'll increase it. As you know, I am aware, as a member of the Intelligence Committee and you, as a former Supreme Commander in Europe, are aware of some of the relationships we have with the Soviet Union that, in fact, if curtailed could seriously impact upon some of their market economies as they involve themselves with international trade.

This school argues that if we somehow affect their ability to get oil out of the ground in the Soviet Union, we'll probably send them into the Persian Gulf area—increase their appetite for that region. If we, in fact, diminish their access to certain technologies, we'll increase their appetite to move into other areas.

Now in terms of these three—and I assume you could come up with four or five or six different schools of thought—I am, believe it or not, trying to be fair in outlining the broad policy kinds of dilemmas that we'll be faced with as a nation shortly—in light of these presently raging and prevailing schools of thought with regard to the Soviet Union, and the dictum in the Republican platform to harmonize our economic policy with our foreign policy, would you give us some sense of your views on trade and technology. I'm not talking about the grain embargo and I think you're right not to say whether you are for or against it and lifting it. Obviously that's the President's decision and that should be left to him in concert with you.

But in trade and technology generally, everything from pipelines to sophisticated computer technology to agricultural products—tell us how the use of trade and technology fits into the overall foreign policy that your administration would likely pursue.

General HAIG. Well, Senator, that's a very thoughtful and very important question. And there are some variations of the models that you have set up.

Senator BIDEN. Yes; I acknowledge that.

General HAIG. Some of them have already been labeled and attributed to personalities. One of them is that we don't want the Soviet Union to languish in failure because it may be forced then to take aggressive action—the last one you mentioned. I've heard that.

There is another set of contradictions on this overall issue. Some economists, for example, believe that the essence of conduct of international reality, historic evolution of events, are essentially and almost exclusively driven by the economic factors.

Senator BIDEN. What's your view of that school of thought?

General HAIG. My view of that is that it's a highly simplistic and unrealistic view, although it has some overtones of truth, as do all such views.

There is a belief also that I think should be aired, since this profound question has been raised. And that's the belief that economic interface with the Soviet Union builds bridges which will drag other political relationships into a more favorable light and therefore they should be undertaken on their own right, regardless of the international climate and regardless of corresponding Soviet activity in that climate. I reject that thesis.

Now I think the Republican platform spoke of harmonization in the context of the core of the United States-Soviet relationship, which is political, and I use that term in its broadest sense—political. And that all of these other factors—technology, technological transfer, agricultural support, credit transfer, trade, aid, military relationships, disarmament, the whole range—are ancillary to that core political issue.

Senator BIDEN. General, how can we stop the SALT negotiation or seriously inhibit it because of the antisocial behavior in an international sense of the Soviet Union in Afghanistan, and still aid them significantly in getting oil out of their ground, which they use to propel those tanks into Afghanistan.

General HAIG. I think you've asked a very important and a very good question.

Senator BIDEN. I'm anxious for a very important and good answer.

General HAIG. That is precisely what I think the general connotation suggested by the phrase, harmonize our relationship. I touched on it, I believe, on Friday, when I said—

Senator BIDEN. Isn't SALT more important than oil in terms of the context of their oil?

General HAIG. Well, in exclusive value judgment terms, probably. But in the context of United States-Soviet relationships and the political core of that relationship, no.

Senator BIDEN. Well, I guess my time is up. I'll come back to this. I don't understand, as they say in the southern part of my State, how y'all can use Afghanistan as a reason not to make a full-blown effort

on SALT, and still allow U.S. corporations to make tens of millions of dollars by going through with an oil deal that allows them great profit and significantly enhances the Soviet Union's military capability by allowing the oil to continue to flow to fuel those tanks.

General HAIG. I think this has been a bipartisan policy, Senator.

Senator BIDEN. I agree. It has. I guess I don't understand it. I don't see how you do one and not the other, and I don't see how we can use one and not the other. I find it very disturbing in the Carter administration, very disturbing in the Congress, and if it continued I would find it very disturbing in the Reagan administration. But I will pursue that when I get back.

The CHAIRMAN. On that disturbing note, thank you very much, Senator Biden. [Laughter.]

Senator HAYAKAWA.

Senator HAYAKAWA. Good morning, Mr. Haig.

In response to a question from Senator Lugar, you talked about the growth of military power of the Soviets in the western Pacific. And I wonder if you would elaborate on this with particular reference to the Far East. That is to say, do you perceive the Soviet presence there as a threat to U.S. interests in that region? Are U.S. bases and forces in the area adequate to any contingency that might arise?

I'm concerned, for example, about the apparent patrolling of the western Pacific by Soviet naval vessels, I understand, and I'm really, really curious as to why Soviet troops are in the Kuriles in considerable numbers. And is there a threat to our interest in all this kind of Soviet activity in the Pacific?

General HAIG. Well, Senator, I think there is indeed a threat, and it's a growing and an increasingly important one, especially in post-Vietnam America.

Your reference is to growing Soviet military presence in the western Pacific and, indeed, in the eastern Pacific as well—around Hawaii I'm talking about subsurface—increased density of subsurface Soviet presence, increased surface combatants, utilization of bases, for example, in South Vietnam, which is of such concern to Peking. Above all, from a Japanese point of view, the growing Soviet presence in the northern islands.

You can attribute a number of objectives to that expansion. You can say that it represents a manifestation of a growing Soviet capability. It is going to make their foreign policy and their influence far greater. That's the more benign concept and it, by itself, is sufficient to require a reassessment on our part, together with our allies, of their current state of military preparedness.

You can, of course, attribute to the Soviets much more modest objectives. I'm not so sure it is a relevant issue in any event. The important fact is that we're going to find ourselves at an increasing disadvantage in diplomatic and policy terms if the perception of inevitable Soviet supremacy in the military sense in that area goes unchecked.

Senator HAYAKAWA. Well, I continue to be puzzled by the apparent lack of alarm in Japan about the Soviet presence in the Pacific, and especially Soviet troops in islands adjacent to Japan in the north. Is Japan going forward in any way to protest or to monitor or survey what the Soviets are doing?

I've argued with several Japanese newsmen on this subject and asked if there was any alarm on the subject and they seemed to indicate there wasn't. I can't understand why, when Soviet troops in some considerable numbers—some people say 10,000, some people say 50,000—are up in the islands adjacent to northern Japan. Isn't it a cause for Japanese alarm and aren't the Japanese strictly limited in their defense policy by treaty to land forces?

Should they not be patrolling the Pacific, southern Pacific, in order to protect their oil lanes from the Middle East?

General HAIG. Well, again, Senator, I want to be careful in an open forum not to indulge in the bludgeoning of friendly nations. I think it goes without saying that we Americans would like to see Japan increase its level of expenditures for defense. They're still below 1 percent of their gross national product.

I know, in a dialog between the Carter administration and the Tokyo Government that the commitment this year, again, has been described as disappointing by Hal Brown.

Senator HAYAKAWA. I felt that way, too.

General HAIG. I would also want to suggest that there are limits to this. Again, I don't think it ever serves a useful purpose, unless it is a very calculated one, to conduct these observations in public, unless you've tried all of the official private channels available to you.

I would also suggest that the government orientation in Tokyo, which is now very strongly pro-Western—pro-American—and which I am very, very pleased about could change. A mishandling of our relationships with that government could replace a pro-Western leadership with an essentially neutralist leadership. And then all of these issues we are arguing and anguishing over would become moot and the damage done would be far more serious.

I think suffice to say that Japan is the pillar of our policies in Asia and a strong, healthy, participating Japan and a Japan that bears its share of the security needs of that area are vitally important within the provisions of the constitution which we Americans were so active in drafting and helping them draft.

Senator HAYAKAWA. Thank you. I was very reassured by your reply to Senator Helms on the subject of Korea. And I continue to worry about that country. I attended the funeral of President Park and got into considerable discussion about their problems with some officials there at the time.

What are the prospects of continued stability in the Korean peninsula? That is, is there any likelihood of a repetition of the Kwangju riots that occurred last spring? That was a very disturbing event.

General HAIG. Senator, I am very optimistic that we are going to see a return to stability in Korea in the period ahead. I recognize I'm putting my neck out on that one. But I am very optimistic that that will be the consequence that we are going to see.

There are already signs, certainly, in the economic area that the turnaround is underway. I certainly hope that will be the case.

Senator HAYAKAWA. Well, they are doing well economically.

Since American interests are tied up in Korea with North Korean boys just above the DMZ, what are the prospects of future strengthening of Korean defenses, and what are the prospects—what are we

likely to do in order to strengthen and encourage that defense, because the Koreans are living constantly under that threat from the north. I would hope that we maintain that kind of relationship that we now have and perhaps strengthen that relationship.

General HAIG. Well, that would certainly be a key aspect of policies that I would recommend to President-elect Reagan. And I caveat that with the recognition as well that the Korean Government is able to do more for itself than historically has been the case. But I think it is awfully important that their defenses are maintained at the highest peak of efficiency and technology capability, because they are indeed facing a very cruel and clearly insatiable neighboring regime that has not lost its willingness to cross the demarcation line to conduct subversive activities in the neighboring southern area.

Senator HAYAKAWA. Are there any prospects of talks between North and South Korea in the near or distant future? Or are they just not on speaking terms?

General HAIG. Well, I would have to refrain from giving you a definitive answer on that. As you know, there have been flirtations off and on and suggestions off and on for the last 15 years.

I'm not aware that there is any promising prospect, and I would again suggest that such prospects are enhanced to the degree that South Korea is perceived by the north to be ready, willing, and able to meet whatever defense requirements are necessary, brought about by the threat from the north.

The CHAIRMAN. May we have order, please, among the staff. It is difficult for us to hear up here.

Thank you. Please proceed, Senator.

Senator HAYAKAWA. So long as that condition exists, then, we have an uneasy stability there for the time being.

May I pass on into a question about the Philippines? I have also visited the Philippines and was terribly impressed with one thing—the enormous friendliness of the rank and file of common people toward the United States.

I was told that, I think, we admit something like 500 or 600 Filipino young men to the U.S. Navy every year, whereas the number of applications go into 5,000 or 6,000. And in a little restaurant that my staff and I went into, the manager learned that I was U.S. Senator, and he came over to introduce himself, and the first thing he said is, "Can you help my son get into the U.S. Navy?"

At the same time as we have this warmth, the feeling among the common people, there is an enormous amount of official distrust of the Government of the Philippines because of alleged violations of civil rights and so on going on there. And if we offend them enough there is a real danger that we may ultimately be denied access to our bases in Clark Air Force Base and Subic Bay.

Is there any danger of our losing that access?

General HAIG. Well, I think this has been a danger for a number of years, Senator, not only as it is a reflection of the attitude of the Philippine people, if they perceive an unreliable, inconsistent or perhaps less than willing United States to bear its continuing burden, but also if we mismanage our relationships with the incumbent regime and, even more importantly, if we mismanage our overall policies

in that area in such a way that the change of power occurred in which unfriendly influences were to prevail.

Senator HAYAKAWA. Well, whatever the defects of the Marcos regime, that regime is friendly to the whole idea of our having bases there, is it not?

General HAIG. It has been. Yes, sir.

Senator HAYAKAWA. When you say it has been you see a danger of their changing their views on that?

General HAIG. Well, you can never discount it, and I think, clearly, it is an asset to be used by an incumbent regime also to help that regime. I think President Marcos has been sensitive to that, as he probably should be.

Senator HAYAKAWA. This disaffection among the Philippine people, or some of the Philippine people, themselves against the Marcos regime, how serious is that threat to the regime?

General HAIG. Well, I don't want to portray myself as an expert on internal Philippine affairs at this moment. I have always had a very keen interest in that situation, but I've been away from it for 6½ years and I would like to reassess and refurbish, time permitting, my knowledge on that subject before I pop off.

I know clearly there's been a longstanding and virulent dissidence in various geographic locations and, on occasion, externally supported.

Senator HAYAKAWA. Thank you very much.

I regard our relationship with the Philippines as one of utmost importance and the presence of our bases there as protecting the entire Indian Ocean and western Pacific in a very important way, so I am glad that you are concerned about these matters and will be back to studying them, as soon as you get settled into office.

Thank you very, very much.

The CHAIRMAN. Thank you, Senator Hayakawa.

We will resume our questioning, then, with Senator Glenn. If the members of the audience and the press would please remain seated for just a moment while I make an announcement, this will give also General Haig, Mrs. Haig, and their colleagues a chance to leave the room without being stopped too many times.

We will recess until 5 minutes to 12. The Democrats, as I understand it—the minority—will be caucusing in room 4221. The Republicans will be meeting in room 4219. And we will resume our questioning at 5 minutes to 12.

[A brief recess was taken.]

The CHAIRMAN. I would ask, until our witness arrives, if any Members of the Senate present have a statement they would like to make, this might be a good time to do so.

Senator LUGAR. Pardon me, Mr. Chairman.

The CHAIRMAN. The question is, while we are waiting for General Haig's return, if there are any members present who have statements they wish to make they may do so at this time.

Senator LUGAR. Thank you, Mr. Chairman, but I do not.

Senator HAYAKAWA. [Nods negatively.]

Senator BOSCHWITZ. [Nods negatively.]

The CHAIRMAN. Senator Helms has volunteered to answer any questions that you would like to put to him about North Carolina. [General laughter.]

General Haig, in accordance with an understanding with Senator Pell, if the minority has not returned by the appointed end of the recess we would continue with the next questioning from a member of the majority.

Senator LUGAR.

Senator LUGAR. Thank you, Mr. Chairman.

General Haig, this morning, during the questioning by both Senator Helms and Senator Biden, considerable mention was made of the Republican Party platform. This brings to mind not only the formulation of that platform, but the very spirited election campaign that came afterward.

You pointed out that the American people drew some conclusions on the basis of the candidates for President, and for the Congress, and, likewise, the expressions of the parties in their platforms. And, as I recall, after a very serious question by Senator Helms, you came to an agreement with Senator Helms that principles remain constant, that circumstances change, that you as Secretary of State would not want to be bound today or tomorrow by particular circumstance. Nor would Senator Helms.

But at the same time there are some themes in that platform. And these were illuminated by Senator Helms and, likewise, by my colleague Senator Hayakawa. Now I make this point in the form of a short statement as opposed to a question, because it seems to me that it is important in this hearing that we come to an understanding of what this hearing is about. The fact is that the American people spoke on November 4, with regard to a whole gamut of issues.

Elections are never determined, nor would any of us conclude that they are determined, on a specific issue of foreign policy or domestic policy. But the Republican platform was markedly different than the Democratic platform—markedly different. So were many of the candidates for Senator and, indeed, the one for the President.

The decision of the people was conclusive. The majority of the people of the United States voted for Ronald Reagan for President. He has asked you to be his nominee for Secretary of State. He has done so, we are told, on his own testimony and by a great deal of testimony by his advisers and even more by press analysis, because you share his point of view. And his point of view is one that is shared essentially by the Republican platform in terms of principles.

Now the point of view of Governor Reagan and now President-elect Reagan is markedly different from the opposition party in other respects. Indeed, it appears to me that the American people said two general things. First, they wanted changes in the ways in which we were perceived by ourselves, by our allies, and by our potential adversaries. And they wanted a change in our domestic policy with regard to inflation and high interest rates. Indeed, they want growth in our economy again; they rejected a no-growth or greening of American theme. They came down clearly on the side of growth.

I think it is instructive that at this stage in the confirmation proceedings some of the most exciting testimony has been in your own hearing. Your hearing is attracting a great deal of attention.

I am advised that the ideas that are being presented by Mr. Stockman with regard to potential budget cuts, the reordering of priorities,

and the sacrifices we shall have to make are taken by some as shocking and unconventional, even though he is acknowledged as very well prepared.

And I understand that Mr. Watt is attracting some attention with his thoughts on the environment and economic growth. Now it appears to me that to a very great degree the focus of attention in this interim period has come down to your hearing, to Mr. Watts' and to Mr. Stockman's. And for good reason: There are changes that are in the air—changes that you represent.

The opposition party, as a matter of fact, would prefer that the nominees had been persons who shared more their point of view. I think that is understandable. They would feel more comfortable with someone who was much more like a Secretary of State in the past administration.

Clearly they are staggered by Mr. Stockman and I suppose likewise by Mr. Watt. But I think that in these hearings we as a public are coming to an appreciation of what an election means. People make points of view known in the aggregate, and President-elect Reagan is following through on that. He is suggesting that people meant what they said. They want a stronger America.

I have a fairly firm conviction that Mr. Stockman and Mr. Watt, even though there may be extended hearing and discussion on the floor of the Senate, will be confirmed. And they will go forward. There will have been an honest locking of horns, people will have been very competitive in their ideas, there may even be parliamentary maneuvering. But ultimately the majority rules, and there is a majority of Republicans in the Senate.

And the majority of the people in the country, I think, stand behind the opportunity of Ronald Reagan to express himself and his party's viewpoint.

I have no doubt that, given the good will of the minority on this committee, that you will be confirmed. There is, I think, unanimity of viewpoint that we need a Secretary of State and that we need one promptly. This country faces grave danger.

There is unanimity about the need to have a Secretary of State, even if there is not unanimity on you as the person.

I do not predict the testimony of the Archivist, when he comes this afternoon. His testimony has been telegraphed ahead. But my understanding is that he will indicate that he has some problems which he expressed to the chairman, Senator Percy, yesterday, as to voluntarily giving up a log that we as a committee requested unanimously.

That request was made in good faith on the part of Republicans and Democrats alike. Senator Baker said the other day he was opposed to a fishing expedition. We really ought to zero in on those elements of evidence that might be most useful to us and direct our attention to prompt consideration of General Haig.

Now maybe the Archivist will surprise me and say that since he received a subpoena, he brought the log. My understanding is that he is unlikely to do that, and as a matter of fact may very well indicate some legal problem and some problems of precedent.

Therefore, we are going to have a dilemma which I lay out in this portion of the hearing, because I am hopeful that my colleagues on the

other side of the aisle will try to share this burden too. There will be, I think, a temptation to prolong the confirmation of Alexander Haig forever, if necessary, leaving open not only the record, but the possibility for review.

But I hope we are going to look very carefully at the legal position and the possibilities for success. It is not at all clear that the tapes that we seek are going to be available in the next few weeks or the next few months. As a matter of fact, there are some legal scholars, I am told, who predict that this situation might linger on for a matter of years.

This means that, unlike Mr. Stockman and Mr. Watt, who I believe are going to be confirmed even after controversy, you may be confirmed and still have an open hearing—an exploration of a situation over which you have no control. I think is not only your problem but our problem as a country. And this is why I raise it.

I think very serious thought is going to have to be given as to how your effectiveness is impaired by having an ongoing trial and what amounts to not a replay of Watergate but a nonplaying of it, or the possibility of a playing of it 5 months, 12 months, 2 years, or 3 years down the trail. It may arise again at a time of very sensitive negotiations in which you are involved on behalf of all of us. And suddenly, out of the blue, a court somewhere says “here are the tapes.” And this committee then comes back and has another try at it.

That is not a pleasant prospect for this country, quite apart from yourself and your effectiveness. I think this is something we are going to have to weigh very carefully as a committee, something I am weighing very carefully as I think this through.

It seems to me that as a group of people—of rational people—we’re going to have to try to come together in some comity as to how we discharge our duty of trying to find those things that are relevant and at the same time not impair a Secretary of State.

Now I am mindful that the action that we took on Saturday was generally applauded throughout the country. There is no stomach in the country for coverup in this committee, for the arbitrary use of majority power, or for a whitewash. And I don’t appeal for that either.

I am eager to expedite these hearings, and as far as I am concerned a vote could be held at 4 o’clock this afternoon, not 4 o’clock Wednesday, Friday, Saturday, Monday or whenever we get to it. I think the issues are well known. But I respect the rights and privileges of my colleagues and they will exercise those to go into exhaustive detail and to other parts of history as they play out the time.

But the central issue, I think, is how we have an honest controversy and at the same time come to a conclusion with confidence in you, with the country having confidence in you, and without a Sword of Damocles hanging over us all. That would be historically a very unfortunate situation.

I apologize for taking time that you might have given in response to questions to make this comment. But we on this committee can use the time any way that will lead to productive results.

I would simply add that I appreciate the points of view you have expressed, the remarkable way you have attempted to reassure those who oppose you while not undermining those who strongly support you.

I am one of the group that strongly supports you and hopes to see your confirmation quickly, without strings attached, and without things hanging over the future that will jeopardize not only your effectiveness but likewise our ability as a power that needs greater respect in the world.

Thank you very much.

The CHAIRMAN. Senator Lugar, on my time I would like to say thank you for those comments.

Senator Baker said he supported the action taken by the committee because there is precedent for it. At that time, when it was in the case of Dr. Henry Kissinger, it was the intention of this committee to investigate several matters that the committee members felt had to be investigated, but do so in such a way as not to undercut or impair his authority, nor to interfere with the carrying out of the country's foreign policy, and to bear uppermost in mind the national interest.

I can assure on behalf of every member of this committee those same principles will adhere in this case. In the case of Dr. Kissinger the committee issued a report promptly stating that it had looked into those matters, and that there was nothing in the investigation review that would have changed its decision to confirm his nomination. We will carry out this inquiry, and I believe I speak on behalf of all the committee, we would walk in your shoes and recognize that we want no cloud hung over your head. And I again thank the Minority for their willingness to go right ahead with the confirmation proceedings.

Thank you, Senator Lugar, for your comments.

Any comments you would care to make, General Haig, we would be happy to have them.

General HAIG. I really have no comment on these issues at all, Mr. Chairman.

The CHAIRMAN. Thank you. We will now resume our regular order.

The Chair will recognize first Senator Glenn and then Senator Sarbanes.

Senator GLENN. I don't think in listening to this the last few minutes, I don't think anybody on either side of the aisle disagrees with much that was said here. I certainly don't and I somewhat resent our side being placed in the position of having to respond as though we're in the dock for having done something wrong. I don't think that is the case at all.

Although there are legitimate questions, I'll probably vote for you, General Haig—that's not a firm commitment at this point—but there are a lot of very serious questions here. And we are trying to get into them. And we have been thwarted in not being able to get what material there is in trying to bring these things out.

And we are talking about very serious matters. We had procedures in the White House at that time concerning these very sensitive matters of who would be assassinated, what governments were going to be toppled, and there were procedures set up. And we don't have a firm substantiation of exactly how some of those things were decided and carried out.

General Haig was right in the middle of all that over there. I don't know whether he acted under orders. I don't know whether somebody turned to him sometime and said, Al you handle that. And

he went and handled it. And on his own decision, bypassing the committee of 40 and other folks, he made decisions that may have meant people's lives or nations rising or falling.

What disturbs me, is that we are being cast over here as a group trying to get some information which is irrelevant, we are trying to delay this, it is going to be an orgy of Watergate. Horse feathers! That is not what we are trying to do. This is no orgy of Watergate. We are talking about a man that is going to be the foreign policy spokesman for the United States. And I want him to go into that job as clear as he can possibly be. I want to be able to back him with every fiber in my body in what he is doing, because we need somebody in there.

It is not necessarily of his making that we need a man that has opinions on these matters. During the campaign the campaign statements were anything but clear on foreign policy. We are going to blockade Cuba. Well, what a poppycock bit of nonsense that is.

But we are going to do all sorts of weird things here, and the President-elect has said that this is the man that is going to set and determine much of foreign policy and deal with these nations around the world. And I want him to go into that job as clear as he can possibly be, with no taint of Watergate. I want to get it behind us as much as anybody on this committee, that side of the aisle and this, because we've got nations hanging on his every word. You can bet that there isn't an Embassy in Washington that isn't tuned in to PBS right now. And I'll bet the cable traffic has gone up 50 percent in the last 3 days.

And I want him to go into this able to set foreign policy. And that's the reason we want to determine what some of these big matters are.

The CHAIRMAN. Senator Glenn, you are not hanging out alone on this and this is why it was the desire of the Chair not to move on the original motion but to move on a motion where we could stand together unanimously. And we did.

Senator GLENN. I would hope that we would have unanimous objectivity here, that we would ask for those tapes, we would all fight as a committee to get them as a congressional right so we could get this stuff behind us once and for all.

We are into all sorts of little niceties here and I think we're going to be all stymied because Nixon isn't about to give up his right to keep those tapes from getting out anyway. It would be a 6-month deal getting them out through the courts or whatever, and so I think the likelihood of getting them out is pretty remote.

Senator MATHIAS. Would the Senator yield for just a second?

Senator GLENN. Yes.

Senator MATHIAS. You said there he sits. He is going to be the foreign policy of the United States. We spent some time on Saturday trying to lay that out although the President and the Secretary of State may be the spokesmen for his Nation's policy. That policy is the product of coordinate decisions of the legislative and executive branch. General Haig agreed to that. And lest that subject get muddied, I thought we ought to reaffirm that understanding.

Senator GLENN. Very good.

A new subject, General.

The CHAIRMAN. We will yield to you an extra 2 minutes.

Senator GLENN. All right. Thank you very much.

General, does the idea of Qaddafi having a nuclear arsenal disturb you?

General HAIG. Greatly.

Senator GLENN. Well, it disturbs me greatly, too. In some of your answers in response to Senator Dodd, who introduced the NNPA legislation, as Senator Percy and I did here on this side—he introduced it in the House at that time. Some of your answers to him bothered me a little bit, and I wanted to follow up on them.

You indicated first that policies toward India must be our policies toward Pakistan. That was in the testimony the other day, I believe. Or they should be very similar. Now if we go back, Qaddafi has been the one who had been furnishing dollars, as well as yellow cake shipments to Pakistan, hoping to get an Islamic bomb, as they've called it.

Yet, in your recent article in the Chief Executive magazine you stated,

The present administration has made matters worse by using blackmail against Germany and France, its own allies, by using threats to cut off uranium shipments if they proceeded to build nuclear facilities in Brazil and Pakistan.

Now the Republican platform came out against the shipment of nuclear fuel to India because of past abuses. I fought that one on the Senate floor, and I lost 48 to 46. I am still sorry we lost. I think it was a mistake of this administration and I think the Senate was wrong, although I got voted down fairly and squarely—48-46 vote.

Now let me point out that it was the Ford administration, with Kissinger as Secretary of State, which began exerting pressure on France to break its contracts—firm contracts—to supply Pakistan with nuclear equipment and technology, and that they knew Pakistan was trending toward a bomb. And that pressure was continued in the Carter administration.

Now you, on other subjects, have very much come down in favor of linkage, linking an overall package with what we do around the world. Now the linkage of U.S. nuclear cooperation, including exports, to adoption by other countries of nonproliferation controls over their nuclear activities was mandated in the 1978 NNPA—the Nuclear Nonproliferation Act.

Your statement the other day, and the statement of yours I read just a moment ago, suggest you don't agree with that policy. And let me state this, what we tried to do with the NNPA was we made a very conscious decision—are we going to have business just go all around the world, and are we going to have business be as involved as possible and hope to control nuclear matters that way, or are we going to make it a government-to-government operation?

We debated this for about 2 years here before we finally passed the NNPA. And the decision was it should be government to government. We stood before the world saying that if safeguards went in, if NPT was there, then we would then cooperate with these 108 NPT nations in the benefits of nuclear matters benefiting electrical generation and medical experiments and so on.

But what we tried to prevent was the flow of plutonium unrestricted around the world. We tried to prevent reprocessing going around the

world, and uranium enrichment going around the world that are key toward building bombs in ever smaller and smaller nations.

Now, I gathered from your statements the other day that you do not agree with that approach, and I would like to know what your approach is toward controlling nonproliferation.

General HAIG. Well, I would hope, Senator, that you didn't draw the conclusion that I did not agree. I think you will find that the launching of the nonproliferation talks occurred during a period when I was a contributor to that policy. I think I have reiterated several times before this committee that I am stringently opposed to proliferation of nuclear weaponry throughout the world.

I think the point I tried to make—I did in my opening statement—was that it is very easy to wrap yourselves around these very important and desirable objectives, but that if the policies you pursue in a linkage sense generate an appetite for these weapons, then you may have been indulging in a very counterproductive set of ancillary policies with respect to your basic objective.

I probably would have voted with you, had I been sitting in your chair, on the India issue for precisely that reason. The point I tried to make early in the article you cited—I'm delighted you read it because I didn't know anybody had—was that early on in this administration, after two governments, with the acquiescence of the preceding administration, had launched into talks for commercial employment of commercial nuclear-power capabilities, with some transfer in technology. We were suddenly confronted with a straight up-and-down stone wall, with a threat—with a threat—to terminate the shipment of enriched uranium to two of our major allies, who are highly dependent on the development of peaceful nuclear energy in their society.

Senator GLENN. Well, how do we control things if we don't link them to something like that? We get no handle on it unless we do link.

General HAIG. Everything is nuance. Everything is—a lot of very fine judgments with a number of contradictions being counterbalanced against others.

I hope that you don't misread my concerns about that as listed in that magazine piece to suggest that I am in favor of nuclear proliferation. Hardly at all. Nothing can be more dangerous to all of us.

But I would again underline that nations seek such weaponry in the context of their own subjective assessment of their security needs. And when we preside over a world and contribute to a world where terrorism, wars of liberation, regional disputes, go unchallenged by the United States, we have frequently created a climate and an atmosphere which is going to make your good motives and mine on nonproliferation almost irrelevant.

Senator GLENN. Would you favor a nuclear weapons freeze on the Mideast, knowing that there is speculation and rumor that Israel already has nuclear weapons? Would you advocate a nuclear weapons freeze zone in the Mideast and try and keep everything out of that area?

General HAIG. Well, I would like to look at it in the context of the reality. It doesn't serve a useful purpose for the United States

to be on a soap box on an issue for which we are going to lose profoundly because of perhaps the very reason you mentioned.

Senator GLENN. There's been a speculation that that new Reagan administration might create a position of Assistant Secretary of State for Nuclear Export Matters. Are you considering that?

General HAIG. Well, I haven't had an opportunity, unfortunately, to look at very much departmental business, as urgent as it is. I'm sorry.

Senator GLENN. OK. The obvious follow-on to that is we have an independent check on nuclear export licensing matters now run through the NRC—the Nuclear Regulatory Commission—and I think it was a good safety check for us there with regard to this fuel shipment to Tarapur. Now it didn't work out the way they voted nor the way I hoped it would here, but it was—I think we ought to think very carefully before we undo that safety net that we have established.

I might point out also we have a GAO report that I doubt if you've had the opportunity to read. But it has been recently completed, and indicates that we have not identified a single reactor order that was lost as a result of our nonproliferation policy with NNPA.

I may want to come back with some other questions on this later. In what little time I have left, let me get back on another subject, and that is the relationship between China and Taiwan.

The People's Republic of China have rejected the Taiwan Relations Act as the basis for U.S. relations with Taiwan and instead point to the joint communique signed at the time the United States and China normalized relations. This is extremely important to what is going on in that part of the world. Do you believe the Taiwan Relations Act, the Shanghai Communique, and the Joint Communique, signed at the time the United States and China normalized relations to be compatible—workable?

I guess two questions. One, do you think they are compatible? And, No. 2, do you recommend any changes in that whole order of things with regard to China and Taiwan?

General HAIG. In general I think they are compatible, Senator. That is a great—it will ultimately be translated in terms of style and rhetoric and ancillary and outflowing policies.

I think this is an extremely sensitive subject that doesn't lend itself to further elaboration in a public forum.

Senator GLENN. I would tend to agree with you and I am glad—it is our job to ask the questions. It is your job to refuse to answer them. I will get into this area again when we schedule an executive session.

The CHAIRMAN. It is scheduled for 5 p.m. today.

Senator GLENN. OK. Good.

On the extent of our securities ties to the People's Republic of China, and with regard to the transfers of dual use technology and nonlethal military equipment, what do you believe to be the existing nature and scope of our relationship with China, first, and how should we implement that—with what equipment?

General HAIG. Well, this clearly also falls into the category of the preceding question.

Senator GLENN. All right.

General HAIG. As I mentioned on Saturday, I think our basic relationship with the People's Republic of China is strategic, to say

nothing of the longstanding historic relationships of friendship with the people of China.

Senator GLENN. One reason I am concerned about it a little bit, in the U.S. News & World Report in an interview at the time of your departure for SACEUR, you stated, if quoted correctly and I trust you were, that—

The advantages of the Chinese relationship will continue only if the reality rather than pure dogma, is going to be capable of accepting just so many disappointments from the West.

And then more recently, in the Washington Quarterly, you wrote:

The advantages of the Chinese relationship will continue only if the Chinese leaders are convinced that ties with the West ameliorate their existing weaknesses vis-a-vis the Russians.

I guess my question is, What kind of time constraints do you see on this? I tend to agree with you. There has to be something in it for everybody—us, them—or the relationship tends to deteriorate—extremely important relationship that we need to nurture along somehow. This is one-fourth of the human race that we've opened up contact with, in which process you played a vital role.

I don't know whether you want to save that for executive session or not, but do you wish to comment on it? What types of time constraints are we operating under?

What I am interested in is the timetable, if there is such a thing, because there has been a great deal of misunderstanding. The President-elect first said he wanted official relations with Taiwan. I don't think when he made that statement he knew what official relations meant in that context. That was a buzzword that really set the diplomatic cables humming. And then he modified his position a little bit later to indicate his policy toward Taiwan would be based on the Taiwan Relationship Act.

At the same time the People's Republic of China does not recognize the Taiwan Relations Act, so he got himself in deeper. And you are going to have to dig him out. How are we going to do that?

General HAIG. Well, Senator, I have great confidence that we are going to be able to further the improvement of our relationships with the People's Republic of China. It has been a longstanding and well-known objective of mine, as evidenced by the two quotes you cited here.

And I don't mean to suggest in the context of the People's Republic being able to accept just so many disappointments that perhaps they are suddenly going to go on a convergent path.

But I think their basic contribution to international stability and with some convergence in policy areas, it would be in jeopardy as the first manifestation. And I think that would be a net loss for all of us and for international stability at large.

I don't think it serves any useful purpose to parse out here a number of nuances that your question deserves simply because it can put in jeopardy the objectives that you and I apparently share on this issue.

Senator GLENN. I'm sure we do share them, and I would like to get into that some in executive session.

Do you believe that the commercial economic relationship between the United States and China should be allowed to proceed as it has, or should it be accelerated, slowed down?

General HAIG. Well, there are a number of constraints on those policies over which we as Americans have very little control. I have suggested to American business leaders on occasion that it isn't just a question of opening up the door to the People's Republic and suddenly finding a vast and extensive new market for finished American products.

In the first place, I don't think our Chinese friends, the People's Republic, would permit themselves to become overly dependent on any one regional or national entity.

Senator GLENN. They have gone a very independent course. That is true in the past and I agree with that.

Let me ask one other thing here. Maybe you could be thinking about this and I will get back into it when my turn comes around again. In your opening statement you talked about some items of permanent bedrock of foreign policy and you indicated some very fundamental world problems. You listed some of those—diffusion of power, socioeconomic challenges that we all face, Third World problems, Soviet imperialism, hunger, poverty, free flow of goods and ideas.

Do you see any other—I want to get into this later because my time is up and the red light is on—but are there other big tides flowing that are sort of worldwide items that you could list for us that you see as being very formative of foreign policy? I have some of my own ideas, but I won't put those out right now. I would, however, welcome this because they are going to form much of what you are able to do in formulating foreign policy and working with other nations around the world.

There are some big tides running in this world that are changing international relations and foreign diplomacy to a drastic degree and they've come up just in the last few years and I would welcome any additional addenda remarks along that line to your opening statement that you might wish to make.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you very much, Senator Glenn.

Senator Sarbanes.

Senator SARBANES. Thank you, Mr. Chairman.

General Haig, I followed the exchange you had with Senator Helms earlier with considerable interest. It actually brought back to my memory an article that appeared in early December reporting that you and Senator Helms had met in his office and that you had assured him that if nominated for Secretary of State you would not pursue the policies of your former mentor, Henry Kissinger, and that you also promised to clean out the State Department and place conservatives in key policy positions.

First, is this an accurate summary?

General HAIG. I would say that it is characteristic of many of the press reports that we read from day to day and hour to hour. And it would not be completely representative of that discussion.

Senator SARBANES. Let me then ask you this question. What private assurances have been given by you to Senators with respect to your prospective performance in office?

General HAIG. Senator, I would suggest that there are few who have come before this committee for the office of Secretary of State whose

public record is as complete as mine on a host of areas about which you are interested and concerned.

I have made no commitment to any Senators on any topic. But I think there are a number of Senators who have read both my speeches and my articles over a number of years who have reason to be comfortable that our views either converge just as some might be concerned that they might diverge.

Senator SARBANES. I have no problem with that, and I'm not really trying to lead you down some path. All I want to be certain of is that your undertakings are either expressed before this committee in the course of this hearing, because obviously Senators ask questions and they do in fact get undertakings from you, or otherwise on the public record.

My question is whether you have made any undertakings in the course of discussing your nomination with Members of the Senate which are not publicly known and which ought at least in my view, to be placed on the public record?

General HAIG. I think there were two issues that you referred to, and I think I have addressed them in my opening statement and in my formal comments, and, I suspect, in the few actions I have been able to take with respect to the Department of State. I can offer no more than that with respect to my high regard for our professional diplomatic corps, our Foreign Service officer asset.

And with respect to any other aspect of my policy reviews, I think we are getting a very frank, open and balanced expression of it. I would have to suggest that you make your judgments on your assessment of my responses here.

Senator SARBANES. How do you expect that personnel decisions will be made at the Department of State if you are the Secretary?

General HAIG. Personnel selection?

Senator SARBANES. Personnel decisions. How will those decisions be made if you are the Secretary of State?

General HAIG. Well, it depends, of course, on the level to which we are referring, but the key levels of Under Secretary and above, Assistant Secretary, Under Secretary, Deputy, agency chiefs, I would expect to make a recommendation to the President-elect based on my best assessments of the best man for that job within the constraints of public service. I run into that from time to time, unfortunately.

I would anticipate that President Reagan would approve my recommendations. Where he did not I would anticipate that we would have further discussion. I have had enough experience with the President-elect to know that first he listens, he welcomes dissent, should there be some, and I would feel constrained to register that dissent if I were uncomfortable with the individual selection that might be suggested to me.

Senator SARBANES. I take it, then, that you feel it is important to the successful conduct and leadership of the Department that you, as the Secretary, be able essentially to make the personnel decisions for the Department.

General HAIG. As a general rule, yes.

Senator SARBANES. Is it your intention to remove yourself from decisions that might come to you as Secretary that would involve United Technologies?

General HAIG. Absolutely.

Senator SARBANES. And also the Chase Manhattan Bank, of which you were, as I understand it, an outside director?

General HAIG. Absolutely. But I want to broaden that response to make it clear that I will disassociate myself totally from both United Technologies and my current limited duties as a member of the board of Chase Manhattan Bank.

Senator SARBANES. I understand that, and that's in the statement from the Office of Government Ethics. I was taking the question a step further, and asking whether you would make decisions or rescue yourself from making decisions for instance, on export licenses that involve the State Department and your former companies.

General HAIG. I can assure you I will bide completely and thoroughly by the provisions of existing laws and regulations in that regard. Absolutely.

Senator SARBANES. Well, even if it does not require it as a legal matter, would you think it well advised that in those instances you allow that decision to be made by the Under Secretary, for example?

General HAIG. Well, that would be especially true with United Technologies because of my intimate involvement in the management of that corporation.

I can't foresee where it would not also be true with Chase National Bank. But there is a parsing out aspect to the financial matters of some of our complex banking organizations and I just don't want to give you a blind response here that you would later be able to say well I had given you assurances over and above good sound practice provided for in regulation and law.

Senator SARBANES. Well, I think that is a satisfactory answer.

General, will you maintain existing State Department policy for responding to congressional requests for information? There is an established policy now that I think is very forthcoming, and sensitive to the needs of Members of the Congress for information. It is in place. I want to know whether you will maintain that existing policy?

General HAIG. Well, I am sorry I am not familiar with the precise aspect of that policy of which you speak. You mean to respond within a certain number of hours to a request? Or in general?

Senator SARBANES. It is a policy statement that Secretary Vance issued a few years ago and is, in effect, a directive to all Department personnel on responding to congressional requests for information. It outlines a procedure to be followed, and I think it has been viewed by most as being highly responsive to congressional desires for information and has, to all accounts, worked well. That is obviously a matter of great concern, I would think, certainly to all members of this committee and probably to all or most members of the Congress.

General HAIG. Senator, I'd like to look at it and if I would find some reason for being uncomfortable with one or more of its provisions I would commit myself to discussing that with the committee here to be sure that you would understand why.

The reason I answer the way I do is that I just haven't read it and it puts me at somewhat of a disadvantage. I might, I would hope, have some suggestions for even enhancing and improving and expediting that consultation and information responsiveness.

The CHAIRMAN. General Haig, at any point that you are ready to respond to that, I will recognize you for that purpose. We will insert it in the record with any comment you wish to make.

Senator SARBANES. That was the point I was about to make. I don't want to add to General Haig's work burden, but I do think that in this instance it would be helpful for him to review this policy and let us know his view of it before these hearings conclude.

Would you place any impediment to or restrictions upon the access of this committee to the views of officials of the Department and of our ambassadors—in other words on our ability to have them come before the committee in either open or closed session, and for committee members to have the benefit of their views on policy issues?

General HAIG. As a general rule not at all. That gets close to the sensitive subject of Executive privilege and I think you—I know that I don't have either the authority or the prerogative to exercise that. That is the decision of the President.

I have in the past been required to adhere to such a decision and so I would not want to suggest that should he make such a decision I'm going to circumvent it by some arrangement here. I think also the caveat of understanding that there are certain discussions between any executive and his subordinates which are informal and not any more than preliminary to decisionmaking which must be kept in the confines of those conducting that discussion. If we were to do otherwise we would find ourselves soon posturing each other for public disclosure of sensitive issues in which one seeks recommendations and honest objectives to the best of one's ability.

With that caveat, of course.

Senator SARBANES. In recent years the State Department has notified this committee on a confidential basis in advance of all significant international agreements authorized for negotiation, indicating whether they will be conducted as treaties or executive agreements. That has been an advance notice, confidential, and so kept by the committee of significant international agreements authorized for negotiation.

Can we anticipate that this practice would continue during your term of office?

General HAIG. Absolutely.

Senator SARBANES. What is your view on the types of important agreements, if any, which can be concluded as executive agreements rather than treaties?

General HAIG. Well, as you know, Senator, this is a very, very fuzzy area, both in practice and in written clarity and has been over the years and over the history of our country. I think, if anything, the trending has been in the direction of erring on the side of treaty.

I think I understand the reason for that and I feel, as a purely pragmatic step, as a member of the executive branch seeking both legislative—essential legislative—and essential popular support that I would be inclined to lean in that direction, to parse out what really lends itself to executive agreement or formal treaty.

I don't know that that is as responsive to your question as you wanted it to be, but I say in general—

Senator SARBANES. Well, of course, there's been congressional concern expressed in the past that a number of arrangements are entered

into as executive agreement, precluding the type of congressional review which, of course, a treaty would receive. We need to know how in general you view that problem, without asserting that everything need be a treaty.

General HAIG. Well, I think you would be as burdened, as would we in the executive branch, were we to accept that as the thesis.

On the other hand, I think our a priori obligations that you touched upon earlier are going to be invaluable in sorting out what is the best approach to take on a particular issue.

Senator SARBANES. Would you expect to shift the division of the last few years between executive agreement and treaty?

General HAIG. No. In fact perhaps I would move even further to the treaty route, for the reasons I just cited.

Senator SARBANES. One final question along this line. Do you have any problems or reservations with strict compliance with the Case Act, which provides for transmitting to the Congress the text of any international agreement entered into by the United States?

General HAIG. No. I have none. I would intend to abide by our existing obligations.

Senator SARBANES. Thank you, Mr. Chairman.

The CHAIRMAN. Thank you, Senator Sarbanes.

Senator Mathias is next in order. I understand that he wishes to yield to Senator Boschwitz, who desires to ask questions before the recess. Is that correct?

Senator MATHIAS. I think since there is obviously not time to finish a round, I would prefer to start off at 2 o'clock so that I can have an uninterrupted round of questions. I believe Senator Boschwitz just wants to make some brief remarks.

The CHAIRMAN. If you just wish to make a comment, then we will adhere to our 1 p.m. recess.

Senator BOSCHWITZ. I want to make a brief comment, Mr. Chairman, about Senator Glenn's comment to Senator Lugar in response to Senator Lugar's comment. I will wait a second for Senator Glenn's attention.

Senator Glenn, I want to answer your comment on Senator Lugar's comment.

I spoke to him after you made your comment. Briefly, Senator Lugar was not trying to cast any aspersions or establish any blame on anybody present with respect to the difficulties he foresees. He, as I, as all of us, are very anxious to get as much as we can before us. But I think he was reflecting on what he perceives the Archivist is going to say this afternoon, and that is that we probably are not going to get a look at the index or the log of the tapes, and then there is going to be a delay, and then there will be some further delays, and, unfortunately, we may send a Secretary of State out with a cloud of some sort hanging over him. As you said in your earlier remarks during these hearings, the Secretary is not going to have any option for a 60- to 90-day learning period; he has to hit the ground running. And, to hit the ground running with an existing cloud is not particularly desirable. This committee will have to deal with that matter, and I think that will be an important aspect of part of the confirmation hearings.

As you pointed out, those kinds of lawsuits take time. Senator Glenn, you used a figure of 6 months. Probably it could be even a year or more than a year. Senator Lugar pointed out that perhaps in the middle of some rather delicate negotiations suddenly the tapes could become released and the attention of the press and the Senate could then be focused away from the important aspects of world negotiation and world policy back into this investigation. We have to carefully consider as a committee what we are doing by sending a Secretary of State out with some question as to whether or not we are going to continue an investigation.

As a matter of reality, of course, a Secretary of State, just like any other Cabinet officer, always is subject to recall for whatever reason as evidence and matters of importance come up.

Again, I don't think Senator Lugar was trying to cast blame or aspersion or in any sense has any desire, other than to get the evidence before us.

Senator SARBANES. Would the gentleman yield on that point?

Senator BOSCHWITZ. Yes.

Senator SARBANES. I think it is very important to understand that the problem arises, and it is not of our creation, because General Haig was the Chief of Staff for 15 months to President Nixon, the end result of which was that the President left office under threat of impeachment.

I think it is a reasonable, in fact a necessary, inquiry on the part of this committee to seek to ascertain the role which General Haig played during that period.

I don't really think that he disagrees with that proposition because he has indicated he has no objection to our trying to obtain these conversations, which, of course, would be the best evidence for that period on the nature of the counsel and advice that was being given at that point.

We are intelligent enough to appreciate the circumstances in which General Haig found himself—something that Prosecutor Jaworski has referred to in that interview. On the other hand, it seems to me that this committee would be remiss if, in the face of having before it a nominee who was the Chief of Staff to a President who had to leave office in the face of a certain impeachment, it did not seek to obtain the best evidence available with respect to the nature of the relationship and the counsel and advice that was being given.

In fact, if we do that, and it establishes no improprieties in the relationship, it is to General Haig's advantage. To suggest that the committee ought not to do that, ought not to seek to obtain that information to be able to answer those questions, would be to suggest that the committee be derelict in our responsibility.

The CHAIRMAN. The record is quite clear from Saturday that the committee does not intend to do that.

Senator BOSCHWITZ. We do not say that it is not unreasonable or not necessary to obtain that, Senator Sarbanes. We only feel that it will be necessary for our committee also to consider the fact we may send a Secretary of State out with a cloud into a perilous world, into a world where he will have to act, and act decisively, and we don't want to undermine any of his abilities in that regard.

The CHAIRMAN. I would like to make an announcement about Senator Baker. Senator Helms has been advised directly, I believe, that the Senator is better. The perforation has been contained. They do not believe they will have to operate and he is being treated with antibiotics. We are very grateful, indeed, for this.

This hearing is recessed until 2 o'clock promptly, at which time Senator Mathias will be recognized.

[Whereupon, at 1:03 p.m., the committee recessed, to reconvene at 2 p.m., the same day.]

AFTERNOON SESSION

The CHAIRMAN. The meeting will come to order.

This afternoon we will hear from Dr. Robert Warner, Archivist of the United States, who is appearing in response to the committee's subpoena which he received at his home last evening. The subpoena directed Dr. Warner not only to appear before the committee at this time, but also to bring with him for delivery to the committee the Archivist's log of Presidential conversations which we have been seeking.

I understand that Dr. Warner is not presently prepared to make that log available to the committee, but he is appearing at this time to explain to this committee why it is not possible to do so.

Dr. Warner, we welcome you, and I would extend to you the privilege first of introducing your colleagues Mr. Garfinkel and Mr. Jacobs.

STATEMENT OF MR. ROBERT M. WARNER, ARCHIVIST OF THE UNITED STATES, ACCOMPANIED BY RICHARD JACOBS, ASSISTANT TO THE ARCHIVIST OF THE UNITED STATES; AND STEVEN GARFINKEL, ESQ., COUNSEL TO THE ARCHIVIST OF THE UNITED STATES

Mr. WARNER. Thank you very much.

I should say, Mr. Chairman, that when I assumed the duties of Archivist of the United States 6 months or so ago, one of my goals was to raise the public visibility of the National Archives and Records Service, but I didn't quite envision it taking this form.

I am pleased to introduce my two colleagues, Mr. Garfinkel, who is counsel to me in this matter; and Mr. Jacobs, who is on my staff, and both of these gentlemen have worked with the legal and technical problems of these records for several years. I am pleased to have them here to help us in our deliberations today.

The CHAIRMAN. Thank you very much.

You may proceed, Dr. Warner, with your statement.

Mr. WARNER. Thank you.

The CHAIRMAN. Thank you.

Mr. WARNER. My name is Robert M. Warner, and I am the Archivist of the United States. Yesterday evening the committee, through its chairman, served me with a subpoena which called for me to appear before you at this time. The subpoena also called for me to produce at this time the archival log of tape-recorded Presidential conversations between President Richard Nixon and Gen. Alexander Haig which took place while General Haig served as Chief of the

White House Staff during the Nixon administration. I regret that, on the advice of counsel with which I concur, I am unable to produce the subpoenaed log at this time. However, I intend to produce the log as soon as it is lawful for me to do so.

In the hope of clearing the remaining legal impediment as quickly as possible, I delivered to the counsel of former President Nixon the first thing this morning a letter, enclosing a copy of the subpoena, and stating as follows:

In accordance with the special access regulations that implement the Presidential Recordings and Materials Preservation Act, I am hereby notifying you that I intend to produce these materials to the committee as quickly as the regulations permit. The regulations provide former President Nixon 5 working days in which to notify the Administrator of General Services of any claimed rights, privileges or defenses which may bar the production of these materials in response to the subpoena. In order that the National Archives and Records Service may release the materials to the committee at once, I ask that you consider a waiver of these time limits.

Mr. Chairman and members of the committee, before I further address the legal problems of producing the subpoenaed log at this time, permit me to relate to you a synopsis of events at the National Archives which preceded my appearance here.

By letters dated January 5 and 6, 1981, the White House requested that the National Archives survey its holdings in response to letters addressed to the President on December 30, 1980, and January 6, 1981, by Senator Pell of this committee. In accordance with the same legal requirements which are at issue today, I immediately notified President Nixon's counsel of the White House requests. Although he objected to my announced intention to commence the surveys within a matter of hours, and threatened to seek injunctive relief in order to prevent them, our archivists completed the survey of the Nixon papers on January 7, and the survey of the Nixon tapes on January 8. Counsel for President Nixon received copies of these surveys on those dates, along with requests that he consider waiving the 5-working-day time frame during which he could object to their release to the White House. Mr. Nixon's counsel has not as yet responded.

Simultaneous with the survey of the Nixon tapes and papers, our archivists searched other collections within the National Archives to find materials responsive to Senator Pell's request. I am pleased to report that this morning I transmitted to the White House copies of pertinent materials from among the records of the Watergate Special Prosecution Force. I further advised the White House that I had no objection to the immediate release of these documents to the committee. I should note that on the advice of counsel I ordered the processing archivist to excise those portions which are restricted from release by bars such as outstanding court orders or the Federal Rules of Criminal Procedure. In my opinion, these excisions will not seriously affect the value of these materials to the committee. The White House has notified me that it will release these documents to the committee as soon as the Justice Department advises that it is lawful to do so.

Mr. Chairman, following the committee meeting on January 10, you contacted me and ask if I would voluntarily turn over the archival log of the recorded Nixon-Haig conversations for the period May 4 through July 12, 1973. I replied that I would be happy to do so if I first received the concurrence of the former President's counsel.

My representatives met with him yesterday, but this meeting failed to produce an agreement. When you were so notified, you issued the present subpoena on behalf of the committee.

The logs at issue are a portion of the complete listing produced by our archivists in the course of their continuing preparation of the Nixon tapes ultimately for public access. The processing archivist prepares these logs as he or she listens to the respective tapes for the first time. The logs include the following information: The date, time and location of the recorded conversation; the participants in the conversation; a brief listing of the subject matter of the conversation; information designed to assist the Archivist in locating the conversation on the tape reel; and the Archivist's preliminary observation of which portions of the conversation may require special protection against premature public access, as, for instance, topics pertaining to national security.

The extracted log of the Nixon-Haig conversations for the White House Chief of Staff period total 680 pages. The 338 conversations to which it pertains adds up to approximately 100 hours of conversation. The relevant time period commences May 4, 1973, and ends July 12, 1973, after which time there were no more tape-recorded conversations prior to the dismantling of the White House taping system on July 18, 1973.

Mr. Chairman and members of the committee, the National Archives assumed custody of the Nixon tapes and papers under the terms of the Presidential Recordings and Materials Preservation Act which Congress enacted in 1974. This act required the Administrator of General Services, who heads our parent agency, to issue implementing regulations which adequately protect the rights, privileges, and defenses of persons, including President Nixon, who may be adversely affected by the premature disclosure of these materials. Despite litigation which continues even today, both the Congress and the courts have scrutinized these regulations, and endorsed their validity. It is these regulations which require that I may not release any Nixon tapes or papers or materials expressly derived from them without first giving the former President an adequate opportunity to object. The regulations establish 5 working days as the necessary time frame when the demand is a subpoena. It is this time frame that I have requested Mr. Nixon's counsel to waive. Unless and until he has responded favorably, I have no alternative but to obey the legal requirements of the statute and our own regulations. The Foreign Relations Committee subpoena marks the 44th time our special access regulations have come into play, including numerous court subpoenas and orders. Not once has the National Archives done other than to follow the same rules I am following today.

Mr. Chairman, I thank you for the opportunity to explain the National Archives' position on this issue to the committee, and I will attempt, with assistance of my colleagues, to answer your questions that you or the members of the committee may have.

Thank you.

The CHAIRMAN. Thank you very much, Dr. Warner.

As I have told you in our several telephone conversations, we would be the last to ever ask you to do anything other than live within the

letter and the spirit of the laws passed by the Congress of the United States.

Mr. WARNER. I appreciate that.

The CHAIRMAN. Particularly in this case when, to my knowledge, there has not been a single request to amend or abridge the law enacted by the Congress in 1974, a law which came from the Government Operations Committee on which I have served, as have Senator Javits, and Senator Glenn. And we participated in the entire proceedings, all of the hearings. We felt this law best exemplified the care and attention that this country has always given to preserve the individual rights of all of our citizens, whether they be Presidents, past Presidents or just ordinary citizens.

We now are working within the provisions of that law. We will be prepared to go through the procedures that are prescribed in the law to attempt to obtain the material which we feel is necessary in the full performance of our constitutional duties.

Just as a technical question, could you state your address, Dr. Warner? I do not believe you mentioned that in your opening statement.

Mr. WARNER. My home address is 6440 Gerard Court, Falls Church, Va.

The CHAIRMAN. And by our understanding yesterday, you were served with the subpoena at your home address.

Mr. WARNER. That's correct, last evening.

The CHAIRMAN. And could you describe in some greater detail the nature of the duties of the Archivist of the United States of America?

Mr. WARNER. Surely. The Archivist of the United States presides over the National Archives and Records Service which has as its responsibility preserving and making available the documents of the Government of the United States permanently valuable. The two most famous documents, of course, of which you are all aware are the Constitution and the Declaration of Independence. In addition, the National Archives and Records Service maintains Presidential libraries and a series of Federal Records Centers located throughout the United States, publishes the Federal Register, and provides government-wide records management assistance.

The CHAIRMAN. Senator Pell has suggested that you pull the microphone closer to you so that everyone in the audience can hear.

Mr. WARNER. Surely.

Particularly when I get to talk about the National Archives, we want that heard loud and clear. Thank you.

So it is a very large undertaking that we carry on on behalf of the Government of the United States, Congress, the executive branch, and the courts.

The CHAIRMAN. And what is your chain of command to the President of the United States and your relationships with the Congress of the United States?

Mr. WARNER. I think, as I say, being new on the job, I would refer that question to Mr. Jacobs who has carried out these contacts regularly for many, many years.

Dick, do you want to respond to that?

Mr. JACOBS. Mr. Chairman, we are a part of the General Services Administration, so Dr. Warner reports to the Administrator of General Services and the Administrator in turn reports to the President.

The CHAIRMAN. And could you describe again which committee then in, say, the Senate, has oversight, and also what your relationship is with other committees in the Senate? I believe—well, I will let you state who has oversight over the Archives.

Mr. JACOBS. The oversight committee in the Senate is the Committee on Governmental Affairs.

The CHAIRMAN. Governmental Affairs, yes.

Mr. JACOBS. Yes, sir.

The CHAIRMAN. The same committee that drafted this legislation?

Mr. JACOBS. Yes, sir.

The CHAIRMAN. And you work with the Appropriation Committees and seek your funds from them through GSA?

Mr. JACOBS. Yes, sir.

Mr. WARNER. That is correct.

The CHAIRMAN. I would like to put the question to you again, just to complete the record: You do have in your possession the materials, in your possession and under your control and authority as delegated to you by the Presidential Recordings and Materials Preservation Act that has been mentioned in the subpoena, do you not?

Mr. WARNER. These materials are in the possession of the National Archives and Records Service, yes, sir.

The CHAIRMAN. And for the record, I will simply reiterate also that on January 11, 1981, on behalf of this committee, I issued a subpoena requiring your presence today and requiring you to produce the archival log of Presidential conversations between Richard M. Nixon and Alexander M. Haig which took place while General Haig served as Chief of Staff in the Nixon administration from May 4, 1973 to July 18, 1973.

Do you have possession of that log?

Mr. WARNER. That material is in the possession of the National Archives and Record Service, yes.

The CHAIRMAN. Are you prepared to turn that log over to this committee?

Mr. WARNER. Under the stipulations as I have mentioned that we have asked for a waiver so that we can do so. If we receive that waiver, we would be prepared to do so most expeditiously.

The CHAIRMAN. This committee has also requested certain tapes and materials which also come under the act. I understand from a letter of January 8, 1981, from Mr. Michael Cardozo, Deputy Counsel to the President, that these materials are being reviewed, and that notice has been given to attorneys for former President Nixon.

Could you report any further on the status of that matter?

Or you can stand on your statement unless you would like to expand on it, or perhaps Mr. Garfinkel would like to comment.

Mr. GARFINKEL. Mr. Chairman, we still consider those requests to be operative unless we hear that the subpoena issued by the committee last evening has superseded those requests. Assuming they have not been superseded, the timeframes for responding to the National

Archives notification continues to run with counsel for former President Nixon.

With respect to the survey that we did of the Nixon papers, today marks day 3 of the 5 working days. With respect to the survey we did of the Nixon tapes, we are only on day 2 inasmuch as we can't count weekends.

The CHAIRMAN. Will you, Dr. Warner, report immediately to this committee the position which the lawyers of former President Nixon take in this matter?

Mr. WARNER. Yes. Again, Mr. Garfinkel has worked most closely with those people, and perhaps instead of my filtering this information through, you might present that.

Mr. GARFINKEL. Certainly. As soon as we have word of some reaction on the part of counsel for former President Nixon, we will convey that information to the committee and we will notify the committee of what actions we are taking in response to the information we receive from counsel.

The CHAIRMAN. The chairman, ranking member, and many members of this committee have publicly stated that we have no intention or interest or desire to have a rerun of a Watergate hearing. That is the last thing that this committee wishes to do.

However, we do have a constitutional duty and responsibility, and there has been a request by this committee for relevant material that pertains to the fitness and character of the nominee for Secretary of State. The important thing is it must be relevant. An important thing also is that we will do everything humanly possibly to protect privacy because we believe in it deeply. That is why we wrote this law as carefully as we did, and why we ourselves are delayed in our proceedings by adhering to the procedures that we correctly set up and would not want to change.

Mr. WARNER. We appreciate that.

The CHAIRMAN. Is it possible for you or any of your colleagues, without going into any of the detail of this particular case, but in general indicate what we would find if we had access to this log just in general categories? Would we be able to identify those tapes and those portions of tapes and quickly locate those sections on the tapes that pertain to subject matter that has been dealt with in this committee, that have some bearing on the nomination of General Haig?

Mr. WARNER. Surely. I did elaborate in some detail in my testimony of the nature of that material that you might find, but I would like to ask Mr. Jacobs to comment further in answer to your question.

Mr. Jacobs.

The CHAIRMAN. Thank you very much. If you would, sir.

Mr. JACOBS. Mr. Chairman, the documents we refer to as logs are for our information at the National Archives to gain intellectual control over this extensive body of taped conversations amounting to 6,000 hours in total. We have staff listen to the conversations and write down on paper in a certain format information about the conversations: first of all, the time of day, if it is available; second, the participants in the conversation; third, the topics that the participants engaged in and fourth, as indicated in Dr. Warner's remarks, indications were the listening archivist sees a problem such as national security.

The logs are in such detail—I find it hard to phrase this. The topics such as we have been asked to examine here by Senator Pell constitute a very large part of certain periods of time, such as the one that is of interest here, from May until July. For us to try to narrow down to a very specific relevance I think is not possible.

The CHAIRMAN. So that this may be a somewhat time-consuming matter?

Mr. JACOBS. I would say it would be, yes.

The CHAIRMAN. It would be. Then assuming there is a good possibility that we would have access to this archival log, we as a committee will have to prescribe, and you probably do recommend that we prescribe, procedures that we would follow to safeguard the confidentiality, to preserve it in any way that we can and to specify that we are only seeking matters that are strictly relevant to our inquiry as part of fulfilling our duties and our responsibilities.

I think that we would be very dependent upon our special counsel on both sides to work with us on this. I assume we can have the cooperation, Dr. Warner, of you and your colleagues in attempting to work this out.

I'm very happy to yield to Senator Pell for whatever questions he may wish to direct.

Senator PELL. Thank you, Mr. Chairman.

One point of information.

Mr. WARNER. Yes?

Senator PELL. I think you may have misspoke, Dr. Warner. The subpoena I don't believe supersedes the request. It is a separate item from the request; isn't that correct? I think you used the word "supersede."

Mr. GARFINKEL. That is not how we are treating the subpoena at this time. We are treating it as an additional request until such time as we are instructed by the committee that it is otherwise.

Senator PELL. In other words, it doesn't supersede it; it is an additional request.

Mr. GARFINKEL. And we will continue to treat it as an additional request.

Senator PELL. And also, for the information of us all, could you confirm to us that, if Mr. Nixon's counsel says he has no objection, there is no other barrier to your turning those logs over to this committee; is that correct?

Mr. WARNER. As I understand it, that is correct, turning that over to you.

Senator PELL. And if he says, I do object, at the end of the 5-day period, then what is your position?

Mr. WARNER. We have discussed this among ourselves as to the proper recourse. Perhaps, Steve, you might outline.

Mr. GARFINKEL. Right. I will address the alternatives which may occur at such times as we receive a response from Mr. Nixon's counsel. Assuming that he does object to the release of these materials, he will have to specify the bases for these objections, for example, Presidential privilege, personal privacy, attorney-client privilege, and the like.

It becomes our responsibility to reply to these objections to him as quickly as possible. We will either agree with him, in which case we will then notify the requester, in this case the committee, that we

have agreed with his statement of privilege or whatever. In that event the next action will be up to you.

Alternatively, we may disagree with his claimed rights or privileges, in which case we are obligated by the same regulations to refrain from producing these materials for an additional 5 working days. The purpose of refraining from producing these materials during that 5-day working period is to afford the aggrieved party an opportunity to go into court and seek injunctive relief to prevent release of these materials.

Senator PELL. And if there is injunctive relief pressed for in the courts, then that is an indefinite period of delay; would that be correct?

Mr. GARFINKEL. Yes, sir.

Senator PELL. If the administration has changed in this period and instructions came down to you not to move ahead, you would then feel bound, would you not?

Mr. GARFINKEL. Not to move ahead in defending the litigation, do you mean?

Senator PELL. No. If instructions came down to you to agree with the interpretation of Mr. Nixon's lawyer, you would have no alternative but to agree, would you?

Mr. GARFINKEL. I am not sure, Senator Pell. There would be some question, given the delegation of authority from the Congress to the Administrator of General Services through the Nixon Materials Act, about which authority could overrule the actions of the Administrator of General Services in implementing that law.

Arguably, the President could do so, because the President is indeed the boss of the Administrator of General Services. I believe, however, there is some difference of opinion among some lawyers of how the delegation of authority flows when the Congress names the head of an agency in a specific piece of legislation.

Senator PELL. Thank you. Thank you, Dr. Warner. Thank you for a very forthcoming statement, for which we are very grateful.

Mr. WARNER. Thank you. I'm glad to work with the committee.

The CHAIRMAN. Dr. Warner, I'd like also, if I could put my other hat on, as a member of the committee that has oversight responsibilities for the GSA and the National Archives, to express my appreciation to you and your colleagues for making yourselves available day and night, at any hour, to expedite this matter throughout the weekend. And I also express appreciation to former President Nixon, and to his attorneys, who responded to our request that they expedite this matter and meet over the weekend so that we could have a full report for this committee on Monday as we opened our proceedings. I appreciate that very much.

As I understand it, the only member of the majority who would like to ask questions is Senator Lugar.

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

Mr. Warner, you mentioned in your testimony that the request of the Foreign Relations Committee marks the 44th time the special access regulations have come into play.

Mr. WARNER. Yes; that is correct.

Senator LUGAR. How would you characterize the other 43? From whom did you receive communications?

Mr. WARNER. We thought that might come up, and I think we have a listing of those. And we will let Mr. Garfinkel go to that point.

Mr. GARFINKEL. Senator LUGAR, we would be happy to provide for the record a copy of the listing of the other 43 special accesses. I could summarize by stating that probably 75 percent of those previous special accesses have come in response to court subpoena, court order, or some other judicial demand. The remaining 25 percent have come in response to demands brought by officials of the executive branch for the purpose of proceeding with ongoing Government business.

This is the first occasion where a subpoena has actually been issued by a congressional committee for access to these materials.

Senator LUGAR. Without being tedious on this subject, what had been the nature of the court orders? Which cases are involved in this and who is attempting to get to the tapes?

Mr. GARFINKEL. I could cite a few of the cases. For example, the case of *Fitzgerald v. Butterfield*, in which A. Ernest Fitzgerald was seeking damages for what he alleges was his unlawful removal from the Air Force. The case of *Dellums v. Powell* and a number of other related cases concerning the May Day arrests in May of 1971. We had the case involving the Kent State killings. That was settled, of course, about 2 years ago.

We have a number of cases involving economic claims. For example, there are several cases involving helium companies which are suing the Government for damages over alleged breaches of contract when the Government cancelled the contracts for the recovery of helium. We had a lawsuit brought by the Michelin Tire Co. on a claim over countervailing duties in the U.S. Customs Court.

It has been quite a variety of cases that has kept us occupied in this area.

Senator LUGAR. Do these requests come to you with regard to specific conversations, specific time periods, or is there any characterization you can make of the nature of the request?

Mr. GARFINKEL. Well, the first characterization I could make would be that most of them involve the Nixon papers instead of the Nixon tapes. The Nixon tapes, being a far more sensitive subject, have not been the object of as many of these demands.

Senator LUGAR. Why would that be the case?

Mr. GARFINKEL. Well, a couple of reasons. First of all, counsel for President Nixon has been far more active in opposing requests to get into the tapes than he has been with respect to requests to get into the papers.

Another very good reason, I believe, is that frequently it is easier to locate the subject matter of requests by using the papers first rather than the tape recordings. Until we had produced an archival log of the Nixon tape recordings, there was no single finding aid for these recordings and their quantity was so voluminous they were not always an easy resource to search.

And of course, the fact that the Nixon tape recordings only go to a somewhat limited period of the Nixon Presidency, from early 1971 through mid-1973.

Mr. WARNER. That is an important point. The papers cover a larger period of time.

The CHAIRMAN. Could you again, Dr. Warner, use the microphone?

Mr. WARNER. The papers cover a longer period of time and are probably more substantive than the tapes.

Senator LUGAR. Has there been a successful request of these first 43 in which any one of the Nixon tapes has been produced?

Mr. GARFINKEL. There have been some transcripts produced. The case in which the most extensive copies of transcripts were created are the cases involving the May Day arrests. That matter remains in litigation. They have not been produced and Mr. Nixon's counsel continues to challenge the production of these documents.

In the *A. Ernest Fitzgerald* case, there was a limited number of transcripts produced. I cannot recall. There may have been one or two other instances where limited numbers of transcripts have been produced.

Senator LUGAR. What defense did the Nixon attorneys use in the May Day cases, which you indicate have gone on for some time? For how long has that litigation proceeded?

Mr. GARFINKEL. That litigation has been going on now for almost 10 years, since shortly after the incidents of those arrests.

What defenses has he been using? A number of defenses. For example, in the May Day case he has made a strong defense that the scope of the production is far too broad and, therefore, many if not most of the transcripts at issue are immaterial or irrelevant to the litigation. He frequently makes the claim of Presidential privilege, that is, by talking to his aides he is dealing with privileged conversations between himself and his advisors.

Senator LUGAR. Now, on the defense of a privileged conversation between himself and his advisors, how have the courts been ruling on that?

Mr. GARFINKEL. Well, the district court in the May Day case has apparently decided against his claims on that ground. That is why he has appealed its decision.

Senator LUGAR. Where is the appeal now?

Mr. GARFINKEL. I believe it is in the U.S. Court of Appeals for the District of Columbia Circuit.

Senator LUGAR. Right.

And finally, you have said that this is the first attempt by a congressional committee to obtain access to the log, although you pointed out that the log has come into being only fairly recently.

For how long has the log been in existence?

Mr. GARFINKEL. Well, the archivists started producing the log, if I am not mistaken, about May of 1978. They have not yet completed the log. There are so many thousands of hours of conversation that the log remains at only 68 percent completion.

However, the portion of the log at issue today has been completed by our archivists.

The CHAIRMAN. Is it correct that it takes about 250 hours to transcribe 1 hour of taping?

Mr. WARNER. We use the estimate of about 200 hours because of the extreme difficulty in the transcription of these.

The CHAIRMAN. 300 hours?

Mr. WARNER. 200 hours.

The CHAIRMAN. 200 hours, I see.

Mr. WARNER. These are, of course, not done professionally in a difficult situation, so the transcription poses special problems. It does take special time.

Mr. Jacobs, do you want to comment further on that?

Mr. JACOBS. There is, of course, a difference between producing the log, which doesn't take that much time—

The CHAIRMAN. Oh, yes, and transcribing.

Mr. JACOBS [continuing]. And producing transcripts, but transcripts are very expensive to produce. A 200 to 1 ratio is perhaps conservative. In some instances it has been as high as 600 to 1 when it is difficult to understand the conversation on tape.

Senator LUGAR. If this is—

The CHAIRMAN. Senator Lugar, please go ahead.

Senator LUGAR. If this is the unique instance, the first time a congressional committee has issued a subpoena of this sort, is it fair to say that one reason why congressional committees have not gone this route before, is that in informal conversation with the Archivist or his associates the opinion has been rendered that you could not comply? That is, congressional committees perhaps not as persistent as this one decided essentially that since you couldn't comply, you couldn't comply; in other words, there was no way, given the *May Day* matter and 10 years of litigation, that you could get the truth very rapidly.

Could you characterize that situation at all, or give your own legal opinion as to what sort of advice was offered?

Mr. GARFINKEL. Mr. Lugar, it remains unsettled whether a congressional subpoena is a valid means of access to the Nixon tapes and papers under the terms of the Presidential Recordings and Materials Preservation Act. Different commentators have reached opposite conclusions, although this does mark the first occasion when we actually have the issuance of a subpoena which may force the executive branch to take a firm position on this matter. This will not occur, however, unless and until former President Nixon interposes an objection to the release of the logs on the basis that the subpoena is invalid.

Because we must reasonably consider Mr. Nixon's prospective position on this point, it would be both unfair and prejudicial for the National Archives to express its position before the argument has been recited by Mr. Nixon.

But the reason for the difference of opinion arises from what many consider to be the ambiguity of the language of the act itself. The act provides special access to the Nixon materials "for use in any judicial proceeding or otherwise subject to court subpoena or other legal process." It is arguable whether the words "other legal process" are modified and controlled by the antecedent references to the judiciary or encompass other processes, including congressional subpoena.

I should emphasize, however, that even if we assume that a congressional subpoena is valid, we are not relieved of the requirement of following our regulatory scheme in producing the demanded materials.

Senator LUGAR. Let me just get this straight in my own understanding. In the event that Mr. Nixon or his attorney within 5 working days files an objection, then the administration must determine its position. You have described the chain of command as you, the

General Services Administrator and the President, presumably advised by the Attorney General. I would guess that somebody must make a decision then as to what to do, is that not correct?

Mr. GARFINKEL. That is correct.

The decisionmaking requirement is on the Administrator of General Services, who has delegated it to the Archivist of the United States. That doesn't mean that we won't consult with the Department of Justice if we feel consultation with the Justice Department is necessary under these circumstances.

Senator LUGAR. How soon would you then have to make that kind of a decision, given the rules of the game as you are spelling out today? How soon would the administration respond? Or would it have to respond under the law?

Mr. GARFINKEL. The regulations don't really cite a time frame in which we are required to make a response. We have had cases in the past when we were dealing with hundreds of documents that were to be produced in which Mr. Nixon raised individual defenses to many or most of those documents which required even months to respond to his legal claims.

Suffice it to say that we are not anticipating that situation in the present case. We are aware of the prospective legal claims that he will be making or may make, and we are even now in the process of formulating positions in our minds, although we really haven't had an opportunity to hear his recent arguments on this point, and certainly he is entitled to raise those arguments with us.

The CHAIRMAN. Senator Lugar, could I just state bluntly what is on my mind.

Is the buck going to stop on President Carter's desk or is it going to be on President Reagan's desk, in your judgment?

Mr. GARFINKEL. We are talking about a week from——

The CHAIRMAN. Tuesday.

Mr. GARFINKEL. A week from Tuesday.

The CHAIRMAN. We all remember that.

Mr. GARFINKEL. Assuming we do not hear from Mr. Nixon's counsel until the end of the day on Friday——

The CHAIRMAN. Is it Friday or Saturday? Today is the first day.

Mr. GARFINKEL. Today is the first day.

The CHAIRMAN. So it would be the end of business on Friday.

Mr. GARFINKEL. That is correct.

I think that gives us sufficient time in order to respond to Mr. Nixon with our answer to his objections before Tuesday.

The CHAIRMAN. I know they are very much on notice. I talked to Lloyd Cutler yesterday. They are aware of this and they are thinking about it, obviously.

Thank you very much, Senator Lugar.

Senator PELL. Mr. Chairman?

The CHAIRMAN. Yes.

Senator PELL. One further point. I would like to join in thanking the Archivist and Mr. Nixon's lawyers and your lawyers for working all day Sunday, yesterday. We appreciate it.

And I would like to ask one further question.

Has permission been given in any case by Mr. Nixon's attorneys? You said there were some 40 cases that had come to your attention. Has he given permission in any of those for access?

Mr. GARFINKEL. On any number of occasions, Senator Pell, including requests by congressional committees that did not reach the serving of a subpoena. In those instances, he usually invoked his own right of access under the statute. Mr. Nixon has an absolute right of access to his tapes and papers, and under those circumstances he would first invoke that right of access to himself, and through that authority, to the requester.

The CHAIRMAN. Senator Pell, in response to your question yesterday, in my several conversations with Mr. Warner, it became apparent that there was a possibility that President Nixon's attorneys would voluntarily make available some tapes to the committee. I just took it upon myself, because of the pressure of time, to reject that offer. I did not feel it would satisfy the committee, it would not satisfy the chairman to have just a few tapes made available to the committee. The obvious question would then be where are the rest of the tapes, and it would seem to me that we should carry right straight through with the request made, and issue the subpoena to get the log which would give the complete description of the tapes that are available and then let the committee decide.

The Chair next recognizes Senator Glenn.

Senator Biden did ask for 30 seconds which I will, when he comes back, arbitrarily double to 1 minute.

Senator Glenn?

Senator GLENN. My question will be very short.

I was just curious as to how you establish the security classification, how you protect that, and the more I sat here thinking about it, the more important it became. There may be things on this that do affect relations with foreign nations. It might be highly, highly embarrassing if it would come out.

Now, is this established pursuant to regular security classification procedures where someone makes it, at their discretion, makes it code word level or top secret, secret, confidential, whatever, or is the security classification you refer to on this a special security agreement just for this sort of Presidential tapes, papers, memorabilia and whatever, and are all your people cleared to code word level, for instance?

Would you comment on that?

Mr. WARNER. Surely, Senator Glenn.

Senator GLENN. And just to complete this, that would affect whether, if in the unlikely chance we got some of this material, it would then be incumbent on us to make certain we protected it at the proper level if we did get it.

But I am overall curious as to how this is protected so it doesn't affect international relations in an adverse way.

Mr. WARNER. I think we would be pleased to outline our procedures in this area, and perhaps, Mr. Jacobs, you have worked with this for some years, you might comment in some detail in answer to Senator Glenn's query.

Mr. JACOBS. Senator Glenn, all our people that work on the tapes are cleared to the necessary levels, and that has meant code word level in the past.

Senator GLENN. Code word, all of them?

Mr. JACOBS. The conversations on the tapes are not yet classified. The conversations may involve national security topics, and in those cases where we encounter that, we code the conversation so as to red flag it

for future treatment, but they have not yet been examined by people responsible for classification of national security topics.

Senator GLENN. Have you recommended that be done?

Mr. JACOBS. Of course, it will be done, but we have not yet moved to that stage of processing the tapes, as we are still in the first phase of logging the tapes. We have not yet moved to the phase where we are doing that kind of work.

Senator GLENN. I would think that would be very important to get because you should have someone, before these things go anywhere, someone who is very experienced in what is or is not classified, CIA, NASA, or whatever combination thereof you might want.

Mr. WARNER. Mr. Garfinkel has a comment on that point.

Senator SARBANES. Could I just follow up?

As I understand it, though, the protection you are placing around them is the most extensive, so to speak. In other words, if the tape has on it any matter pertaining to national security, regardless of what classification might be given upon analysis, it is marked as national security material. You have in effect flagged that material even though its level of classification may be low or high; you have not made that distinction, but you have distinguished it as being a national security matter; is that correct?

Mr. GARFINKEL. If I might address that point, then, I think it supplements the answer to Senator Glenn.

We have made progress in this area. We have received from the National Security Council instructions on how to initially proceed in classifying. Actually, while the material is classified if it deals with national security information, the problem is that it has never previously been reviewed and marked for classification.

Senator GLENN. That's the exact point, archivists are not necessarily normally trained in security matters. You may get into it from time to time there, but I wouldn't think necessarily there that your own archivists, lower level archivists, I presume, working there would necessarily know every time what was a security matter and what was not.

Mr. GARFINKEL. It will not be the archivists who will be making the ultimate decision about classification; rather, the NSC is providing guidelines to the archivists so they can establish parameters of materials that may be security classified. At some point in the future, that material will be referred either to the National Security Council or to whatever agency has subject matter interest in the material for the application of proper security markings.

In the meantime, of course, that material will be retained in strictest security.

Senator GLENN. Make errors on the side of safety if you make them in either direction.

The CHAIRMAN. Senator Glenn, at this point, I will insert into the record a letter of direction that I wrote to Mr. George Murphy, Director of the Senate National Security Office, outlining the procedures that the committee will use in connection with the holding of all such documents, materials that have been received by this committee for this purpose. They will be logged in the Senate National Security Office. Only members of this committee and staff members cleared for

top secret will be allowed access to those materials. That Office also has facilities for code word materials.

[The letter referred to follows:]

U.S. SENATE,
COMMITTEE ON FOREIGN RELATIONS,
Washington, D.C., January 2, 1981.

Mr. GEORGE F. MURPHY, Jr.,
Director, Senate National Security Office,
Washington, D.C.

DEAR MR. MURPHY: The Senate Foreign Relations Committee confirmation hearings on the nomination of Alexander Haig to be Secretary of State are tentatively scheduled to begin January 9, 1981. In this connection a number of classified and other sensitive documents may be provided to the Committee. The Senate National Security Office (Room S-406) has been designated as the focal point for this documentation.

All Members of the Committee will, of course, have access to these documents. In addition, staff members listed in Tab A will also be granted access to these documents. All staff members listed have been granted Top Secret clearances.

The classified information your office receives in connection with the Haig hearings will be logged in, and standard classification control procedures should be observed. Other sensitive documents should also be controlled in an appropriate manner. Classified documents that are received by your office will not be removed without the approval of the Chairman or the Ranking Minority Member of the Foreign Relations Committee. Copies of sensitive documents that have not been reviewed to determine if they contain classified information are not to be removed from the National Security Office without proper authorization.

In the event of any question relating to the handling of these documents, please contact Mr. Fred Thompson, Special Counsel to the Foreign Relations Committee for the Haig Hearings.

Sincerely,

CHARLES H. PERCY.

TAB A

MAJORITY

Ed Sanders
Fred Thompson
Mike Madigan
Phil Manuel

Fred Tipson
John Walsh
Frank Satta

MINORITY

Henry Schuelke
Robert Bennett
David Johnson

Geryld B. Christianson
Carl Ford
Janice O'Connell

Senator GLENN. I think it is good we have done that. I was concerned, though, beyond our own handling of it here, in the event we would get some of this material, on how you are protecting what might be very touchy information within your own organization there now, whether we ever see it or not.

Thank you.

The CHAIRMAN. I believe Senator Zorinsky has a question?

Senator ZORINSKY. Yes.

Mr. Warner, you have previously stated that because of your rules and regulations, you are prohibited from releasing the indexes to the tapes which were requested. I quote from your communication to us with respect to your notifying former President Nixon, "as quickly as the regulations permit. The regulations provide former President Nixon 5 working days in which to notify the Administrator of GSA."

Are these regulations that were promulgated as a result of the Governmental Affairs Committee legislation in 1974, or are these statute and part of the statute?

Mr. WARNER. These of course are based on the statute, but as far as their stemming from them, Mr. Jacobs, do you want to describe the procedures which they stem from?

Mr. JACOBS. Yes. The regulations were written by the General Services Administration and sent to the Congress, and the Congress reviewed them. A period of time, I believe 90 days is provided for review by the Congress before the regulations go into effect.

Senator ZORINSKY. Well, in all due respect, sir, I am very suspicious of any regulations written by the GSA concerning the future of this country.

I would like to ask Senator Percy, our chairman, inasmuch as you were on the Governmental Affairs Committee which originated that piece of legislation, whether the committee had any oversight as to the implementation of those regulations?

The CHAIRMAN. May I just ask you, Senator Zorinsky, as a member of the Governmental Affairs Committee—you are a member?

Senator ZORINSKY. No, sir.

The CHAIRMAN. You are not?

Senator ZORINSKY. No.

The CHAIRMAN. Have not been in the past?

Senator ZORINSKY. Never have been, never will be.

The CHAIRMAN. The committee never has held any hearings on the regulations, to my knowledge. The regulations are available. So far as I know, staff has looked at them, did not feel that it required any oversight hearings or any questions, so this is the first time they have been questioned.

Senator ZORINSKY. Well, on numerous occasions we as U.S. Senators raise the argument that frequently we enact legislation, and the rules and regulations promulgated are 180 degrees from the original intent of Congress. I am sure had this instance been visualized at that time, somebody would have said something concerning this specific regulation.

We, as an extension of the will of the American people, are put in a position where we are responsible through the democratic process at the ballot box. The Archivist and his associates certainly can adhere to those rules and regulations, and well they should, but I think this situation certainly illustrates the dichotomy that many times, often-times exists between the intent of legislation and how it actually is implemented by those empowered to interpret that legislation.

The CHAIRMAN. Senator Zorinsky, in this case, the procedure that was followed is the exact procedure as any other agency. They promulgated the regulations. They were available for inspection, for comment for 90 days, and when there was no adverse comment, they were implemented.

Now, in this particular case, I happen to know that apparently either we were of such like mind or the committee actually did write a good piece of legislation that was not subject to a lot of misinterpretation because, as I recall it, the regulations are similar to or exactly the same as the language of the statute itself.

Is that correct?

Mr. WARNER. Mr. Garfinkel might want to comment on that.

Mr. GARFINKEL. This is a little bit more complicated than it may initially appear. The Nixon Materials Statute contains the require-

ment that the public access regulations proposed by the General Services Administration under that statute be placed before the Congress in a one-House veto situation for 90 legislative days. Those particular regulations or proposed public access regulations came up to the Congress on four separate occasions, and on the first three of those occasions, either both Houses of Congress or one House of Congress vetoed all or portions of those regulations.

Counting both the Senate and the House, we probably appeared before congressional committees on those particular regulations on a half dozen different occasions.

I might add, though, to be absolutely correct, that the particular provision that we are dealing with today, while it is very similar to the public access regulation that has been scrutinized and indeed vetoed by the Congress before they were somewhat changed, it is not in our public access regulations, but in what we call the special access regulations.

While these particular regulations are not subject to the one-House veto situation of the statute, the congressional committees which were considering the public access regulations also scrutinized the special access regulations and had opportunities to comment upon them to us. As a matter of fact, the initial version of these regulations was changed in response to comments that we received, not only from Congress but from other interested parties who objected to portions of the original version.

The CHAIRMAN. Is it true that the access provisions pertaining to former President Nixon, executive agencies, and the judiciary are practically the same?

Mr. GARFINKEL. Yes; the provisions are the same.

The CHAIRMAN. Senator Zorinsky?

Senator ZORINSKY. Thank you, Mr. Chairman.

The CHAIRMAN. Yes. And I believe our final question is from Senator Tsongas.

Senator TSONGAS. Thank you. Dr. Warner, let me quote from your testimony. With regard to the subpoena, you say that: "I am hereby notifying you"—this is in a letter to Mr. Nixon—"that I intend to produce these materials to the committee as quickly as the regulations permit." And you request a waiver of the 5-day rule.

Mr. WARNER. Yes.

Senator TSONGAS. In reference to Senator Pell's request, you say:

I further advise the White House that I have no objection to the immediate release of these documents to the committee.

Is it fair to restate that literally one person stands between this committee and the materials that were unanimously subpoenaed for yesterday, and that one person stands between this committee and having those documents by Friday, and that one person is Richard Nixon?

Mr. WARNER. There, of course, is the statute and the regulations, but you do hit at the heart of the matter. If the President or the former President would waive his objections, yes, we could go ahead and release those materials.

Senator TSONGAS. I raise that for one reason, that if we are for some reason just articulated unable to get these before January 20, it should be clear as to the reason why we were not so able to obtain the documents.

Thank you, Mr. Chairman.

The CHAIRMAN. Senator Cranston?

Senator CRANSTON. I have one, possibly two, very brief questions. You spoke of the 200 hours it takes to transcribe 1 hour. Has that been done with regard to the material we are requesting? Have the transcripts been made?

Mr. WARNER. Some have been transcribed, and maybe Mr. Jacobs can tell you the exact amount of transcribing that has been done. This is an ongoing process, you understand, Senator, so it is continuing.

Senator CRANSTON. I do not need the details beyond that.

Let me ask one other question. In doing the transcribing, with the great difficulties that you confront, have you had available the most sophisticated equipment to extract the sounds and seek to ascertain what is actually being said by whom?

Mr. WARNER. I have not examined that, but I would hope that the Government has provided us with the resources to have the most sophisticated equipment available. Maybe Mr. Jacobs can describe the kind of equipment.

Mr. JACOBS. We have obtained equipment that enables us in both duplicating the tape recordings and in transcribing them; yes. In answer to your first question, we have not transcribed any of the subject tape recordings being discussed here.

Senator CRANSTON. Thank you.

The CHAIRMAN. Is it not true, just to finalize this, then, that even though if a favorable decision is made by former President Nixon, the buck still stops on President Carter's desk, because he must make a decision before you can release the material? Is that correct?

Mr. GARFINKEL. Could you repeat that question, Senator Percy?

The CHAIRMAN. Yes. Senator Tsongas asked whether it is true that if former President Nixon makes an affirmative decision, says I have no objection, you are free to release this material to the committee. It is my understanding that that decision must be referred to President Carter, who then makes a determination of what can be done. Or is it perfectly clear that, if I can use that expression—

[Laughter.]

The CHAIRMAN [continuing]. That once former President Nixon makes a decision, if it is a favorable decision, you are free on your own authority, without referral to the White House, to release that material to this committee?

Mr. GARFINKEL. We are free to release that material to this committee as soon as we hear favorably from former President Nixon.

The CHAIRMAN. Thank you, Senator Tsongas, for that question. And I thank my colleagues.

Senator HELMS. Mr. Chairman. Dr. Warner, am I correct in supposing that you know what is on these tapes?

Mr. WARNER. No, sir, I do not know what is on the tapes.

Senator HELMS. How do you know that there is nothing of national security significance?

The CHAIRMAN. I think maybe what we are talking about is the material which we have subpoenaed. We have not subpoenaed any tapes. We have subpoenaed only the archival logs, and that is the only material that can come to this committee. We have subpoenaed no tapes whatsoever.

Mr. GARFINKEL. If I might add to that comment, Senator Percy, we are concerned about whether the log itself might contain security classified portions, and so we have reviewed the log for purposes of trying to identify anything that an archivist might have inadvertently written down without knowing he was giving something away which may be classified. And we would follow up on that at all times before we produce any material.

The CHAIRMAN. But you're following up on that now?

Mr. WARNER. Yes, that is correct.

The CHAIRMAN. But even if it is classified, you have the authority to release it to us, just providing it is under classification? We have assured you now where it will be held in the depository which has the highest security safeguards in the Senate.

All right. Thank you very much, indeed.

Senator LUGAR. I have one question.

The CHAIRMAN. Surely.

Senator LUGAR. Let me just raise this question again. My understanding is that if President Nixon and his attorneys give the go sign, that the administration—that is, President Carter—must also agree as a matter of administration policy. Is that not so?

The CHAIRMAN. We have been told it isn't.

Mr. GARFINKEL. We have no indication from the White House they intend to overrule any decision that we might make lawfully under this statute. To the contrary, my instructions from the White House Counsel's Office is to proceed under the law and make our decisions as required under the law.

Senator LUGAR. But the President, as with the Huyser materials, would not follow it here? In other words, the administration cannot have one last look even after President Nixon has said go ahead? He can't intervene at this point and say no as a matter of executive privilege or executive policy?

Mr. GARFINKEL. I think we would state that should Mr. Nixon have no objection to the production of this material, it remains unsettled whether a congressional subpoena is a valid means of gaining access. In effect, Mr. Nixon will be giving us the go-ahead and it would be argued that that go-ahead exists under his right of access to his own materials.

Senator LUGAR. Thank you very much.

The CHAIRMAN. I'm sorry, I was talking with staff. Did you get a clarification on that that they do have authority on their own without reference to President Carter?

Senator LUGAR. Well, I gather that then the status of the subpoena comes into question and you have to make a decision on that at that point. Isn't that right? In other words—

Mr. GARFINKEL. No. At that time we would not have to look behind the legal validity of the subpoena. As long as there is going to be no party objecting to it, we will produce the material as requested.

Senator LUGAR. And the administration could not object?

Mr. GARFINKEL. We have no indication that the administration would object at this time.

The CHAIRMAN. The question was, Can the administration object?

Mr. GARFINKEL. I guess that is a very tough legal question.

The CHAIRMAN. That is why we asked you.

Mr. GARFINKEL. The question would be, can the present administration object to the release on privilege grounds to the materials produced in a previous Presidential administration?

The CHAIRMAN. Which is the same question that President Reagan would face after he takes office.

Mr. GARFINKEL. I think the answer would be that there is no absolute bar to prevent a current administration from seeking to invoke privilege to bar the release of documents produced in a previous administration. I think it would be quite unusual. While I am not a scholar on executive privilege, my guess would be that there would be circumstances when the executive branch would want to reserve that right to itself.

The CHAIRMAN. I can take it that the unequivocal answer offered before is somewhat equivocated. And on that note we will thank you.

Senator GLENN. Mr. Chairman, Mr. Chairman.

The CHAIRMAN. All right, of course.

Senator GLENN. In your testimony, you stated you have transmitted the other materials to the White House, that they will check with the Department of Justice and see if it is lawful to give those to the committee.

Mr. WARNER. That is correct.

Senator GLENN. Can you tell me, though, are any of those which you entitled "pertinent materials," are any of those classified and have all of them been made public already, or is there new material in that that has never been released that you sent to the White House today?

Mr. WARNER. Perhaps, Mr. Jacobs, you could describe more precisely the content of those materials in answer to the Senator's questions.

Mr. JACOBS. Mr. Garfinkel might have better information on that.

Mr. GARFINKEL. From our examination of these materials, we found only two documents that had one word in each document that we felt was probably security classified. The word is completely irrelevant to the inquiry of the committee and so we deleted it before we referred that to the White House.

Senator GLENN. But have all of these documents already been released in times past or have they been subject to public comment?

Mr. GARFINKEL. These are not documents that have been made publicly available in the past, no. These documents have been withheld from the public in the past and it was for that reason that we placed them before a rather intense scrutiny before making them available even to the White House. There were a number of excisions that we had to make before we could even produce them to the counsel for the President.

Senator GLENN. So some of the material you sent to the White House today will be new material that has never been made public?

Mr. GARFINKEL. That is quite correct, almost all of it.

The CHAIRMAN. Dr. Warner, if there are other questions the Senators have for for, they will submit them in writing and you will please respond as promptly as possible.

Mr. WARNER. Thank you.

The CHAIRMAN. I thank you very much indeed for your appearance. I would like to say for the record that the Governmental Affairs Committee did hold extensive hearings on the Nixon tapes, of course, in carrying out its functions and duties in drawing up the legislation which is now law.

We thank you very much for your appearance and we appreciate it very much indeed.

The Chair will now recall General Haig. And Senator Mathias will be recognized first as soon as General Haig has taken his place.

The CHAIRMAN. General Haig, we welcome you back. This afternoon it is our present intention to run until 5 o'clock and then go into executive session. We will make comfortable quarters available to you if you could remain. We will try to schedule first classified national security material, so you can come in an answer those questions.

And I put all members on notice that we will give precedence to General Haig to answer such matters as are under classification, so we can do this, and have this the one session we do that in.

And my distinguished colleague, the ranking minority member, would please notify all members when they return that at 5 o'clock we will give precedence to General Haig to answer any questions in executive session that involve national security issues. Then we will go on and proceed to committee business and not retain him unnecessarily then.

Senator Mathias, you are up for questioning now.

Senator MATHIAS. Thank you, Mr. Chairman.

General Haig, on the first day of these hearings I asked you to try to give some sense of priority to the long list of problems that you mentioned in your opening statement. You cited the difficulty of trying to give specific priority to each of these problem areas. But you did offer us what you called a menu of areas that you considered to be the most urgent and the most dangerous.

And then you mentioned Poland and you mentioned Afghanistan, and then you said this: "I think our Third World problems—and I use that term only with the broad concerns that I registered in my opening statement—but the problems of the developing nations, the need to develop a meaningful relationship with them, and which those of us who have been at the vanguard of western ideals and heritage that you and I cherish can do a better job of satisfying the urgent human needs of these people's developing states to insure at least a compatibility of policy, if not a convergence of policy, between them and ourselves. And above all, we can manage more effectively the turmoil and the conditions that generate turmoil, which make it such a fertile ground for external fishing expeditions."

I certainly would agree that these are problems that should be given a high priority. And in light of this fact, as well as the fact that the United States has been in a large part the creator of some of the multinational development banks, I wonder if we could explore a little bit at this time your intentions with regard to those institutions—the World Bank, the Inter-American Development Bank, for example—and how you feel that the Reagan administration would want to treat some of the urgent problems that are crowding us in this area.

The first of these, I think, is the question of replenishing the funds of the International Development Association by \$12 billion for 1979–81, with a reduced U.S. share of some 27 percent. Have you or has the administration been able to study this particular problem and adopt a position with regard to it?

General HAIG. Senator, I'm very conscious of the urgency of fixing on a position with respect to this replenishment. But we have not had an opportunity yet to analyze it with the care that would enable me to

make a comment here. Certainly, above all, I have not had the opportunity to discuss it with the President-elect.

As you know, there is some language in our Republican platform, a subject which we discussed earlier today, which expresses a preference for bilateral as opposed to multilateral arrangements. And on the surface, of course, that suggests that we have greater influence over the use to which those funds are made, and perhaps U.S. interests may be better served in that form. It is certainly easier to manage.

I think the question of how our national interests are best served and what is the best in the context of the expenditure of our taxpayers' money with respect to these activities, I think clearly we have a replenishment problem we have to focus on, I think, by March if my memory serves me correctly.

Senator MATHIAS. Well, thinking of partisan doctrine with regard to these institutions, I would just recall that some of them, I believe IDA and the Inter-American Development Bank, were in fact Republican initiatives. They were established during Republican administrations. They have the imprimatur of the Republican Party on them, and I would hope that the Republican Party would not back away from that very positive kind of contribution that it has made in the international financial field.

Another pressing question with which you and we will have to deal is the proposal that has been made by the current administration to double the capital of the World Bank, to enable it to continue to expand its lending, but with very little budget impact on the United States. This can have very important consequences, positive consequences for the United States. For example, the proposal of the World Bank to encourage the production of oil in non-OPEC countries, is dependent upon contributions by many nations to that program. It is estimated that this program should result in as much as 1½ million barrels of non-OPEC oil daily.

Again, could you comment on that replenishment or doubling of the capital of the World Bank?

General HAIG. I am very familiar with this, Senator. And I, incidentally, found it was indeed the World Bank that responded during that critical period of Turkey's financial dilemmas, which unfortunately continue. But we did have great assistance from the World Bank at that time.

I am not one who approaches this new responsibility without a keen sensitivity to the importance and desirability of maintaining these institutions and doing so, I think, within the concept of the party platform. Each case must be looked at with great care, and I can commit myself to do precisely that.

Senator MATHIAS. I am glad you mentioned the case of the World Bank's assistance to Turkey, because that is a very good example of the interrelationship of the financial needs of countries such as Turkey to the whole security problem. Turkey is a very important member of NATO whose loss, if it had fallen into complete chaos and disorder, would have been a problem for all of the NATO countries and the United States in particular.

There has been an agreement to complete the replenishment of the Inter-American Development Bank and the Asian Development Bank. That agreement was negotiated, but it was not fully authorized

by Congress last year. I am sure that the attitude which the administration takes will be important in the considerations of the Congress this year.

Are you prepared to make any statement on those two institutions?

General HAIG. Well, I think basically I am conscious there is some controversy here in this body and in the Congress at large on this subject.

Senator MATHIAS. That controversy is headed for your desk.

General HAIG. Precisely. One thing I do want to be certain of is, hopefully we don't lose too often, that hopefully, when we come forward with a proposal from the executive branch, we have reasonable assurance that we will muster the necessary support here, certainly in the committee, but more broadly based from the Congress itself. Because those kinds of situations where the executive branch forwards and that proposal or initiative is not sustained by the Congress I think represent a rather perplexing dilemma for us, and they have ramifications worldwide which probably exceed in impact the particular issue itself in significance.

Senator MATHIAS. I do not want to continue to put forward questions that are awkward for you to answer. I understand the reasons. But I think it is useful to at least get some sort of sense of the urgency, some sense of the complexity of the problems that lie just ahead of us.

On the 1st of March, less than 2 months away, it is my understanding that IDA will become unable to make further loan commitments because of the absence of U.S. legislation to provide the American share of the funding for the Sixth Replenishment. That is less than 60 days to adopt some policy position with regard to IDA. I assume that the same answers that you have given with respect to the other institutions would apply to that problem.

I am not pressing you. I simply say that that 60 days is going to pass very, very fast. [Pause.]

What would your estimate be of the impact of the failure of the United States to fulfill the economic commitment we made last October on our effort to obtain increased military spending by the NATO allies in support of their defense commitments? Will this failure be used by NATO allies as a basis for slowing down their related commitments to defense expenditures?

General HAIG. Well, I think clearly—and I think I commented on this on Friday—that poor performance on our part has a very, very profound influence on European attitudes with respect to their obligations. And we had some of that in fiscal year 1978-79 American defense spending, after the London conference and after the commitment for 3-percent real term increases.

I would also point out an additional problem comes with the worsening of the economic situation in Europe. They are lagging somewhat behind the experiences that we have been wrestling with here for months and their situation is just now taking a very, very serious turn. And on the socialist-based governments, a slackening or a decline in economic growth rates has a far more pervasive impact than it does in our more free market economy systems.

So these are terrible dilemmas for our European partners and I understand them.

And third, and this is a new aspect to the issue I did not raise before, but I think sometimes we think "made in America" guarantees infallibility when it comes to defense programs and defense spending. There is some of that is associated with the long-term defense program. As desirable as it was, it clashed head on with long-term planning that had been conducted in Bonn, for example, and also in Whitehall in London. It made it very difficult for them to shift their priorities to priorities that were made in America.

Now, I think that can be resolved by more careful planning, coordinated planning, and consultation. But all of these factors contributed to what looked like a somewhat slackening European enthusiasm for the 3 percent increased levels of spending across the board. I hope we can work that problem together.

Senator MATHIAS. I would agree. Now, you have already addressed yourself to the philosophical problems in choosing between multilateral programs and bilateral programs. I would hope in resolving these difficulties you would recall the generally accepted figures that with respect to multilateral programs, that other countries contribute \$3 for every dollar contributed by the United States; and also that for every dollar that we pay into the multilateral program we generally generate about \$3 of economic activity, adding to our gross national product.

I hope that these facts would be taken into account.

General HAIG. No; I am glad you raised that, Senator. I was not familiar with those statistics, but like so many things, when you get really down into it and bore into it, you find that it is not what it appears to be in every case.

Senator MATHIAS. I will be glad to provide you those figures and some supporting data.

My time is up, but I want to take this opportunity in talking about assistance to other countries. I hope you would be sympathetic with the work that research centers abroad have done. Research centers, for example, sponsored by the Smithsonian Institution in Egypt, Italy, Israel, Turkey, India, Lebanon, which contribute to the cultural understanding between countries.

Thank you.

The CHAIRMAN. Thank you, Senator Mathias.

Senator Tsongas.

Senator Zorinsky, you are next. Do you want to pass at this time?

Senator Tsongas.

Senator TSONGAS. We have had a mixup of schedules here. We will try to proceed.

General Haig, one question which I would like to ask you to think about, and then answer perhaps the next time we are in executive session. You have had extensive experience with European leaders and are very close to most of those.

Could you name me five or six so-called Third World leaders who you are comfortable with, on whom you would feel free to call for advice? And I will give you time to think about that.

General HAIG. Well, I think there are a number. Li Kwan Yiu of Singapore, whom I have known in the past and with whom I have discussed the Asian situation. I don't know that that is the correct term, to refer to Singapore as a developing state, but it is another

one of the economic miracles of the free world, where the free enterprise system has had free play and where the consequences have been remarkable in the context of the people of Singapore.

I think there are a number of Latin American leaders that I would feel very free to have discussions with, and not all necessarily in uniform.

I know a number of the—some of the leaders in the northern African sphere.

Senator TSONGAS. Why don't I give you a chance to reflect. The reason I asked you now and to perhaps think about it is you might have a chance to ponder the question, and we have our executive session later on, and you could perhaps give it to me at that point.

General HAIG. Well I think it is somewhat presumptuous to put those men on the public line.

Senator TSONGAS. The reason I asked that question is I was once dealing with an official who told me about his extensive experience in African affairs, and that he was very close to one African head of state and therefore understood the dynamics that Senator Glenn was talking about in black Africa. I asked him who that was, and he said Ian Smith. That gave me some pause as to how much he really did understand about what was going on.

And I want you to have enough time, so that you would have a chance to think about my question.

Senator Helms raised the question about Dr. Kissinger which seems to keep coming back, and he was assured that you would not follow the Kissinger foreign policy, and I must admit I feel the same way, but from a different perspective.

Can you list some of the areas of disagreement that you might have with Dr. Kissinger? I can't offhand think of any. Where would you be likely to—

General HAIG. Well, that would be juicy grist for the next edition of the Washington Post, wouldn't it?

Senator TSONGAS. Is it a fair question?

General HAIG. It is a question I would be happy to—well, I am not uncomfortable with bringing out some general comments right now. I would say that my world view is somewhat more optimistic than Kissinger's has been in general over the years, and we discussed it at length when I worked for him.

I would say initially during the period I worked with him we had fairly divergent views on the subject of strategic affairs. He has subsequently come closer to my view, and has admitted it, I think, in an article written in the European press about 2 years ago.

I suppose we had a number of differences from time to time on the Southeast Asia situation, and since we were in a hierarchical relationship, I expressed my reservations and concern, and there was no question about it in Dr. Kissinger's mind that I disagreed.

Now, we didn't always maintain those differences; we worked them out, and I would take exception to your comment that I said I would not pursue the Kissinger foreign policy. I don't want to suggest that I would pursue anybody's foreign policy but President Reagan's.

Senator TSONGAS. I was simply restating what Senator Helms had said.

General HAIG. Well, you understand here, I am not—I don't think it serves any purpose for me to sit up here and talk about the past in the context of whether or not I differed with Kissinger. There are probably a number of differences between us and a number of agreements and I hold him in very, very high regard.

Senator TSONGAS. Let me indicate the areas that I disagree with him on, and perhaps we could explore those.

One of my predecessors from Massachusetts, John Adams—that wasn't quite how I intended it to come out. [General laughter.]

But I'll let it go at that—said in the Declaration of Rights of the Massachusetts Constitution, that we are a nation of laws, not men. And you often hear that quoted, and I think it is very important. And speaking for myself, I am not sure that Dr. Kissinger exactly felt that way, and let me review two instances.

One is the issue that I have raised with you before, and that is the U.S. involvement in Chile, specifically, the September 15, 1970, and October 15, 1970, White House meetings that Dr. Kissinger participated in, where the subject matter was the prevention of Allende from assuming power that he had won in the election. You and I then had a discussion, and I think we agreed that there is a question in your mind, at least, and certainly in mine as to whether article 18 of the OAS Charter had been violated.

The second issue that was clearly under his responsibility was the bombing in Cambodia, and I would contend that certainly the bombing that took place there post-March 1973 when all Americans were out of Cambodia was in violation of the Defense Appropriations Act. And what happened in my mind is really quite simple, and that is that Dr. Kissinger and President Nixon decided that they would not be constrained by the laws of this Nation.

And I think the issue at that point was that we became a country in which we were a nation of men, not laws. And I think that 200 years of a tradition in the United States where we followed the Adams dicta is very important.

What I would like to do at this point is to ask you your view on three areas that involve foreign policy for which there has been either legislation or Executive orders, and see whether you would be comfortable with those.

The first—and I really hesitate to raise it because it is such a nasty subject, but it is precipitated by this book which I was quoting from the other day that is the issue of assassinations. There is an Executive order—and I will read it, "No person employed by or acting on behalf of the United States Government shall engage in or conspire to engage in assassination."

That was issued by President Carter, as you know, on January 24, 1978.

Would it be fair to say that you have no problem with that Executive order?

General HAIG. Well, Senator, just to reassure you, I would like to suggest that before that order, in my living memory, that has been an anathema to any responsible American official, and it would be and continues to be to me.

Senator TSONGAS. I appreciate that, and I commend you on your statement.

The second would be the issues embodied in article 18 of the OAS Charter, and that is the overthrow of a democratically elected government.

Would you be willing to state that you would not be in favor of so doing?

General HAIG. Yes; but in so stating it, I think it is necessary to qualify democratically installed government. I think you know this in the past in our country has been a very subjective issue, and the criteria applied frequently either distorted or misunderstood or ill-portrayed.

Within the context of what, I am sure, is the benign intent of your statement, I think that I would be very comfortable with that.

Senator TSONGAS. You saved me my third question. Would you have the same sentiments on governments that were not democratically constituted?

Would you draw a distinction between one where a head of state came to power by an election and one where—

General HAIG. I think some question—

The CHAIRMAN. General Haig, Senator Pell has suggested you pull that mike forward a little bit more. Someone might have pushed it back. It is hard—I see people straining in the audience to hear.

General HAIG. Yes. There was a lot of pushing and shoving here today.

The CHAIRMAN. Just pertaining to the mike, you mean. [General laughter.]

General HAIG. Fine, Mr. Chairman.

The CHAIRMAN. Thank you.

General HAIG. Would you please repeat the question so I am sure that I have it, and we can pick up from there, please?

Senator TSONGAS. We went through the issue of the United States engaging in the overthrow of a democratically elected government which you responded to, and I asked you whether you had the same feelings if there was a government that was not democratically elected but came to power through whatever other process.

General HAIG. Well, I think as a general rule that intervening in the internal affairs of other states is a high-risk policy for our Nation to pursue under almost any set of circumstances, whether it be of the direct kind that you are speaking of, or indirect kind of the sort we have seen recently with a number of our friendly governments in Latin America, through a cessation of support that they had reason to anticipate would be forthcoming.

There are many ways to skin a cat. I don't like either of those you mentioned, such as intervention in the internal affairs of states, whether they are democratically derived or came in through a more unfortunate route. In the final analysis, however, I think the American people expect you and me—and we are going to have to share these burdens together under the new regulations, and I am very pleased that that is so—we are going to have to be satisfied that we have taken actions that best meet the vital interests of our people, and not exclusively that of some set of legal standards which, as important as they are, must also be measured against the vital interests of our people.

Senator TSONGAS. Would you think if we engage in actions that are contrary to law, that we should change the law first?

General HAIG. Well, I think as a general rule, yes, absolutely.

Senator TSONGAS. Let me say that when you said there are a number of ways to skin a cat and you object to both, I suspect the cat objects to both.

General HAIG. He probably more than anyone.

Senator TSONGAS. That's right.

Well, why don't we talk about some cats while we are on the subject.

My major concern with your nomination is not vis-a-vis Europe or Japan. I think you have that down cold, and would probably be as effective as anybody has been in recent years, nor so much with the Soviets. I think the Soviets are tough customers, and you are, too. I think it is a rather even match, and I think you will do well.

My concern is the Third World because that has not been your area of experience, nor the concern of a Henry Kissinger who viewed the world in East-West terms, that Third World countries should either be "for us or against us" and that is all that counts.

Now, that was his view, I would argue and I would also argue that it is not their view, that most Third World countries need to feel that they are their own people.

Now, I was very encouraged by what you said about Japan and China. Remember the discussion earlier, I forget with whom it was, about Japan's commitment to defense spending. You said be careful what you do because if you don't handle it correctly, they may form a neutralist policy. And then on the issue of China, you also indicated that if we don't handle ourselves correctly, and give them a reason to come in our direction, that we might just close that door.

I would argue very strongly that that is exactly the case in places like Nicaragua, Namibia, Zimbabwe, and I would like to get your response to that.

I respect what you said to Gary Hart that you will be at the beck and call of even those of us who may vote against you. I am sure you said that in all honesty. I suspect, however, that my phone calls will be answered a bit slower than perhaps some others. So if I could get that on the record at this point.

General HAIG. No; I would eagerly answer any telephone call from you, Senator, I can assure you. I would look forward to it.

Senator TSONGAS. I will test you on that.

General HAIG. Please do.

Senator TSONGAS. Could you respond to that issue of leaving the door open, in places like Angola especially, since you have mentioned Savimbi, and UNITA? If you close the door on "Marxist" governments and give them no one to go to except the Soviets, isn't that exactly the issue you are raising with China and Japan, especially China?

General HAIG. Well, first, let me say I think that is not inconsistent with some of the dialog we had this morning on that very subject.

Senator TSONGAS. I agree.

General HAIG. And second, let me suggest to you that with respect to the Third World—and I would rather say developing world—even in my European experience I think you will find I was the first American, in fact, the first European in an official status, to start to relate the future vitality and security of the NATO alliance to the developing world problem. I spoke to it, and I have for the last 5 years,

and I refer you to almost any speech I have made in the last 5 years in which there was an overview.

Now, let me suggest to you also——

Senator TSONGAS. Could you send some of those to me?

General HAIG. I would be happy to do so, Senator.

Let me suggest to you also that in the period 1962 to 1965, I worked intensely on Third World problems, indeed, in this hemisphere, Central America, the post-Cuban missile crisis, where I worked for Cy Vance when he was the Chairman of the Interdepartmental Coordinating Committee for such affairs as Secretary of the Army and subsequently as Deputy Secretary of Defense. I worked in the Army staff as a planner, at which time I made the first survey for Jack Kennedy of Iran, and contributed to the recommendations that went to President Kennedy for the initiation of the first 5-year program of the United States for the development of Iran, a program which, incidentally, was highly successful.

I don't feel self-conscious about my developing world credentials. I wish they were greater, but I suspect they are as high as any man that has appeared before this committee to be endorsed as potential Secretary of State, and so I am somewhat puzzled by your statement.

Senator TSONGAS. That was the reason for my first question as to which leaders you feel comfortable with.

General HAIG. Yes; and there are quite a few, and many, unfortunately, have passed from the scene, which is also an indication of the great turmoil and danger in this developing world.

Senator TSONGAS. I spent some time looking at the materials of the House Impeachment Committee earlier, and most of those members have passed from the scene, too. So that process goes on here as well.

General HAIG. Well, that's true. It is a fact.

The CHAIRMAN. Thank you very much, Senator Tsongas.

Senator Pell has a unanimous-consent request.

Senator PELL. I would ask unanimous consent, Mr. Chairman, that some questions offered by the Interreligious Task Force on U.S. Food Policy and also by the International Human Rights Law Group be submitted in writing to General Haig with a request that he would reply in time so the exchange could be included in the printed hearings.

The CHAIRMAN. Without objection, so ordered.

Senator BOSCHWITZ.

Senator BOSCHWITZ. Mr. Chairman, I have no questions at this time.

The CHAIRMAN. Senator Pressler?

Senator PRESSLER. First of all, I might say I think General Haig's wife, Mrs. Patricia Haig, has been very attentive throughout these hearings. I had the pleasure of having General Haig and his wife to lunch at my office this noon and we are getting an extra bonus in her as the wife of the Secretary of State, and I wanted to share that with the committee members.

We left off our questioning in my discussion with you last Saturday when the red light came on. I was talking about our commitment compared to some of the other nations. And we were talking in particular about comparisons with some of the NATO countries. You said that if we went to war tomorrow 90 percent of the ground forces, 80 percent of the naval forces, and about 75 percent of the air forces

available initially to the NATO commanders would come from the NATO nations.

Indeed, you went on to say in a very gracious way that some of our allies are doing their best. You also pointed out that if Helmut Schmitt were here he would make some population comparisons. But I would question some of those statistics because his divisions are largely in his own country.

Also, we discussed the trend of defense spending. And I think we need to point out that the United States, because of the Vietnam war, perhaps has not had the same kind of an increase that some other countries have had. But nevertheless, I have the overall figures, which concern me and which concerned the Armed Services Committee in the report they did.

In 1979 European NATO countries spent 3.6 percent of their gross domestic product on defense items, while the United States spent 5.2 percent. In 1980 the United States had increased this percent to 5.5 percent. And our spending by per capita and other measures suggest we do seem to be bearing more of the burden.

Also, in Japan, it has been pointed out, there's quite dramatic difference. Of course, a part of that is a constitutional prohibition. Part of it is traditional. But part of it is also a decision on the part of the Government of Japan. And the same may well be true in terms of—and again, you can debate these figures, the basis for them.

And I might say that the State Department is doing an extensive study. I had an amendment last year asking that there be a study of the dollar value of all official development assistance, security assistance, international disaster assistance, refugee assistance, international narcotics control assistance, provided by each government of a country which is a member of the Organization for Economic Cooperation and Development or the Organization of Petroleum Exporting Countries, in other words the countries that can and should be doing more.

Now, granted, with the allowances for the use of different statistics and the allowances for some differences of opinion, we continued to be in the forefront in most of these areas, particularly security and particularly in the care of refugees and so forth.

I guess my question to you was, what steps will you take as Secretary of State to seek a greater burden sharing by other countries, particularly Japan and some of the European countries?

General HAIG. Senator, clearly in my earlier exchange my purpose was to emphasize to you that I would not be happy with the current levels of either European or American or Asian contributions, both to our common defense and to the burdens of the human needs of the developing world, and that is a simple fact and I continue to feel that way.

These questions all concern the issue of how to elicit a greater level of support both abroad and here at home, whether the problem is a lack of support for defense as it has been up until recently or whether it is a lack of support for perhaps our aid programs and our security assistance programs. I think the most fundamental answer to your question is to develop a common view, consensus, if you will, with respect to the dangers we face if we fail to meet these needs and the priorities we must establish together to deal with them.

That is the primary task of the Department of State and American diplomacy. I would engage above all in that kind of a quiet, consultative dialog with our friends rather than public bludgeoning about burden sharing, which in my experience has proven to be counter-productive.

We both want it to come out the same way, and I think the reason I am saying this, the reason I am answering the question this way, is that I think there is room for a little more guarded American diplomacy and a little quiet dialog with our allies.

Senator PRESSLER. I found my note that Japanese defense spending in recent years has failed to meet even 1 percent of GNP, while U.S. defense spending has regularly exceeded 5 percent of GNP. And in per-capita terms, Japan spent less than \$100 per person and in fiscal 1981, the United States will be spending about \$700 per capita. But I think those figures have been gone over.

I might move on, unless you have further comments in that area. I have three questions regarding the Middle East. Since the general election, Governor Reagan has labeled the Palestine Liberation Organization as a terrorist organization. In the past the State Department has refused to explicitly identify the PLO as a terrorist organization.

Do you view President-Elect Reagan's statement as requiring a change in State Department policy?

General HAIG. I am going to be very careful about this because I have not had a chance to discuss the issue with Governor Reagan. I think it is awfully important that we are careful of our labels. If you are talking about the PLO, I think that encompasses a number of forces, influences and attitudes.

If you are talking about the Fatah wing of the PLO, for example, then you are talking about a pretty tough, hardcore group of terrorists. So I think this is a question you have to be extremely careful about.

I do not foresee any fundamental change in our labels. There may be some changes with respect to elements that we deal with and how. Of course, that broad issue is very clearly delineated in current American policy and I do not see any change there.

Senator PRESSLER. OK. Under what changed circumstances do you envision the inclusion of the PLO in negotiations?

General HAIG. Well, I could not think of anything today that would more profoundly undercut the courageous positions taken by President Sadat, his current relationship with the State of Israel or the credibility of the U.S. Government, if we did not meet the conditions on this issue that have been laid out, unless the parties concerned were to agree to change those conditions.

Senator PRESSLER. In regard to the Middle East, the inflated price of oil has not reflected the true value of this commodity. What we have here is what Hobart Rowen calls a forceful transfer of wealth from the Western Nations and developing nations to the oil producing countries. The Third World nations have been put in a permanent state of arrested development by OPEC oil prices. And in this area, OPEC aid abroad has really been minimal. If you analyze it, it is mainly loans to buy oil.

What would you do to convince OPEC to commit a larger share of assistance to developing nations?

General HAIG. I suppose our level of influence on OPEC policies leaves something to be desired, because we ourselves are suffering with the consequences of these escalating petroleum costs. And I know that were OPEC members here to answer your question they would highlight the fact that they are caught in the same cyclical escalation of worldwide inflation and have to pay more for the finished goods of the West, and therefore they have to charge more for the oil. There is some truth in that as well.

It is tragic that the most severely damaged by this escalation of cause and effect or effect and cause—and that is a very debatable, tough question—are the developing states themselves, who are least able, have the least resiliency within their economic structures to cope. Many of our developing states today are caught between a wrench of the escalating oil cost and the debt service associated with the benefits that have to come to the developing states in order to buy the oil in the first place. So it is a very horrendous problem for all.

This is not a question that lends itself to a simple answer. It involves a multiplicity of get-well programs and policy, priorities if you will, not the least of which is certainly to go to other sources for our energy needs, some shift in priorities from petroleum to natural gas and coal extraction and coal, some stockpiling, hopefully, and more caution in the conservation area, some unleashing of market systems so we can get a better exploitation and development outside the OPEC area, the issue Senator Mathias raised about looking in other areas and supporting that kind of exploration.

I think that through all of these factors, in a supply and demand world economy, which is essentially what we have, by Western standards, we can get and anticipate some relief. But we have got a long way to go and it is a horrendous and most difficult problem before us.

Senator PRESSLER. As you know, since 1973 the United States has provided substantial assistance to help Israel maintain its defense capability and economic viability. Last year \$2 billion in aid for fiscal year 1981 was approved.

What will your recommendations be in regard to this type of aid and in what other ways do you think we could utilize Israel's friendship, stability, and strategic capability to enhance U.S. interests in that area?

General HAIG. I cannot answer that question with precision at this juncture, Senator. I think one thing is clear, that we have longstanding obligations to Israel, reiterated by seven American Presidents since the founding of the State of Israel. I think it is vitally important that we never be perceived to be wavering in those obligations, especially in this dangerous climate, where the U.S. word is in some doubt in various regions of the world.

Senator PRESSLER. Mr. Chairman, thank you very much.

The CHAIRMAN. Thank you, Senator Pressler, very much.

Senator CRANSTON. Excuse me. Senator Zorinsky?

Senator ZORINSKY. As long as we are not doing it alphabetically.

The CHAIRMAN. I think since we have just three members left—all three are members of the minority—we will just go straight down the line, and I think we can finish certainly before 5 o'clock.

Senator ZORINSKY. Thank you, Mr. Chairman.

General Haig, are you familiar with the codeword "Clawhammer"?

General HAIG. Would you repeat that?

Senator ZORINSKY. Are you familiar with the codeword "Clawhammer"?

General HAIG. Clawhammer?

Senator ZORINSKY. Yes, sir.

General HAIG. It has a vague recollection for me, something like "searchlight" or some similar codeword.

Senator ZORINSKY. Well, I would like to have your comments with respect to the following: Is it commonplace for conversations of *Air Force One* to be monitored, or does one have the capability to speak in code back to Washington?

General HAIG. Well, it depends a great deal, Senator. There are some classified capabilities. At least there was when I was in Washington on *Air Force One*. But there were a host of communications which were conducted from that aircraft which did not justify utilizing that expensive and highly technical system.

Senator ZORINSKY. Let me read you some quotes from an article which appeared today in the New York Times. Much of the same information was in a program by NBC Friday evening. I am sure you are well aware of it.

General HAIG. No, frankly, I am not and I am eagerly anticipating your question.

Senator ZORINSKY. Let me refresh your memory as to what it quotes you as saying aboard *Air Force One* in answer to a question posed to you, by a fellow named St. Clair—James St. Clair. And that is: Haig, quote:

This is Clawhammer. Nobody is giving out any tapes until I get back and can talk turkey about whatever it is. Nobody, I repeat, nobody is to have access to any tapes, any tapes until we get back and can discuss it and see what the problem is. Over.

The White House reply was:

Al, one other problem. The red safe is now open. The lawyers are ploughing through the materials. Should we put the safe in custody? I do not know what is in it.

My question to you is, does this ring a bell in any way with respect to any—

General HAIG. Frankly, it does not, because I do not know what a red safe is. But what appalls me most of all is the lack of security in which I would use the term "searchlight" and my respondent would refer to me as "Al." That would be rather frightening to me.

Second, I don't know what the issue was, but if it was an issue that the President felt strongly about, just as we may even be faced with here today, I do not know what would be troublesome about an exchange of the kind to which you referred.

Senator ZORINSKY. There is no problem with the exchange. I was trying to find out what a red safe was myself.

General HAIG. I do not know, frankly. I wonder who picked up this startling piece of information.

Senator ZORINSKY. An individual named Michel Gurdus—G-u-r-d-u-s—a radio monitor for Israeli radio and television in Tel Aviv. And he made the tape available to the New York Times, and I

assume also to NBC, inasmuch as it was played on the network Friday. I am amazed that you are being insulated to such an extent that you have not heard about this, because everybody in the corridors in the building that I am in has been talking about it though no one has raised this matter in the hearings.

And so the question I ask is: Do you renounce the allegation that this conversation was yours?

General HAIG. It would be very hard to renounce or to affirm. Very frankly, Senator, it could have happened. I do not know whether the voice—was this my voice speaking?

Senator ZORINSKY. I do not know if it was your voice. That is why I was asking if it was your voice.

General HAIG. I do not recall the incident. That does not mean it could not happen. I do not know what would be so startling about it. That is what surprises me about the interest in it if it did happen.

Senator ZORINSKY. I think the general public of this country would wonder, No. 1, about the availability of the easily monitored radio broadcast from Air Force One. If that is monitored, what else is monitored of a higher degree of confidentiality? No. 2, with respect to red safes, I am sure many people in this country reading this article or hearing the term on television would wonder what red safes are. Or, No. 3, what you mean by "so I can get back and talk turkey." It was not in a proximitable time to Thanksgiving. Maybe that might have—

General HAIG. Or maybe a geographic location, Senator.

Senator ZORINSKY. That leads me to this question. Can you foresee situations where you, as Secretary of State, should be excluded from decisions bearing on the foreign policy of the United States of America?

General HAIG. Not at all.

Senator ZORINSKY. You feel there are no circumstances or no instances which should preclude you from having input or being aware of decisions made with respect to the foreign policy of this country; is that a fair statement?

General HAIG. I cannot conceive of one.

Senator ZORINSKY. Do you think Congress has legislated excessively in foreign affairs? And that is a question I am throwing right down the center of homeplate for you to hit out of the ballpark, because there are a hundred instant experts on foreign policy, as I am sure you have become aware, in the U.S. Senate alone.

General HAIG. No; and I think it is a very important question and I have written on this subject this past year. I taught a course on this subject at the University of Pennsylvania a year ago. I think I pointed out in both my courses and in my writing that historically this has been a dialectic process in this country, where the pendulum of influence between the executive and the legislative branch has swung back and forth. I do not think we, as Americans, are necessarily ill served by that.

In a recent paper. I wrote that I thought this had happened again in a post-Watergate, post-Vietnam America, but on this occasion it was accompanied by a certain breakdown in discipline within the legislative branch, which I thought tended to complicate the problem and

make it somewhat more dangerous in the context of our consistency and reliability abroad.

But I didn't decry the fact. And I said also in that article that the worst thing that the executive branch could do would be to try to muck around in the Congress and improve their discipline. This is something for the Congress to do and I think that is underway now.

Senator ZORINSKY. Do you favor the repeal of any specific statutory provisions or legislative veto procedure that is now in effect?

General HAIG. A reversal of something?

Senator ZORINSKY. As you, I think, are aware, there are some specific statutory provisions and legislative veto procedures now in effect with respect to overriding a foreign policy decision. My question is, Do you feel any of those should be repealed?

General HAIG. I am not aware of any, Senator, at this juncture, and I do not come here today with some nagging craw or something stuck in my craw in that area. No, I think we can function within the limits of our existing procedures and regulations.

Senator ZORINSKY. The next question I would like to ask you regards a situation which has arisen within the last 24 hours, and that is the attack perpetrated upon eight jet airplanes in Puerto Rico by terrorists. Today I am sure many Americans are wondering, how can that happen.

Does Puerto Rico have a monetary responsibility to assure the safety of equipment that is given to it? I am concerned as well about many areas of this world where we have equipment on loan or we have equipment leased. I might add that the leasing of many of these items has served to circumvent laws that the Congress put in place in order to require the administration to notify the Congress when materiel is being sent to other nations. The executive branch can say no, we are not selling it to them, but the leasing aspect is not a part of the law requiring notification. Until the last session of Congress, that is, when I proposed an amendment to the law, which was adopted, providing for the notification to the Congress in the case of such leases.

But my question to you is, do you feel that other countries or even in a U.S. territorial situation where the National Guard is responsible to the Governor, as the National Guard in Puerto Rico is responsible to its Governor, that these nations and territories should have a vested interest financially in the security of the taxpayers' investment on their behalf.

I believe there will be a lot of people laughing in other nations today, thinking that if the United States of America cannot assure the security of 10 of its jet airplanes in Puerto Rico, then how can they assure the safety of any U.S. equipment anywhere in the world.

And I think there are going to be a lot of taxpayers today asking the question: Who is going to pay for it. They already know the answer: They are going to pay for it. That is why I would like to have your views with respect to changing our policy to involve the responsible people in sharing the financial interest along with us.

I am informed that there were two people assigned to provide for the security of millions of dollars of jet aircraft in this particular instance where eight aircraft were blown up. I think that not only makes us a laughingstock; it also introduces a degree of apprehension con-

cerning our own ability to provide for the security not only of National Guard airplanes, but other aircraft as well.

Could I have your views with respect to indicating to other nations that they share with us the responsibility of maintaining security for our investment?

General HAIG. Well, Senator, in the first instance I have not received all the facts on the incident which you cited, which I think and share with you is an appalling turn of events. You know, I have had a first-hand experience of my own with this international terrorism, of whatever its origin. In my formal opening statement I emphasized that international terrorism and the return to international civility must be very high on our priority of objectives in this coming period.

I have also said that in many respects nations who train, fund and spawn these activities bear a major responsibility for them, whether or not they were the participant in the particular event, which probably was not the case in Puerto Rico because there is a strong local issue.

Clearly, we as a nation have to move in concert with those of us who have been brutalized, threatened, and victimized by this kind of international activity to insist that that kind of support—training manning, and equipping—is to no longer an acceptable mode of operation. I would lay that first and foremost as the priority for the period ahead.

Now, with respect to the specific course of monetary culpability, I would suspect our Puerto Rican friends are as appalled as we, because they too certainly must share our embarrassment that such a thing happened.

Senator ZORINSKY. Thank you, General Haig.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you, Senator Zorinsky.

Senator Cranston.

Senator CRANSTON. Thank you.

General, while stating your view that we must make plain to the Soviets our willingness to resort to nuclear weapons, if need be, you have also made plain your recognition of the great dangers that would face us all if we actually landed in nuclear conflict with them. Do you therefore agree that the more frequent and the more severe our confrontations with the Soviets, the greater or more likely the danger that the confrontation could escalate, by either inadvertence, design or mistake, into a nuclear confrontation?

General HAIG. Senator, I would say the answer to that question would depend fundamentally upon the source of that confrontation. If that confrontation was a consequence of our calling to account Soviet leadership for indulging in illegal international behavior, then I would suggest precisely the opposite.

But if it came from accidental sources, then I would be inclined to be sympathetic with your premise.

Senator CRANSTON. Whatever the source, if we had direct conflicts with the Soviet Union, whatever the reason for it, the more likely the prospect would be that we would get into nuclear confrontation.

General HAIG. Again, I am merely underlining the thesis that if we ignore illegal international behavior on the part of the Soviet Union and turn our other cheek, so to speak, to avoid confrontation, then we

are sooner or later going to be confronted with the kind of risk-taking on their part that will dramatically increase the risks that you and I seek to avoid. It is awfully important that we keep our thinking clear on this.

Senator CRANSTON. I would agree with that. If we appear to be turning the other cheek and appear to accept anything and not resort to appropriate means to defend ourselves, we increase the danger of reaching the point where we need to revert to the nuclear weapons.

However, given the fact that we are in conflict with them on many matters now, due to their behavior, and to the fact that that is going to be the case for the foreseeable future, I believe the purpose of arms control and SALT is to seek to contain the dimensions of whatever collisions we have with them so that they do not become nuclear.

I would assume that you agree with that general purpose.

General HAIG. Absolutely.

Senator CRANSTON. Because on the other side of that, certainly we would not come to the conclusion that the greater the insecurities of the United States or the Soviet Union or the more severe or frequent the confrontations between us, the less we need arms control.

General HAIG. No. Again, I think it is important that we recognize that this is part of a broad interrelationship in which vital American interests are at the core. I include in that the avoidance of nuclear conflict as a vital American interest.

Senator CRANSTON. It is certainly one of our prime interests. However, I accept the position that you expressed in prior dialogs on the need to make plain our willingness to pursue that course if necessary. And I accept that view of the way of reducing the danger.

What I am driving at is a question that comes out of the fact that we need arms control all the more with a nation we don't get along with, like the Soviet Union. We don't need arms control with Canada or the United Kingdom or our allies with whom we do not have such conflicts. But given the matter of linkage, then I question the validity of applying the traditional concept of linkage—denying benefits to the Soviets in one area because they misbehave in some other area—to the problem of effective and verifiable nuclear arms agreements.

It would seem to me that the conventional linkage doctrine must be applied and is very appropriately applied with special appreciation of the importance and uniqueness of the problem of nuclear arms control. It may be much more appropriate to apply it in lesser areas than to arms control.

General HAIG. I think that in relative terms that's probably true.

On the other hand, I would want to make it clear that the reservations I've expressed here about SALT II, and you heard me express them in the past; I know you were there, Senator—were not exclusively related to the linkage issue. I recall that it was one of several factors I had mentioned that had to be sorted out before SALT II could be assessed.

I still feel that way today. I think it's awfully important that we sort out all of the concerns I had in the arms control area as they pertained to SALT II. First and foremost is, is it a good agreement? I know that very honest, serious people differed on this, and I perhaps am on a different side of the fence than you.

Senator CRANSTON. Going on from that, I want to make sure that I understand fully a matter that's been gone into several times. The 10-minute rule has tended to prevent us from pursuing questions on this matter, as on others. I want to understand more fully than I presently do your views on what is and what should be the relationship of United States and Soviet nuclear power—tactical, theater, and strategic.

If I understand the testimony that you've given this far, you were concerned—and I share this concern fully with you—that the change from original, unquestioned American nuclear superiority to the acceptance of equality and parity should not, under any circumstances, lead to a situation where the United States is second. And I assume that you mean that to extend to strategic, theater, and tactical—each category, in other words.

General HAIG. Well, again, I think we've indulged in our strategic thinking and I'm turning now not to the American triad, which we talked about this morning but the NATO triad which is a three-element, central strategic force, regional nuclear forces—or tactical nuclear weapons—and conventional power. In the past, we have accepted deficiencies in one area with the knowledge that we had supremacy in another.

That has permitted us, for example, in the post-World War II period, to accept fundamental discrepancies in our conventional capabilities under the umbrella of the overwhelming strategic nuclear power that the United States has maintained. That was also true as we made our assessments with respect to theater nuclear capability.

Now here is the danger that we Americans are facing today. The picture has changed. We are not only facing a period between 1981 to perhaps 1987 in which we are deficient in regional nuclear power, and in conventional power, but, for the first time in post-World War II history, we will be vulnerable and deficient in central strategic nuclear power. Now that poses some very important dilemmas for all of us.

I hope I didn't leave you the other day with the impression that I was discounting the desirability of superiority and rejecting that thesis. What I was trying to do—and I think this is clear if my words are carefully read in their entirety—was to suggest that in this triad, together with our allies, we have to be unquestionably superior, in the broadest sense of that term.

That does not necessarily mean, in the context of our other arithmetic, the assured contributions by other nuclear powers—Britain and France—that the arithmetic of the balance has to be laid out in a 1 equals 1, or they have—we have context. There are many value judgments that make up an assessment of overall relative nuclear power.

Of course I recognize that we don't want to provide incentives for runaway Soviet arms building, but the simple facts are that despite 10 years of American restraint in our strategic programs, the Soviets have continued to build weapons at the maximum that our best technical estimations suggest they are capable of building. We see no signs of a letup in that construction program despite SALT.

That should give us cause to pause, Senator, and I think it requires a very careful assessment by this administration of where we're going

in the period ahead in this area of arms control and I certainly intend to participate in such an assessment.

Senator CRANSTON. Well, I understood you to suggest that we face a period on into the mid-1980's of deficiency and danger in strategic strength. Did you say that we need to establish or reestablish superiority there, or that we need to achieve a balance?

General HAIG. Well, what I said the other day, and what I repeat today, is that I am not going to fall into the trap of visceral codewords, such as domino theories. You know, I can remember a few years ago when the very uttering of the word drove serious people into diametrically opposed corners. That same thing can happen with the term "superiority" in the Washington environment today.

I think that it is vitally important that we have sufficient nuclear power to be sure we have an invulnerable retaliatory capability vis-a-vis the Soviet Union and that they will perceive from the first moment of growing crisis or confrontation that the risks associated with entering into nuclear conflict are unacceptable to them.

Senator CRANSTON. Well, I think you have stated it clearly. Where, in your view, do we stand in theater and tactical systems, compared to them presently?

General HAIG. Well, first let's turn to tactical or theater systems. Many Americans have tended to overlook this, and I don't mean that by way of criticism but perhaps by result of the failure of our own leadership to highlight it for them.

Some years ago we were vastly superior in Europe in theater-deployed systems. Today I think the latest arithmetic would suggest we are somewhere between 2- to 3-to-1 inferior to the Soviet Union, especially in the critical area of medium—and long-range systems, with the deployment of the SS-20, unchallenged as yet by the West, and the deployment of the Backfire bomber.

Senator CRANSTON. In your testimony, when we were together at the time of the SALT hearings in July of last year, you criticized what you called the "never-never land of essential equivalence" and you endorsed the concept of "total equality" in United States-Soviet strategic forces. What do you mean by total equality and how does that differ from essential equivalence?

General HAIG. Well, the point I was making in that testimony—and I think you'll agree that there was some extended comment on my part—is that I have been a participant in the Washington scene and the strategic jargon associated with it for some 20 years, and at the end of the Cuban missile crisis, as I said the other day, we started talking about the desirability of mutual restraint, to never again permit us to be faced with the kinds of dangers that many saw in the Cuban missile crisis.

At that point we started unilaterally to restrain our strategic building program, with the hope that there would be some compensatory restraint on the part of the Soviet Union. We were simply wrong.

Now, in that process we started to talk first of parity. That was the jargon of the mid-1960's. Then we went to equivalence. Then we went to essential equivalence. Then we went to rough equivalence. And each iteration provided an excuse or a formula for us to permit our strategic forces to fall into some disarray.

Now, today, we are faced with a situation where indeed equivalence, or whatever you want to call it, did not provide for the American people, for the Congress, for the executive branch, the understanding of what was necessary in the face of the continuing growth of Soviet strategic nuclear power.

That is why I used those terms and that is why I say we've got to get away from that and I think we should, because we delude ourselves. Senator CRANSTON. Thank you very much. My time has expired.

The CHAIRMAN. Thank you, Senator Cranston.

Senator Dodd.

Senator DODD. Thank you, Mr. Chairman. General Haig, I'm the last one today, so you can breathe a sigh of relief, I guess.

The other day, when Senator Sarbanes was asking you whether or not you had any political plans in running for the Presidency, since you voluntarily placed yourself under oath, and since we're both from the State of Connecticut I was tempted to ask you whether or not you had any political plans in Connecticut. But I didn't ask that question and I'm not going to today. I won't put you in that spot.

I'd like to go over a couple of things that you've been over already, but just for my own purposes to see if I understand your position correctly.

In response to questions by Senator Helms and Senator Biden, in talking about Marxist regimes or those that receive economic, political, military support and so forth, it's your position, as I understood it—and you correct me if I'm wrong—that the presence or the assistance of economic, military, political support from Cuba, Eastern bloc nations, the Soviet Union and so forth, would not, in and of itself, preclude maintaining a relationship between that country and this country, or preclude assistance from this country to that country. Is that correct?

General HAIG. Well, Senator, in a blind sense, yes. Each case would have to be judged very carefully on its own merits, in my view. We must consider what would contribute to the outcome that we all seek, which would be a change in that regime from a system which we consider to be totalitarian and unacceptable to one that we hope will be more democratic.

Senator DODD. With regard to some questions that were raised by Senator Sarbanes concerning the multinational development banks, again let me see if I understood what your position is, and you correct me if I'm wrong.

Generally you would oppose the idea that the United States attach strings to our financial commitment to those multinational development banks. There are certain conditions under which you would accept those strings, but as a general proposition you oppose the idea.

General HAIG. Yes; but there are a number of criteria that I think must be applied in each instance where the American taxpayers' money is put into a multinational forum.

Senator DODD. I understand that.

General HAIG. First is the viability. Is it a viable proposition?

Senator DODD. The burden would shift. What I am trying to get at is that generally the proposition would be we should not, and then if conditions warrant it might.

General HAIG. But I think Americans are increasingly worried about the prospect that their voting power in many of these bodies is substantially less than the contributions they are making. Many Americans have such a reservation—understandably so.

As a rule, I think again we have to look at each case. I certainly would not suggest that we should suddenly pick up our marbles in a number of activities we have been involved in, many of which have been very important and very valuable to our foreign policy. Not at all. I think that would be a mistake.

Senator Dobb. I would presume you would not consider the United Nations to be a multinational development bank.

General HAIG. No; not at all, although some of the same frustrations that I mentioned exist with respect to many Americans' attitudes with respect to the United Nations.

Senator Dobb. The other day the President's nominee to be our Ambassador to the United Nations, Jeanne Kirkpatrick, gave a speech to the B'nai B'rith in which she suggested—and I am paraphrasing her remarks—that we ought to selectively reduce or eliminate our financial commitments to certain subdivisions within the United Nations.

Do you agree with that proposition?

General HAIG. Senator, I am not about to agree to it, because I do not know what subdivisions Ambassador Designate Kirkpatrick is talking about. I would hope that this committee would ask her to report here at the earliest possible date in the process of her confirmation. It worries me that the process has not begun yet. You will have an opportunity to talk to her firsthand.

I have talked to her in general about that speech, but not in the kind of detail necessary as a prerequisite to answering your question.

Senator Dobb. It is just overall proposition again, and I am not equating the two. There are distinctions to be made. And certainly, there are those who advocate that we ought to stop all funding of the United Nations or reduce it. It is the idea of selectively picking subdivisions, the problems that that can create, recognizing that every other nation that participates could apply the same standard and you would create chaos, obviously.

And the United States, being in a leadership position, has an obligation to set an example in these areas, and that is what I am generally trying to drive at.

General HAIG. Yes, sir, Senator. I do not think we Americans have any reason to be self-conscious about our performance. From the inception of our Republic we have been at the leading edge of these worldwide movements.

It was the United States that led the anticolonial movement at the end of World War II. It was the United States that, through the Marshall plan, rebuilt Western Europe. And sometimes we perhaps in recent years have been too willing to indulge in self-flagellation about the inadequacies of what is still the greatest Nation on Earth.

Senator Dobb. I was not implying to anyone that I might suggest that.

General HAIG. I know that, sir.

Senator Dobb. It was suggested earlier, I think on the first day of questioning, that possibly former Senator Muskie, the present Secretary of State's conditions that he would place upon the National

Security Adviser about having a press secretary and so forth. Would you apply that same standard to your Ambassador to the United Nations, or at least require Secretary of State prescreening of speeches before they are given?

General HAIG. Well, I think in the first place our United Nations Ambassador will look to me for day-to-day guidance on operational matters in the conduct of her policy articulations. As you know, she will participate in our Cabinet and NSC meetings as a Cabinet member, or at least enjoy Cabinet status. And I anticipate that policy would be pretty clear to her in that context.

I have discussed this with her. She intends to come down here to Washington and will spend 1 or 2 days a week to be sure that we are in tune.

As you know, in the past I sat in the White House and used to deal frequently and directly as a member of the NSC staff with our U.N. Ambassador. It is a very fast-moving, tough environment, and it is not very well structured, despite the way it appears. They do need some help with the press up there on a day-to-day basis, and I think our Ambassador will continue to have that.

But I do expect that our Ambassador will speak with the same voice that I speak and be totally consistent with my articulations, and I intend mine to be totally consistent with those of Governor Reagan.

Senator DONN. Let me move into another area if I can, and I am not trying to unnecessarily pin you down here, but I would like to get some sense of your view of certain events that have occurred over the last several years internationally while we have been directly involved or could have been.

And I realize—and I think in every one of these—in fact, I know in every one of these you were not, as I understand it anyway, directly involved in policymaking, so you were not privy to the internal discussions that led to U.S. decisions. But either as our Commander at NATO, the Allied Commander at NATO, or as a private citizen, I would like you to, to the extent that you feel comfortable doing so, comment on whether or not you supported or did not support certain actions that I am going to describe to you.

One was the decision by the present administration not to support President Somoza at the time of the revolution or just prior to it. Do you think that was a mistake? And I would like for you to be as specific as you can be with me, General. And if you cannot be, we will move to something else.

General HAIG. Well, let me just build a counterthesis, because I do not know what position I would have taken at the time when the situation got rather intensely debated here in Washington.

But I would suggest that Somoza was a 30-year friend of the United States, a man who had supported American policy for better or worse, a man who had been trained in our schools, a man who I think would have been amenable to some rather direct tough talk about the need for reform. And I could be wrong. I am just not sure.

I suspect that kind of tough talk did not precede some of the screws that were turned on that leader which ultimately resulted in his inability to conduct a sound defense against the Sandinistas in his country.

Yes, that is a source of great concern to me, and with the caveats I have laid out.

Senator DODD. I appreciate your candor.

The President's decision to sell F-15's to Saudi Arabia?

General HAIG. The President's decision to do so?

Senator DODD. The President's decision to sell F-15's to Saudia Arabia, a very controversial decision.

General HAIG. I will just give you a personal view that I would have been in favor of it had I been asked.

Senator DODD. OK. The decision to allow the Shah to come to the United States for medical treatment after the revolution.

General HAIG. I suppose I could not answer that one in a clear light unless I took about 30 minutes of your time to suggest the whole thing could have been handled somewhat better from my point of view, and it is admittedly not necessarily an educated one.

Senator DODD. OK. There was an article that appeared in the Washington Post—and before getting into this, let me tell you I have no desire to rehash the military significance of the action. I am talking about the bombing of Cambodia. You stated unequivocally you think that was strategically a wise decision, and I have no intention of pursuing that line of questioning with you.

It has more to do with the question of secrecy. I am little bit hesitant, I suppose, because President-elect Reagan was asked whether he thought there was any useful purpose in questioning you on this, and he said not very much. And later in the interview he said, "Well, I think there are certain elements of extremism that get into questioning that do not really have any bearing on whether he is going to be a good Secretary of State."

Do you think we have been extreme? Do you think there has been an element of extremism in the questioning here over the last couple of days?

General HAIG. No; I have been delighted with the questions that have been asked here. I think they have been objective and serious and very much to the point. And it has been a great opportunity for me to lay out my views to the American people, because, as you know, these hearings have been televised. I was absolutely deluged over the weekend with reactions, most of which I found favorable to the dialog that has been conducted here.

I am extremely pleased at the way it has been conducted and the nature of the questions that have been asked. I do not mean by that to suggest that I did not sense that some Senators profoundly disagreed with me. But my lord, that is what democracy is all about. That is why we have elections.

Senator DODD. OK. Let me try quickly, because time is running along here, to get into some of the direct questions I have about the secret bombing in Cambodia. And again, I really do not care to pursue the military questions that were involved, whether or not it made good military sense, but rather the policy questions of consultation with Congress and all of the actions that preceded it.

Can you tell us why the decision was to keep that operation secret from not only the American public, but even this committee, and whether or not you participated or recommended that action?

General HAIG. Senator, if I may, let me refer back to the annex to

the statement that I submitted to the committee on Friday of last week. In that statement I said :

President Nixon's decision to bomb the sanctuaries of North Vietnamese troops along the Cambodian border and to keep that bombing secret was made in March 1969. I supported the President's decision to order those raids and I was involved in planning them. The bombing was focused on North Vietnamese troop encampments within 5 miles of the North Vietnamese-Cambodian border, where there was virtually no civilian population.

This operation was carried out as a secret military mission of the kind we have conducted historically and traditionally in time of conflict against enemy forces.

I added that last paraphrase.

I was aware that congressional leaders were notified about it at the time, although I had no personal responsibility for conducting that notification. I was not aware of any subsequent inaccurate statements that may have been provided to the Congress in some reporting which was the subject of great investigation in this town, some reporting by the Pentagon, which was a consequence and a followup.

Now, I think it is important again—

Senator DODD. If I could—the efficacy of the action militarily is something I understand. It is more the issue of whether or not the decision to keep that mission secret—and I recognize what you are saying in terms of certain military actions.

But as I understand it—and you correct me if you think I am wrong—this was a significant expansion of our involvement there, to decide to bomb targets in Cambodia.

General HAIG. Now that is a very tough question. Our American boys were dying at the rate of 400 a week as the result of ferries coming across that border from sanctuaries in Cambodia. We had reason to anticipate—or at least those who made the decision did—that the Cambodian Government favored the bombing. As recently as a year and a half ago Prince Sihanouk said it was the right thing to do.

Senator DODD. OK, we are drifting again. I do not argue with you over the military decision. My question is whether or not that decision that was reached at the White House, and of which, as I understand it, you were a very integral part, should have been kept secret from this committee other than selected Members of Congress?

General HAIG. Well, let us again be sure we have the record straight on this, Senator. The way that was done—and I had nothing to do with it and I would not want to suggest that I set policy one way or the other for it, but I was aware of it—was consistent with earlier practice in the executive branch with respect to such operations.

Now, in some respects it is a totally irrelevant question today. Why? It is irrelevant because of the War Powers Act. It is irrelevant because of the agreements promulgated by the Senate Intelligence Committee that require a prior notification to that committee of covert operation—if you would have termed the bombing covert.

One way or the other, it is an irrelevant question in the context of the future and tomorrow.

Senator DODD. Our time is up. I would strongly disagree with you over the relevancy of the question. But since the red light is on, I will pick this up again tomorrow.

General HAIG. Fine.

Senator DODD. Thank you, Mr. Chairman.

The CHAIRMAN. Thank you, Senator Dodd.

With 2 of the 10 minutes which Senator Boschwitz has thoughtfully yielded back, I would like to read to the committee a letter that I have received from one of the two greatest diplomats I have ever known. I put him in the same category as David Bruce, and that is Ambassador Ellsworth Bunker.

I think we are privileged in our lifetimes to have had these two great diplomats, and I presume, with Ambassador Carol Laise, Ambassador Bunker's wife, we have the greatest diplomatic couple this Nation has ever had, because she herself has distinguished service. And I know she joins in the sentiments that Ellsworth Bunker has expressed.

Ellsworth Bunker did serve as the principal negotiator on the Panama Canal on some of the most difficult aspects.

He was Ambassador to Vietnam when I visited him a number of times, for 5 of the toughest years of that war. He was a special Presidential envoy to the Dominican Republic. He negotiated the Yemen settlement in the early 1960's. He was a distinguished Ambassador to India, to Argentina, and has had a lifetime of devotion to this country in diplomatic service.

He writes as follows:

I am taking the liberty of writing you as Chairman of the Senate Committee on Foreign Relations in support of the nomination of General Alexander Haig to be Secretary of State. I am impelled to do this because of the high regard I have developed for General Haig's ability as a result of the close relationships, both personal and official, I have had with General Haig over a considerable number of years.

To my mind, General Haig would bring to the office of Secretary of State a unique combination of experience and talent. As a military man with a distinguished combat record in Vietnam and later as Supreme Commander of NATO, he won the admiration and respect of his peers, not only his military colleagues but also those in civil and political authority.

Certainly our NATO allies hold him in highest regard. Their confidence and trust in him is an important advantage he will bring to the office of Secretary. I believe this to be so because I think that our ability to shape foreign policy in ways we would consider most desirable for us has been affected by our failure to achieve our objective in Vietnam, in eroding the confidence of our allies in our determination and consistency as a leader of the free world and the encouragement it has given to our adversaries to pursue their expansionist aims more freely.

I believe these are factors which our foreign policy will have to contend with in the 1980's. I would hope, though, through a calmer and more dispassionate reappraisal of our objectives and failures in Vietnam, we could once again develop a bipartisan foreign policy which would make clear to both friends and adversaries that we have the determination, that we have the resources to enable us to once again assert effective leadership in the free world.

I can think of no one better able to take the lead in this than General Haig, for he is aware not only of the military and security aspects of the problem, but also the diplomatic and political aspects as well. It is on this latter aspect of the problem on which I should like to dwell very briefly.

During my period as ambassador to Vietnam, General Haig made many visits there in connection with the peace negotiations. There he dealt with President Thieu and other high officials of the Vietnamese Government with the greatest skill and sensitivity, gaining their confidence and trust and, because of this, finally their agreement in solving difficult and delicate problems. It was an outstanding problem of the practice of the art of diplomacy.

I have cited only a few of the reasons—there are many others—why I believe that General Haig, because of his ability, character and integrity, is eminently equipped to serve as Secretary of State. I may add that personally I have always felt the people of the United States owe General Haig a debt of gratitude for the skilled way in which he handled the sensitive problem of President Nixon's resignation.

Sincerely,

ELLSWORTH H. BUNKER.

General Haig, I should like to say to you, on a very personal note in the confidence of this room, that for 3 days I have sat here listening to your answers, and visualizing the men in the Kremlin that I sat opposite for 9 solid hours over a period of 3 days. They were tough, able, determined men.

President Brezhnev himself has dealt with 4 or 5 Presidents; and Gromyko, 14 or 15 Secretaries of State; Ustinov as Chief of Staff, half a dozen Secretaries of Defense. They have seen them come and go.

When I reached Brussels after Moscow I called President-elect Reagan, and I said to him: I do not see how any man or woman in the United States of America, knowing what this country is up against, could turn down an office in which you ask them to serve in the national interest.

We are gratified that you have seen fit to accept your call. And I just said to my distinguished colleague Senator Helms that for 3 days I have pondered whether there is anyone in the United States I would rather have at a table opposite these very capable and very able and determined adversaries—who are people with whom we sometimes are able to work in common cause, but certainly are people who have a pride in their country and a sense of determination as to their role in the world.

I cannot think of a single other person in whom I would have greater confidence for coping and dealing with those problems. And when I consider that you also possess the ability to work with our allies and have demonstrated in this room a sensitivity to the lesser developed nations of this world and place a high priority on our problems right here in this hemisphere, you have almost persuaded me to begin thinking in terms of casting a vote for your confirmation.

We will withhold that vote until the date and time has been set for that vote. You have freely said that no matter where the chips fall, the information should be made available to this committee.

But I find myself more impressed today even than on previous days. And I thank you very much indeed.

The committee will now meet at 10 minutes after 5 in executive session in room 4221. Our first order of business will be to ask General Haig to join us, so that any committee members may put to him matters that could not be dealt with in open session that deal with national security.

The committee members will have available to them confidential disclosures or communications from his doctors, and conflict of interest statements. Mr. Manuel will be available to answer questions on investigations he has run independently on those matters, and of course his own financial disclosure.

We will excuse General Haig when he has completed all of that questioning and go into business that deals strictly with the committee itself. We will ask for a closed session. The first session will have to be cleared for top secret. And if at any time, General Haig, you get into codeword matters, we will clear the room of all of those other than those that are cleared for codeword.

Is there any further questioning?

Senator TSONGAS. Does the chairman have any idea how long that session will go?

The CHAIRMAN. It depends entirely on the committee. General Haig, are you prepared to stay as long as it is necessary for the committee?

It is the intention of the Chair that this would constitute, having put everyone on notice earlier today, the only closed session. Obviously, if any other committee member who could not be here today wants another closed session, I feel confident that we can arrange a convenient time. But this is the time to have that closed session and to complete as much as possible any decisions that the committee itself must make.

If there is no further business, this hearing is recessed until 9 a.m. tomorrow, at which time we will go until 1 o'clock, with a 10-minute break at 11; and then we will proceed again until 2 o'clock and break into the questioning of General Haig at that time, so that Senator Weicker can testify, followed by Senator Goldwater, followed by former Senator John Sherman Cooper, at which point we will again resume the questioning. We have now completed three rounds of questioning.

I thank the minority for their suggestion that we lengthen the period. My own judgment is the 15-minute rule today worked out much better, much more satisfactorily than the traditional Senate 10-minute rule which has always governed this committee. I think in this case it was much more satisfactory and I thank you and my colleagues for that suggestion.

The hearing is recessed.

[Additional questions and answers follow:]

RESPONSE OF ALEXANDER M. HAIG, JR., TO QUESTION FOR THE RECORD FROM
SENATOR JESSE HELMS

Question. 1. Is it true that there is an excess of Foreign Service personnel and that, as a consequence, many are being assigned to other agencies?

Answer. We do not believe there is an excess of Foreign Service personnel. The Foreign Service was larger in 1960 (8,717 Foreign Service officers) when we had 80 missions and embassies, than it is today (3,603 Foreign Service officers) when the number of our missions and embassies has increased to some 144.

But this is not the whole story. During this period, and without any augmentation in personnel, we have also seen a quantum jump in the amount of Consular work required and the assumption by the Department of new responsibilities, which have been legislatively mandated, in such areas as narcotics, science and technology, anti-terrorism and refugees.

There are currently 285 Foreign Service officers on assignment to other agencies in the U.S. Federal and State Government (including 119 in the new Foreign Commercial Service) out of a total of 3,603 FSOs.

We do not believe that the fact that Foreign Service officers are assigned to other agencies should be interpreted as evidence that the Foreign Service is overstaffed. In fact, Foreign Service assignment to other agencies is the result of deliberate and we believe, wise personnel policies since such assignments serve a useful purpose. They provide relevant Foreign Service expertise and a knowledge of foreign countries and overseas environments needed by a variety of government agencies. It is also a broadening experience for the Foreign Service personnel and helps the Foreign Service to be more familiar with the needs of the other agencies and the various public interests that they serve including, for example, the business, energy, and defense areas.

We would also note that the assignment to other agencies is not a one-way street. The Department also finds it useful, particularly in the politico-military field to benefit from the knowledge and expertise of U.S. military personnel. There are, for instance, some 19 military officers currently on assignment in the Department. In toto, there are some 105 persons from other agencies currently on assignment to the Department of State, including such agencies as Defense, Energy, AID and ICA.

RESPONSE OF ALEXANDER M. HAIG, JR. TO QUESTIONS FOR THE RECORD FROM
SENATOR WILLIAM PROXMIRE

I. UNITED TECHNOLOGIES CORPORATION

Question (a). How will General Haig insulate himself from major weapons decisions affecting United Technologies Corporation?

Answer. I will disqualify myself from any decisions concerning the sale of major weapons systems by the United Technologies Corporation.

Question (b). Has General Haig had any post-employment discussions with any employee or officer of the United Technologies Corporation?

Answer. I will terminate my employment with the United Technologies Corporation on the date my appointment takes effect. I have not discussed employment arrangements for the period after serving as Secretary of State with anyone, including employee or officers of UTC.

Question (c). Please provide a list of all the major defense products produced by United Technologies and their current DOD funding status.

Answer. This information has been supplied by the Department of Defense to Senator Pell.

Question (d). What arrangements are being made for any financial interests General Haig may now have in the United Technologies Corporation?

Answer. I will make a complete divestiture of all stock holdings and other interests in the United Technologies Corporation. Arrangements for this divestiture are being made at this time and will be concluded as expeditiously as possible.

II. PROMOTIONS

Question (a). Please detail each promotion for General Haig from Colonel to 4-Star General, identifying whether or not the promotion was by promotion board or by direction of the President?

(b) If any promotion was pressed by Presidential directive in lieu of the normal procedures, please indicate the circumstances of each including the names of those in the White House recommending the promotion; any misgivings voiced by promotion boards to this nomination; any misgivings voiced publicly or privately by high ranking Service personnel in the Army?

(c) What effect did these promotions have on other officers in the same

(c) What effect did these promotions have on other officers in the same promotion zone but not promoted?

Answer. The following information, was supplied by the Department of the Army to respond to all three parts of this question:

"General Haig was selected for promotion to brigadier general by a normally constituted promotion board which met during the period 11-26 August, 1969. He was promoted to brigadier general on 1 November 1969.

General Haig was selected for promotion to major general by a normally constituted promotion board which met during the period 27 April-7 May 1971. He was promoted to major general on 1 March 1972.

Department of the Army does not conduct promotion selection board above the grade of major general. 10 USC does not require any such board action.

"Regarding 3- and 4-star generals, Section 3066(a), 10 USC states, "The President may designate positions of importance and responsibility to carry the grade of general or lieutenant general. He may assign to those positions officers of the Army on active duty in any grade above brigadier general. While he holds one of those positions an officer has the grade specified for the position if appointed thereto by and with the advice and consent of the Senate.

"Thus, on 7 September 72, using the aforementioned powers granted him, President Nixon nominated General Haig for promotion to general (4-star) and assignment as Vice Chief of Staff, United States Army. On 9 October 1972, the Senate confirmed this nomination, and on 4 January 1973, General Haig was promoted to 4-star general and assumed his duties as Vice Chief of Staff."

With respect to my promotion to 4-star General, it is my understanding that it was recommended by Secretary of the Army and the Secretary of Defense.

III. BUDGET

Question (a). What size budget does General Haig anticipate recommending to the Congress for the State Department:

(1) as amendments to the 1981 budget;

- (2) for the fiscal year 1982;
 (3) and for the five year plan

Please compare all figures in 1981 dollars.

Answer. As you know, Congress appropriated \$1,378,015,000 for the State Department for Fiscal Year 1980. No decisions have been taken by the Reagan Administration on an amendment to the Carter Administration's Fiscal Year 1981 request for the State Department nor on the size of our Fiscal Year 1982 request. As soon as these figures are available, they will be transmitted to the Congress.

Question (b). How many personnel does General Haig intend to recommend to the Congress for staffing all the functions of the Department of State in 1981, 1982 and 1983 compared to those on duty in 1980?

Answer. At present, there are approximately 21,800 employees of the State Department, of which 6,418 are stationed in the United States and the remainder abroad. No decisions on staffing all the functions of the State Department for 1981 and beyond have been made. In making these decisions, however, care must be taken to end and in some instances perhaps reverse the reduction of our vital diplomatic presence around the world.

Question (c). If the State Department were forced to economize by reducing expenditures by 10 percent, which areas, by program, would be cut back? Your priorities should include entitlement programs.

(d). If the State Department were forced to economize by reducing expenditures by 20 percent, or 30 percent or 50 percent, which areas, by program, would be cut back? Your priorities should include entitlement programs.

Answer (c). and (d). Although the State Department, like other departments, will cooperate with measures by President-Elect Reagan or the Congress to limit overall Federal spending, it would be premature to determine how spending cutbacks, of 10 percent or more, would affect existing State Department programs.

IV. U.S. AID PROGRAMS

Question (a). Does General Haig favor providing foreign economic aid to the following countries: Cuba, Panama, Vietnam, South Africa, Nicaragua, Poland, Yugoslavia, India, Pakistan, People's Republic of China, Syria, Iraq, Uganda?

Answer. The decision to provide foreign economic aid to any particular government, and the amount of such aid, is one that depends on a host of different factors: the need of the country, its ability to make good use of foreign assistance, its compliance with various U.S. statutes such as the Nuclear Export Control Act, the amount of assistance available from other sources, its behavior toward its neighbors, its treatment of its own people and the role it plays in overall U.S. foreign policy objectives. Each of these cases must be decided on an individual basis and in view of the concrete circumstances that apply to it. Abstract principles can provide guidance, but they do not provide mechanical answers. I anticipate working closely with the Congress to develop an aid program that has the strong support of both the Legislative and Executive Branches and that serves U.S. foreign policy objectives effectively.

Question (b). Does General Haig favor providing foreign military aid including FMS credits to the following countries: Panama, South Africa, Nicaragua, Yugoslavia, India, Pakistan, People's Republic of China, Syria, Iraq, Uganda?

Answer. As with the preceding question, this is one that is impossible to answer in the abstract, and will require a case-by-case review of individual aid proposals.

Question (c). Does General Haig favor continuing a cap on foreign military sales as a matter of U.S. policy? If not, what level of foreign military sales does the General foresee as a reasonable objective of U.S. policy?

Answer. In general, I am uncomfortable with rigid quantitative caps in areas where actual policy requirements may be highly dynamic—particularly if such caps convey a false impression of the key factors influencing U.S. policy.

Question (d). Does General Haig favor cutting off U.S. economic and military assistance to any country which deliberately establishes a nuclear bomb production capability or tests a nuclear device?

Answer. As I understand it, the Glenn Amendment to the Foreign Assistance Act would require a cutoff of such assistance to non-nuclear states that explode a nuclear device. Under that Act, a Presidential waiver would be required to permit economic or military assistance in such a case, and I would have to examine the desirability of recommending such a waiver in light of the particular circumstances.

VII. ARMS CONTROL

Question. Does General Haig favor:

- (a) Comprehensive Test Ban Treaty?
- (b) Extension of SALT I and the ABM Treaty?
- (c) Continuing negotiations with the Russians over conventional arms reductions in Europe?
- (d) Exploring the possibility of an arms free zone in the Indian Ocean?
- (e) Continuing the agricultural embargo against the U.S.S.R.?
- (f) Providing aid to dissident rebel forces in Angola?

Answer. With respect to topics (a), (b), (e), and (f), I addressed these issues extensively in my open testimony before the Committee. I believe my testimony sets out my views in full.

With respect to topic (c): The negotiations on so-called mutual and balanced force reductions between NATO and the Warsaw Pact states have been underway in Vienna since 1973. We will actively examine this and other negotiating approaches that hold out the possibility of lowering the risk of war in Europe.

With respect to topic (d): We will examine carefully any arms control proposal that might protect American interests and enhance stability. In considering proposals that would limit outside military deployments in the Indian Ocean, the important role of American forces in protecting sea lines of communication and responding to the growth of the Soviet military presence along the Indian Ocean littoral must be recognized.

VII. EFFICIENCY

Question (a). What specific paperwork burdens do you propose reducing at the Department of State? Do you have a plan to make such reductions and could you report on your successes by quarter?

(b) What regulations imposed on the Department of State or by the Department of State could be eliminated or curtailed without any negative effect on U.S. policies? When do you plan to review and take such corrective actions?

Answer. I share the desire to minimize unnecessary paperwork. Needless to say, there are certain reporting requirements, including those which are responsive to Congressional requests, which serve a useful purpose. Through the years I have found that the best approach to eliminating redundant effort is to appoint good managers, individuals who are sensitive to the efficient use of their resources and who will take the initiative to streamline administrative procedures. I also believe that both the number and scope of internal regulations must be reviewed frequently to preclude unnecessary reporting. At the same time, I tend to find less valuable attempts to eliminate paperwork which in the very process generate an additional administrative burden. You may be assured, however, that efficient administration will be a leading goal in my management of the Department.

VIII. GENOCIDE CONVENTION

Question (a). In view of the fact that the Genocide Convention has been supported by every Secretary of State and every President since the Truman Administration, do you intend to recommend that the Senate give its approval to the Convention?

Answer. I understand that no formal action is required by the Executive Branch on the convention. We will, of course, be prepared to resubmit the necessary implementing legislation at the appropriate time. The Convention has been before the Senate since President Truman requested advice and consent in 1949. President Nixon's renewal of that request in 1970 was made as a matter of policy and was not legally necessary.

Question (b). In addition to the reservations and amendments proposed by Senate Foreign Relations Committee, do you recommend any additional changes to the Convention before passage?

Answer. The Committee has recommended that the U.S. ratification be accompanied by three understandings concerning the interpretation of the Convention and one declaration concerning the need for enactment of implementing legislation before the U.S. instrument of ratification is deposited. None of these statements would involve any change in the Convention; they do provide useful clarification of U.S. obligations. Although I have not studied the matter carefully, I do not anticipate a need for any further recommendations in this regard.

Question (c). Will you formally request the advice of the American Bar Association, the Defense Department, and the various organizations representing ethnic, religious and racial groups, as part of your review of the Genocide Convention?

Answer. The American Bar Association, the Defense Department and numerous organizations of ethnic, religious, and racial groups have endorsed U.S. ratification of the Genocide Convention. Their views are on record with the Committee.

Question (d). Do you believe that passage of the Genocide Convention will enhance the image of the commitment of the United States to basic individual rights in the various international forums in which we participate?

Answer. Ratification of the Genocide Convention would unquestionably be helpful in various international fora where the United States has been criticized for its failure to ratify the Genocide Convention. This is ironic because the United States was a leader in the post-World War II effort to conclude this Convention as an expression of revulsion to the Holocaust and as a deterrent to recurrence of such crimes against humanity.

Question (e). Will you agree to send your recommendation on the Genocide Convention to the Senate early in this year?

Answer. Subject to the approval of the President-Elect, the Administration will submit formal recommendations at the earliest possible date.

**RESPONSE OF ALEXANDER M. HAIG, JR., TO QUESTIONS FOR THE RECORD
FROM SENATOR MAX BAUCUS**

Senator Max Baucus, in his letter to Senator Claiborne Pell of January 5, 1981, raises seven questions on our relations with our neighbors. Each question is well taken and they are all interrelated. Rather than running down the points one by one, I would prefer to address the main elements of our relations with Canada and Mexico in a single answer.

President-elect Reagan made the North American Accord a key proposal of his speech announcing his candidacy for the Republican nomination. After receiving that nomination, in his major foreign policy address on national television (October 19, 1980), he reiterated the main message, namely that no area of the world should have a higher priority than the place where we live, the Western Hemisphere." The North American Accord "would take the form of broadened, more open lines of communication between us to seek ways in which we can strengthen our traditional friendships. If Canada and Mexico are stronger, our entire Hemisphere benefits."

I have not yet had the opportunity to discuss these proposals with the President-elect. But I do know that the new Administration will make a major effort to widen these communications. President-elect Reagan has taken the first key step during his trip to Mexico and visit with President Lopez Portillo earlier this month. Relations with our neighbors are generally satisfactory, and will, I am confident, improve over the next four years.

The Canadian government is pursuing a National Energy Program (NEP), which the Prime Minister announced on October 28, 1980. The Program seeks to increase Canadian ownership and control of the energy industry in Canada, hold down domestic oil prices, increase procurement in Canada by oil companies. Some points of this Program may cause difficulties with American interests. I am aware that State Department officials have already discussed possible differences with Canadian authorities in Ottawa. Thus, a dialogue is already underway. I will actively participate in such discussions in the future.

I am also aware of the East Coast boundary and fisheries treaties with Canada, which were negotiated by Lloyd Cutler acting as special negotiator, signed by President Carter, and submitted to the United States Senate on May 3, 1979. The ratification process has been held in abeyance, and the Senate Foreign Relations Committee has not taken formal action. I will be working with the Committee to elicit the Members' views before making my recommendations to President Reagan on the future of those treaties.

Finally, our bilateral relations with Canada certainly involve security considerations as a central element. As to whether Canada is contributing its fair share to the Western defense, as I have pointed out repeatedly, we must all do more.

With respect to Mexico, the question of illegal migration is obviously sensitive and complex. Before making a final determination on this issue, I would await the outcome of studies by the U.S. Select Commission on Immigration and Refugee Policy, the Mexican Labor Secretariat and the public discussions which will ensue once these studies are made public.

I am pleased that Mexican-American trade is expanding at such an impressive rate. Total trade in 1980 reached almost \$30 billion which is almost 50 percent more than the 1979 figure. This places Mexico as our third largest trading partner, after Canada and Japan.

We are monitoring Mexican policies in the areas of export subsidies, industrial performance standards, and export requirements. President-elect Reagan's call for and beginning of a closer dialogue with the Mexican government is partially designed to head off potential problems before they become unmanageable. I believe it will succeed in these areas—if there are indeed problems which do arise—and in others which cannot be foreseen at present.

As for the Congressional Bipartisan North American Trade Caucus, I am aware of its creation under Senator Baucus, who shares Co-Chairmanship with Senator Domenici. There is a similar group in the House. As with all foreign affairs matters, I will be consulting actively with interested Representatives and Senators.

The question of State Department reorganization is best handled in a comprehensive manner, rather than piecemeal. The proposal for a North American Affairs Bureau will be taken into consideration during part of my deliberations on Departmental reorganization in general.

RESPONSE OF ALEXANDER M. HAIG, JR., TO QUESTIONS SUBMITTED BY SENATOR PELL FROM THE INTERNATIONAL HUMAN RIGHTS LAW GROUP

Question 1. Every President since Harry Truman and every Secretary of State since George Marshall have endorsed U.S. ratification of the Genocide Convention. This Committee was unable to consider taking action on the Convention this year due to a number of other important issues. Whether or not we will be able to consider the Convention this year, we are of course interested in your views on the U.S. becoming a party to the Genocide Convention as well as the four other human rights treaties which President Carter submitted to the Senate in February 1978. These are the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, the Racial Discrimination Convention and the American Convention on Human Rights. Do you endorse ratification of the Genocide Convention and these other human rights treaties?

Answer. I have addressed the question of the Genocide Convention in response to a written question from Senator Proxmire.

The other human rights treaties submitted to the Senate may also contribute to the development of the rule of law in international relations. Their provisions are, for the most part, entirely consistent with our own Bill of Rights and U.S. law. As with the Genocide Convention, U.S. ratification would be helpful in international fora where we have been severely criticized for our failure to become a party to these treaties, and would permit us to help shape this area of the law. These treaties also contain provisions for review of compliance by the States parties. I find such provisions to be generally helpful, but I am concerned whether the actual implementation of the treaties by means of the compliance review procedures, particularly those at the United Nations, has been fair and impartial. We will study those procedures and the actual practice under them before formulating our position on these treaties.

Question 2. President Gerald Ford signed into law provisions of the Foreign Assistance Act which provide that assistance may not go: "To the government of any country which engages in the consistent pattern of gross violations of internationally recognized human rights (except where such assistance), will directly benefit the needy people of such country."

This remains the law today. What are your views regarding this provision?

Answer. In general I support this provision of the Foreign Assistance Act. I do not believe we should, other than in the most exceptional circumstances, provide aid to any country which consistently and in the harshest manner violates the human rights of its citizens.

However, in drafting this legislation it was recognized that exceptions might arise. Indeed, the provision cited in the question was subsequently amended to provide for such exceptional circumstances. Under such exceptions, the legislation now states, the President can certify "in writing to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate that extraordinary circumstances exist warranting provision of such assistance."

I believe it is important for those conducting our foreign policy to have such flexibility to act in the best interest of our country.

Question 3. Throughout its history, the United States has striven to be a symbol of liberty and justice. This is what our country symbolizes for the world, apart from its role as a nation with economic and military might. In competition with an ideology and a political system which suppresses individual freedom, isn't the democratic concern for human rights in our foreign policy a significant weapon in that competition? Doesn't it tarnish our image and weaken our appeal to freedom-loving peoples when we give aid and comfort to regimes which deny human rights to their people?

Answer. The United States and a relatively small number of countries throughout the world have been fortunate enough to develop in social and economic circumstances contributing to the protection of human rights on a broad scale. Our own commitment to human rights is a central aspect of our society and the way in which we present ourselves to the world. We must seek to pursue policies that will contribute to the enjoyment of human rights in other nations as well. This is one of the key principles on which our foreign policy should be conducted.

Nevertheless in formulating our foreign policy, we continuously balance a wide range of other fundamental interests and values as well, including our security and our economic well-being. I believe this process of balancing competing interests and arriving at policy decisions which promote the long term and fundamental objectives of the United States is at the heart of foreign policy. We must have underlying principles but how we turn these principles to action in specific circumstances requires continuous judgment and reassessment.

Question 4. While there may be specific criticism or alterations of the current human rights policy which may be justified, isn't it important to recognize as well the accomplishments and benefits of that policy that were not minor. Particularly with regard to developing nations, the United States has become more identified with ideals such as liberty and justice. In this hemisphere alone, Peru, Ecuador and the Dominican Republic have established democratic governments. In Panama and Honduras, steps have been taken in that direction. In the long run, shouldn't the United States be identified with the trend toward democratic developments instead of with those governments that suppress the growth of democracy by harsh and cruel methods?

Answer. I believe that U.S. support for the principles of liberty, justice, and human rights has contributed to the favorable political developments illustrated in the question by helping to create an atmosphere conducive to democratic development in Latin America and elsewhere in the world. I agree that the United States benefits by identification with democracy. I do not consider it an either/or proposition, however. Identification with democratic development, which flows from our beliefs and traditions, should not in itself preclude association with governments whose views on this issue differ from ours. For one thing, there are numerous considerations that enter into any determination as to the kind of relations we should have with any given country. For another, it should be borne in mind that by deciding *a priori* not to have relations with any government with whose policies we might not agree, we risk diminishing—sometimes to the point of losing—our ability to influence change in the direction we seek.

In sum, I certainly believe we should remain true to our own traditions, and encourage democratic development wherever we can. But in determining the nature of our relationships with any government, we should look very carefully at the full range of our interests in that country, including national security and other considerations, and act on the basis of that overall evaluation.

Question 5. Last year a federal court held that a foreign national in the U.S. could seek the assistance of U.S. courts in obtaining a judgment against a police official of Paraguay who had tortured to death a Paraguayan youth. (*Filartiga v. Pena*, 00 F. 2d. 00 (2d Cir. 1980)). The Department of State in an advisory

brief requested by the U.S. Court of Appeals for the Second Circuit, unequivocally stated its position, which was adopted by the court that "today a nation has an obligation under international law to respect the rights of its citizens to be free of official torture." (Brief p. 3) This tenet reiterates one of the bases of U.S. legislation restricting economic and military assistance programs. It is also a theme raised by officers in the field when approaching governments which violate this international law of human rights. What policies would you continue to ensure respect for this statement of the law?

Answer. I believe that international legal scholars generally agree that all nations have a legal obligation to refrain from torture, including torture of their own citizens. Negotiations are presently under way to develop a multilateral treaty affirming this obligation. I favor the participation by the United States in efforts to protect human rights through such international cooperation and advancement of the rule of law. With respect to U.S. assistance to other countries, I agree that human rights is an important factor to be taken into account in determining whether the national interest is served by providing particular assistance to a particular country. At the same time, I believe it is important that the United States not attempt unilaterally to impose rigid standards which disregard realities and our own interests.

RESPONSE OF ALEXANDER M. HAIG, JR., TO QUESTIONS SUBMITTED BY SENATOR PELL FROM THE TASK FORCE ON U.S. FOOD POLICY

Question 1. Discussions, presently stalemated, are under way in the United Nations on the framework and agenda for global negotiations on international economic issues such as energy, trade, and monetary reform. In your view, would it be in the U.S. interest to participate in global negotiations on international economic issues, and if so, under what conditions? If not, why not?

Answer. I have fully discussed this question in my open testimony before the Committee.

Question 2. What is your reaction to the approach reportedly recommended by the foreign policy transition team, namely, that U.S. policy toward developing countries should focus primarily on key actors (such as Brazil, Mexico, South Korea), the major oil exporters, and strategically located countries allied with U.S. foreign policy objectives?

Answer. It is clearly important that we pay close attention to those countries in the developing world which are of particular economic or strategic importance to the United States. Some of these countries are among our most important export markets, the source of oil and other critical raw materials, or are in areas which are threatened by the Soviet Union or its surrogates. Recognizing their importance is not simply a matter of giving financial assistance. In many cases that is not even an issue. It often means consulting more closely with those countries on issues of mutual interest, ranging from security matters to trade problems. It may mean bringing some of our resources to bear on their problems on a reimbursable basis. It does mean not taking these countries for granted, but treating them more like partners.

Paying particular attention to keep countries, however, certainly does not mean ignoring the rest of the developing world. After all, Cambodia, Laos, Afghanistan, Vietnam, Ethiopia, and Somalia are among the twenty poorest countries on earth. Yet we have committed considerable attention and resources to each in the past decade. Countries which are not of direct economic or strategic importance to the United States can suddenly occupy our attention because they turn out to be potential footholds in a region for Soviet influence, because they occupy a geographical location which may be important logistically in reaching or protecting some other country, or because the people there are threatened by natural or other disaster which leads us, in keeping with our deep humanitarian concerns, to seek to help save hundreds or thousands of lives.

We should remember that our long range objective is a world which is hospitable to Western economic and political values, in which the independence of all countries is respected, and in which respect for the life and health of individuals is maintained. To work toward that goal requires that all countries are aware of U.S. views, and that we assure them that the United States does have an interest in their welfare and future and is prepared to act consistently with that interest.

Question 3. Does the United States have an obligation to help poor countries, regardless of their economic and political systems, eradicate hunger and poverty within the foreseeable future? If so, what kinds of U.S. policies and programs would most effectively contribute to the achievement of these goals?

Answer. Our own political, economic, and security interests are best served by helping poor countries. I have discussed these topics at length in open testimony before the Committee.

Question 4. In terms of development assistance policy, it has been suggested that bilateral aid is preferable to multilateral aid because it allows better accountability and greater political leverage. Do you agree with this view? If so, should the United States also continue its support for multilateral institutions such as the World Bank and the development programs of international organizations? What position should the United States take on its outstanding commitments to the multilateral development banks, such as the sixth replenishment of IDA?

Answer. I have discussed these topics extensively in open testimony before the Committee.

**RESPONSE OF ALEXANDER M. HAIG, JR., TO COMMITTEE QUESTIONS REGARDING
FINANCIAL MATTERS**

Question 1. Under 1980 Income from UTC is shown "Conn. General Disability Comp. \$41,250." Is it not clear whether this entry refers to income received from a disability compensation insurance policy while actually disabled or to premiums paid for such a policy by UTC for General Haig's benefit or to something else.

Answer. The above was income paid to me while I was disabled for the 6 week period following by-pass surgery.

Question 2. General Haig mentioned in his testimony substantial life insurance coverage for the benefit of his wife. No mention is made of this in the submission and clarification is indicated as to whether this or other insurance packages are being picked up by the UTC.

Answer. The form submitted does not require any place to indicate such information.

UTC has maintained a life insurance policy on my life for the benefit of Mrs. Haig. When I leave UTC, the Corporation will cease paying these premiums. I have the option to convert it or a portion of it to a personal policy for which I will pay premiums.

Question 3. The submission form does not provide for details as to whether company financed life and disability insurance, stock option plan, bonus plan and deferred compensation are continued after General Haig ceases employment by UTC.

Answer. Company payment for life insurance ceases. Stock options—I will exercise in accordance with the terms of the option between February 5 and 14, 1981. Bonus plan and deferred compensation will terminate when I depart UTC.

Question 4. Under assets listed by General Haig is an item indicating he is a limited partner in a real estate venture called Professional Park Associates. It is suggested that consideration be given to asking the General to identify generally the nature of the real estate involved and who his partners in this venture are.

Answer. Professional Park Associates is a professional office building site in Farmington, Connecticut. The Office of Government Ethics has reviewed this limited partnership and has advised that it creates no possible conflict of interest.

Question 5. It is also noted that General Haig does not indicate in his financial submission any personal ownership of real estate and it is suggested that he be asked to verify that he does not have any real estate interests including his place of residence.

Answer. The form submitted specifically asks for property "excluding your personal residence." For the record, I own my home, but no other real estate, other than the limited partnership in Professional Park Associates.

Question 6. General Haig lists a directorship and stockholdings in "Con Agra." It is suggested this be more specifically identified.

Answer. I resigned from Con Agra (1979). It was inadvertently included on the form. There were no payments received from Con Agra in 1980.

Question 7. With respect to corporate directorships, including but not limited to United Technologies:

a. Has General Haig resigned from all of them?—or from any in particular?

b. Please identify which directorships have been resigned, to date?

c. What does he intend to do in this regard hereafter, assuming that his nomination is confirmed by the Senate?

Answer. I am on the Board of Directors of UTC and subsidiaries of UTC, Chase Manhattan, Crown Cork & Seal. Upon appointment I will resign from them all.

Question 8. General Haig should be asked what disposition he has made or intends to make, if any, of his stockholdings.

Answer. I will liquidate all holdings that create a conflict of interest or the appearance of such a conflict.

[Whereupon, at 5:03 p.m., the hearing was recessed, to reconvene at 9 a.m. Tuesday, January 13, 1981.]

NOMINATION OF ALEXANDER M. HAIG, JR.

TUESDAY, JANUARY 13, 1981

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

The committee met, pursuant to notice, at 9:05 a.m., in room 1202, Dirksen Senate Office Building, Hon. Charles H. Percy (chairman of the committee) presiding.

Present: Senators Percy, Helms, Hayakawa, Lugar, Mathias, Boschwitz, Pressler, Pell, Biden, Glenn, Sarbanes, Zorinsky, Tsongas, Cranston, and Dodd.

Also present: Senator Kasten.

OPENING STATEMENT

The CHAIRMAN. The hearings will come to order.

General Haig, we welcome you again for this third day of hearings. I thank you for the 11 hours you spent with us yesterday, 10 hours being under intensive questioning by members of the committee.

I would rather imagine that these are the most extensive hearings that have ever been held, probably, for this office. Whereas Gen. George Marshall might have been the first General of the Army to be Secretary of State, you are certainly the first General of the Army in the history of America to ever have made "Doonesbury." I don't know whether to congratulate you or not.

Certainly the interest in the hearings has been extensive. Mail and phone calls to my office have been extensive and heavy, virtually all of them reflecting the fact that these hearings have focused to a great extent upon major issues. I think the extensive coverage provided by written journalism on those aspects of your hearings that relate to the problems of war and peace, that relate to the posture of the United States of America in the world today, has been extraordinary fine coverage.

Though it has been a heavy strain on you, I think it is a part of your job in educating America as to the role we have today. You have really done an outstanding job.

I would like to report, not to the members of the committee who were there but to those who could not participate with us in the classified session that was held last night, that the committee was here until 9:45. General Haig was in executive session with us for about 4 hours and answered any and all questions that pertained to classified material or sensitive areas that could not be discussed in public session.

Those sessions deal, first of all, with personal aspects of his life, medical reports, financial aspects, conflict of interest records. There seems

to be no problem whatsoever in that area. The committee also extensively questioned General Haig on a broad range of foreign policy and national defense issues which required answers that either were classified or sensitive.

I also read into the record, and there is no reason why I should not make it available for everyone now, a letter that has been brought to my attention, dated March 7, 1975, addressed to a valued constituent of mine, Maj. Gen. Julius Klein of Chicago, from Leon Jaworski. In a letter dated January 12, 1981 addressed to our special counsel, Fred Thompson, Mr. Jaworski indicates that what he said in that letter 5 years ago he stands on today.

I will put the entire letter, without objection, into the record.

[The letter referred to follows:]

FULBRIGHT & JAWORSKI,
Houston, Tex., March 7, 1975.

Maj. Gen. JULIUS KLEIN,
One East Wacker Drive,
Chicago, Ill.

DEAR GENERAL KLEIN: The transcript of excerpts of the conversation I had with Kup on his show is incomplete, as you point out. However, it does indicate what my comments have been in general regarding Alexander Haig and also it gives an indication of my high personal regard for him.

I made it clear on a number of occasions to members of the news media and to Congressmen as well as others that there was nothing in General Haig's conduct at the White House during the Nixon administration subject to adverse criticism, in my judgment. I dealt with General Haig for almost a year. There was hardly a week that we were not in contact with each other and sometimes several times a week. I found him to be honorable in his own conduct and certainly fair in all of his dealings with me.

Naturally, General Haig owed his allegiance to President Nixon and he demonstrated this allegiance until the very end. He and I disagreed on some aspects of Watergate, which was to be expected. Following Nixon's resignation, I talked with Senator Stennis, Chairman of the Armed Services Committee, and I made it ever so clear to him that I not only found nothing improper in General Haig's conduct but that I personally admired and respected him greatly.

Of course, the cause for some of the criticism rests in the fact that some people are naturally vindictive and have little regard for ascertaining the facts. Others labor under mistaken beliefs. What is overlooked by critics is that so long as General Haig served as Chief of Staff he had no alternative than to be loyal to his commander in chief. (In my own view, General Haig is a great soldier, who performed in the highest and noblest tradition.)

Thanking you for your letter and with every good wish, I am

Sincerely yours,

LEON JAWORSKI.

The CHAIRMAN. I would like to read a few quotations from it. Leon Jaworski was the Watergate special prosecutor who spent a year on it and knows more about it than anyone else. Some members have said that these are complex matters and asked if we have the time to look into it. We at least can draw on the one man most knowledgeable in this entire field. This is what he had to say about the conclusions he came to at the end of this entire proceeding, which on 5 years reflection he would not change a word of.

He said in 1975, "I made it clear on a number of occasions to members of the news media and to Congressmen as well as others that there was nothing in General Haig's conduct at the White House during the Nixon administration subject to adverse criticism, in my judgment. I dealt with General Haig for almost a year. There was hardly a week when we were not in contact with each other—and sometimes several times a week. I found him to be honorable in his own conduct

and certainly fair in all of his dealings with me * * * In my own view, General Haig is a great soldier who performed in the highest and noblest tradition."

One other excerpt might be of interest because it involves one of our distinguished colleagues. He said,

I talked with Senator Stennis, chairman of the Armed Services Committee, and I made it ever so clear to him that I not only found nothing improper in General Haig's conduct but that I personally admired and respected him greatly.

It has been mentioned by other Senators before, that the bottom line of Leon Jaworski's statement was that if there was a hero of Watergate, it was General Haig.

General, I do think we owe you a great sense of gratitude for the duty that you performed for this country at a time of tremendous crisis, to prove to the world that though we had an internal problem that had to be handled within the constitutional framework of this country, it was done so in an exemplary fashion.

I would like just to indicate on our schedule for today the following information. General Haig, we will ask you to be available for questioning until 1 o'clock; we will take a 10-minute break at 11 o'clock, so we will virtually work another full 4 hours. We will then break for lunch, and—rather than at 3 o'clock—we will have at 2 o'clock a panel consisting of Senator Weicker, Senator Goldwater, and our former distinguished colleague and a long-time member of this committee, one of our most respected colleagues, John Sherman Cooper. They have all asked to testify.

They have agreed to serve as a panel. Each will testify. Then each will be subject to questions that the committee might put to them. If you, sir, could remain available—it would give you a little longer lunch than usual—but if you would stand available to return to the committee at the conclusion of their testimony and questioning, we will at that time, hopefully, finish questioning you.

I already have been notified by Senator Lugar this morning that he has no further questions, and by Senator Boschwitz that he has no further questions. Senator Hayakawa has said he may make a very short statement but that he will have no further questions. As other Senators have determined that they have no further questions, if they will let me know, we can determine in the meeting that I will call at the conclusion of the general's testimony this afternoon the time and date of a definite vote up or down on this nomination.

The recommendation of the Chair right from the outset has been that we should aim to have that vote at 4 p.m. on Wednesday afternoon. That would still make available an entire day of testimony today and, if necessary, another entire day tomorrow, so that nothing will be left unasked that should be asked.

General, you have indicated your willingness and readiness to make yourself available for reasonable periods of time, and certainly we will not impose on that time because you have the tremendous job now of organizing the Department of State and getting things underway. But, we would hope you would on occasion come back to meet with this committee and consult with us and discuss with us some of the problems with which you are grappling so that we may develop a partnership.

This afternoon, in open session, we will discuss when we will hold this vote so that we can lay out a future schedule. A confirmation hearing on the designee for U.S. Ambassador to the United Nations will follow. I think we are the only Nation on Earth that does not yet have a confirmed Ambassador there. The session starts on January 15. It is urgent that we have our Ambassador in place. Committee members have indicated they would like a full day for those hearings. It would be preferable if we can schedule it for this week. We would like to do that.

Senator Pell, you are recognized for whatever comments you might wish to make.

Senator PELL. Thank you, Mr. Chairman. I am sorry but I was a little distracted. Did you say we would have a meeting at 5 o'clock today?

The CHAIRMAN. As we had previously announced several times and agreed to last night, Senator Pell, instead of having the session in executive session to discuss the time and date for a final vote on General Haig's confirmation so that we may send it to the floor of the Senate in order that it can be dealt with by the Senate in its wisdom on January 20, that meeting will be held following General Haig's testimony this afternoon, hopefully around 5 o'clock, but it will be in open session right here. We will not have to go into executive session for that purpose.

Senator PELL. Thank you.

As you know, my view is that I, at least, do not believe we should tie ourselves down to a time and date certain except to say that whenever all Senators have had the opportunity to ask their questions, then we should vote. I know how the chairman feels about it and I know the importance of getting a Secretary of State in place.

I recognize the international situation for what it is; but I do feel there is a sense of pressure here—railroading may be too strong a word—but there is pressure that we feel. I don't think it would be the end of the world if, as I have said before, the excellent and qualified present Under Secretary, David Newsom, runs the Department for a while.

The important thing is to make sure that General Haig, if confirmed, be confirmed with the maximum goodwill possible, the maximum confidence of this committee in him. I think that is the important thing, and not the question of one day or another; but we agreed yesterday to discuss this question the latter part of this afternoon.

The CHAIRMAN. Thank you. I am glad you did not use the word "railroading" because I can't conceive that anyone who has participated in these hearings feels that there is any of that happening. If anything, the hearings have been exhaustive.

I do feel that the term "railroading" implies that you ought to run something on time, and I think it is about time we do run things on time and do things in a timely fashion, just as we are breaking all precedent by starting all of our meetings on time and, hopefully, ending them on time.

It is the intention of the Chair to adhere to the policy established and laid out by the chairman, and in concurrence with all the majority members. We have the votes and we are going to have a time certain set for this vote. We did not push those votes, though we had

them, last night simply to give an extra day at the request of the minority, but we intend to run these hearings in an orderly and a timely fashion.

I did announce already, Senator Pell, in case you did not hear, that three members of the minority have said they have completed all of their questioning. There may be others, as well. I would respectfully request you, as you determine from other Senators that they have completed their questioning, to please let the Chair know so that we can bring this to a conclusion.

I think we can be exhaustive but not exhausting in this area. I think we have to take into account that General Haig has responsibilities other than appearing before this committee. In the Governmental Affairs Committee, I learned that one director of intelligence spent 60 percent of his time for 3 years—that is Mr. Colby—preparing for, testifying, and cleaning up after testimony before many Members of Congress.

That is when we reorganized things so that he could run the CIA and not just be at the constant beck and call of Congress for overlapping hearings. We should allow General Haig to recognize that he must organize. You, of all people, Senator Pell, the only Senator who ever has been a Foreign Service Officer, must recognize the chaos that goes on in a bureaucracy when you do not have leadership in place. We cannot have chaos. Neither you nor I would want to have that.

Senator Biden, did you wish recognition?

Senator BIDEN. Yes, Mr. Chairman. Thank you.

First of all, let it be known that your generosity is duly noted and we are impressed with the time you have given us.

Second, I would point out that Mr. Colby had a few other problems none of which superseded the responsibility that he had to come to the Congress, I might respectfully suggest.

Third, I would like to ask a question before the railroad leaves the station.

The CHAIRMAN. Do you mean the train leaves the station?

Senator BIDEN. Well, I have a feeling the railroad is leaving the station.

[General laughter.]

Senator BIDEN. Would the distinguished chairman please tell us—I am sure he mentioned it, but I would like to hear it again—the date of the letter from Mr. Jaworski that declares General Haig the hero of Watergate?

The CHAIRMAN. That is not a letter; that is a public statement. I will be happy to have staff research and give you within the hour the exact time and quotation.

Senator BIDEN. Do you happen to know the date of the letter?

The CHAIRMAN. The date of the letter that he originally wrote to Maj. Gen. Julius Klein, One East Wacker Drive, Chicago, Ill., was dated March 7, 1975. The letter he wrote to Fred Thompson is dated January 12, 1981, in which he stands by the earlier letter.

Senator BIDEN. I would suggest that you read a letter dated April 12, 1974, to you. I am not sure whether or not it is still classified, however. It is from Mr. Jaworski. I don't mean at this moment, but I mean at your leisure.

The CHAIRMAN. Thank you.

Are there any other comments from anyone?

[No response.]

The CHAIRMAN. General Haig, we have completed our third round of questioning. I have just 10 questions left and I will have completed all the questions that I intend to ask, unless something occurs in the next day or the rest of this day that would bring something to mind.

The first question that I would put to you involves the matter of South Korean troops, which you mentioned yesterday. As you know, President Carter did make a campaign pledge that he would withdraw all the ground troops from South Korea.

I am personally interested in this because there has been a long difference of opinion between me and President Carter and my friends, the Secretary of State and the Secretary of Defense, on this matter. I have discussed it at great length with them. I felt it would greatly endanger the peace of that area if we were to move those forces out when Kim Il-Sung has not changed his tune.

Do I understand from you that you yourself do not feel it advisable, at this time, at least, to move those American forces out of South Korea? If we did move them out, what might likely be the consequences of such a move? What kind of wrong signal would it send at this time?

STATEMENT OF GEN. ALEXANDER M. HAIG, JR., TO BE SECRETARY OF STATE

General HAIG. Well, Mr. Chairman, I would be opposed to any such move at this time, and I think the first impact we would have to consider would be the impact on Japan, which in strategic terms has historically viewed the Korean Peninsula as a dagger pointed at the heart of Tokyo. For Korea to be in unfriendly hands or even disputed hands would be very unsettling in Tokyo.

Second, such a move would have a comparable impact throughout the ASEAN area; and perhaps most important of all, I think it would convey to the People's Republic of China a message which would be very self-defeating at this juncture.

The CHAIRMAN. I thank you, because it is my conclusion also. At one point it was necessary for me to offer an amendment to that effect on the floor. It carried by a vote of 81 to 7, and unanimously in the House. So the Congress would certainly stand strongly behind your position not to destabilize that very vital and important area of the world.

General Haig, if improved relations with the People's Republic of China is a priority, as you have indicated, would you be prepared to let China know that we can do a lot of business in mutual interest so long as it is understood that we would not tolerate the use of force against Taiwan?

General HAIG. Well, Senator, not to suggest that what you say is not the essence of our concern, but I think this subject is so sensitive that it is best not aired extensively in public.

The CHAIRMAN. We debated this at great length on the floor of the Senate during the debate on the Taiwan Relations Act. The proposed bill contained language that we would view with "grave concern" the use of force—if other than peaceful means were used in dealing with Taiwan.

I proposed to substitute stronger language. I felt the People's Republic of China are very realistic. They should know exactly where we stand; a problem we have had as a country is being somewhat fuzzy about how we would look upon a certain act by some outside power.

I felt it would be much better if we substituted the words that we would view it as "contrary to the security interests of the United States." That failed by only six votes. It was opposed by the administration, obviously, but I think the message was there.

Would you have preferred to see that expression used? Do you consider that it would be contrary to the security interests of the United States if force were used by the People's Republic of China against Taiwan?

General HAIG. Well, I think any use of force is a matter of utmost concern to the United States. I would prefer not to go into this again in public session. Frankly, I just think this issue has been sufficiently discussed in recent days and during the campaign, and I don't think it helps to air it further here.

The CHAIRMAN. I will respect that; but I wanted it understood on the record and by our friends in the People's Republic of China, and I consider myself a friend of the new relationship, especially when we have a new administration, how strongly we feel that the use of force would irreparably impair the relationship. I tried to make it eminently clear in the Kremlin, for example, that any movement into Poland would irreparably injure those relationships.

Inasmuch as the Strategic Arms Limitation is one of your stated priorities also and the negotiation of a revised SALT treaty would be very prolonged, would you feel it well to work for an interim agreement which might either contain the less controversial provisions of SALT II—and President-elect Reagan has said there is much in SALT II with which he agrees—or which would bind both parties not to take irreversible actions inconsistent with SALT I and SALT II until and unless a SALT III is actually negotiated?

General HAIG. Well, I don't necessarily reject that course of action, but I would again prefer to have a detailed discussion with the President-elect on the strategy and objectives of any revised approach to the arms control issue.

The CHAIRMAN. I will look forward to discussing this further with you, then.

Does the Reagan administration intend to ask that the SALT II treaty be withdrawn from Senate consideration or simply that it remain pending before this committee?

General HAIG. I would have to answer that as I did the preceding question.

The CHAIRMAN. All right. Would you determine that and let this committee know?

In your testimony before this committee in 1979 you said, and I would like to quote your words, "The heavy missile exclusion is the centerpiece of my concern about SALT II." I wonder whether you would propose that this concern be addressed by eliminating the exclusion or by reducing the 308 limit for the Soviets. Again, if that is a technical question and you would prefer to consult with your people, you could defer an answer, but I would like it at some time.

General HAIG. Well, I would feel better able to address it after we have had a chance to look at it, and at our new defense budget and the programs it encompasses.

The CHAIRMAN. On behalf of both the minority and the majority, I would like to ask you this question. Would you agree to provide this committee access to State Department cables, memoranda, and studies that are judged by the chairman and ranking minority member to be important to the committee's oversight responsibilities, with the understanding that they would always be placed under proper classification for security purposes?

General HAIG. Of course.

The CHAIRMAN. I would welcome your views on international trade policy. As a former businessman—I might say a fellow former businessman in view of your recent experience in business—I have found our commercial efforts in other countries woefully weak. I have tried to strengthen our efforts by sponsoring legislation to create the Office of Under Secretary for Economic Affairs and put economic and political affairs on a coequal basis in the State Department.

In Illinois, agriculture is a major business. We are the largest agricultural exporting State in the Nation. We are paying for our gasoline today with the exports of agricultural products. We are a leader in the export of manufactured goods.

Often it has been alleged that the State Department really is not well organized to facilitate trade promotion through our missions abroad. Do you agree that the State Department should be strengthened in our export promotion activities? It is essential, in my judgment, for strengthening the dollar and for strengthening our position in the world.

General HAIG. Yes, I feel rather strongly about that, Mr. Chairman. I have already addressed it with those individuals we are considering for key economic-related posts in the period ahead. I think it is totally consistent with my opening statement, in which I emphasize the relationship of the economic aspects of our international and domestic affairs with our overall viability, security, and effectiveness in the international environment.

I think in the past we have had a number of problems that we can do a better job of managing.

The CHAIRMAN. We must recognize, as you have implied in your statement, that this Nation is dependent more and more on imports for raw materials. We are becoming increasingly a have-not nation in petroleum and other things.

We also depend more and more on exports for jobs in America. That is why the stability of the world is absolutely crucial for every single American here at home. I can't imagine anything better than having someone head the State Department who has a strong business background. Obviously, a strong economy makes possible a strong national defense establishment. It is all intertwined.

The charter of the Overseas Private Investment Corporation expires next September. New legislation will be required to extend it. Last year Senator Javits, who has been a strong promoter of this agency, Senator Ribicoff, and I introduced a bill for this purpose and we added a trade promotion mandate.

Would you give me your view of extending the charter of OPIC, which is a wholly owned, self-sustaining Government Corporation, to provide political risk insurance for the investments of U.S. corporations overseas?

General HAIG. Well, in general, I am very much in favor of its extension; but again, I would like to caveat my personal response will be the requirement to discuss this with the President-elect at an appropriate time early on in our administration.

The CHAIRMAN. General Haig, the term of the U.N. Secretary General expires at the end of this year. We on this committee would be interested in knowing whether the President and Secretary of State will consult with this committee before their preference is made known. This position is not subject to the advice and consent procedure but certainly would fall within the province of an area that deeply affects us because of our relationship with the U.N. and our strong general interest. We would like the privilege of working with you on this in the spirit of your opening statement in which you talked about a partnership, a true partnership with the Congress of the United States and particularly with the Senate Foreign Relations Committee.

General HAIG. Well, Mr. Chairman, I think this will depend in large measure on the degree to which we as a nation are engaged in the process of selection. I can assure you that I will keep you fully abreast of that issue and how it develops in the months ahead.

The CHAIRMAN. Thank you.

My final question is a broad one. Would you tell this committee what your first and highest priorities will be when you assume the office of Secretary of State?

General HAIG. I think the most urgent and therefore my first priority is to staff the Department and our embassies abroad with the very best people available, both from the professional diplomatic corps and from the private sector.

If we are not manned properly, we are going to have some difficulty in achieving the excellence which I hope we can. Now, that sounds like a very technical, bureaucratic answer, but the sense of urgency that I feel to get to this task is growing hourly. In view of the necessity not only to be functional on January 20 but also to have men who will bring to the task what the American people mandated in this last election, I think it is a fairly urgent problem for me.

The CHAIRMAN. Thank you, General Haig.

I yield back the balance of my time. As I indicated, these are the final questions. I hope during the course of the morning and the afternoon we will be able to complete our questioning.

Senator Pell.

Senator PELL. Thank you, Mr. Chairman.

There are a couple of specific questions that I would like to ask. Then I would like to get back to the matter of congressional relations.

In 1978, General Haig, the Senate unanimously adopted Senate Resolution 49, which called for the negotiation of a multilateral treaty requiring the preparation of international environmental assessments on projects and activities that could cause substantial transboundary environmental damage. The present administration supports this idea

and has supported it, and was pursuing through the—UNEP—U.N. Environmental Program.

What do you believe would be the policy of the new administration toward this environmental treaty?

General HAIG. Well, I think again I will have to caveat my response. Personally, I think statements of environmental impact are vitally important both here at home—and we have extensive legislation in place for that now—and in the international environment as well.

If realistically and appropriately constructed, I think these serve a great purpose not only for the American people but for mankind at large.

Senator PELL. The question I am driving at here is if, for example, you knew of an action that one nation was taking that could be of harm to the global commons, such as to the ocean or to another nation, do you think there should be some kind of international law set up so that this action could be inhibited?

General HAIG. Yes. Broadly, I think it is very important to recognize that irresponsible damage to the environment not only affects the nation which perpetrates it but also those who have not engaged in such abuses. Mechanisms designed to police, control, and if necessary, to provide sanctions against such abuse could serve a very useful purpose.

Senator PELL. I thank you for that answer.

Let me go to another subject, that of refugees. We seem to have a very mixed policy here. There are refugees from Haiti and Cuba and apparently we ask them not to come, but when they do come we pick them up and we don't know what to do with them. We have a mixed policy as far as admission goes.

What are your own thoughts? Would you give us your views on how we handle the question of refugees? As you know, the numbers increase every year, and it is an international, not just an American problem.

General HAIG. Well, clearly this is a problem of the utmost importance and currency. It is also a very anguishing problem, because our Nation has been the refuge for generations who voted by their feet to leave societies where individual liberty or freedom was constrained by condition of birth or government fiat.

I think we have flourished under open door policies of that kind. On the other hand, I also think we have to be extremely conscious, in a changing world in which population is exploding, of the need for an equitable sharing of this problem among nations capable of alleviating it, so that there is some evenhandedness in a broad, international sense.

I further think it is important to examine in functional terms, the reasons for a refugee problem, to insure that we are not really contributing to a further aggravation of that problem by the policies we pursue. Southeast Asia and the boat people offer an example. I felt that we had, of course, an obligation to take care of those who left their homeland; but we also had an obligation to bring forcibly to the attention of the Government in Hanoi the need to rectify the policies which were resulting in people willing to risk their lives to find refuge outside of their own shores.

Senator PELL. I would like to follow up that thought for a moment. You said you felt we had an obligation to correct the policies of the governments that produce refugees?

General HAIG. To advise the Government of Hanoi and to pursue policies with respect to that Government which made clear our view that Hanoi itself was the source of the fundamental problem; and using every legal, moral, economic, and other suasion that we might have, bring this to its attention in an unmistakable way.

Senator PELL. Touching for a second on that part of the world and going back a little bit, you may recall the private or secret assurances that were given to President Thieu at the time of the Vietnam war in connection with the resumption of the bombing. Those assurances were not made known to the Congress.

What was the reason for that, and do you think that was a correct action?

General HAIG. I am not sure I understand your question.

Senator PELL. On November 14, 1972, President Nixon sent President Thieu a letter promising swift and retaliatory action if the North Vietnamese failed to abide by the proposed peace accords, and this policy was done outside of consultation with the Congress.

General HAIG. Unless my memory ill serves me, that President Nixon made very similar remarks in a public speech not only to the Congress but to the American people, and I would anticipate that under similar circumstances, if a clear intention is presented, then maybe that would explain the issue sufficiently clearly.

Senator PELL. This brings up the question that I mentioned earlier on which I wanted to end up my questioning period, the matter of the congressional relations which you will have as Secretary of State.

As Senator Sarbanes brought out yesterday, the present policy is a very good one. It says that in keeping with this administration's commitment to openness, candor and maximum cooperation in its relation with Congress, it shall be the policy of the Department of State to extend the full resources of the Department so as to provide Congress with the information it requires to fulfill its constitutional role in the formulation of foreign affairs.

Yesterday you indicated your complete concurrence with that policy.

General HAIG. Yes, Senator. I had an opportunity to get a copy of Cy Vance's memo overnight and to review it, and I feel very comfortable about endorsing its contents and assuring you that similar, if not more rapidly responsive, procedures will be followed, regarding telephone calls and things of that kind.

Senator PELL. Thank you.

Then, on the other hand, you recently wrote an article in the Washington Quarterly, that "no cabinet officer can spend all or even much of his time testifying before a plethora of congressional committees and other subcommittees and still properly discharge the many other responsibilities of cabinet office."

What do you define as too much time?

General HAIG. Well, that is a hard question to answer without having been a Cabinet officer, but I think previous Cabinet officers, some of whom I know, have written extensively about this. I think the chairman mentioned Mr. Colby's dilemmas. I think there has to be responsible moderation in this.

It is a very burdensome task to handle an executive department the size of the Department of State or Defense or Treasury. You will recall a former Secretary of the Treasury made quite an issue of the amount of time he spent on the Hill. I think it is an observation that is worth recalling today.

Senator PELL. What is your own view, General, as to the role of Congress in not only the concurrence in but the formulation of foreign policy? Do you believe it should be a role? What would be your thoughts on this subject?

General HAIG. In the same article that you quoted, Senator, I made the point that I think the Congress has the right to expect to be in on the takeoff as well as the landing. That means early consultation during the formulation of policy. Now, that does not mean that the executive branch must in every instance succumb, if you will, or conform its policy to divergent congressional views—and there are always many divergent views, as we have seen in these hearings.

I think the important part is that the Congress role is clear and it should be a priori and not after the fact. I intend to live by that perception.

Senator PELL. As you pointed out in your article, you say that consultation should occur between the President and Congress before Presidential action is taken or announced on major contentious issues. What would be your view as to how that consultation takes place? Would it be just a private call between you and the chairman of the committee, or would it be more widely based consultation? What would you define as a major or contentious issue?

General HAIG. Well, I think it is important as a rule to seek bipartisan support for foreign policy. I think I made the point that if a policy is right, it will garner bipartisan support. There cannot be a partisan approach to dealing with universal problems. You are either right or you are wrong.

In that context, I would hope that in a major issue of that kind, we would insure either full committee participation or at least bipartisan participation. It will be up to you gentlemen to decide how broadly you would want that issue promulgated, both in terms of discussion and participation.

Senator PELL. For example, a change in policy with regard to the Polisario in the Sahara: would that be a major and contentious issue?

General HAIG. Well, that would be something I would have to consider. I am not really sure whether it would be. I haven't been wrestling with it.

Senator PELL. Would you give me an example of the level that you would consider major or contentious issues?

General HAIG. That is very hard to do. I think we all recognize in our own nerve centers those issues which have major impacts. Some of them have very little significance in the context of the national interest but nonetheless have a very high public volatility and sensitivity or are intensive issues of philosophy, perhaps.

Senator PELL. In connection with the influence of the executive branch, I think you also said that the growing influence over the executive branch of the Congress is dismaying, to say the least. Does that mean to say that you believe we have encroached too much in the foreign policy field at this time?

General HAIG. No. I think the theme of that article is an accurate one. As I mentioned yesterday, we have had a dialectic historically, and that isn't bad at all. In other words, influence and power have shifted from the executive to the legislative and back again to the executive in cycles during American history, and there is a very clear pattern to it historically.

I made the point that unfortunately on this occasion, as power swung over to the legislative, it did so at a time when the discipline and the formality and internal arrangements of the Congress seemed to have collapsed in the post-Watergate era; therefore the Congress began to assert increased authority at the very time it became less able to exercise it efficiently.

That resulted in a lot of mixed voices coming out of here. In turn, that raised equally difficult problems for our friends abroad who really weren't sure what they could count on in the way of American policy or how long they could anticipate a particular policy would endure.

Senator PELL. Along that same line, you stressed in the article the problem of individuals in the executive branch who would try to develop a policy, were frustrated in that and then would come on congressional staffs. Do you feel that is a very real problem?

General HAIG. It has been, yes, sir, of some magnitude, and this is aggravated by the fact that these individuals, having left their previous professional posts at a fairly modest level of responsibility, frequently are reintroduced at more exalted levels.

Senator PELL. By reintroduced, you mean into the State Department at exalted levels.

General HAIG. Yes, back into Government; and I think it is a bad signal to those in our professional corps, who begin to wonder whether it is better to stay and serve or to find some other route.

Senator PELL. I guess the simplest way to do it is the way I did it, to leave as a vice consul and come back as a Senator.

General HAIG. Well, nobody could challenge that thesis Senator.

Senator BIDEN. It may be a better way to do it the way the General did it.

General HAIG. Perhaps.

[General laughter.]

Senator PELL. On September 18 of this last year, you mentioned that the blow that we suffered when we withdrew the support of the Legislature of America—presumably the Congress—from the American executive branch at the time of the call for help in Angola was a real calamity for the United States. Why do you feel that way, General?

General HAIG. Well, I think we discussed this at some length yesterday, and again in the session last evening.

Senator PELL. Yes, we did yesterday.

General HAIG. I think it was a signal to Moscow that post-Vietnam, post-Watergate America was not going to challenge this kind of activity, either directly or by proxy, activity which over a period of time included Ethiopia and Yemen—Southern Yemen and Northern Yemen—and the overrunning of Cambodia, and which was relatively mildly challenged by the United States and our allies.

Senator PELL. I see my time has expired. I will just leave you with the thought that perhaps the Soviets will become the heavies there, as

they already have in other African countries. We will see what history shows us in the next couple of years.

General HAIG. Yes; I think that is a very important issue that is worth exploring. It has been touched upon by Mr. Young in the past and I would be prepared to discuss it at length.

Senator PELL. Thank you.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you very much, Senator Pell.

For the benefit of committee members who had to leave before we adjourned last night, at around 9 or 9:30 we worked out an agreement, and I issued corresponding instructions, for the safeguarding of all classified and sensitive material that is now being made available to this committee.

We have already received a body of material from the White House. At this time I would simply request that all of that material be given back by staff and by Senators. It has not yet been logged in accordance with the instructions issued last night.

I would ask Mr. George Murphy, who has responsibility for that material, to take it back to the Senate National Security Office, properly log it in, and from that point on control the material in accordance with the procedures established last night.

Senator PELL. Mr. Chairman, I think it would be a good idea, for the edification of all of us, to know the agreement. What is that agreement with regard to the sensitive material?

The CHAIRMAN. Yes. All material received by the committee would be received and logged in by the National Security Office. No material could be taken out that was not logged out. No material could be taken, other than read in the room itself, without the express written approval of the chairman and the ranking minority member.

George Murphy has worked out a procedure where either he or his deputy, to facilitate the work of the Senators, would make themselves available to take such material as is required by a Senator to whatever designated place has been worked out—for example, the Senate Foreign Relations Committee office, either in the Capitol or in the Dirksen Senate Office Building—and remain with the Senator or his staff while that material is studied, and then take it back to the National Security Office.

We feel this procedure is essential so that we can safeguard all classified or sensitive material.

Senator PELL. There is one specific question. If a Senator wishes to read the material in the back room here during the questioning period, because we are here questioning the witness for 7 to 10 hours a day, wouldn't that be perfectly acceptable?

The CHAIRMAN. He may do so, providing either George Murphy or his deputy is there with the material. I am holding them personally responsible. They cannot maintain that responsibility without being there themselves. They have demonstrated their willingness to be available virtually around the clock for this purpose, so as to facilitate the work of the Senators.

Senator BIDEN. Mr. Chairman, may I make a brief comment? I hope this does not come out the wrong way. I have just determined one of the things that has been bothering me about these hearings. I guess it is the aura of the office of the chairman of the committee. But Mr.

Chairman, everything you say is said in such a profound way—and I am not being sarcastic—that it tends to give an impression different than what the facts are, even though you do not mean it.

For example, with regard to the so-called classified material if I were sitting out there listening, I would assume that national secrets were sitting back here and I would begin to worry about whether or not they were guarded. The fact of the matter is, to the best of my knowledge, little if any of the material is classified in terms of national security questions. Some of it may be politically embarrassing.

The CHAIRMAN. The chairman has always said “classified” or “sensitive.”

Senator BIDEN. I understand that. But for example, everyone would assume perhaps that the letter which I gave you, which was from Mr. Murphy's file, was very classified or sensitive. I gave that to the chairman and I hope he gave it back to you, Mr. Murphy, because I no longer have it. I gave it to the chairman.

But that same letter appears on page 7103 of the Congressional Record of 1974. Yet it is marked and treated as if it is something that is supersensitive—not by you, Mr. Chairman; but I think it is important that we let the folks out there who are listening to this on national public radio understand what we are dealing with.

The time bombs have not yet been delivered. The national security questions are not yet sitting back there. There is not a matter there that we need armed guards to watch our Senators as we read it. We are not talking about that scope yet.

I fully concur with the procedure. I will fully comply with the procedure. I think the chairman is right to set up the procedure. But I think it is important that we put it into perspective.

Mr. Murphy and I have worked together for many years. I have been on the Intelligence Committee since its inception. And George, let me say that this ain't nothing compared to what you guard upstairs. So I think we should put this into perspective. It is not quite the way it sounds. It is not as if somehow one of us trips in the hall and the paper falls out of our hands, the Nation would be in jeopardy. It is just not that way.

The CHAIRMAN. Senator Biden, may I simply remind you that the chairman is carrying out an agreement that the committee has made with our President, your President and my President, President Carter.

Senator BIDEN. I fully concur.

The CHAIRMAN. The conditions under which we have received this material were laid down by the White House. We have agreed to those conditions. The Chair was simply attempting to reaffirm that we intend to abide by the rules that have been laid down and protect such material as they say they are releasing to us that may be classified or sensitive.

Senator SARBANES. Mr. Chairman, may I correct that point?

The CHAIRMAN. There is no question, they have told us we would be getting highly classified material.

Senator BIDEN. But they have also told us that what we have gotten thus far, with the exception of a single document, as far as they are concerned could be made public. Now, I am not saying we should change the procedure. But there is another example of what I mean.

There is no "great agreement" with the White House. The White House said "there is one document we do not want made public, but you guys can do what you want to do with the rest of it."

I am willing to keep it all secret. I am used to dealing in spooky ways with this material. Being on the Intelligence Committee, I am very adept at that. But I just tell you, I just think we should put it in perspective. It is not that kind of material that we have.

The CHAIRMAN. Senator Biden, you are quite right in that respect. I have no objection at all, nor would I intend to have, because it is my correspondence—I would be happy to read into the record, if necessary, if we want to take the time to do it, the correspondence that we had with General Haig and Leon Jaworski on this particular subject. There is no problem about it whatsoever.

Senator BIDEN. I just wanted to put this thing into perspective. I wanted to tone down the notions about how significant the material is that we have back there so far. For example, if I were the general sitting out there I would not want the impression abroad that somehow a truckload of material has been delivered and, oh my God, I wonder what is in it.

It is not that kind of thing that we have back there.

Senator SARBANES. Mr. Chairman.

The CHAIRMAN. Senator Sarbanes.

Senator SARBANES. I agree with the thrust of what Senator Biden said. I think a mountain is being made out of a molehill. We received some material from the White House. The White House, as I understand it, says, in effect "You can do with it as you please, but there is one item that we think ought to be held in confidence."

The committee, in an abundance of its own caution, I think, agreed that we would hold this material in confidence and review it. And the purpose for doing that is not to create needlessly a furor where none may well be warranted.

It was my understanding, though, that the material would be put upstairs in the committee room, making it more readily available and accessible to the members of the committee. I understand from Mr. Murphy that that will work fine from their point of view, that they can log it, that it can be reviewed there, and that if and as items contained therein are needed by the members for purposes of questioning or any other purposes, they can be brought here or made available.

The CHAIRMAN. I concur, this is much ado about nothing. So let us end it right here. The chairman did not even mention this in his opening comments. I did not think it worthy of mention. It is an internal committee matter. But I did mention it at the request of Mr. George Murphy, who felt we should put on the record that there are documents out among committee members that have not yet been logged and he wished a request be made that they be logged.

Senator HELMS?

Senator HELMS. Mr. Chairman, I have no questions. But I am just sitting here thinking of the days when Jim Allen and I used to engage in colloquy on the Senate floor just to consume time. I have decided that it is a lot more fun to throw the grenades than to catch them. I commend the Senator of Delaware.

In that light, I yield my time to the distinguished Senator of Delaware, so that he may have 30 minutes to question the General.

Senator BIDEN. I appreciate that and I hope you have your catcher's mitt on.

If that means that it is my turn to question, Mr. Chairman, I would like to begin—

Senator BOSCHWITZ. Mr. Chairman, can one Senator yield his time to another Senator for expanded questioning?

The CHAIRMAN. Yes.

Senator BIDEN. I will not take it if it is a problem. I will come back.

The CHAIRMAN. Whom did you want to have yield to you?

Senator BOSCHWITZ. I thought we were going to question at 15-minutes a stroke, not a half hour. Then my first stroke will be 15 minutes.

The CHAIRMAN. I believe under the rules of the committee, if Senator Helms wishes to yield to another member of this committee he can do so. If he wishes to yield to another Senator who is not a member of the committee, it would take unanimous consent of the committee itself for that purpose.

Senator BIDEN. I appreciate the generosity. But in the interest of comity, I do not accept. I will come back a second time. Thank you very much Senator Helms.

General HAIG, on the matter of national security information, we read a considerable amount of press reporting about apparent attempts of members of the transition team to influence Presidential policy—I assume that was the reason—by leaking information and documents. It was roundly criticized by all, Democrats and Republicans alike. But nonetheless, important information, information that should have been more closely held, was leaked.

No. 1, if and when you assume office—and I fully expect you will be confirmed by this committee shortly, today or tomorrow—what action if any will you take to stop this kind of action by members of the transition team or members of the State Department?

General HAIG. Well, with respect to the transition team, I was not in town when these various leak events occurred. But they are not uncommon in an environment where many public officials feel they have a right to protect the President from himself by indulging in direct discussions with the press about unauthorized material.

We have seen this problem for some time here in Washington, probably dating from the start of the Vietnam conflict and the controversies associated with it. At least it seems that that is when it became most intensive, and it has continued.

I think the only thing that can be done on that is to argue that if an individual is found to have violated the security aspects of his responsibilities, he probably should be terminated in most cases.

Senator BIDEN. But should we not attempt to find them? How do we terminate them without finding them? That is a very thorny question. I would be interested to know what actions you will take as Secretary of State to assure that those kinds of leaks do not occur. They offend me. They offend every member of this committee. I assume they offend those who are in positions of authority in the administration.

What will we do to stop it?

General HAIG. Well, I think you establish a policy early on; and hopefully, if you have a tightly knit, well-functioning organization, the likelihood of that kind of thing is reduced somewhat.

If there are inherent frustrations in the mechanism, where people have strong views that have not been considered, then I think the risk of leaks grows. I do not think there is anything in particular that a Secretary of State can do, other than to make clear what his policies are, to try to develop a team that is disciplined and loyal in the broadest sense of those terms, and to be sure that those responsible for contributing to the policy mechanism feel their voice has been listened to. That of course does not mean their views will be accepted.

Senator BIDEN. Well, that would seem to imply to me—and I do not disagree with it—that there should be some sense of homogeneity in the makeup of the highest levels of the State Department, that there be a continuity of views and opinions. Is that one of the mechanisms that you would use to in fact thwart the prospect of this?

General HAIG. Not in the sense of your question. As a matter of fact, I think one is best served by insuring by conscious policy some divergence of views in the mechanism, to be sure that the hard questions are asked as you engage in policymaking.

Senator BIDEN. But in your experience, is that not where the trouble usually comes? In my experience watching the Carter administration and the Ford administration and the Nixon administration, the times when there have been those leaks of secure information—

General HAIG. And the Johnson administration.

Senator BIDEN. Well, I was not here during the Johnson administration. I was still in college.

But one of the problems that exists is when there are those divergent views and those who hold a point of view different from the one taken by the administration do not succeed, they then go to the press. That is how it has occurred in my experience in this body for 8 years.

So if you want that divergency of opinion, which is a value I can see, and you also want to keep national security questions closely held, there must be some other mechanism you will use to deal with it, because obviously, unless something changes overnight, especially if there are ideologues and there are liberal, conservative, left and right, they will find an access to grind their ax.

Now, how do you propose to get the two desired goals together, the desired goal of keeping things closely held or the desired goal of having a divergency of opinion?

General HAIG. I think I have touched upon the essential aspects of your question insofar as executive leadership is concerned.

Senator BIDEN. I beg your pardon?

General HAIG. I have touched upon the leadership elements needed in this area. In other words, hopefully you build a professional discipline, a loyal team in which there are healthy outlets for participation, and in which policy is explained.

You know, Senator, this comes up all the time in the military sphere: When are people responsive to their constitutionally designated leaders? The real question is how you perform day to day. If you perform day to day in a way that reinforces your subordinates' and your team's confidence in you, then you will find that on those rare occasions when time or sensitivity does not offer you the opportunity to engage in a full-blown discussion, they will give you the benefit of the doubt because they have confidence in you.

Senator BIDEN. Well, General, you know, military men and women come up through the ranks with a different approach. I think, to their credit and to your credit as a military person, they tend to be a good deal more disciplined. It is the nature of the beast. It is the nature of the process. It is the nature of the indoctrination in the best sense of the word, the chain of command.

But that has not been the nature of politics. Those very people about whom you are concerned, as am I, who make the leap from State Department or agency to Senate or House committee get very deeply embroiled in the politics of the day, and then go back to the agencies, are people who do not come from that milieu. They do not come from that background, that ethic. Consequently, you are going to have a very serious problem.

Let me put it another way. If in fact the leaks to which I referred—and without reading them, I would ask that they be put into the record at this point, the Washington Post article of December 10, 1980, regarding El Salvador and the leaks to Christopher Dickey, in the New York Times December 9 article. And I will find for the record the particular person who wrote that. I will get the page number. And the New York Times article, Sunday, December 7, by Richard Burt, “Reagan Aides Diagnose”—and it goes on from there.

The CHAIRMAN. Without objection, it is so ordered, unless of course they are classified or sensitive.

Senator BIDEN. Well, they probably are if they are in the New York Times. They are probably classified. [Laughter.]

[The articles referred to follow:]

[From the Washington Post, Dec. 10, 1980]

ENVOY ASSAILS REAGAN AIDES ON EL SALVADOR

(By Christopher Dickey)

SAN SALVADOR, Dec. 9.—U.S. Ambassador to El Salvador Robert E. White today accused President-elect Ronald Reagan's advisers of “weakening my authority to carry out the policy of [the Carter] administration” in the midst of a crisis that threatens to destroy the U.S.-backed Salvadoran regime and could lead to expanding armed conflict and an extremist takeover.

“When civil war breaks out in this country, I hope they get their chance to serve,” said White, his hands gripping the arms of the chair as he talked to two American reporters this morning.

His anger was focused on the leak to the press last week of a so-called “hit list,” prepared by members of the Reagan transition team, that named White as one of several ambassadors accused of improperly acting as “social reformers” and slated for removal soon after Reagan's inauguration Jan. 20.

White, 54, a career diplomat, is also concerned about the unannounced presence in El Salvador last week of Cleto Di Giovanni Jr., a conservative Central American analyst with ties to several members of the Reagan transition team. White and other U.S. officials here said Di Giovanni had presented himself as being on an official mission for the incoming administration.

The message he carried, said a embassy official who met Di Giovanni during his visit, was that the Reagan team's public denials of support for a rightist military coup should be disregarded.

A spokesman for the Broad National Front, a leading right-wing organization, implied Di Giovanni was here to gather information for Reagan that would balance that provided by the Carter administration.

Reached in Washington, Reagan State Department transition team head Robert Neumann, repeating last week's denials, said today that the leaked “hit list” was neither policy nor official team recommendation. He said the documents were “a collection of individual papers” written by team members

and represented "the first cut" of opinions that may be part of the final recommendations sent to Reagan.

Also contacted in Washington, Di Giovanni said that he had gone to El Salvador on personal business and that he "did not represent Reagan nor have I ever represented Reagan" in this or any other mission. A former CIA official who served six years in South America, Di Giovanni said he currently operates a "security consultants" firm that helps Salvadoran businessmen learn to protect themselves against terrorist attacks.

Neumann also said that Di Giovanni "certainly wasn't sent by us" on a trip to El Salvador or anywhere else. Apparently referring to similar reports that have plagued the Reagan team over the past several weeks, Neumann said "we have half a dozen pretend emissaries all over the world who are complete hoaxes."

Another transition team member said that Di Giovanni, who has published a number of articles critical of Carter's policy in Central America, including one in the current edition of *The Washington Quarterly* coauthored with Reagan foreign policy advisor Roger Fontaine, informed the team he was traveling to El Salvador and asked if he could carry message.

"Not only was he not authorized" to speak for the incoming administration the team member said, "he was strongly discouraged" from making the trip because it was "thought perhaps he would be misunderstood."

The vehemence of White's charges indicate both the extent of the tension here and the depth of policy disagreements between the outgoing and incoming administrations in this part of the world. The situation also illustrates the strong belief of the right here that Reagan will abruptly change U.S. policy in the region.

After a year of widespread political violence and uncertainty, the current Salvadoran crisis began with the murder last month of five prominent leftist political leaders. It became extremely grave a week ago when four American women missionary workers were savagely tortured and killed.

U.S. aid to the government was suspended pending an investigation of the murders, and a special high-level U.S. diplomatic mission was sent here to look into the question of institutionalized violence and the government's stability. The team left El Salvador today and is expected to report to Carter later in the week.

The entire government of El Salvador is in the process of restructuring itself, and its final composition could be decisive not only in determining the immediate future of El Salvador but of the entire Central American region, because of the danger of the conflict of the danger of the conflict here spilling over into other countries.

The Carter administration has sought to establish and nurture a moderate coalition government of civilian and military men, which has instituted sweeping reforms in the 14 months since the ouster of Gen. Carlos Humberto Romero's corrupt conservative regime.

U.S. backing of the government, a five-member junta composed of two Christian Democratic politicians, an independent and two military representatives, has been largely successful White believes, in undercutting what was a growing threat of leftist insurrection.

But both the left and the right have sought to undermine this policy. The orientation of the regime has become increasingly conservative, and since early November the extreme right has been marshalling forces both inside and outside the government to launch a coup to take control.

"Right now," White said, "in this critical juncture when there is clearly a lot of pressure being placed on military officers to move this government to the right, the various mixed and contradictory signals coming out of various people who think they speak for the Reagan administration have accentuated this problem and made the crisis much sharper."

White called a statement during a television interview by Reagan's top foreign policy adviser, Richard Allen, a helpful step in clearing up some of the misperceptions and confusion.

Allen, acting indirectly on a request by White, said on ABC's "Issues and Answers" that the Reagan administration will follow "a balanced policy . . . In the case of El Salvador the alternative to the existing junta today is extremism on either side."

But White said that the leaked report about ambassadors, reportedly prepared by Reagan State Department team member Pedro San Juan, "has struck a

heavy blow at the Christian Democrats and moderate military officers" struggling to avoid a coup by undermining White's ability to reinforce their position.

This, White believes, will ultimately play into the hands of the radical left. "Progressive elements in the government, with our solid backing, have sought to defeat the violent left by instituting profound reforms designed to improve the terrible social conditions in this country that foster insurrection," White said.

These policies, which included one of the most sweeping land reform programs in Latin American history, the nationalization of the banks and of foreign commerce, "have succeeded," White said, "to the extent that the chances are overwhelming that the next administration will not have to confront the type of leftist threat that the Carter Administration had to confront over the past year."

"The policy of supporting a new model, a non-Marxist, prodemocratic model of profound social, political and economic changes has been successful in defeating the leftist drive," White said.

About attempts to put an end to "officially sponsored or tolerated violence" by the government White was less optimistic following the murders of the churchwomen and "six leftist leaders in broad daylight in the middle of El Salvador."

"This has brought into question whether there exists authority, will and ability to control these terrible abuses and this is the critical question before us," White said.

[From the New York Times, Dec. 10, 1980]

U.S. ENVOY IN SALVADOR CHARGES REAGAN TEAM IS UNDERCUTTING HIM

SAN SAVADOR, Dec. 9.—The American Ambassador here charged today that a report by President-elect Reagan's transition team that urged a reduction in the influence of human rights advocates in the State Department was undercutting him in El Salvador.

The Ambassador, Robert E. White, said the report, prepared by Mr. Reagan's State Department transition team, was making it difficult for him to influence moderates and was encouraging right-wing elements in the country, who he said were organizing a coup.

"When civil war breaks out in this country, I hope they get their chance to serve," Mr. White said in an interview, alluding to the Reagan aides.

REPORT ADVISED REPLACING WHITE

In another report prepared by the transition team, Mr. White was on a list of ambassadors to be replaced because of their outspoken positions on human rights and social change.

Mr. White, a 54-year-old career Foreign Service diplomat, was directly criticized for supporting land redistribution and nationalization of the banking system.

Last March, a few days before Mr. White assumed his post here, the civilian military junta converted the largest estates into peasant cooperatives and took over ownership of 51 percent of the banks. The junta has also nationalized foreign export trade.

Declaring that the plans "have been opposed every inch of the way by millionaire exiles in Guatemala and Miami who have sponsored, hired and directed death squads," Ambassador White said the changes were "designed to improve the terrible social conditions in this country that foster insurrection."

José Napoleon Duarte, a leader of the anti-Communist Christian Democratic Party and a member of the junta, said yesterday that the changes, which began with the overthrow of a right-wing general in October 1979, are part of a "revolution" that he described as being "nonviolent, non-Marxist" and "not being against the United States."

Mr. White said today that "the policy of supporting a new model, a non-Marxist, pro-democratic model of profound social, political and economic changes has been successful in defeating the leftist drive here," and has given the country "a basis on which to reject the Marxist-Leninist program."

Not everyone here agrees that the land redistribution program has been successful or that the leftist insurgency has been defeated. A Latin-American diplomat said, for example, that land policies have not hurt the left. He explained that the Government had not yet implemented the most significant phase, giving

ownership to 150,000 peasant families who are currently tenant farmers or sharecroppers.

LEFTIST THREAT SAID TO DECLINE

But Mr. White said today that the American policies here "have succeeded to the extent that the chances are overwhelming that the Administration will not have to confront the type of leftist threat that the Carter Administration had to confront over the past year."

He said, however, that the transition team report and the fact that his name appeared on a "hit list" of "supposed social reformers, struck a heavy blow at the Christian Democrats and moderate military officers seeking a centrist solution to the problems of El Salvador."

On Saturday, a liberal, Col. Arnaldo Majano, was ousted from the junta. Colonel Majano blamed extreme rightists who "hold key positions in the Government and the military." Earlier this week Mr. Duarte said the "extreme right is right now training for a coup they will execute within three weeks."

"The danger is very real," Ambassador White said in this morning's interview. "There is a lot of pressure being placed on military officers to move this Government to the right."

Significantly, Ambassador White revealed today that retired Maj. Robert D'Aubuisson is now in the country. The 37-year-old former Salvadoran Army intelligence officer has been accused by the State Department of being a "leading figure in an organization suspected of association with violent actions in El Salvador and is believed to have played a role in two attempted coup d'états."

Mr. Duarte said yesterday that a takeover by the right would in the long run benefit the left, which would gain more support from Salvadorans and the international community. "The right would impose totalitarianism, a dictatorship," that would eventually lead to civil war "in which 200,000 people will die," he said.

Intense American pressure has blocked two right-wing coup attempts here, but Ambassador White declared today, "the transition team attack on our policy in El Salvador" has undermined "my ability to influence events and keep making a policy which has worked reasonably well over the last nine months."

Adding to the confusion about what Mr. Reagan's policy toward El Salvador will be is the current visit here by Cleto DiGiovanni, Jr., a former Central Intelligence Agency officer.

In a recent article written with an adviser to Mr. Reagan, Roger Fontaine, that appeared in *The Washington Quarterly*, Mr. DiGiovanni said that "a pro-U.S. military Government in El Salvador which had been economically viable has been replaced by a center-left Government..." that has "brought the country to near economic ruin by desperate and sweeping reforms."

[From the New York Times, Dec. 7, 1980]

SOVIET'S MILITARY BUILDUP A MAJOR ISSUE FOR REAGAN

(By Richard Burt)

WASHINGTON, Dec. 6.—The steady growth of Soviet military power, a matter of prime concern to the incoming administration of President-elect Ronald Reagan, has emerged as one of the most troubling problems facing the United States and its Western allies.

Moscow's military buildup, in the view of some American specialists, could signify an ideologically inspired drive for political domination. In the view of others it reflects a sense of insecurity deeply rooted in Russian history.

Also not easily answered is the question which country is the more powerful: the Soviet Union, with 3,658,000 in the armed services, based on conscription for two or three years and an obligation in the reserves to the age of 60; or the United States, with its force of 2,050,000 volunteers.

AN ISSUE OF NATIONAL CONCERN

In the area of nuclear weapons there is agreement that the Soviet Union has attained "strategic parity" with the United States.

In conventional forces, the Soviet Union is ahead in numbers of weapons and troops. But this superiority is viewed as offset by American technological supremacy. The Soviet Union is trying to catch up and in such categories as ground-combat vehicles is said to have surpassed the United States.

As the Presidential election campaign illustrated, the debate over Soviet military power has become an issue of national concern.

In part the focus on Moscow's military might reflects concern in the Pentagon and in Congress over the status of the American military, with some asserting that American forces have declined in size, quality and readiness.

However, the Soviet Union's buildup has also fostered questions over its strategic goals in the last 15 years it is said to have pursued a sustained program of expanding its nuclear deterrent and its conventional forces.

Four years ago a debate was stirred in American intelligence circles after a group of academic specialists was asked by George Bush, then Director of Central Intelligence and now Vice President-elect, to appraise Soviet military potential and intentions. The group, known as Team B, concluded that the C.I.A. and other agencies had underestimated the Soviet buildup and that Moscow was bent on achieving strategic superiority.

DEBATE ON SOVIET INTENTIONS

On one side of the present debate, specialists such as Richard E. Pipes, a Harvard professor who advises Mr. Reagan and who directed the Team E effort, point to Moscow's buildup to assert that it harbors aggressive designs.

Other specialists, including Arthur Macy Cox, a former State Department and C.I.A. analyst, contend that there is a danger of exaggerating the Soviet buildup. They assert that Moscow, from its point of view, faces threats from nearly every direction and feels it must rely on military power.

As much as a fifth of the Soviet military budget, it is estimated, is directed not against the West but against China. And Soviet forces in Europe have another peripheral function: keeping the Eastern European allies in line.

Most of the Soviet units added to the area since 1967 were sent in during the Warsaw Pact invasion of Czechoslovakia in 1968. Soviet forces in Eastern Europe would also be likely to participate in any intervention in Poland that the Soviet Union might decide to make.

Moscow's nuclear potential is constrained, in some respects, by Soviet-American arms agreements.

The 1972 treaty on antiballistic missiles puts limits on these defensive systems, and both sides appear willing to continue to comply with the 1972 interim accord on long-range offensive missiles, which set existing arms totals as ceilings: 2,358 for the Soviet Union and 1,710 for the United States. That accord did not cover long-range bombers.

The Reagan Administration, Republican leaders say, will scrap the 1979 treaty that was signed by President Carter but has not been ratified. It calls for limiting each side to a total of 2,250 missiles and bombers. However, Republican aides have indicated that talks on a new agreement, possibly containing lower ceilings, could begin soon after Mr. Reagan enters the White House.

The 1962 crisis over the Soviet placement of missiles in Cuba, which ended when the Russians, confronted with superior American power, agreed to withdraw the missiles, is thought to have marked a turn in the Soviet-American arms competition.

Although the United States was building up at a faster rate in the early 1960's, the Soviet Union soon began to take the initiative. Intelligence specialists believe that, after the 1962 crisis and the ouster of Nikita Khrushchev from power in 1964, Moscow's leaders vowed that never again would the Soviet Union allow itself to be humiliated by the United States.

Consequently, during Leonid I. Brezhnev's tenure, the Soviet military budget is estimated to have grown by 3 or 4 percent annually in the late 1960's and in the 1970's.

Noting this growth, William R. Perry, Under Secretary of Defense for Research and Engineering, said recently that Moscow had outspent Washington on defense by \$240 billion in the 1970's.

DISTORTION OF MANPOWER COSTS

This and other estimates are challenged by Mr. Cox and Franklyn D. Holzman, an economist at the Harvard Russian Research Center. They contend that the C.I.A.'s practice of calculating the size of the Soviet military budget in the equivalent dollars it would cost the United States exaggerates the cost of manpower, which is paid less in the Soviet Union.

Mr. Holzman and other experts agree that, with an economy 60 percent that of the United States, the Soviet Union now spends at least as much for the armed forces as the United States, or the equivalent of \$165 billion a year.

Secretary of Defense Harold Brown said early this year that the balance between the United States and the Soviet Union should not be viewed in isolation but rather in the context of the respective allied military efforts.

According to Pentagon experts, the allies in Western Europe spent \$76 billion for defense last year compared with \$20 billion by the East Europeans. The International Institute for Strategic Studies says that the Atlantic alliance's total spending thus slightly exceeds that of the Warsaw Pact.

At the same time, the institute contends that the Soviet bloc spends its military funds more efficiently because it uses standardized Soviet equipment.

Interviews with American intelligence aides, defense officials and academic specialists indicate that Moscow has increased its power in nearly every military sector.

NUCLEAR ARMS

Whether the Soviet Union will be satisfied with strategic parity is a subject of debate. In the view of Professor Pipes and of Paul H. Nitze, who has held high-level posts at the Pentagon and the State Department, the Soviet Union is well on its way to superiority.

Last month, however, Soviet officials told visiting Americans, including several Reagan advisers, that strategic parity was all they wanted. They said the Soviet Union would not allow the United States to achieve strategic superiority.

While the Soviet Union had fewer than 500 land-based and submarine-launched missiles in 1965, it now has 1,398 intercontinental missiles and 1,003 submarine-based weapons. It also has 156 long-range bombers.

Included in its array are 600 SS-18 and SS-19 missiles. These are thought to have enough warheads and to be accurate enough to pose a threat to American land-based missiles: the 1,000 Minutemen and the 54 Titans.

The United States' arsenal also includes 656 submarine-based missiles and 338 long-range bombers.

Pentagon aides have confirmed preliminary Soviet testing of a new generation of land-based missiles, including one roughly the size of the United States' proposed MX mobile missile.

The Russians are also reported to be working on systems for finding and attacking American nuclear-missile submarines. But Pentagon officials believe that the submarines will be invulnerable through the 1980's.

In the area of strategic defenses, the Soviet Union is reportedly modernizing its force of 64 antiballistic missiles around Moscow and is also said to be developing laser weapons for use against orbiting satellites.

Although analysts disagree over the effectiveness of the Soviet civil-defense effort, most accept Secretary of Defense Brown's estimate that it is 10 times larger than the American program.

AIR AND LAND FORCES

While expanding its strategic arsenal, Moscow has maintained an advantage in conventional land and air forces. Since 1967, it has added five divisions, more than 50,000 troops, for a total deployment of 30 divisions against Western Europe. In 1967, there were 25 Soviet divisions along the Chinese border, now there are 46.

The expansion of Soviet air might has also been impressive.

Although Moscow has long had more fighter planes than the United States and its Western European allies, most of these planes were designed for defense and lacked the range and payload of Western models. In recent years, the Soviet Air Force has added new multirole fighters, such as the MIG-27 and the sukhoi 19, which are thought to rival Western jets.

The Russians, according to the International Institute for Strategic Studies, have 5,000 planes assigned to tactical missions, compared with 3,700 United States planes.

Both air forces maintain most of their planes in Europe. In addition, the Soviet Union maintains three tactical air units along the Chinese frontier. The Americans have the Fifth Air Force in Japan, Okinawa and South Korea and the 13th Air Force in the Philippines.

In Europe, the quantitative advantage is with the Warsaw Pact forces, which have deployed 1,350 fighter-bombers, 2,050 interceptors and 550 reconnaissance

planes. The Atlantic alliance has 1,602 fighter-bombers, 386 interceptors and 263 reconnaissance planes.

On the ground, the Soviet Army is said to be eroding the West's technological supremacy. Pentagon aides say the United States' new XM-1 tank is the finest in the world, but they praise the Soviet T-72 and add that the Soviet BMP armored personnel carrier is unmatched in the West.

Over all, the Soviet Union has 50,000 tanks, the United States 11,759.

In Europe, the NATO-Warsaw Pact balance again favors the Soviet side. The Soviet Union and its East European allies have 19,500 tanks compared with 7,000 Western tanks.

United States officers note that while the Army has unsuccessfully spent almost a decade seeking funds for a new generation of chemical weapons, the Soviet chemical arsenal has been modernized.

NAVAL FORCES

Virtually a coastal defense force until 1958, the Soviet Navy now outnumbers the American fleet in major surface warships, 289 to 173. But the American fleet has 13 aircraft carriers, compared with two in the Soviet Navy, and the United States Navy is still judged to be superior in firepower, logistics and the ability to operate for extended periods.

John M. Collins, an expert at the Congressional Research Service, recently concluded that, for the Soviet Union, "lengthy large-scale operations would be next to impossible in sea areas remote from friendly port facilities."

The Soviet Navy is gradually acquiring such facilities, including the former American base at Cam Ranh Bay in Vietnam and a port in Ethiopia's Dahlak Islands in the Red Sea.

SACRIFICES FOR SECURITY

Will Moscow be able to sustain this effort through the coming decade? Some analysts, such as Mr. Holzman at Harvard, assert that if it threatened, it would take whatever steps were judged necessary to match a Western buildup.

The experts note that the Soviet military sector has higher and more advanced standards of production than the civilian economy and that the Soviet leadership possesses the political power over the population to compel sacrifice.

According to Brig. Gen. William E. Odom, a former military attaché in Moscow who became a national security aide in the Carter White House, Soviet society has become "militarized" in many respects.

Writing in the Government periodical *Problems of Communism* in the fall of 1979, General Odom said: "An enormous military-educational complex is emerging in the Soviet Union today. It holds a commanding position in graduate as well as undergraduate training; it permeates the civil secondary-school system and ties up more than one-fourth of the population in voluntary work in support of military skill training, and it touches every Soviet citizen by entangling him in the nationwide civil defense structure.

Many specialists caution that such military strides must be measured against internal and external constraints. For instance, there is agreement that Moscow will face several obstacles in increasing its military effort in the 1980's.

Among these problems are the shrinking size of the population group of military age, a potential energy shortage, declining industrial productivity and persistent farm problems.

Listing these problems in a recent issue of *Problems of Communism*, Seweryn Bialer, a professor at Columbia University, concluded: "As growth of the Soviet economy slows in the 1980's, the leadership of the country will have smaller increments of the gross national product to allocate to investment expenditures."

In campaign speeches, Mr. Reagan and Mr. Bush said the shifting military balance created opportunities for Moscow to project its power in third-world areas such as Afghanistan and Angola.

Henry A. Kissinger, former Secretary of State, and Alexander M. Haig, Jr., former Supreme Allied Commander in Europe, have also suggested that Moscow is in a position to achieve political gains through its military buildup by forcing concessions from weaker countries.

A different perspective is offered by George F. Kennan, former Ambassador to Moscow and an expert in Soviet history and political affairs. Early this year he said the Soviet drive into Afghanistan reflected "defensive rather than offensive impulses." He based this on the view that the Soviet Union has been forced

to confront a succession of real and potential threats, ranging from the 1941 German invasion, to the creation of the Atlantic alliance in 1949 and the emergence of a hostile China in the 1960's.

Moscow's most serious concern is said to be the growth of a four-sided global alliance consisting of the United States, Western Europe, Japan and China.

"The Soviet Union has thus encountered some serious contradictions," according to Helmut Sonnenfeldt and William G. Hyland, who served as aides to Mr. Kissinger. In a monograph published by the International Institute for Strategic Studies, they said:

"On the one hand, Moscow's military power has grown both absolutely and relatively. Moscow's reach has made itself felt in distant places, and favorable tides may be running on the U.S.S.R.'s southern rim."

"On the other hand, there is a budding relationship among the Soviet Union's principal adversaries—Western Europe, Japan, China and the United States. The Soviet Union seems to recognize this, but how she will handle it is far from clear."

LIMITED NUCLEAR WAR: THE MOSCOW APPROACH

Moscow, Dec. 6.—Does the Soviet Union's doctrine contemplate fighting, and winning, a limited nuclear war, as some Western specialists contend?

A Soviet military expert who consented to be interviewed on the subject said Moscow's doctrine did not.

The expert, Lieut. Gen. Mikhail A. Milshtein, director of the Political-Military Department of the Institute on the United States and Canada, a research and policy-advisory organization, said in an interview Aug. 24 that those Western experts who thought otherwise were citing obsolete Soviet writings. He said they had been superseded by unambiguous Soviet documents and statements of recent years.

General Milshtein, who is retired from the army, said it would be wrong in particular to rely on the book "Military Strategy" by Marshal Vasily D. Sokolovsky, Chief of Staff in the 1950's. Terming the book obsolete, General Milshtein said it was written "at the dawn of nuclear weaponry." He added:

"Soviet doctrine regards nuclear weapons as something that must never be used. They are not an instrument for waging war in any rational sense. They are not weapons with which one can achieve foreign policy goals.

"Of course, if we are forced to use them, in reply to their first use by an aggressor, we shall use them, with all their consequences, for the punishment of the aggressor."

Senator BIDEN. I am sure you must be familiar with the substance of the articles. So assume that such a leak takes place the day after you take office. What do you do, before you have had a chance to instill this esprit de corps, this sense of command and loyalty?

I am not being facetious, General. I think it is a real problem.

General HAIG. Of course it is, and it has plagued many Presidents. It plagued President Carter.

Senator BIDEN. That is right, and each has attempted to deal with it in a different way. I am interested in what your way of dealing with it will be.

General HAIG. Well, I think my way of dealing with it will be above all to work within the organizational structure along the lines I spoke to you about.

Incidentally, the comments I made are not peculiar to the military. I just spent a year in corporate life, and I found that in a happy, well-managed organization of 200,000 people were not plagued with these things. So it is not peculiar to the military.

The point I was making about the military was, people say, What is leadership, what really makes an effective leader? Well, above all what makes an effective leader is to establish credibility and confidence among his subordinates, so that, when they are not able to be given

the kind of explanations we would hope to provide day to day, they will nevertheless give him the benefit of the doubt and will follow him.

Senator BIDEN. General, in spite of your command presence, you will probably have difficulty imbuing that within a day after taking office.

General HAIG. Maybe even within a year.

Senator BIDEN. By the way, one of the up sides of you so far as I am concerned is I really do think, all joking aside, that you really do have a command presence. You do have a sense of force. You do have the ability to communicate what you think and how strongly you feel. And you do communicate the sense that if in fact you were crossed there would be real problems. I think that is all good.

Now, having said that, you are not likely to be able to communicate that instantaneously. There are still going to be these folks running around establishing their own little kingdoms. And if you doubt that, ask your good buddy sitting behind you, who dealt with it for years as the Secretary of another agency that had less classified secrets, but more problems. You know, everybody is building up his own little fiefdom.

Now, what happens if, a week after you are in, these kinds of leaks come out? What do you do, you, General Haig?

General HAIG. I think I would express my concern about those leaks. I think I would make it clear to our subordinates that they are not tolerable.

Senator BIDEN. Do we go look for them?

General HAIG. I do not know how that can be done very successfully, Senator. I think there are others who might wish to look for them. I know President Carter launched several investigations. I know President Ford launched several investigations. And you know President Nixon did. [Laughter.]

But that is the problem of the domestic agencies which are charged with those responsibilities.

Senator BIDEN. Would you call in the FBI, for example?

General HAIG. Well, I think the FBI has a responsibility for internal security.

Senator BIDEN. I do too. I would hope you would call them in. That is what I am trying to get to.

General HAIG. Oh, sure. But that is not my task.

Senator BIDEN. It sure is. It happens on your watch, General. You are the guy who has to make the decision.

General HAIG. Well, then, I would make those very, very clearly known to the White House or to counsel. And if they sought to indulge in investigations of leaks in a formal sense by established authorities, and I was convinced and my counsel were convinced that abuses would not result, why sure.

But I think my area of responsibility as Secretary of State is to manage a Department, with the help of a sound deputy, and to establish and encourage conformance with procedures which will enhance professionalism and not result in this kind of leakage.

Senator BIDEN. One of the big problems we have—and I am going to be leaving this hearing and coming back, because a man named Casey is going to be director of another very important Government agency, of which I am on the comparable Senate Committee and am

the No. 3 Democrat. I have been very involved in the Intelligence Committee since its inception.

One of the things we are grappling with over there is whether or not we should write a law that deals with this whole question by figuring that maybe if we cannot get to the leaker we can get the leakee. That is, if we cannot nail down the person within the agency who gave the information to the press, then we should go after the press.

That is, that there should be legislation like the Official Secrets Act, which says that the press cannot print material that it knows to be classified, but is yet given to them in an unauthorized manner.

What is your view on that subject?

General HAIG. Well, I gather you are referring to something on the model of the British Official Secrets Act or something of that kind?

Senator BIDEN. That is correct.

General HAIG. My own view, Senator, has always been that the press will print what it is given. And the problem is not with the press, but with those who give.

Senator BIDEN. But what if the press is given a document that is marked "top secret, classified" and it is in fact very secret. We cannot determine who gave it to the press, but we know that Reporter X on the New York Times was given it because he or she reprints it in full. Should we take action against that reporter or that paper?

General HAIG. As a general rule, it is my view that the written press in America, which has evolved over some 204 years, is a self-policing mechanism. And when a member of that press corps indulges in irresponsible reporting, his colleagues, his contemporaries and all with whom he works soon label him for what he is and he pays his price.

I think the worst thing we can do is to butt in from the Federal Government side on issues of constitutional freedom of the press.

Senator BIDEN. So what you are saying, if I understand it, because my time is up, is you believe we should not attempt to write a law that would make that reporter criminally liable for publishing that document?

General HAIG. I would prefer not to get myself wrapped around an issue that I haven't studied. And concerning the dialog that is going on in your committee, if you are discussing such a thing, I just do not have access to it. I gave you as a general rule my feelings that the written press in America is best at policing itself.

Senator BIDEN. My time is up. And you are very good, General, because general rules do not make much difference, because the only time we get in trouble is during those exceptions. I will be back to find out what your specific rule is on your general rule.

Thank you very much, Mr. Chairman.

General HAIG. OK. Same time, same station.

Senator BIDEN. Yes, public radio.

The CHAIRMAN. Thank you, Senator Biden.

Senator Hayakawa.

Senator HAYAKAWA. Thank you, Mr. Chairman.

Mr. Haig, during these many hours we have spent in this hearing room you have answered dozens and dozens of questions about what you feel is the proper U.S. policy for dealing with virtually all of the major nations of the world. There have been times when you have refused to commit yourself to a position and there are times when

you have let us know that the subject is too sensitive to discuss in an open forum.

In other instances you were forthright in saying that these are things you ought to discuss with the President before discussing them publicly. There have been hours when you have sat patiently, Mr. Haig, while members of this committee debated among themselves about the necessity of examining your past even more closely, for example, to subpoena or not to subpoena. You have been through this with patience and understanding, Mr. Haig, which I have admired.

You have behaved as a gentleman, as a soldier, as a statesman. I share the feeling, I am sure, with the rest of my colleagues that you have done a damn good job during these long days of very difficult circumstances.

I think the time has come for us to ask ourselves, why are we having these hearings. The purpose, as I understand it, is to learn whether or not you have the background, the grasp of the issues, the intelligence and the integrity to become our next Secretary of State.

I believe your opening statement, coupled with your long hours of testimony and our knowledge of your background and accomplishments, have given the members of this committee, as well as the press and the American public, a very clear view of where you stand and what you stand for. I am quite sure there are hundreds more questions that could be asked about what our country's foreign policy should be in the years ahead.

But to be honest with ourselves, as we very well know, the dance of diplomacy is not a solo dance. It is a very delicate one, to be performed in coordination with other states and other statesmen. Obviously, you are not able to predict any more than we what forms many of our relationships with other nations are going to take in the years or even in the months ahead.

In few nations of the world does the baton of power pass as easily as it will in the United States on January 20. We can only wonder, for instance, who will be leading Iran a year from now or even a few months from now, and what goals and policies the Iranian Government will have at that time.

All we can really talk about here with any sure knowledge is the past. And that past can be, as you have said, entirely irrelevant to the future.

So far as I am concerned, Mr. Haig, we have done our duties. We have examined your credentials. And Mr. Chairman, in general terms we have learned what you foresee for the current policy of the United States. We could go on with this for days, weeks, even months, but we would be no closer to knowing what you will bring to the job of Secretary of State than we know today.

So, Mr. Secretary-designate, while I have found these sessions to be both informative and interesting, I for one do not think you can give us any more time than you already have. I would like to hear more from you on such important subjects as our relations with our very close and old allies, Australia and New Zealand, with the ASEAN nations of Malaysia, Thailand, Singapore, Indonesia, and the Philippines, and with the newly independent island nations of the Pacific.

I am concerned about our relations with Mexico, a nation for which I have the warmest feeling. I hope in the future months and years ahead we shall have the opportunity to discuss these issues at length.

But as far as I am concerned, Mr. Secretary-designate, you will make an outstanding Secretary of State. I believe that, working with President Reagan, you will restore strength and honor to this country's foreign policy and to its image abroad. I am sure at least that that is what your goals will be.

Yet none of us can be naive enough or arrogant enough to believe that you can know at this time all of the solutions to all of the problems that lie in wait for us.

As I said last Saturday, Mr. Chairman, I believe we must act expeditiously on Mr. Haig's confirmation, since to do otherwise would do nothing to facilitate the performance of his tasks.

Therefore, Mr. Haig, I do not plan to question you further. I thank you again for the forthright manner in which you have responded to our questions.

Mr. Chairman, I yield the balance of my time.

General HAIG. Thank you, Senator Hayakawa.

The CHAIRMAN. Thank you, Senator Hayakawa, for that excellent statement. I concur with every single word of it.

Senator Glenn?

Senator GLENN. Thank you, Mr. Chairman.

General, first I want to congratulate you on bearing with us throughout all of this. It is a long and tiring experience going on day after day, trying to do other things in the evening, getting briefed, getting a team together. I think you are to be congratulated on bearing with us on this. We do persist because it is an important matter.

In your statement, I guess you were anticipating many of the military questions that would be asked of you. I for one look at it as good that we are going to have a military man with this finger on the nuclear trigger, as it was put yesterday. I do not look at that as being bad, because I think you know the horrors of war. I do not think you are liable to be panicked into doing something that would be stupid in a moment of duress. So I wanted to make that point first.

The concentration on military questions, to which you concentrated to some extent in your opening statement, would indicate to me if we ever get to a really military solution, it could indicate a failure in our diplomacy.

As I mentioned to you yesterday, I think that we perhaps live in a time—and I would say that my questioning in this round is going to be of a far more philosophical and longer-term bent than we have addressed so far. I indicated to you at the end of my questioning period yesterday that I would appreciate your views on what you see as some of the longer-term tides of history that may be abroad or rampant in the world right now. And I think that there are such tides that may do a great deal more toward determining foreign policy for our Nation and many others along with us than many of the day-in, day-out usual problems on which we have concentrated through 99 percent of the hearings.

Do you have any comments on that, as to what you see developing in the world in the longer term and longer-term trends that have come up in the last few years, for instance?

General HAIG. Yes, sir, I do. I will put aside the fundamental foreign policy issues I had touched upon in my opening statement, which I would certainly include as both short- and long-term problems.

I think perhaps the largest, the most pervasive problem by which mankind will be increasingly wrenched is our declining ability to meet human needs in the areas of food, raw materials and resources, counterpoised against what are clearly rising expectations of growing populations. I think this is the grist from which many of the controversies in the period ahead will evolve.

I have made the point that the challenge facing executive leaders in free nations throughout the world, to justly and responsibly distribute the product of the success of our system among our peoples, is perhaps our most pervasive day-to-day dilemma.

Another key trend is the explosion in communications, and the impact that has had on politics at large and in particular, in reinforcing the populist, as distinguished from the Burkean model, where we find politicians who put their finger to the wind every day, each morning assess what Mr. Cronkite said the night before on the tube, and rush to the legislative trough to respond to the current mood of their constituents.

I would hope in the period ahead that American politicians would reread Edmund Burke and recognize that they must be influenced not only by the will and mood of their electorate, but also by the dictates of their conscience. I think this is an increasing challenge in a modern world of exploding communications.

Clearly, technology is both the most promising and most worrisome phenomenon of the modern age, not just because of the devastating impact of nuclear weapons, but beyond that into the opportunities of medicine, human research, even to the sometimes troublesome aspects of the shaping of our Creator's own blessings to mankind.

I think all of these things have to be very high on the agenda of our attention, our concern and our willingness to deal with them in a forthright and honest way.

Senator GLENN. Well, I think those are good and those are three that I had on my own little list.

Let me add a couple of others to you and discuss them with you. What role does religion play? Let me give you my views on this. First let me disagree completely. In thinking about what is going on in the world in religion, we look back on the Children's Crusade, and things such as that in history and find that some of the blackest pages in history have been written in the name of religion.

I think if we see one thing rampant in the world today, that affects so many nations, it is some of the changing religious thoughts and patterns. We see an arc of crisis across the subcontinent of Asia, as it has been called, that could also be termed an arc of religious crisis.

There are some 650 or 720 million people of the Islamic faith. They extend from Morocco to Mindanao in the Philippines. The differences in religious viewpoints between the Jewish faith and the Arab world are at the heart of those difficulties, long-term-wise I am speaking about now, as to what created Israel and so on.

The Pope goes to Warsaw. He goes all over the world. He is a very conservative Pope. In Russia they say there is no God. In Iran they say we are the great satan in this country.

I read an article the other day that was interesting. Even African tribes with comparatively little contact with the outside world, some of them are returning to a more fundamentalist view of animism from days past. And we have the moral majority in our own country, who called for fundamentalist values and so on.

I do not think we can say this is some freak occurrence. There is something big going on all over the world, it seems to me. I do not know what tack this takes, but I think it is vital in the formation of foreign policy. In many nations, in fact, it is the fundamental factor. Iran's and Iraq's differences are even in part due to fundamental values within one religious faith.

In thinking about this a little bit over the weekend, I even thought it might be good to have an Assistant Secretary or an Under Secretary of Comparative Religions in the State Department. Maybe we need a pastor, priest, rabbi, mullah, somebody in the State Department to bounce ideas off of with religions, because the religious beliefs of people are so fundamental and so basic that it just seems to me they determine much of foreign policy or are going to, regardless of what we do with regard to nuclear nonproliferation that we discussed yesterday, and all of these different areas.

The three areas that you mentioned I agree with completely. I also would see whether you agree with me in this area of religion. What do we do about this? This is so fundamental that it will determine foreign policy regardless of what we do in other areas, whether we give aid or do not give aid and so on. But if there is a rising change in religious thought in some of these areas it will determine their foreign policies.

What do we do about this? How can we use this to our advantage? Are there commonalities through this on which we can base some policy that will help us to understand these things?

General HAIG. Well, I do not disagree. The religious awakening in a global sense is very observable in today's scene. That brings with it both welcome blessings and risks. We have seen both.

I do not know that we can move effectively to shape it.

Senator GLENN. Can we use it? Are there some common threads running through all of these?

General HAIG. Well, it is certainly vitally important that we recognize that human frustrations at this juncture in history may offer opportunities. I hope they will. Again, you can go into various sociological theories and find, for example, the dialectic of the sensate age, the idealistic age, various ages that people process throughout history. I am not sure there isn't a great deal of wisdom in those observations.

I think the important thing is for us to recognize it, as you have suggested, and be prepared to deal with it, to analyze it, and hopefully use it for the advantage of good.

Senator GLENN. I do not like to look upon this as a negative thing. Well, let me first give you a little personal background. Years ago I traveled in Japan with a fellow who became a very good friend of mine. He was Japanese, a devout Buddhist, a member of one of these sects. I forget which one it is now.

Over the days we traveled throughout Japan together, I had my family with me. He gradually opened up from the normal Japanese

reserve and became more forthcoming about things. We were talking about family life, and I finally got around to the question of what Buddhism teaches him to teach his children.

He opened upon this and when we got down to the basics of how they live with each other, the relationship of one human being to another, it sounded more like me teaching Presbyterian Sunday School years ago. It was very little different, except he was calling it Buddhism, I was calling it Presbyterian Protestantism. Yet the basics that we were talking about, what we teach our children about how to live with other folks are very similar.

Are there some common threads like that through most of the great religions of the world that we possibly can build on? I know that is a very ethereal and unspecific question. But I think it is something that we should very carefully consider.

General HAIG. I think there is much merit to that, Senator, providing that we are not indulging in activities which in any way could be misinterpreted as an effort to either restrain or influence freedom of religious thought.

Senator GLENN. You mentioned communications. Let me shift gears a little bit. That is the next subject I was going to mention. How do we use this? We have such a communications explosion and capability around the world. It seems to me that our story since World War II has been very poorly told.

In the long term, the success of American foreign policy in general since World War II has been absolutely mindboggling. It has been great, far above anything that I think could have been expected at the time. Post-World War II we set out to help nations, and just look at what has happened to Japan, Korea, West Germany, to those nations that followed our role model in this, though not exactly the same. They are now outcompeting us.

This goad to the individual that free enterprise provides, collectively put together with millions of people, just springs nations ahead of anything in the socialist camp. And on the contrary, starting from the same base time point, the Soviets, look at their situation and what has happened. They have monstrous problems today. We may be seeing the disintegration of the Communist world beginning.

How do we tell our story better in communications, and in this explosion that has occurred? I do not think we have done a good job of it. I think it has been very poor. And yet, that could be a very major long-term determining factor in American foreign policy.

General HAIG. I agree with that, Senator. I think we can do a better job. Unfortunately, it is like every other endeavor. It requires resources, money and funding, and also a clarity and balance in approach, so that we do not put at risk, as we did in earlier years, the very validity of the concept itself.

Senator GLENN. You mentioned technology. I agree with that one. I think you will get into it, at least in part, in the State Department. I think we are now losing our research capability lead that we have had. It will have drastic effects in the long run on foreign policy, in our relations all over the world, in the long run if we do not recoup that.

As a percentage of GNP, we have gone down 26 percent in the last year of our money devoted to research, whereas West Germany has

gone up 45 and Japan up 74 percent. Of course, with our greater GNP we are still ahead. But the trends are all wrong and we are beginning to see other nations outcompete us in the world.

The Third World nations will follow us, who are technologically ahead of other nations, because they want some of the benefits of that too.

Do you see that as part of your job at the State Department, to further research? It is not really thought of as a State Department job.

General HAIG. I think it is a very important aspect of our international affairs, Senator.

Senator GLENN. The fourth one is resource interdependence, molybdenum or cobalt or something from wherever, which determines whether a nation has jet engines or not. And we are all tied together here. We are becoming increasingly interdependent.

Oil, I guess, is the greatest example of resource interdependence. I think that is another big tide that we are seeing right now that is going to do much in determining foreign policy, rather than be a maneuverable issue of a particular instance that we have been addressing here mainly on the committee.

I see that my time is up. I would only mention one other question, and I will not ask for your comments, although perhaps we could get back to this later.

I think in our time we have seen a fantastic change in the economic and military alignments that normally in the past have gone hand in hand. Now we have seen Japan come up as the No. 2 economic power in the world, with virtually no military power, although it has a few self-defense forces. And so we have assumed that load for them in part.

We also see the most fantastic transfer of wealth in the history of the world into the Mideast. It was \$45 billion 3 years ago, \$62 billion last year, and \$90 billion in 1980. We do not know what it will be this year. It is the most monstrous transfer of wealth in history.

How on earth do we repatriate those dollars? How do we get them back into world circulation again? And at the same time, they go to an area which, while it has economic independence, has not progressed militarily.

So here we are, once again sort of assuming that overall military safety net for those nations, at the same time we keep on transferring more and more wealth in there. That is a fifth area as I see it. I will not ask for your comment right now. We may want to get back to this a little bit later on.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you, Senator Glenn.

General HAIG. You commented on the extensive coverage that public radio and television, the networks, and the written press have given these hearings, which I think have contributed immensely to public understanding of these issues.

I did fail to mention that the Cable News Network is providing live coverage to more than 4 million households.

Senator Mathias?

Senator MATHIAS. Thank you, Mr. Chairman.

General Haig, a number of us who are members of this committee have at earlier times in our lives served as uniformed members of

the armed forces. You, of course, have been in uniform more recently than we have. This has been cited as an objection to your nomination.

But in some respects it seems to me your recent military service may prove to be an advantage, since you will be called upon to preside over an organization which is as dedicated and, in these days, perhaps as dangerous as service in the armed forces. You are, therefore, familiar with some aspects of the lives of Foreign Service personnel.

I have welcomed the presence in this room day after day of Mrs. Haig, who must be well aware of conditions under which the families of Foreign Service personnel live.

In your opening statement you made a very welcome tribute about the competence and the ability of the Foreign Service. But it has been my observation that the morale of Foreign Service officers is dependent to some degree on the living conditions of their families.

Let me, therefore, touch on some very mundane and simple questions. One that has troubled me, for example, is the question of children's travel between the post in which the family is living and the school which the child is attending in the United States. As an army officer, you are certainly not unaware of this problem. I am sure Mrs. Haig is not unaware of such problems.

Several years ago the Congress enacted some legislation which would provide a more generous travel allowance for the children of Foreign Service officers. Unfortunately, that effort ended up on the cutting room floor of OMB.

I am just wondering what your attitude would be to such housekeeping problems, which in my judgment can play a very major role in the ability of Foreign Service officers to attain their highest potentials.

General HAIG. Senator, you have touched on an area that has been a very important concern to me as the commander of American forces in Europe. Any concerns in that regard were not exclusively for our military personnel, but also for those at our isolated diplomatic posts.

I have been concerned that we have not done well enough for our uniformed people in the area that you are speaking of, but even more important, our diplomatic posts in isolated locations where there is no school, and where the family must accept a separation in order to accept a duty, which is frequently hazardous in its own right. And then they are plagued with a number of interlocking regulations that make it practically impossible, except at their own expense, even to see their children and families as a unit, except, as I said, at their own expense.

We tried with our Military Airlift Command and with the help of General Huyser, to make it easier to use Government transportation or priority lift to help these posts take care of their family units.

I am glad you have raised that subject. As one who has just come from the private sector, I can tell you there is a real difference between Federal service and private service in America, in corporate life where I have some experience. And I do not mean to suggest to you that every civilian is the president of a wonderful corporation as I was.

But I think we have some work to do across the board on pay, emoluments and remunerations for public service, despite all of the carping based on the popular assumption that it is very juicy.

Senator MATHIAS. Then you can assure this committee that if we would renew our efforts to improve the conditions of Foreign Service and if we could get our friends on the Appropriations Committee to renew their commitment to the Service, you will go to the mat with us with OMB and try to do something which makes life tolerable?

General HAIG. Progressively.

Senator MATHIAS. And which really will allow people to use their talents on the job and not hassle all the time with housekeeping problems that ought to be taken care of?

General HAIG. That is absolutely correct, sir.

Senator MATHIAS. On another somewhat related subject, it is interesting to walk down the corridors of an Embassy of the United States and look at the names on the door. You see the representative of the Department of Commerce, the representative of the Department of Justice, the representative of the Defense Department.

I believe that in the average Embassy today, at least according to Secretary Muskie, the ratio is about 26 percent State Department personnel as against 74 percent of other department personnel. This means that other departments are having a major impact on the execution of the foreign policy of the United States. These are people who are not directly subject to the direction of the Secretary of State.

This may be good, it may be bad. But it seems to me it has to be a problem for the Secretary to have some means of coordinating what people are saying or doing in the Embassies of the United States all over the world, to make sure, to use your phrase, that a single authoritative voice is heard.

How do you intend to wrestle with this particular aspect of the problem?

General HAIG. I think it is interesting, Senator, that today our State Department manning, our Foreign Service personnel, are at the same level that they were in 1960, although we have since almost doubled the number of nations with which we have to have representation, almost 150. Clearly this has been at the expense of American presence.

I have watched consulates closed in wholesale fashion throughout our host nations in Western Europe. The impact of that on America's ability to influence events, especially in the commercial area, enhancing our American business' ability to be successful in a highly competitive market over there, is devastating.

Now, of course, the Department has a responsibility, too, and that is to sharpen its level of skill and familiarity with other than the purely political aspects of our foreign affairs. That means a stronger expertise—and I do not like that word—in the business and the economy and energy, so that we are not accused, as we have been historically accused, of ignoring all of those things.

When an American businessman visits abroad, our Embassy should be an asset to help them open doors and achieve what is necessary for the overall good of the American people and our economy. So it is a two-way street, but it is a street that I think needs some very rapid and urgent tending, and I intend to do that.

Senator MATHIAS. Would you like to see State Department personnel take over some of the jobs that other Departments are now performing in embassies around the world?

General HAIG. Well, Senator, I would have to take refuge by saying that I have not studied it to the degree that I should before I pop off. I do think we have to speak with one voice.

Senator MATHIAS. Well, when three out of four people in embassies are not State Department people, it seems to me that that is a situation that needs some attention.

General HAIG. It does not sound right to me.

Senator MATHIAS. In your opening statement, on pages 13 and 14 you issued a call for consistency, reliability and balance in foreign policy. I do not think you are going to get a debate from anybody here on that.

But I think it might be useful to explore what you mean by reliability. You say that American power and prestige should not be lightly committed, but once made a commitment must be honored.

Now, what in your mind constitutes a commitment?

General HAIG. Well, of course, Senator, there are many ways that commitments can come.

Senator MATHIAS. That is right.

General HAIG. Such as a letter from the President to the Secretary of State.

Senator MATHIAS. If you put one serviceman on a beach, that becomes a commitment.

General HAIG. Absolutely.

Senator MATHIAS. Commitments are not necessarily verbal.

General HAIG. Not at all. An action can be a *de facto* commitment. A formal piece of correspondence, a speech, an executive agreement, a treaty—all can incur commitments.

I think when we deal with this issue, unlike so many others in human affairs, there is very little difference in relationships between states and relationships with one's neighbors. It is the pattern of day-to-day performance upon which assessments of fundamental reliability are made.

Senator MATHIAS. By which you lead another party to believe that it is a commitment?

General HAIG. Exactly.

Senator MATHIAS. In your judgment, when a commitment is made, whether it is by an act or by a formal document, is that commitment to individuals in power in a nation or is to the nation? This becomes a very troubling question.

General HAIG. Well, I suppose it could be to both or either, in the sense that with autocratic or authoritarian states you are dealing with one kind of problem, whereas with more democratic states, clearly the most important commitment is to the people.

I am talking about this not in value terms, but in terms of purely objective observation. In the final analysis, commitments must be to people, in my view, in both models.

Senator MATHIAS. So then you would say if the nations with whom we are dealing change the individuals in power with whom we made our commitment or to whom we made our commitment, the commitment might not then be binding?

General HAIG. That could be the case, yes, sir.

Senator MATHIAS. Suppose the policies of the individuals with whom we made the commitment are changed. Does our commitment hold in

the case of drastic change of policy? I am not talking about some day-to-day variation, but drastic changes.

General HAIG. No, and I think most international agreements, commitments, treaties or anything else have escape clauses which provide for that in the case of formal agreements; while diplomatic practice provides similar grounds in the more informal cases.

Senator MATHIAS. But no matter what the individual does within his own country, the commitment in your judgment would be a firm commitment?

General HAIG. Oh, no. I think if the basic conditions under which a commitment was undertaken were to change, a committed nation has every right to reassess whether or not it is still binding.

Senator MATHIAS. I am happy I asked that followup question. I guess I had misunderstood you.

General HAIG. I am sorry if I had conveyed that impression.

Senator MATHIAS. My time is up. But I do think, Mr. Chairman, if I could explore this final question. What should be the extent of commitments? Certainly every commitment we make shouldn't require us to fight World War III tomorrow. Some would require more of us than others.

How do you differentiate between commitments and the degree of trouble they are going to lead us into?

General HAIG. Well, again, this is a philosophic question. Referring to my formal statement, a commitment must be entered into with great care, and with the understanding that once made, we are bound. I think as a general practice, whatever the commitment is, we should assume that if something can go wrong it will.

Senator MATHIAS. That is the answer I had hoped you would give. That is, you decide, if you make the commitment, what kind of trouble it will get you into and not have to decide that somewhere down the road after you are already on the hook.

Thank you.

The CHAIRMAN. Thank you, Senator Mathias.

Senator Helms has yielded back his time, but has asked for 1 minute to respond on this particular subject. He has such time as he desires for that purpose.

Senator HELMS. General, I just wanted to clear up one thing in my mind in reference to Senator Mathias' questions concerning Foreign Service officers and the shortage of them. Is it not the fact that there is a surplus of them and right now a vigorous campaign is going on to place these surplus Foreign Service officers with the Commerce Department and with the other departments? Is that not a fact?

General HAIG. Well, Senator, I think that has to do with grade creep, probably, and we may have an excess of people in higher grades. But I would have to get very familiar with the facts, the details, and the analysis. It is a dangerous thing for me to pop off without that information.

Senator HELMS. Mr. Chairman, I just wanted to make my own understanding of this matter part of the record. Thank you, sir.

The CHAIRMAN. Thank you, Senator Helms.

Senator Sarbanes?

Senator BOSCHWITZ. Were we going to recess at 11, Senator?

The CHAIRMAN. Yes; we did call for a recess. Thank you, Senator. We will recess for 10 minutes.

[Brief recess.]

The CHAIRMAN. General Haig, we will resume our questioning with Senator Sarbanes.

Senator SARBANES. Thank you, Mr. Chairman.

General, I want to address for a few moments the topic of the Government's responsibility to tell the people the facts and the truth. First, do you perceive a difficulty in a democracy in reconciling the people's right to know with the need to undertake deliberations and actions which cannot be made public?

General HAIG. I think from time to time we have had difficulty sorting out this contradiction, and I think it is a sensitive issue that must be dealt with with great care and thoughtfulness.

Senator SARBANES. What are your guidelines for addressing that difficulty?

General HAIG. I think in general, democracy is best served by sharing, again based on judgments that only political leadership can take and will be held responsible for concerning what they consider to be in the best public interest; but in general, openness is a contributor to the essential support that our people must give to policies that are sometimes controversial.

Senator SARBANES. In that regard, how important is it that Government decisions be made through regularly established channels?

General HAIG. I think very important. I think we cannot permit ourselves to be frustrated by the realities of the current environment in Washington of the kind Senator Biden talked about, that is, the leakage problem. Sometimes that takes a great deal of persistence and requires a number of failures and disappointments.

Senator SARBANES. In view of that answer, what would your thinking be on the way the Cambodian bombing and the Chile Track II operation were handled?

General HAIG. Well, with respect to the Cambodian bombing, I think it was very much in line with past practices in American history.

Senator SARBANES. Did those practices trouble you at the time?

General HAIG. Not as long as I was assured, as I was, that the appropriate leaders of the Congress were informed. I think in the context of past practices, no one is perfect. No administration is impeccable in these areas, and I don't suppose the Nixon administration was; but I think there is not a great deal of reason to question that aspect of the problem.

Now, you can question whether or not the program itself should have been launched. There I am on the side of being very much in favor of it. I fought in that conflict, I know what those sanctuaries provided to the enemy, and I thought it was self-defeating for us to permit them to enjoy those sanctuaries in that narrow strip of land adjacent to South Vietnam.

Senator SARBANES. Now, what about the way the Chilean Track II was handled?

General HAIG. Well, again, everybody's perception is conditioned by level of involvement. I knew a great deal more about Track II after the event as I prepared for required testimony in 1975 than I think I knew at the time.

I think in hindsight that that is something that is not ever going to happen again: in other words, that there were established mechanisms, a 40 Committee designed to deal with covert activity, and there was a separate track established; but, you know, there were "tracks" developed in other administrations.

So again, I want to be sure that we don't single out one particular phase in our history and suggest that it was unique and, as a consequence, something very different. There were tracks in Mr. Kennedy's administration on the Cuban problem, outside of the old 303 Committee, that is clear, and history has confirmed it.

Senator SARBANES. It is my understanding that the Secretary of State at the time was not aware of the Chilean Track II operation. Is that your understanding?

General HAIG. I think that is probably true, yes.

Senator SARBANES. What do you think of a decisionmaking process that excludes from it the Secretary of State with respect to an action of that sort?

General HAIG. It had better not happen on my watch.

Senator SARBANES. What did you think of it then?

General HAIG. I wasn't in a position to focus on it in the context of your question.

Senator SARBANES. Did you make a value judgment about it then?

General HAIG. I wasn't really sensitive to whether I should or shouldn't because I was not a functionary in the formal development of Track II. My recollections of the situation are that I was asked to take some reports from the Central Intelligence Agency, and I served as a conduit for a number of reports that were received, which I learned later were under the format of Track II.

I didn't sit in on the 40 Committee meetings. Frankly, it wasn't an issue that I focused on, Senator. I think it is very important that that be understood here.

Senator SARBANES. Well, that echoes something you said the first day, when you remarked,

If I were to go into the kinds of value judgments your question would suggest, it would also convey a role that I did not occupy at that time. I would hope that would be understood first and foremost in the context of your question.

I then responded to that and said, "I think that is an important point for you to make in terms of how you perceived your position. I will return to this point." Then my time expired.

I said at the very outset that you had considerable abilities but that I was interested in the values and goals to which those abilities would be directed, and that therefore we need some sense of your value judgments with respect to the matters which you address in your appendix to your opening statement.

What are your value judgments about them?

General HAIG. Well again, in the context of the conditions that I stated earlier and reiterated a moment ago, I think if a government is properly organized and established and procedures are correctly put into place, then as a rule those procedures should be followed.

Senator SARBANES. Let me go through this in sequence here. In terms of your own value judgment, do you think that the wiretaps should have been put on for, first, your fellow staff members of the National Security Council?

General HAIG. I think my first answer to that question is to refer you to my statement in the annex dealing with the subject of wire-tapping. I would like to read it to you, Senator.

This committee has considered the issues raised by this program twice, once in 1973 and once in 1974. The first time, this committee voted 16 to 1 to confirm Dr. Kissinger as Secretary of State, noting: "Mr. Kissinger's role in the wire-tapping of 17 Government officials and newsmen did not constitute grounds to bar his confirmation as Secretary of State."

Later this committee held a special hearing solely to review the events surrounding those wiretaps. Based on this investigation, this committee voted again that the wiretaps provided no basis to question the propriety of Dr. Kissinger's serving as Secretary of State, and said: "The committee reaffirms its position of the last year that his [Dr. Kissinger's] role in the wiretapping did not constitute grounds to bar his confirmation as Secretary of State." If the committee knew then what it knows now, it would have nonetheless reported the nomination favorably to the Senate.

Now, I think you know, Senator, that I have testified extensively before this committee on this subject and all the issues related to it. I think you know that in a recent civil suit, the judge concluded that my role was an inactive one and that I had a lack of oversight authority and therefore I was eliminated from the list.

Senator SARBANES. General, let's proceed on the premise that you were not there and had absolutely nothing to do with it. My question is: What do you think about it? What is your value judgment about that practice?

General HAIG. I think in today's environment, largely as a result of all of the controversy associated with that incident, it no longer would make good sense unless you had some very firm evidence that a member of the staff was engaged either intentionally or accidentally in putting the vital interests of this Nation at risk, in which case you would then follow the procedures established, which I believe include going to a court of law to obtain from a judge a warrant to execute the tap.

Senator SARBANES. Well now, does that mean you think it was right to do these wiretaps then?

General HAIG. In a practical sense it was a very damaging thing to do.

Senator SARBANES. I understand the practicalities. I am trying to find out whether you think it was right or wrong, and under what circumstances you think it is right or wrong.

General HAIG. I think under unusual circumstances it is a course of action that must be considered.

Senator SARBANES. In this instance, since we know those circumstances, was it right or wrong?

General HAIG. It is hard for me to answer that question since I did not make the decision. I do know this: that the very issue that Senator Biden talked about this morning, the hemorrhaging of vital national security information, clearly by people—and there were only a select few—who had access to that information, would be a contributor to that kind of decision made by the President, the Attorney General, and the Director of the Federal Bureau of Investigation.

Now, I did not contribute to that decision. I had no role in it other than to know that it was in conformance with procedures which I was assured had been followed up to that time by every American administration and every American President since World War II.

Senator SARBANES. What I am still trying to get at is whether you think it was right or wrong. Let us concede that you had nothing—

General HAIG. It is really a question that I can't answer for you, Senator, because I just wasn't in the vortex of the pressures under which a constituted political authority had to make the decision. I think you know what I feel on the practicalities of it.

Senator SARBANES. Well, that raises the next question, and that is whether your notion of the limits upon the use of power and authority relate to whether they will produce successful results, or whether there is another applicable standard which leads you to make the judgment as to whether it should or should not be done.

General HAIG. Well, I think I have commented at length on my views on that. I just did a few moments ago when I spoke about the dangers and pitfalls of modern populism, where politicians play only to headlines instead of to the dictates of their conscience. I think one's conscience is the deciding factor, and if a particular course of action affronts that conscience, he has either to oppose it or to separate himself from the decision.

Senator SARBANES. You indicated that on the opening day. I am concerned about the reports, at least, about your reactions to people to whom orders were given to do certain things during this period which they refused to do. Were they not acting on the basis of their conscience?

General HAIG. You would have to be somewhat more specific, Senator.

Senator SARBANES. Well, Attorney General Richardson and Deputy Attorney General Ruckelshaus, to name two, who then resigned from office. Was that not an honorable course of conduct for them to follow?

General HAIG. I think it was the ultimate of an honorable course of action. I don't think you would ever have found me to say otherwise, unless you have some information that I am not privy to.

Senator SARBANES. Weren't you upset that they did not adhere to your order or your instruction to them?

General HAIG. Not at all, Senator, and I am glad you raised this issue because I think this committee should be aware of precisely what happened. There has been so much distortion, so much dishonesty, so much libelous reporting on this situation in our press, so much.

On the day Elliot Richardson decided, for his own reasons, as a matter of conscience that he could not execute the President's order—and that was a Saturday morning—he called me on the phone and told me; and since he had participated in the formulation of the plan itself, a plan which the lawyers developed and the lawyers dealt with on both sides of the issue, I said, "Elliot, it is important that you come down here and speak to the President himself and inform him of your decision."

He did so, and in the context of informing the President of that decision, he said, "Now, that is also the view of Mr. Ruckelshaus, and if Mr. Haig will go to his office and call Mr. Ruckelshaus and tell of this decision and ask him if he is ready to serve, he will answer no. He should then call the Solicitor General, Mr. Robert Bork, and Mr. Bork will answer yes."

That is precisely how that situation occurred.

Senator SARBANES. Would you have done what they did if you were in their position?

General HAIG. If my conscience told me that I couldn't in good conscience carry out that decision, I would have refused, of course. I just did something similar, incidentally, in resigning my NATO post.

The CHAIRMAN. General Haig, may I ask a clarifying question? Was Elliot Richardson as Attorney General in a sense an architect of the plan that had been developed and he knew exactly what the responses would be and helped to formulate the procedures that were followed?

General HAIG. He participated in that plan. Now I must say, in fairness to him, that his agreement the day before to implement that plan—in fact, he helped to construct it, from my recollection, and I sat there as the attorneys discussed this at length—was as an alternative to something that was far more drastic.

Senator SARBANES. Do you think his discharge of the Special Prosecutor would have been in violation of the commitment he had made earlier to the Senate Judiciary Committee at the time of his confirmation?

General HAIG. I am sorry, sir; I missed that.

Senator SARBANES. Do you think that his discharge of Special Prosecutor COX would have been in violation of the undertaking he had made to the Senate Judiciary Committee at the time of his nomination?

General HAIG. I really can't answer that. I don't think he felt necessarily that it was, or he didn't the day before, and our attorneys did not feel that it was. Now, this is a matter of law by experts. Even to this day, I would rely on an attorney to make that judgment.

The CHAIRMAN. Senator Sarbanes, your time has expired, but because of the line of questioning, Senator Helms did yield some time that was not used, and the Chair would, with the permission of your colleagues, let you continue this line of questioning if you would like to at this time to keep continuity. I think the point you are on is an important one.

Senator SARBANES. I will come back to it.

Senator DODD. Mr. Chairman, let me just follow up one question. You just said, Mr. Haig, "I did it" a minute ago, and I wasn't sure what you meant by that. Before you leave this, I would just like to know the answer to that question. General, in response to Senator Sarbanes' last inquiry regarding Mr. Richardson, you just said, "I did it." The question was, would you have done the same thing?

General HAIG. No. I found my conscience couldn't permit me to continue on my post in Europe recently because I was in such profound personal disagreement with the policies of our Government, so I discontinued that tenure.

Senator SARBANES. How do you distinguish that action, then, from continuing on in the White House at the time of these very serious abuses of power?

General HAIG. Would you please repeat the question, Senator?

Senator SARBANES. How do you distinguish that decision, which you assert is one of conscience, from continuing on at the White House at the time of these very serious abuses of power?

General HAIG. Very simply. If everyone were to indulge in the option of refusing to serve in a unique period when our Republic, I think, was in danger, heaven help us all. I felt an obligation to do the best I could. I did that.

Senator SARBANES. Accepting that response for the moment, what was your value judgment about the things that were happening?

General HAIG. I found tremendous abuses on both sides, on both sides.

Senator SARBANES. On both sides?

General HAIG. Yes.

Senator SARBANES. Meaning what?

General HAIG. I think that was a period comparable in history to the worst of the so-called McCarthy era in many respects. Unfortunately, there were many abuses that justified it, as well. The real problem was to sort out and continue on an even keel as best we could within the dictates of one's conscience and the rules of law, and I never made a move without checking with White House counsel.

Senator SARBANES. I understand the assertion in your statement that in each instance you acted pursuant to counsel's advice that the course was, at least as they saw it, legal. The more fundamental question is again your judgment as to whether what was happening was right or wrong.

General HAIG. Is that a statement or a question?

Senator SARBANES. It is a question.

General HAIG. I think the overriding problem during the Watergate period was, as I said during my statement, to give the duly elected President of the United States an opportunity under established procedures to establish his guilt or innocence, just as we would provide for any other American citizen; to be sure above all that this country continued to function effectively in a very dangerous international climate and in a growing economic crisis here at home; to attempt to work with this Congress to keep it responsible, and never flirt with solutions which would have been extraconstitutional. It did, thank God, thanks to the leadership of some very fine Senators.

To be sure, in every step along the way, the American people had a right to know and to make their judgments. I think they did. I think, above all, I wanted to be sure that our system had an opportunity to work, and that populist or extraordinary measures driven by emotion or hate or bias, for whatever reason, did not become the standard of the land. It did not, and I thank God for that, Senator.

Senator SARBANES. Why wouldn't the overriding objectives have been to ensure that the Constitution and laws of the country were maintained?

General HAIG. There is nothing that I said that isn't totally consistent and, indeed, reinforcing of that fundamental premise.

Senator SARBANES. I am interested to note that it has not been put forward as the most essential objective at the time.

General, I will come back to that. It would obviously be helpful if one could get a sense from you of your value judgments about certain of these incidents. It helps to give one some ability to project how you might use power and authority in the future; therefore, I think it is a highly pertinent and relevant question.

It is very difficult to get that from you. You say, "Well, it wouldn't have happened, this is the way it happened, the lawyers said to do it. I am really asking you what you thought about what was happening, and the only real response I think I have gotten is that you thought there were some tremendous abuses on both sides and that you likened it to the McCarthy period.

General HAIG. Well, I hope that is not what you derive from the extensive comments I made, Senator. If you did, then it is not going to be very easy for me to answer your questions ever—to your satisfaction. I hope that is not what you derived from what I said.

Senator SARBANES. Is that your view, that it was an era? What is your value judgment of that era and those events?

General HAIG. I think in a public forum I would have to be somewhat constrained to answer in totally frank terms the nature of that question. I am inclined to think that is the right position to take. On the other hand, I can go far enough to suggest to you that mistakes were made; clearly they were made. No one has discounted the fact that they were made. I didn't make them. I wasn't there when they were made.

I had to inherit the situation and the consequences of those mistakes and to do my best to keep the country on an even keel to the degree that my authorities and responsibilities provided, to count heavily on counsel and advice from those who were trained in the law. I did that.

I never—and this must answer your question or you have another problem I am not aware of—I never willingly, consciously or unconsciously, participated in an act that I considered to be immoral and, above all, illegal. I didn't do it then and I haven't done it in 37 years of military service to our country, including fighting in combat in two wars; and I am somewhat surprised at your persistence on this subject in the light of the questions I have answered repeatedly for 3 days before this committee, including last night.

Senator SARBANES. I don't think you should be surprised and I understand your assertion that you didn't. I indicated earlier in asking you a question that you could remove yourself totally from the situation in terms of the assumption of the question, be completely outside of the scene, and then offer your value judgment of what occurred. The difficulty is that every time that question is asked, you interpret it to mean that you then had some involvement in what occurred.

I want to know what you thought about what occurred. Let's assume for the moment that you were not there at all.

General HAIG. Well, I think it is probably one of the greatest tragedies that ever has befallen our country. I thought that about it, and I think it would be an equal tragedy to try to resurrect it, to have it reborn. If I thought that were the issue, I wouldn't be sitting here today, Senator.

Now, what do you expect me to say? What is it you are after, something that you want me to say that you have been unable to get from somebody else with respect to that tragic period in our history?

Senator SARBANES. What I am asking you for is some indication of your value judgment of what took place.

General HAIG. I think I have answered the question completely. I have not ever indulged in something that was wrong or illegal. I did not during that period. Others did. That is clear. The record is clear.

We saw the volumes of it. What is my observation going to contribute to this? Do you think I am going to endorse what was done? In no way, on either side. I want to be sure that balance is kept because there were tremendous abuses on both sides, honest differences between honest men. That is what government is all about, even when there are seamy aspects of government. Nobody has a monopoly on virtue, not even you, Senator.

The CHAIRMAN. Thank you, Senator Sarbanes.

Senator GLENN. Mr. Chairman, might I ask just one question along this line?

The CHAIRMAN. Surely.

Senator GLENN. I think the question is whether you passively accepted what was going on around you as opposed to actively opposing it. The question would be did you ever at any time state to the President, Mr. President, or Dr. Kissinger: That's wrong, it's illegal, it's immoral, I object, I am not going to resign because I want to stay on in the White House? Did you ever do that?

General HAIG. No, no, no, not at all. Not in the way you put it. I never went along with, recommended, supported anything I believed to be illegal. I can assure you on occasions such proposals came up from one source or another, and in every instance I fought it, rejected it, and prevented it. I think the record is very clear on that.

Senator GLENN. Did you ever say to the President or to Dr. Kissinger: That's wrong, Mr. President, it's illegal, it's immoral because I think that would get to the heart of what Mr. Sarbanes has been pushing for.

General HAIG. Why, of course; but it wasn't because Mr. Kissinger or the President were concocting some illegal course of action. It is in the conduct and flow of things that appropriate and inappropriate suggestions and proposals are made. They are in your office, I am sure, every day of the week. My position, to the best of my ability, would always be just that, and I don't know of any incident that has been raised here or in the past that suggests to the contrary. If you have something, please, let's hear it.

Senator SARBANES. General, you keep putting the question in terms of placing on you the decision for the activities. That is not the question I am asking you. The question I am asking you is your value judgment of the activities. I think we have probably gotten as much from you as we are going to.

General HAIG. Well, let me please repeat again my answer. I worked to the best of my ability to preserve the Constitution of the United States, the law of the land and the freedoms of our people. That has been my motivation throughout 37 years of public service. It didn't change during that brief 18-month interlude, which perhaps had I been sufficiently smart I would have turned down the President's request to come and serve. There was nothing in it for me, Senator. I was enjoying a four-star billet as vice chief of staff in the U.S. Army, the one position I had aspired to for a good part of my professional career. So please keep your questions in context.

Senator SARBANES. General, let me make one other thing very clear, and that is that I don't believe any person has a monopoly on virtue.

General HAIG. I hope not.

Senator PELL. Mr. Chairman, I have one question.

The CHAIRMAN. I yield to Senator Pell.

Senator PELL. I have one question for clarification. When you say "the other side," are you referring to this committee, Senators Fulbright, Case, Church, Cooper, McGovern, myself and others of us who fought that war very hard and thought it was wrong?

General HAIG. No, not at all.

Senator PELL. Who do you mean "by the other side"?

General HAIG. Now, you see, I suppose I could accuse you of what you just accused me of.

Senator PELL. But who is the other side? That is my question.

General HAIG. Senator, the newspaper reporting, the charges that were flowing back and forth during that period, were mindboggling. You know, there was enough in its own right to worry people, but what was added to the milieu was absolutely outrageous. You know, I can remember a Friday night getting a call from a very well-known American news publication which was going to press that night and we had an hour to answer the charge that President Nixon had built a toll bridge from Florida to Paradise Island and he and Bebe Rebozo were collecting all of the tolls, you know; and that was reported responsibly, I must add. [General laughter.]

That is the kind of climate I am trying to describe. I think we were all victimized by it. I think you were, and I know I was, and I hope you all understand that that is the demeanor. If it had turned out the other way and everything had proved out to be a total fabrication, you might be sitting here and I would be up there charging you with disingenuous attitudes or suggesting immoral actions.

The CHAIRMAN. General Haig, maybe we could resolve this with just a possible one-word reply to a simple question, the question of moral value. Taking into account that you did not know what had gone on, you discovered what was occurring—the break-in, the coverup, and all of the other things. Did you feel as a moral value that—

General HAIG. If the Senator wants my comment that I think the break-in was an atrocious affront, I will say that yes, I think it was terrible.

The CHAIRMAN. My question simply is, did you feel as a moral judgment that what went on on both sides was wrong?

General HAIG. Both illegal and stupid.

The CHAIRMAN. But it was wrong?

General HAIG. Wrong, of course, but I knew nothing about that until after the fact.

The CHAIRMAN. I think that answers it forthrightly. Thank you very much, indeed.

General HAIG. I think President Nixon, if he were here, would have said it was stupid. [General laughter.]

The CHAIRMAN. Senator Boschwitz.

Senator BOSCHWITZ. I have no questions, Mr. Chairman. But I will yield to Senator Pressler, who does have questions.

The CHAIRMAN. Senator Pressler.

Senator PRESSLER. Thank you, Mr. Chairman.

If I complete this, my last round of questions, I will yield to Senator Kasten. I would like to complete the issue of arms control now.

The CHAIRMAN. To yield to the distinguished Senator from Wisconsin, a nonmember of this committee, would require unanimous consent.

Without objection, within your time period, at the point of your

choosing within your time period you may yield to the distinguished Senator from Wisconsin.

Senator PRESSLER. I will likely use most of my time. If so, perhaps I could yield to him on the next go-around if he has more questions. But I will take care of that later.

Senator ZORINSKY. Will the 15-minute time limit be utilized?

The CHAIRMAN. The 15-minute limit will be adhered to. There has been no time yielded, as there was in the last case when Senator Helms yielded to the minority.

Senator Pressler.

Senator PRESSLER. This is my last round of questions on arms control. I would like to go through, just very quickly, some questions that I have not covered. One is on Presidential Directive 13, which President Carter set on "Guidelines and Prohibitions for U.S. Arms Transfers," and so on.

Do you intend to seek a revision of Presidential Directive 13? Do you believe there should be firm guidelines, like those in Presidential Directive 13, to be used in making judgments about individual arms transfers?

General HAIG. In general, I think every arms transfer action should be very carefully considered. That is not a suggestion that they are wrong, in general; but I think they bring certain obligations and de facto commitments that require careful thought.

It's a great asset, incidentally, for our foreign policy.

Senator PRESSLER. Specifically, will you seek a revision of Presidential Directive 13, which President Carter issued, which laid out seven prohibitions on the transfer of arms? I don't know if it even is being followed, some of it is so vague.

General HAIG. Well, I think it needs a complete restudy and probably a major modification if we are to continue it in the books.

Senator PRESSLER. To what extent will a country's human rights performance be used to determine U.S. military aid and arms transfer policy toward that country? Can you conceive of circumstances in which you would recommend military aid be cut off for human rights reasons?

General HAIG. I don't discount that possibility at all. I think it has been overused and it must be carefully considered, along with a number of other desirable, and sometimes essential, considerations.

Senator PRESSLER. As NATO Commander, you supported a large military aid program for Turkey. Congress has, in the past, resisted a larger program, especially when the assistance was grant in nature. In addition, Congress has tried to establish the principle that military aid to Greece and Turkey be provided on a 7-to-10 ratio. I guess this question is also addressed to the total Turkey-Greece-Cyprus question. Do you think Turkey should receive grant military assistance? Do you think that the U.S. military aid to Greece and Turkey should be provided on a 7-to-10 ratio? What do we do about Cyprus?

General HAIG. That is an extremely delicate question and I know how delicate it is because I have worked with it intensely for the last 5 years.

Incidentally, I am extremely pleased that a recent decision by the Government of Greece and the Government of Turkey is going to permit the reintegration of Greek forces into the command structure.

I have been a strong proponent for the necessity of providing both military and economic assistance to Turkey. I worked with the Federal Republic of Germany to get them to fill the gap—and they did—when the U.S. Government's official position was not to do enough for Turkey.

Greece is an absolutely indispensable partner in the overall Alliance. If the Greeks, too, need a degree of help and assistance, I would not, in general, endorse any particular prorated formula, but rather would hope that we make our judgments on the context of need and the ability of the nation to provide, plus a number of other, perhaps less quantifiable, political considerations.

The Cyprus situation, as you know, is one of long standing, and I would hope that in the period ahead the parties would themselves recognize the vital importance of continued allegiance to the West. I am pleased to see that Greece has just joined the Economic Community and will have the wisdom, the prudence, and the patience to work out a justly responsible, step-by-step improvement in the Cyprus situation.

Senator PRESSLER. In concluding my questions on arms control, there is a feeling that the arms control process will be slowed down substantially under the new administration. I know that you said that you want to continue the process. But I want to get just a final comment in the arms control area from you before I close and yield my time, with unanimous consent, to Senator Kasten. Would you just make a statement on your feelings overall toward this process in the next 4 years? Presumably you will be Secretary of State during that time, and hopefully longer. The arms control process will continue, I am sure. The Mutual and Balanced Force Reduction Talks will go on, as they have gone on, for a long time and there will be new initiatives. But there is a feeling that this administration will substantially take a step back unless we have superiority. There is a feeling that this is your approach, that actually arms control will kind of have a much lower priority in fact.

Would you make sort of a final statement on how you see arms control, how you feel about it over the next 4 years?

General HAIG. I think arms control is an extremely important, high-priority item for the Department of State and for our entire Federal bureaucracy associated with national security affairs. I think President-elect Reagan has commented on that explicitly during the campaign. I know it will be a high priority on our agenda for the future. It is too important work to be otherwise.

Senator PRESSLER. Mr. Chairman, I ask unanimous consent to yield the remainder of my time to my colleague and friend from days in the House, though he is not a member of this committee, Senator Kasten, of Wisconsin.

The CHAIRMAN. Without objection, the request is granted.

Senator Kasten, we welcome you to the committee.

Senator KASTEN. Thank you, Mr. Chairman.

While I am not a member of this committee, I have taken a special interest in these confirmation hearings because of my responsibility as chairman of the Foreign Operations Appropriations Subcommittee.

I want to thank the chairman and the minority very much for the opportunity to join you, and I thank Senator Pressler for yielding a portion of his time.

General Haig, your performance before this committee has served to underscore and reinforce my strong belief that President-elect Reagan's nomination of you as his Secretary of State was a superb choice. I look forward very much to working closely with you, especially in my capacity as chairman of the Appropriations Subcommittee.

It's clear that recent events have caused the American people to feel that our allies, especially our European allies, have not been very forthcoming with their support of a number of our initiatives. During the summer, at the plant gates while campaigning, this was a question that kept coming up among average people, who were wondering what is happening in our world.

I listened with interest to your response to Senator Pressler's questions a couple of days ago on NATO contribution and the fact that if you could switch places with some of the leaders in Germany, they would point out the sacrifice they are making. But I am not talking about the military contributions.

It is the feeling that I guess was expressed when we tried to get a united front on the situations in Iran or a united front on the situation in Afghanistan—the whole array of foreign policy initiatives and decisions.

To the extent that this lack of support is real—and I would assume that you would agree that yes, there is a lack of support, or at least a change in the levels of support over the past several years—do you ascribe it simply to the recognized failures of the current administration or does it go more fundamentally to our allies' current views of us, as a nation, to their commitment to us, and to our overall relationship with them?

If that is the case, that it is a fundamental change that is taking place, what can we do to, once again, make this alliance a meaningful one, a strong one, one that will respond with a tough and unified voice if, in fact, that is called for, as I think it was in the situation in Iran and Afghanistan?

General HAIG. Senator, I think first that this alliance, which has been the vehicle for preserving peace, stability, and progress in Europe for some 36 years now, always has been plagued with the kinds of controversies and criticisms that we feel today. It is correct that we should feel them more sharply because the world's situation has become less tolerant of those past frictions and difficulties.

In answer to your question, I think the first and foremost conclusion that Americans must recognize is that in a post-Vietnam and post-Watergate America, confidence worldwide in America is badly shattered; and that whoever occupied the Oval Office during that critical period had to be both extremely sensitive to that fact and to pursue policies which would tend and hopefully mend and ameliorate those concerns.

That required what I put in my opening statement: a reaffirmation of American consistency of policy, reliability, relevance to global events wherever they occurred, but to do so in a way in which there was

a greater partnership and burden sharing because America, in a new world, can no longer carry the burden alone.

Many of the policies instituted in 1966 were diametrically opposed to that. By and large, I think they aggravated the problems, although they got better in subsequent months and years. I don't attribute anything to that but misreading the environment. I don't attribute bad motives. They were honest men, honest mistakes.

Senator KASTEN. To misreading the environment. In other words, they were just honest people making honest mistakes?

General HAIG. Yes. But I think the American people have felt that these mistakes must be rectified. I think we here have a clear mandate to seek to improve our performance abroad, and I intend to participate in that if I am given the opportunity.

Senator KASTEN. Thank you.

In earlier testimony, you indicated a general support of the World Bank and the other multilateral development banks. One deep concern that I have with respect to the activities of a number of these institutions—frankly all of these institutions—is the growing indebtedness of the recipients of these loans and their increasing inability to, in fact, repay. We keep rolling over the old debts and we kind of look the other way. And, at the same time, we are hearing a cry for more and more aid.

Could you give us your thoughts on this problem and particularly the problem of just rolling over these debts and seeing this ever-increasing potential problem with no apparent solution?

General HAIG. I think it is an extremely serious situation, whether it is multilateral or bilateral. We look today at the consequence of the debt-servicing obligations of recipient nations which are increasingly caught in the crunch of escalating energy costs, and the prospect in the future of sorting this mess out is very grim.

We heard Senator Glenn quite correctly talk about the recycling of OPEC funds, which I think was somewhere in the neighborhood of \$120 billion last year. These are horrendous problems. I don't have a solution for them but there is one thing of which I am convinced: they are not going to be solved unless those of us who share common values, our allies in Europe, our allies in Asia and in this hemisphere—we have to pool our collective energies, resources, talents, skills, and policies in an effective way to try to work out this problem. That is the essence of the term "interdependence." Like it or not, we are in an interdependent world.

Senator KASTEN. One of the questions that is raised by a number of critics of the multilateral development banks is that more and more the decisions are being made by a group of people who are referred to as international bureaucrats and at the expense of the interests and the positions of the United States and others. Would you comment on the increasing activity of this group of "international bureaucrats." Are they making too many of the decisions? Should we be doing things to limit their scope? How would you formulate and set policy, particularly in the multilateral development banks, so that we can see a more consistent and pro-American point of view?

General HAIG. Well clearly, in general, although Senator Mathias corrected me with some very impressive statistics the other day on the

subject, it has been my impression that our voting power has never matched our contributing power. That is true in almost every multinational operation we have indulged in. I don't think that is all bad because, clearly, when many of these things were launched, we enjoyed an unusual economic superiority.

Those days are gone. We don't enjoy that superiority anymore. I think it is important for us to assess and reassess very carefully our voting weight, the kind of voting that the body itself indulged in as a consistent reflection of its consensus view, and our contributions. There has to be some balance among all three.

Senator KASTEN. Thank you, Mr. Chairman.

Once more, I appreciate this opportunity.

The CHAIRMAN. Senator Kasten, would you wish to request additional time to complete your line of questioning?

Senator KASTEN. I was very pleased with the final response and I think I will stop while I am ahead.

Thank you.

The CHAIRMAN. Thank you very much.

Senator Zorinsky.

Senator ZORINSKY. Thank you, Mr. Chairman.

General Haig, one of my initial questions yesterday concerned an article that had been printed in the New York Times and the same matter was aired on NBC network television. The article and the television program referred to the name "Clawhammer."

Yesterday you informed me that it was the first time you had heard of that article's appearing and the network's airing of that particular item. But today it should not be new because yesterday you heard of it from me. I don't know if you have done any research in the interim.

Upon returning to my office after the questioning yesterday, I received numerous phone calls from throughout the United States. Those people who called said that I, and they, had not received a yes or no answer from you as to whether you had denied or affirmed that you made comments aboard Air Force One to the effect that the tapes should not be given to anyone until you get back.

So my purpose today is not to judge the propriety of the statement but to get an affirmative or negative answer. My colleague, Senator Tsongas, remarked just the other day on the significant memory that you demonstrated when it came to a Chilean woman talking to you about an event. You indicated that it was an emotional event, and you remembered every word of it.

General HAIG. And it just occurred recently. It happened within the last 2 years.

Senator ZORINSKY. Would you be able to remember whether you made those comments aboard Air Force One?

General HAIG. No; I don't recall ever making such comments, and I am highly suspect of the source of those comments.

I don't know whether you have had an opportunity to check that, Senator, and I am sorry that our discussion trailed off in such a way that you didn't get an answer to your question.

Senator ZORINSKY. Then the answer is no? Is that what you are saying?

General HAIG. The answer would be a flat no—unless a lawyer or a President had ordered a temporary hold on something for some reason.

But I don't even recall the incident, and I'm not sure it even happened. I was accused of something last week categorically here, in the current milieu, which is just totally outrageous.

Senator ZORINSKY. It would be difficult for me to ask you, "Is that your voice on tape?" without you hearing the tape. In the event that I do obtain that tape, would you be amenable to listening to it to see if you could identify your own voice?

General HAIG. Of course.

Senator ZORINSKY. With respect to those comments about the releasing of tapes your answer is a categorical no, that you did not make those comments?

General HAIG. That I would not order anyone to withhold taking of the tapes. Now the President might have ordered this. He had the authority to do that at the time. But if it were a temporary hold because of some fast-moving situation—and I couldn't conceive of its being anything else if it were a telephone call from an aircraft to the ground—I just say that all of these things, as questions are asked, have to be put into an appropriate context.

Senator ZORINSKY. Also, you answer negative to the term "Clawhammer" ever having been ascribed to you?

General HAIG. Oh, no, no. That was my code name, but it was well known around town.

For telecommunications, as they do today, everyone had a code name. But it was unfortunately well known. It used to be written about in social columns, as were others.

Senator ZORINSKY. But generally, only one person at a time aboard *Air Force One* had a particular code name. The names were not duplicatory. So, in effect, when this transmission said "Claw Hammer," there couldn't have been two Clawhammers.

General HAIG. Oh, no. There could only be one that I would know.

Senator ZORINSKY. OK. Thank you.

On another issue, I would like to read from the Washington Star of October 26, 1980, with respect to comments made by President-elect Reagan's experts on the foreign policy transition team. Jeanne Kirkpatrick, one of them, made a comment that Cuba, at some time, at some point, must pay the price for working with the Soviets on a successful policy of subversion and destabilization in this hemisphere.

Havana must pay the price for its policies of supporting ideological and highly unsavory dictatorships around the world. The embargo will be maintained. Dissidence will be encouraged and defections of Cuban military units will be promoted.

That is a worthwhile goal given the mischievousness of the Cubans around the world. How will you reconcile that philosophy with the statement made by President Jose Lopez-Portillo on a recent visit to Havana,

Any action taken by the United States of America against Cuba will be considered an action taken against Mexico.

General HAIG. Well, it would be hard for me to reconcile it. Unfortunately, I hadn't seen the Mexican President's statement. As a

matter of fact, I hadn't seen the article you referred to, which was attributed to our transition group.

I think it is very important to say, in support of the transition group comments—although they are not policy—that most Americans regard the recent activity of the Cuban Government, its 40,000 troops and mercenaries operating in the continent of Africa, its work in Nicaragua and perhaps in El Salvador today, as just a grave danger to the American interest. That is going to require some very careful thought, some very firm, and hopefully effective policies to deal with Cuba in the period ahead.

I don't like to lay out a formula or certainly to get into a dispute with the head of a neighboring state whose comments I never have read or had an opportunity to think about.

Senator ZORINSKY. You cite the fact that Cubans presently are in Nicaragua. Does it disturb you that Americans also are invited to go to Nicaragua but some feel they should not go, possibly because of the mentality that it is too late for the development of democracy there? Would it disturb you if we no longer afforded the choice to Nicaragua to be with our type of society, thereby forcing them to rely on Cuban help?

General HAIG. Well, I wouldn't be comfortable with that premise.

Senator ZORINSKY. Many people are not aware that President Carter was invited to speak at the first-year anniversary of Nicaraguan independence on July 19, 1980. He declined, and Fidel Castro went there and spoke. We certainly could have had our President speaking, and I think he would have stolen the show had he gone there.

My comments to you, hopefully Mr. Secretary to be, are that we have to compete in the area and afford a choice to those people who do want a democratic society to prevail down there.

General HAIG. I think that is correct. There must be a choice. Hopefully, we are also going to insist that the conditions be maintained under which a free choice can be made. That's also important.

Senator ZORINSKY. Do you believe that one of the better methods of enabling the military of this country to communicate with the military of another country is to afford the other country the opportunity to purchase military equipment from our Nation? That would provide for our military advisers' instructing the military of that country with U.S. weapons, rather than Marxist advisers' instructing the military of that country with their weaponry.

General HAIG. I think that applies not only to military equipment with special pertinence here in the hemisphere, it applies to educational programs for the young officers and enlisted men of our sister republics in the South.

Senator ZORINSKY. Then do you disagree with the action taken by the Congress to preclude the executive branch from offering any military equipment to the Government of Nicaragua?

General HAIG. I'd be hard pressed this morning, Senator, to take on such a distinguished body as the majority of the congressional vote on an issue I have not had a chance to study with the thoroughness I should.

Senator ZORINSKY. Let me go to another item.

On a visit to Rome last year with Senator Biden and Senator Baker, we were informed by the Prime Minister of Italy of some peculiar

circumstances with respect to the U.S. request to Italy to participate in the economic sanctions against Iran. I would like to bring to your attention at this time that the foreign relations policy of this Nation always has seemed to be unilateral in nature. When we request somebody to do something, we expect them to do it or they are not accommodating our position.

The Italian Prime Minister asked our congressional delegation when we arrived, the four Senators who were there, the following—and I am paraphrasing: “Are you aware that we have 1,600 Italians in Iran? That nation owes us \$3 billion for work that we have done there. We do not have the assets in our country to cover that amount of dollars, and your Nation has asked us to impose economic sanctions against Iran.”

He went on to say, “How about using naval bases here, or how about using airbases, or other ways we can help your Nation? But don’t ask us to forfeit \$3 billion.”

This is my concern. You have been involved in that area long enough to realize that there are circumstances unique to each nation. There are reasons they can do some things to accommodate this country and reasons why they cannot do others. But they are not necessarily in opposition to us because of their inability in some instances to accommodate us.

Now, will it be your philosophy and your policy to treat these requests for accommodations on a nation-by-nation basis rather than taking the view which I believe we historically have taken that you are either with us or against us, regardless of what peculiar circumstances may restrain you from being able to accommodate our wishes?

General HAIG. I think that is essential—to make policy fully cognizant of the very special concerns and problems and limitations on one of our partner nations.

Senator ZORINSKY. Were you aware that this type of philosophy has been guiding our foreign policy?

General HAIG. Well, I think that was one of the reservations that I expressed about the 3-percent solution. You know, there are nations in Europe, partners such as Turkey and Greece, who spend well over 10 percent of their gross national products for defense. We don’t want these nations to spend so much for those things. So, yes, there are all kinds of contradictions and differences that we must manage in our policy.

Senator ZORINSKY. General Haig, what are our interests, as you perceive them, in Latin America and the Caribbean? What are the U.S. interests in that area?

General HAIG. I think, above all, it is to do what we can—and I am speaking in a national interest point of view—so that we insure that that territory does not fall under the control or influence of those who do not share our values, or worse, who are seeking, in a competitive sense, to do us in; to contribute in whatever way we can to the realization of human needs in a developing environment, rich in resources, human resources, and raw materials in many instances; to be sure that the principles that are outlined in our Constitution, moral and human, somehow increasingly become, without pedantic approaches to it, a part of the overall evolution of direction in this hemisphere.

Senator ZORINSKY. Thank you, General Haig.

Mr. Chairman, I would like to use my last few moments of time to make a comment to you, as the chairman of this committee.

While driving to work this morning, I had my car radio tuned to the station which is broadcasting this hearing. I heard you make a comment. I think you were discussing bringing Alexander Haig's nomination to a vote. You used the phrase, once again, "the majority has nine votes," or "has the votes to get this done."

Now, in the 2 years that I have been on the Foreign Relations Committee I have never heard the chairman of the Foreign Relations Committee threaten the rest of the committee. Frank Church never said we've got the votes to do this to you.

I feel offended because maybe I would like to be one of those votes and your phraseology precludes me from doing that.

So I would like to put on record my request that you not use as a lever how many votes you have on your side versus how many there are on this side. All of us are quite capable of counting, and I don't think it is in keeping with the demeanor of this committee.

The CHAIRMAN. I certainly do not want in any way to imply that we would use that power if it were unnecessary.

Senator ZORINSKY. Last night you did it in executive session to us, too.

The CHAIRMAN. That power has been used many times by the majority in the past. It has been used to frustrate our efforts to get tax reductions and in many other areas.

The chairman faced a particular problem last night in that he had a message from the majority leader from his hospital bed. He felt last night that that motion should be brought to a vote.

It is true that for those members who were there and intended to vote for it and for those who were absent and had given the chairman their proxies we could have brought it to a vote. But in the spirit of comity in which we have tried to work it seemed to the chairman that it was not wise to push it to a vote last night. I sent a message back to Senator Howard Baker, that as chairman of the committee I did not feel it proper to do so. I'm certain that if he had been there in the room, he would not have wanted it brought to a vote at that particular time.

Obviously, the majority will have to use its power on occasion. But always, just as in the question of the tapes, if it is at all possible to work out an agreement where we are unanimous instead of divided, we will do so because I think it is in the interest of the country that we try to work in a bipartisan spirit.

Senator ZORINSKY. Mr. Chairman, I agree with you, but I feel comity can be obtained without the threat of how many votes you have. In every vote I have ever seen taken in this committee, the clerk reads the names, the vote is tallied, and the chairman announces the votes—pure and simple. I can find out soon enough, when the chairman announces the results, just how many votes there were on either side without the chairman, in advance, using that as a lever. This is what democracy is all about: You call a vote. If you have the votes, you win. But you don't have to use that as a threatening position prior to any vote or any action.

I applaud you and commend you for how you ultimately worked out last night's loggerhead. But it could have been done without telling us how many votes you had.

The CHAIRMAN. If I have advanced too much information to my distinguished colleagues, I will restrain myself in the future. But I just felt, in a spirit of candor that there was a consensus on the majority side—that we had at that point reached the stage where we could give General Haig some guidance as to when he would be free to go about the job of organizing the Department of State.

I think it was quite apparent to him, as he sat and listened to some of those deliberations and to his counsel, that it would not have been wise to go forward last night, and we reached that decision.

Senator ZORINSKY. There are times I would like to vote with the majority side, and I feel offended when you imply that's it, we have enough, and this is the way we are going.

The CHAIRMAN. Senator Zorinsky, I am well aware of the fact that there are members of the minority that possibly in this case will vote for confirmation. I did not feel it wise in any way to breach that confidence or to speak on behalf of any member of the minority. I felt authorized to say that without any equivocation the members of the majority did want to bring it to a vote last night. That was the purpose of the meeting. But we did not do so, and I think wisely so. I appreciate your comments very much indeed.

Thank you.

Senator Tsongas.

Senator TSONGAS. How many votes do you have? [General laughter.]

I guess this is not my year for responses. [General laughter.]

I was going to commend you on the way you handled this, but I think I'll wait for my next round to do that. [General laughter.]

On the question that Senator Zorinsky raised about that transmission on *Air Force I*, which there apparently is a tape of, as I understand it, I have not heard that tape. I have heard of the account.

When you were asked as to whether you had said that, I was a little unclear as to the response.

General HAIG. I don't recall having said it. I don't know whether it's an accurate report. I don't know if the tape is accurate. It could be. If I did say it, it would have been a reflection of a momentary set of instructions in a fast-moving tactical situation that the President would have wanted implemented. I think it was also clear in that conversation, as it was described to me, although I don't recall it, and I'm suspicious of it, that it had to do with withholding some action until we got on the ground and discussed it. That was the essence of it, I think.

Senator TSONGAS. I don't want this to sound like a multiple choice test, but you basically have three choices. You can either say, "I didn't do it," or you can say, "I don't recall," or you can say, "I may have done it if those were the instructions."

You have been very careful when you answer questions on a broad range of issues not to get yourself caught in a statement that subsequently you have to explain. I think you have certainly done that very well.

So, I get the impression that what you are saying is that you may well have done it, but if you did it, the reasons were because you were given those instructions.

General HAIG. The first statement is that I don't recall the incident at all and am suspicious that it is a valid portrayal of an accurate tape. That wouldn't be the first time.

Secondly, if it did occur—and this is more in the line of Mr. Zorinsky's question to me, apparently from some of his constituents, because we did leave it hung up a little bit—to try to explain if it did occur, how it might have occurred. That's all. That's it.

Senator TSONGAS. I have sat here for hours watching you, trying to understand your approach. I think you are very careful in terms of your answers not to mislead, or to be in a situation where you would have to be reversed subsequently. I think there is a major difference between saying, "I didn't do it," and saying, "Well, I don't think it is valid, but if it is valid, I did it because of instructions."

General HAIG. Well, I just don't remember.

Senator TSONGAS. I was curious about the comment you made about resignation. You suggested that you resigned from your post at NATO because of what I think you said were your profound disagreements with this administration.

What disagreements were those? To whom did you express them?

General HAIG. There are a host of them, and it doesn't serve any purpose in open session to go beyond that point. I think the point I was trying to make was because Senator Sarbanes was trying to determine in value terms, as he said to me, whether or not that was even in my lexicon.

Senator TSONGAS. Did you express the reasons for your resignation to the President?

General HAIG. I beg your pardon?

Senator TSONGAS. You said you resigned because of your differences.

General HAIG. Over an extended period, I had said that I had intended to leave. I think that was enough. My disagreement on various issues, where I was asked, was reasonably clear. On some others, I suppose, I can't say the President was aware of them. I never knew what he was or wasn't aware of.

Senator TSONGAS. The reason I raise that is because you talked about conscience being the ultimate decisionmaker, that if you disagreed, you had the responsibility, including resignation, and you said, "I did that recently," and yet you did it without indicating that to the President.

General HAIG. Oh, no. I'm quite confident the President knew that I was resigning because of disagreements, failure to consult, and if you want me to be specific, I shall: SALT.

Senator TSONGAS. Communicated through whom to the President?

General HAIG. Well, in two instances, probably to the President—certainly to Harold Brown. I hope it was in an elegant and understandable way, and I think that is the way we should conduct our business if we can.

Senator TSONGAS. It seems to me if I ever resign from this body over an incident, I will do it in a much more dramatic way than you did to make the point.

Let me get into the issue of justification on the wiretaps.

You stated on July 30, 1974, before this committee, in response to the chairman who would have been—whom, at that time?

The CHAIRMAN. Senator Sparkman, No, it was Senator Fulbright at that time.

Senator TSONGAS. The name is not here [indicating]. You referred to the legality and the justification of the wiretaps, even though you said, "We did not like to have to participate in that."

Do you still feel that those wiretaps were both legal and justifiable?

General HAIG. Well, I think we are back at the same question that we had earlier and the same series of questions.

If I may, I would like to refer again to my statement.

With respect to wiretaps, during 1969 and 1970, the FBI conducted wiretaps and other surveillance on a number of individuals, primarily Government officials and newsmen. President Nixon instituted this program in the spring of 1969 because of his concern about leaks of national security information, including the minutes of National Security Council meetings and U.S. bargaining options on upcoming SALT negotiations.

The facts about my role are very straightforward, Senator. The decision to use wiretaps and surveillance to detect the source of the leaks was made by the President, in consultation with the Attorney General and the Director of the Federal Bureau of Investigation. I was not involved. I was assured that the program was legal. I never decided which individuals were to be tapped. On several occasions, I was asked by Dr. Kissinger to identify individuals who had had access to information, and specific information, and I did so.

To my knowledge, these were straightforward responses to a straightforward question.

My responsibility was to convey to the FBI the names of the individuals who were provided to me, either by the President or by Dr. Kissinger. On many occasions, the summaries of the results of these taps were delivered to me for Dr. Kissinger.

Now, I think, in effect, they were legal. Had they not been, there would have been a great deal of controversy before now in the context of those taps for national security. I know there is some controversy about some other taps that were not involved in the framework of the so-called wiretaps for national security.

Senator TSONGAS. You said earlier—and I quote you—that you "were not involved in anything that was wrong, immoral, or illegal." I believe that you mean that and that you believe those wiretaps were not justified.

Can we assume that in a similar circumstance we will not see the same thing happen again?

General HAIG. I think there has been a different set of procedures provided for under law which, as I pointed out, require receiving from a judge an authorization to institute a wiretap.

Incidentally, I guess it should be understood that from the Second World War, phones in the Pentagon, phones abroad had been habitually wiretapped to insure that there were no security leaks. I think you remember the sign that used to be on the telephones: "Shhh, somebody's listening." That used to be reinforced by indiscriminate and random wiretapping by Federal agencies responsible, security personnel in military organizations. I suspect some of it still goes on abroad.

So I think you have to know how these things can happen and how people who have any participation in it may not necessarily feel the same aversion that you apparently do.

It doesn't make either of us right. I know what the law is today; I thought I did then. I lived by it then. I intend to do it in the future.

Senator TSONGAS. I think the reason it comes up is this. This is now my fourth time in questioning you and we have spent a lot of time on Chile. As I indicated to Mr. Califano on the first day, I have not gone into any detail in your involvement in Cambodia or Chile, as you know.

General HAIG. Right.

Senator TSONGAS. The reason I haven't done that is that would be the easiest way to embarrass you, to simply rehash that stuff ad nauseum. That was the past. It was 10 years ago. What is the point of going through it again?

What I was trying to get from you was a sense of, all right, we did it, those were the ethics of the time, you cannot have retrospective morality, but we are not going to see that kind of thing again. You have had innumerable examples and instances where you could have reassured the committee.

General HAIG. I think I just said that, Senator. I think that's what I just said.

Senator TSONGAS. Let me introduce into the record today's Washington Post editorial page. There is one article in favor of the nominee and one against. In fairness, we ought to have them both put into the record.

The CHAIRMAN. Without objection, it is so approved.

[The articles referred to follow:]

[From the Washington Post, Tuesday, Jan. 13, 1981]

HAIG—YES

(Andrew Knight)

Once upon a time there was a two-bit colonel who couldn't speak English but knew what he wanted. One day this colonel found himself on a battleground he came rather to relish . . .

Dad.

Yes, son.

I'm sleepy.

The battleground, son, was Kissinger's suite of offices on the ground floor of the West Wing of the White House, and the time was Nixon's first presidency.

I think I'm waking up, Dad.

You'd better son. This colonel became a general, thanks to barely credible promotion by Nixon.

Hey, Dad, is he the one Nixon calls a mean son of a bitch?

Yes, son, it's Nixon's way of being nice to him. The general's done a whole lot since then. And now Reagan's nominated him to be his secretary of state. And Haig [that's the guy's name] wants the job because he reckons it's the best way he can succeed Reagan when Reagan poops. So we've got to stop him.

We, Dad? The voters have just landslid you out of the Senate and the friends who survived you on that committee of yours don't have a majority any more.

No matter, son, we've got Saffire, we've got Lewis, we've even got the press.

Dad, you've always said that Saffires' just a Nixon castoff, that Lewis is just a Canonbury square, and that the press are just rats.

They were, son, they were.

It's a bit late, Dad. Haig's almost got confirmed. He rocked them in the aisles at the hearings again yesterday.

Then we'll get him later.

But why, Dad, why?

Come, on son. You read the papers too. Cambodia. Christmas bombing. Allende. Watergate. Archibald Cox. The pardon. I tell you, son, we can't have that guy. America can't afford Haig.

Dad, when Ford put Haig in charge of NATO forces, what happened?

The Europeans were furious, son. Took his appointment as an insult. I told you, we can't have . . .

How'd it work out, Dad?

You'll never believe it. That mean Old Sonofabitch had the Europeans eating out of his hand inside a year. The commanders got to like him. Then—astonishing, this—he got Schmidt and the Germans and Callaghan and Thatcher and Giscard and all those other finky Europeans eating out of his hand too. Just shows, never trust a European.

How'd he do it, Dad?

He was tough, son, and mean and direct—told them how it was. And political. Goddammit, yes, Haig's nothing if he's not political.

Came across as an all-American, Dad?

'Fraid so, son.

Tough but trusty, Dad? Sort of Eisenhower?

Meaner face, son.

Dad?

Yes, son.

If America gets into another war, Dad, what should it do?

Make damn sure it wins, son.

Bomb 'em to hell, if necessary, Dad? Like' you said in your Abbotsville Plaza speech when your campaign was going down the . . . er, when your campaign was drawing to a close, Dad?

Absolutely, son. Don't wait, get on with it, as I said. Take the War Powers Act's second option, consult, sure, but consult after the event.

Like Cambodia and Hanoi at Christmas time, Dad?

Don't be cheeky, son.

Truce, Dad. Carter—you remember Carter, Dad?

Just, son.

Remember what you told the county chairman privately, Dad, at dinner after the Abbotsville speech: how Carter had allowed foreign policy to become a muddle, left hand not seeing the right, friend and foe alike finding an unreliable America, leaks galore? Chaos costing every Democratic senator like you a bundle of votes—remember Dad?

Sure, son. I'll tell you one thing. Old Sonofabitch won't let that happen at State. Why, he even put Halperin and that crowd up for FBI wiretaps in his White House days.

That's what I was getting 'round to, Dad. Was he right to do that, Dad?

Of course not, son. I mean maybe. Oh heck, I dunno, son. But for God's sake don't tell your mother I said so.

Hell no, Dad. But Dad?

Yes, son.

Seriously, Dad, why don't we Americans leave all that to the historians and get on with business? You kept saying at Abbotsville that we must put the past behind us, that we need a return to experience, a coherent State Department, a cogent policy to contain Russia and manage change.

Indeed, son.

Let bygones be bygones, Dad? Pardon the pardoners, Dad?

We in America can't do that, son. We're not cynical Europeans, you know.

Perhaps we'd be better, in this respect, if we were, Dad.

They've never had a Watergate, son.

You're growling again, Dad. When was the Watergate break-in, Dad?

Nine years ago, son.

I was hardly born, Dad, and you're still fighting about it. With the Russians at the gates, Dad. Why, Dad?

It, er, matters, son.

But Dad?

Yes, son.

I can just remember you, when I was little, hurrying into the kitchen and telling Mom that the only guy keeping America going single-handed while Nixon wallowed in Watergate was a guy called Haig. Same one, Dad?

Sure, son, but that was before Cox was fired, and the files were sealed up, and the scales dropped from my eyes.

Dad, I see Old Sonofabitch said on Friday that he did that because he believed passionately in the office of the presidency and in the president's right to be considered innocent until proved guilty.

Al's nothing if not political, son. And smart. And, dammit, he's got the courage to say what if I said it your Mom would shoot me for. Al's smart all right.

Al, Dad?

HAIG—No

(By Lewis H. Lapham)

During the few weeks before Ronald Reagan named Gen. Alexander M. Haig Jr. to be his secretary of state, the rumor in knowledgeable circles ran as follows:

"Of course the man's treacherous, but he's familiar with the issues, and besides, there's nobody else."

Now that Haig has been appointed, the rumor has congealed into the received opinion, accepted by partisans on both sides of the argument in the Senate, as to the general's qualifications for an office still associated with the hope of honor. Haig's critics object to him on ethical grounds, saying his flaws of character compromise his undoubted capacity for bureaucratic intrigue. The general's admirers, among them Richard M. Nixon, concede the ruthlessness and single-minded ambition of their man but applaud these attributes as virtues—States requires the services of a villain. "The meanest, toughest, most ambitious s.o.b. I ever knew," Nixon has called Haig, "but he'll make a hell of a secretary of state."

The agreement on the general's character raises the unhappier question as to what kind of country—and what kind of president—would think it necessary to employ Alexander M. Haig Jr. What is meant by the reasoning that there is saying, in effect, that the world has become so dangerous a place that the United "nobody else" to be secretary of state?

In a country of 225 million people, among whom at least several thousand possess a knowledge of international politics and diplomatic history, obviously it is absurd to say that only Haig (or perhaps one or two others of Reagan's Republican acquaintances) could perform the duties of the secretary of state. The lack of candidates bespeaks a lack of candor about what the task entails.

Haig's qualities define the accomplished courtier. He is eager, smiling, willing to deny or distort the truth for an expedient purpose, loyal to power in whatever person or institution it makes itself manifest, as cruel or compassionate as the circumstances might warrant. Casting himself in the role of the indispensable valet or aide-de-camp (first for Gen. Douglas MacArthur, then for patrons as different as Robert McNamara, Henry Kissinger and Richard Nixon), Haig made his career by saying to a succession of masters, "Make of me what you want; I am what you want me to be." The general proved himself useful, a silent and dependable man who could be relied upon to tap a telephone or arrange a bombing in Cambodia.

Nothing in the general's record indicates the qualities of a public man accustomed to making his own decisions or writing his own speeches. He gives a poor speech, the banality of the text unrelieved by any talent for humor or eloquence. His manner betrays a cold egoism as well as the court chamberlain's habitual air of contempt—for his employer, for everybody else in the throne room, for the rabble beyond the gates.

Who would trust a man so schooled in the art of subservience to formulate a policy? As secretary of state, how will the general excuse and justify himself? On whom will he blame his failures?

The explanation of this appointment arises from Reagan's ignorance of foreign affairs and his lack of enthusiasm for anything unpleasant. "Society," said Justice Holmes, "is based on the death of men," and Haig's military education presumably has taught him to look impassively upon the spectacle of human suffering. Since the end of World War II, the United States has raised up two generations of civilian officials who flatter themselves on their mauve sensitivity—to the environment, to human rights, to the death of newts and whales. The pale cast of good intentions inhibits their appetite for action; on the brink of the abyss it occurs to them that their advice might prove fatal. Thus their wish for a Praetorian Guard.

For 15 years Haig has been close enough to power to remark the weakness, the vanity and the corruption of his nominal overlords. Maybe it is easier to pay court to men one despises, and it is understandable that Haig, having seen with what little wisdom the world is governed, should have formed an excessive opinion of his own. What remains less understandable is the way the political and intellectual gentry fawn over what they imagine to be the general's strength, the general's patriotism, the general's self-discipline, the general's moral beauty.

Nothing in the soothing charm of Ronald Reagan's voice indicates that he means to do anything other than preside, in the amiable and ceremonial way of a retired chairman of the board, over the cruelties of government. Like the later Roman emperors, who allowed the business of the state to fall into the hands of eunuchs, he confers the powers of office on the gamekeeper in order that he might not be offended by the sight of blood.

Senator Tsongas. I think the article by Lewis Lapham really goes to what troubles me, and what I suspect troubles a number of the committee members. It is not your capacity. Your capacity is extraordinary. Anybody who has sat here, watching you, as I have, has to walk away impressed. The question really is one of parameters: How far do you go; how far don't you go.

A number of us have been pressing you on that. And the more we press you, the more we get into the giaring back and forth across the table that you have done with me and today with Senator Sarbanes. On several occasions there has been an obvious way for you to say it was wrong, it will not happen again. But we don't get that. At least I don't get that, and it troubles me because you are a very strong individual. You are going to dominate this administration, if I may say so. You are, by far, the strongest personality that is going to be in there. Given the tendency of the President-elect to be the sort of chairman of the board, I think in many respects you are going to be America. I think that is very important to understand, that the person who will de facto play that role—and I think you have the capacity to do it extraordinarily well—have a sense of where those limits are, at which point you don't abuse the power, at which point, like Chairman Percy, you don't push for that vote because you happen to have the numbers.

I think that is the major question. In a judgment of crisis, in a point of tension, does the conscience of General Haig come forth and dictate policy for 220 million Americans in a way that perhaps was not the case before, and can we assume that what happened before was because of instructions, because there was no policymaking responsibility? Can we assume that from this point on the judgmental value, judgmental core of what America is all about is something that you are comfortable with, and we are not going to see the United States going into Angola with covert activity just because, say, we want to go back and redo that, and we are not going to have wiretaps because there is a leak, and we are not going to have these kinds of things, that really have stained America happen again?

We are almost beseeching you, constantly, for that reassurance, somehow like unrequited love. We are not getting reassurance. It is our one shot, and if we don't get it now, I don't know when we are going to get it.

General HAIG. Let me say something, Senator. I generally appreciate your frankness. But I think some of the premises may be questionable.

We have a duly elected President, Ronald Reagan, who I am absolutely confident he is going to be the Chief Executive of this land, in

practice as well as in description. I intend to do all that I can to make him the most effective President we could conceivably have.

Now I'm very sorry that in our exchange I have not sufficiently indulged in the kind of "mea culpa's" that you were seeking and hoped to have to reassure you that I could do my job responsibly. That's a matter of some regret to me. But I don't think it's either in the context of the experience that I had, the sacrifices I made during the period in question, the motivations that drove me at that time, as they drive me today, to indulge in the kind of "mea culpa's" that you, and perhaps Senator Sarbanes, are seeking.

I don't think it would serve any useful purpose either to the overall objective of justice and fairness or the best interests of this country to have me do it at the onset of what may or may not be an incumbency of Secretary of State. It would be far more comfortable for me to stay where I was in Connecticut, making 10 times more money and enjoying life than for me to come down here and subject myself to the kinds of discussions I have gone through for the last 3 days.

I give you gentlemen the greatest credit for sincerity, for knowing what you are about, and for sticking by your guns to persist in the kinds of questions that I think you have a right to demand be answered. But the kinds of "mea culpa's" that I sense in your question you want I just can't give because I don't feel them. I would be deluding you and deceiving you were I to do so.

Senator TSONGAS. Let me say, General, that if all I were interested in were that, I would not have telegraphed my questions to you 3 weeks ago, through Mr. Califano when he called me. I would also say that what I intended to ask you about today was Angola and Namibia. If you look at my notes here, they are all scrambled because I was not prepared to get into this present line of questioning. But listening to this exchange was very troubling. I think it is important for you to understand it not so much from a point of view of who votes for you or against you because this concern is coming out in a number of places.

If you can put that to rest, given the mandate the President enjoys, given your personality, the strength of your personality, you could be an extraordinary Secretary of State and, in the terms of the chairman, an historic one. We are trying, though you may not perceive it in that way, to perhaps give you the benefit of our judgment so that indeed you can be that. You are going to be my Secretary of State, too, and that is very important.

I would hope that in some respect you understand that if this were really a gunning operation, I never would have told you beforehand what was coming, I never would have talked to Mr. Califano, and non-communication would have been the approach used if, indeed, "mea culpa" was the objective.

The CHAIRMAN. Thank you, Senator Tsongas.

Senator CRANSTON. I have a couple of record inserts to make and one letter that I wanted to read. The record inserts are material that has come to the committee.

Would it be your preference that you continue on before luncheon, or would you like to be recognized first, after completion of the panel?

Senator CRANSTON. Whatever is your desire.

The CHAIRMAN. I thank you very much, indeed.

I think it probably would be best, in view of the fact that we were going to recess at 1 and have an hour break for luncheon from our business, to take you as the first questioner, immediately following the panel.

General Haig, I would like to comment following the particular comments of Senator Zorinsky, not about the chairman but about some accusations that have been made against you to indicate that we're quite sympathetic. Having come out of the private sector and then into politics 16 years ago, I found the world quite different. I'm sure if your exploratory committee had come up with a different conclusion and you'd have run for President, you'd have been in a brand new world.

You are in a world now of political appointment, and the accusations do flow. You just have to take them as they come.

I can well remember one time when I was accused by the present White House Press Secretary, Jody Powell, of using a corporate jet owned by Bell & Howell while I was a U.S. Senator. The only answer I had was that Bell & Howell had never owned a jet; in fact, it had never owned a single engine airplane of any kind.

But these things come and go, and I do think that you have handled many of these questions in a fine fashion.

The committee has received testimony so far from three witnesses for insertion into the record. Testimony has been received from Senator Robert Dole, Phelps Jones, director for national security and foreign affairs of the Veterans of Foreign Wars, and from a representative of the National Democratic Policy Committee.

The first two have provided testimony in support of General Haig. The National Democratic Policy Committee comments on the foreign policy problems facing General Haig. It is a very good paper.

I ask unanimous consent that this testimony be inserted in the record.

I would like to read, on my time, a letter from a man that I feel is particularly well versed in this subject. Winston Lord is now president of the Council on Foreign Relations of New York. He served on the National Security Council. He was one of those who had been subjected to wiretapping at some point in the past.

He said:

Dear Senator Percy, I want to record my strong support for President-elect Reagan's nomination of Al Haig to be Secretary of State. I hope your Committee and the full Senate, after exercising its important responsibilities, will promptly approve this nomination. As an American concerned with our role in the world and as a former close associate of Al Haig, I believe he will prove to be a dynamic and effective Secretary at a time when we are confronted with multiple challenges to our national security. He brings to the post wide experience, not only in Europe and Southeast Asia, as is well known, but on many other issues, such as China and the Middle East, on which he has had important assignments as Deputy Assistant to the President for National Security Affairs. He has handled a succession of important, delicate jobs with skill and courage on the battlefield, in the Pentagon, in the National Security Council, and as White House Chief of Staff during a severe trial in our history, and as NATO Commander, where he earned wide respect from European political and military leaders. His appointment is clearly welcomed abroad from Europe through the Middle East to East Asia.

I think the letter speaks for itself. I would like to note that portion of the letter dealing with the urgency of this committee's coming to a conclusion at an appropriate time this afternoon.

If there is no further business, this committee is recessed until 2 p.m., at which time we will have a panel of two Senators and one former Senator.

[Whereupon, at 12:55 p.m., the committee recessed, to reconvene at 2 p.m., the same day.]

AFTERNOON SESSION

The CHAIRMAN. On behalf of every member of the committee we certainly warmly welcome our distinguished colleagues, Senator Weicker and Senator Goldwater.

Senator Goldwater, I think your letter asking to testify was the first one we received, and Senator Weicker's was next. We welcome warmly once again our beloved colleague, our esteemed friend, Senator John Sherman Cooper, a longtime member of this committee who rendered magnificent service to his country and to the Senate of the United States.

We are honored to have all of you here. Why don't we just begin from my left to right; Senator Weicker, you can begin.

I would suggest this. It might be well for each of you to testify, and then we will open it up for questions of any member of the panel.

STATEMENT OF HON. LOWELL WEICKER, A U.S. SENATOR FROM CONNECTICUT

Senator WEICKER. Thank you very much, Mr. Chairman, and my colleagues of the Senate Foreign Relations Committee.

I appear before you today in firm opposition to the nomination of Alexander M. Haig, Jr. to be Secretary of State for the United States.

Though senior Senator from Mr. Haig's home State and chairman of the Appropriations subcommittee which handles the State Department budget, I do not presume to speak for either of those entities; rather I come among equals to give expression to certain long held beliefs.

I do this not as a matter of opportunistic style or being convinced of a superiority of morals, but to underline that what was stated and acted upon several years ago was neither politics nor entertainment nor passing fancy. Rather it was a defense of the essence of what America's greatness is all about. And to let this nomination parade by in the full view already accorded it without demurer would mean the acceptance in 1981 of the very standards that a Nation rejected in 1974.

Watergate circa 1973 and weariness of same is only a buzz word, a buzz word excuse for not performing the tough part of our job as U.S. Senators. If seeing to it that the Constitution is upheld de facto as well as de jure, if seeing to it that excellence be the standard of man and institution alike, that integrity be undiluted all result in cries of "I'm tired of Watergate." then the real problem is not a historical perspective but the unwillingness, incapacity, or timidity to create a future.

The purpose of the Watergate exercise was not to prove we were the world's most honest people, but to allow us to continue to think of ourselves in such light in order to strive for such a goal.

The alternative at that time was acceptance of "everybody does it;" "break the law to enforce the law;" and "place the President before the law." We didn't accept.

There is no more reason today than yesterday to have the American people believe that good government requires a choice between Constitution and satisfactory results. Governments of laws survive the differences and divisions of any moment forever. It is governments of men that disintegrate.

Even now I hear that unless the confirmation of General Haig takes place immediately or takes place without negatives, it will be impossible for the United States to conduct credible foreign policy around the world. That's nonsense, and that's not what the Constitution calls for.

It's the President, to use the words of that Constitution, other public ministers, and the Senate who have the responsibility for foreign affairs. I have yet to see the words "Haig", or "Kissinger", or "Brzezinski" and others in any version of the Constitution that I've read. And yet we act, have acted, that way.

I applaud your committee's decision to vote tomorrow, at least as last I heard it, but believe me, I'm not going to endorse setting aside our constitutional obligations in order to accommodate the political desires of any administration. Chairman Percy's decision on the tapes does honor to the constitutional process and deserves the fullest support of committee members and nominee alike if accuracy rather than expediency is the desired result.

Now, why specifically oppose General Haig? The reasons are the record as I know it. The man as I know him and the job sought. I am not here with any new bombshells. The record is quite enough in assessing the man's character and suitability for high office. Such an evaluation is something altogether different from assessing guilt or innocence.

At the time he became Chief Executive Assistant to the President of the United States on May 4, 1973, he took upon himself the same standards of performance imposed upon the President by the Constitution of the United States. One of those standards is articulated in article II, section 3: "He shall take care that the laws be faithfully executed * * *."

That admonition and not Richard Nixon's definition of justice is what I would expect to be insisted upon by those serving the President. In the absence of their superior's adherence to the law, honorable men either speak up or get out. General Haig's reaction was to further the definition; not the admonition. I therefore assume him to have either lacked integrity, disdained the Constitution, or unquestionably followed orders.

None of the above particularly commend him to occupy the fifth highest constitutional office in the land. Indeed, I assume he will have to take an oath of office upon becoming Secretary of State. That oath will no doubt include some words about upholding the Constitution of the United States. That cannot be a sometime thing.

That aspect of Watergate which is the White House tapes, the very matter troubling you now, is what troubles me most about General Haig. Those tapes are, were, the best evidence whether for your purposes, or the purposes of the select committee, or the Judiciary

Committee, or for individual purposes, those appearing before congressional committees or on trial in the various courts of this country.

And yet, with General Haig's knowledge the best evidence was, as it is now, held back, selectively used, as in Haldeman appearing before the committee for exoneration, or selectively used as in Haldeman's testimony to discredit Dean, selectively used to discredit. That is not conduct which defines the faithful execution of the laws.

General Haig's role in coaching witnesses appearing before the select committee in regard to the existence of the White House taping system is another area where the general is seen more in shadow than in the bold relief of proper conduct.

There is no doubt that many of today's unanswered questions could be resolved by the tapes and/or logs you've subpoenaed. That is why in fairness to all, General Haig included, I hope for their early release. But in the absence of their voluntary release, I know your chances of getting them are far better under your constitutional advise and consent powers than after confirmation when the request is merely for general investigatory purposes. So my advice is to hang tough or you'll be left hanging.

There are those who praise General Haig's popularity among our European allies as a result of his NATO tenure. I can only assume those are the same allies who at the time of Watergate denigrated that whole episode as being much ado about that which is considered commonplace in their own countries.

In such an atmosphere of accommodation to corruption of principle and practice, I have no doubt a man like General Haig is admired. But what's up to the usual standard in Europe should not become good enough for this country.

Two last observations. One for my Republican colleagues. On December 11, 1973, General Haig appeared before the Republican policy committee or Tuesday luncheon and assured those present no further shocks were expected. He did his best to rally Republicans around a President whose conduct was all Nixon but hardly Republican.

This was part of what was termed at the time Operation Candor. Those who climbed aboard including the Senate minority leader, and by that I mean Senator Scott—those who climbed aboard were shortly to be blown out of the water with further tape revelations. So much for the basis of any gratitude my party has toward General Haig, and so much for any assurances received by those of you on this committee.

Lastly, for those who express a special debt of gratitude to General Haig for helping to edge Richard Nixon toward the exits, if such did indeed take place, I would be far more grateful had such action been motivated by principle rather than politics or the proximity of impeachment. The ability to bail out adroitly is only second best to avoiding the necessity of bailing out at all. That should apply internationally as well as domestically.

The Secretary of State of the United States presents the heart and character of all Americans to the world. As typical he should be the best, for that is our Nation. The job cannot become a reward for evasiveness, partisanship or subservience. It is an honor to be bestowed upon the courageous, the forthright, the idealistic. No such nominee is before your committee.

Thank you very much, Mr. Chairman.

The CHAIRMAN. Senator Weicker, thank you very much.

I would like to call to your attention one factual error in your statement and one that I think we need to expand on for interpretation. The first is when you say "I applaud your committee's decision to vote tomorrow."

There has been no decision by the committee to vote tomorrow. That decision is yet to be made. It will be discussed later in the session today.

Senator WEICKER. My purpose there, Mr. Chairman, is only to say whatever the committee does, that can be done at any time. I used that to distinguish that moment in time very carefully from any action taken on the Senate floor. Anything can be done in this committee, and the Senate does not lose its constitutional rights vis-a-vis getting those tapes and/or logs.

The minute the Senate as a whole acts, then, at least in my interpretation, you lose whatever power you have under the advise-and-consent function.

The CHAIRMAN. I merely wanted to point out no decision has been made by the committee to vote tomorrow. That will be discussed later this afternoon. And when you say, "Chairman Percy's decision on the tapes does honor to the constitutional process," that decision was a unanimous decision of this committee, and I acted under the unanimous vote of this committee. I merely executed and signed the subpoena.

Thank you very much.

Senator Goldwater, chairman of our Intelligence Committee and respected colleague.

STATEMENT OF HON. BARRY GOLDWATER, A U.S. SENATOR FROM ARIZONA

Senator GOLDWATER. Thank you, Mr. Chairman, and members of the committee. You are gracious to allow me to appear for the purpose of testifying briefly on General Alexander Haig.

I believe I know this man better and more intimately than most people. While all of us are well aware of the general's great military abilities and record made from the day he left West Point through his brilliant handling of his active military assignments, I really did not get to know him until that day when my Republican colleagues asked me to visit the White House for the purpose of discussing with President Nixon the political situation that existed in the Senate concerning impending impeachment hearings.

What I discovered in this friend upon my visit was a man of complete honesty, remarkable intelligence, and a great capacity to express his thoughts. I believe I can honestly say that the presence of Alexander Haig in the White House those last 2 weeks of the Nixon presidency sustained our country, and we owe General Haig a sincere debt of gratitude for his leadership.

Let me explain that briefly. President Nixon at that time was sitting, as we sometimes say, on the point of a pen. He was wobbling one way and wobbling the other. If he had wobbled in the direction of standing for impeachment, I doubt seriously that this country would have ever lived through the 6 or 8 months that we would have had to have

lived through with the Senate's attention being 100 percent focused on whether or not we kept or dismissed the President.

Now, what Alexander Haig did during that time was completely outside of his regular line of duty. He saw his duty as any soldier, as any American would, and the duty was to try and get President Nixon to see the end was at hand. I have to take my hat off to this man for what he did during those last few days, and I sat there and watched it. I listened to the arguments, the persuasive arguments, as he convinced President Nixon that to continue on would be disastrous. And if he never did another thing in his life, Mr. Chairman and members of the committee, I would be grateful to him for having done that.

It was not accomplished alone, by any means. We had the great help of other people—I mention particularly the editor of the Washington Post—whose complete understanding of the situation and of Mr. Nixon resulted in the smooth transition of the office.

Since that time I have observed General Haig as he gained more respect as the Supreme Commander of NATO than any other commander in the past. I have personally watched the tremendous improvement in the NATO structure.

I have absolutely no hesitancy in recommending this man to be Secretary of State. I have heard the argument used that military men should not be Secretaries of State. We've had them, gentlemen. We've had military men as President of the United States, and I can't recall one that was what I would call disastrous; and in fact, I think they have all done a remarkably good job.

I think he would be outstanding in that office and would give to the U.S. foreign strategy something we have not had in many, many years, and foreign policy something we haven't had in equally as many years, and policy that not only Americans can understand but more important, and particularly at this time, that the people of the world would understand.

Mr. Chairman, having watched these proceedings on television rather avidly when they have been televised, knowing of the great interest of members of the Democratic side to get at the Watergate tapes. I don't believe that is what we're really interested in at this time in history.

We are interested in a Secretary of State, and if the tapes were obtained, I don't think it would change anybody's thinking about this person and about the extreme importance of this country getting a Secretary of State, without meaning anything derogatory about Ed Muskie, who I think is one of those men who you just sort of pick out of the blue and he works out all right. In this case we have a man's whole life of service and record to look at.

I close, Mr. Chairman, by saying I speak of him not as a soldier but as an American and as one frankly whom we can all thank God that we have at this time.

I thank you.

The CHAIRMAN. Thank you, Senator Goldwater, very much indeed. Now we would like to hear your colleague, Senator Cooper.

**STATEMENT OF HON. JOHN SHERMAN COOPER, FORMER SENATOR
IN THE UNITED STATES CONGRESS FROM KENTUCKY**

Senator COOPER. Mr. Chairman and members of the committee, I appreciate very much the invitation to appear before this committee in strong support of the nomination of Lieutenant General Haig to be Secretary of State in the Cabinet of President-elect Reagan.

Let me say—and I regret that my statement may appear to be too long, and it is too long—but when I first drafted it or outlined it, I was thing of speaking of his abilities, which I recognized chiefly when he was in command of the NATO Forces in Europe. At that time, the question of the tapes had not yet been interjected, or at least to the extent it has, and I had not addressed myself to it. So the article or statement that you have has been revised, and I will at some point direct myself to my own consideration of the importance or value of the weight that should be given to the tapes.

I actually do not know General Haig intimately. He does not know, I suppose, that I am testifying. I did know him casually during his service to the United States. And so my testimony, as I formulated it first, was based on my observation of his service as Supreme Commander of the North Atlantic Treaty Forces, titled SACEUR, which I consider demonstrates superior qualification to be Secretary of State.

You may ask why I testify in support of his confirmation. Like you, I am anxious that the United States develop a consistent and coherent foreign policy, backed by deterrent strength. This, General Haig has testified to be his purpose. Further, from observation of his leadership and organization of NATO in Europe, I believe that in conjunction with President Reagan he will, while assuring necessary communication with the Congress, this committee, and appropriate agencies of the Government, terminate and eliminate the uncertainty of the indeterminate priority of leadership of the present administration, and perhaps prior administrations, in his capacity as Secretary of State.

My observation of General Haig's performance as SACEUR was made possible by my appointment by former President Ford in 1974 to be the first Ambassador to the German Democratic Republic. I continued in that capacity until my resignation to President Ford in October 1976. And during that period of time, or at least most of that time, General Haig was in command of NATO Forces.

I think I would like to give you, although it is a delay, some idea of the importance of consideration of the German Democratic Republic in connection with his work as commander of the NATO Forces. You know, it was established after World War II by the Soviet Union and had been isolated from the Western wartime allies and many non-Communist countries until approval of the Berlin Quadripartite Treaty of 1971 between the four wartime allies, including the Soviet Union. The three Western wartime allies recognized the German Democratic Republic, the United States being the last.

Due to the strategic position of the German Democratic Republic and its strong relationship with the Soviet Union, the presence of

some 300,000 to 400,000 Soviet troops in East Germany, supplemented by well-trained German Democratic Republic forces of over 100,000 men, the corps of ambassadors in the German Democratic Republic increased from approximately 20 to 30 representatives, chiefly of Communist countries, to between 60 and 65 representatives.

In my association with them, I found their great interest in the possible effect of the recognition of the German Democratic Republic by the United States and the wartime allies and the policies of the United States toward the Soviet Union and the Warsaw Pact allies.

After Watergate and during the election years of 1975 and 1976, although I can say without any partisan slip, that President Ford had done much by reason of his character and the commencement of his policies to reassure our allies and in fact provide an important and consistent policy for all of Europe.

I would like to stop here to make the point that a consistent policy is not only important to our allies, but it also is important to our adversaries, in this sense: If your adversaries are upset—I speak of the Soviet Union—from day to day, month to month, by changes of U.S. policy, and the small elite of a Communist country—and I am speaking particularly of the Soviet Union—they are uncertain of what our position is and what our policies may be. And I think it creates a danger which can be avoided, to a large extent, by consistent and firm policy backed up by sufficient strength, as General Haig advocates.

During the period that I was in the German Democratic Republic, several events, seemingly favorable, occurred, such as the Helsinki Conference. But after its conclusion, the Soviet Union and some members of the Warsaw Pact, particularly the German Democratic Republic, defined it simply as a settlement of the war boundaries of European countries and a treaty guaranteeing noninterference in the affairs of the signatories, chiefly with respect to human rights.

Worst of all, we witnessed the armed intervention in Angola, the Soviet Union using Cuban and other Communist forces, typical of Marxist policy, and a stronger realization of the growing disparity in strength between the United States and its allies and the Soviet Union.

Throughout Western Europe a number of important events had occurred or were occurring, with yet unsettled results. And most of this was during the tenure of General Haig as commander of NATO. Portugal had ended its long authoritarian system and was in need of economic aid. Several NATO countries came to its aid, but the response by the United States at that time was uncertain.

The debate was still going forth concerning conditions for the establishment of bases in Spain. Italy was in economic distress and political instability. The breach between Greece and Turkey persisted, and the refusal for a long period of time by United States to supply arms to Turkey weakened that strong ally and raised speculation that it might withdraw from NATO.

Portugal and the entire Mediterranean area were in difficulty and potential danger and needed definite policy decisions by the United States. All of the countries I have named were members of NATO, with the exception of Spain.

As I said above, this is too long a preamble for my advocacy of General Haig's capacity to be Secretary of State. But I have done so for this reason: In my position, on which I do not want to dwell in a personal sense, as the first Ambassador, I suppose I was some kind of a curiosity, as the United States had finally recognized the German Democratic Republic. And all members of the diplomatic corps, with the exception of those countries with which we had no relationship, would speak to me of their evaluation and opinion of the United States and even of the Soviet Union, with the exception of a few members of the Warsaw Pact.

Certainly, I was able to speak with our allies of Western Europe, and particularly with our World War Allies in Western Europe, the Ambassador of France and Great Britain, and with our present strong ally, the Federal Republic of Western Germany. Now, they spoke correctly, diplomatically, and with due regard to their own security measures. But they regarded General Haig with confidence as a military leader of NATO Forces and admired his sensitive conduct of the necessary diplomatic consultations with members concerning the essential strengthening of the alliance which still must go forward, and other NATO problems which exist between NATO members and their own internal problems.

I visited General Haig's headquarters in Belgium for a briefing and report to him and his staff my observations concerning the GDR and its relations with the Soviet Union. I noted immediately the respect and confidence with which he was held by the members of his staff, and the strong leadership which he exercised with such confidence and yet calmly.

I believe that General Haig's approval to be Secretary of State will inspire confidence among our allies in Western Europe and a recognition of leadership in other countries, both friends and adversaries, as well as approval in our own country.

I close by stating—I haven't closed yet, but this was in my first draft; I meant to close—I close by stating the obvious: That our country remains in an uncertain and potentially dangerous position. Conflict, actual wars of whatever duration have and are occurring on every continent. The Middle East situation with the Iran-Iraq war, holds danger for our oil supplies, essential for our industry, our agriculture, our entire national life, as well as for Western Europe and Japan.

Now, the present administration has admitted—I haven't come here to speak harshly of this administration, but I simply state a fact—it has admitted that the Soviet Union could destroy our land-based missiles within a few years, if not now. And it is said by some military experts that in every category of weapons except aircraft carriers, the Soviet Union surpasses us.

General Haig understands all these problems. And yet I noticed his answers to the questions that have been asked him, particularly questions by Senator Kassebaum, that he stated that the office of Secretary of State depends primarily upon diplomacy, taking into account economic, military, and political facts as well as self-interest, and there must be power sufficient to deter Soviet adventurism.

While not a Soviet or Communist expert, I agree with the statement he made a few days ago, that the Marxist-Leninist system, as a system, is a failure. Unable to feed its people, it is in debt and engaging in interventions in other countries to impress and frighten them and to strengthen its military position. But despite its theme of the international worker, which has gone on since Marx, it is a class elite system with no freedom. Its technology is limited essentially to military weapons, as it admits the need of our technology for the development of Siberian oil wells and transmission pipelines.

Now I come to the tape problem which has been raised and to which I would like to address myself briefly.

First, I think that in this situation in which we find ourselves, which I have tried to outline—this committee knows full well and much better than I do, because it has been now 8 years since I served on this committee and in the Senate—that in the precarious position of the United States and the world that we need a Secretary of State now. We need the office, we need the abilities, and we need particularly the experience and abilities of General Haig.

Upon the question of the tapes, which I have read about in the papers which I believe were made in 1973 in response to questions, I read General Haig's testimony. There may be some I haven't read. I noticed that some testimony was filed. But in the testimony that I read, he stated without equivocation that he was perfectly willing for them to be brought before this committee, and this committee would find that there was nothing in them at all that was illegal, that would challenge his honor and his ability and his capacity to be Secretary of State.

You will remember that he cited the number of occasions upon which he had testified before committees of the Congress and, I believe, even in the court during the Watergate proceedings. Time and time again it was found that he had no connection with those events, unfortunate events of Watergate about which we've heard so much for so long.

Now, this committee has the power, as I understand it, although I have not read the law which was passed after my leaving the Senate, to pursue its investigation. And I understand it has the Archives and that after decisions have been made there, I assume there could be recourse to the courts. Such recourse could last weeks, perhaps months, perhaps for years.

And against his statement, made so unequivocally, I ask you in all justice what you have? I sat here for 20 years in this body, when many questions came up which required one to make a decision of honor. Some of them were doubtful, but there is always a principle which prevails, in my view. Although it is a legal principle, it is a constitutional principle. It is due process of law, and that any man—you and I or anyone in this audience or anyone in this country or anyone who happens to be in this country even though not a resident—is entitled to due process of law and the presumption of innocence.

I don't even want to talk about presumption of innocence in connection with General Haig, because I find nothing in the testimony except a doubt expressed or speculation by some member of the committee that something might be found which would bear upon the question of whether or not he should be confirmed.

I should say to you, I say with all due respect, what you do to contradict due process of law, would violate the principle of presumption

of innocence, and revert to that most awful condition which existed for so long in this country of guilt by association, because he worked for a time as an assistant to the former President Nixon.

So, without evidence and with the knowledge that you can pursue to the limit any course that you desire, and with the positive evidence of General Haig's statement, and considering his abilities and leadership, I think that the openness of character which he displayed in his testimony and his actions, that, without question that he should be confirmed and confirmed now for the good of this country and its security, for greater coherence of policy and, therefore, security and a greater opportunity for peace in this world.

I thank you. And I beg your pardon for my long statement.

The CHAIRMAN. I thank you very much indeed, Senator Cooper. You have served as a parliamentarian for 10 years while you served on this committee. And, of course, you had the opportunity also to serve as an ambassador. You spoke of the high regard of our allies—in Europe, Japan, and elsewhere—for General Haig.

I would like to report to you what I have stated before, that during all the hours we have been sitting across the table from General Haig, I couldn't help going back in my mind to a period in November when for 9 solid hours over 3 days I sat with Ambassador Watson and Mr. Robert Galvin, friend and founder of the American Security Council, opposite President Brezhnev, Foreign Minister Gromyko, Defense Minister Ustinov and other officials. They have seen Presidents come and go.

Gromyko has probably dealt with 14 Secretaries of State. They are tough, determined, able, absolutely clear as to what their objectives are, and utterly devoted to serving their national interest as they perceive it.

We have to have, as I have expressed respectfully to the President-elect when I came back, men of comparable stature to deal with those men. And if our allies have a great affection for General Haig, I can report firsthand that our sometimes adversaries, highly competitive, ideological, in power centers around the world, those men understand General Haig. They have respect for him.

Despite the fact that the New York Times came out and said we would vote to confirm General Haig this morning, Pravda has not endorsed him. I tend to think the Soviet Union would rather deal with people who know where they are going, who know what their goals are. They are firm in their convictions and will not vacillate and will always serve notice as to what the consequences would be if some miscalculation is made.

And I can't think of anyone, really, that I would rather see representing this country across the table from our adversaries than General Haig.

I have just one question for each of you: Faced with the decision that we face now, two of you members of the Senate who must cast their own vote—and Senator John Sherman Cooper, who through the years has cast thousands of votes—do you feel that despite the subpoenas that have been issued and the processes that have been set up to look into matters that we feel should be looked into—despite that and taking into account the length of time that process may take through the courts, do you feel that this committee should cast its

votes and send this nomination to the floor of the Senate so it can be voted by the Senate, hopefully by January 20?

Senator Weicker.

Senator WEICKER. I think the committee can take whatever action it deems appropriate at the earliest possible time. I don't think any harm is done.

The CHAIRMAN. Senator Goldwater.

Senator WEICKER. I think where the difficulty comes is when the Senate as a whole acts, and if it acts in the absence of any decision on the tapes, then it has removed the strongest possible constitutional ground for demanding those tapes. So I think there are two different situations that are presented to both the Senate and to the committee.

Mr. Chairman, may I just use this if I might, only because I was wondering at one point if I would be given the opening to just make one comment upon the statement you just made.

The CHAIRMAN. Of course.

Senator WEICKER. I'm a great admirer of the New York Times and especially of Max Frankel—there's no question about it—but I hope when my time comes in 1982, No. 1, I hope I get their endorsement, but I sure hope I don't get this kind of endorsement.

If I could just read the one paragraph out of the editorial which should also be mentioned in addition to the endorsement which you mentioned where it said—

Despite the Senate committee's dutiful bid for more information about General Haig's Watergate performance, its dimensions are known. He helped President Nixon to stonewall the law, probably without himself breaking it. How one feels about that now is a matter of taste. We do not admire it, but assume Alexander Haig will always assume the public morality of the President he serves, which in the last case was Nixon. He will not be found leading his boss into temptation, or be driven by conscience to resignation.

That is not the kind of recommendation I think deserves, as I said, the fifth highest constitutional office in the land.

The CHAIRMAN. Thank you, Senator Weicker.

I yield to anyone else who might at some point in the proceeding wish to read this entire editorial, and if it's not done at some point, I'll do it either today or tomorrow to complete the record.

Senator Goldwater, could you respond to the question?

Senator GOLDWATER. Well, first of all, I don't give a damn about the New York Times.

[Laughter.]

The CHAIRMAN. How about the Phoenix—what is it?

Senator GOLDWATER. We've got a bunch of them.

I will vote for Alex Haig.

The CHAIRMAN. The question is not yea or nay but should a vote be brought as expeditiously as possible.

Senator GOLDWATER. You fellows get it out on the floor, and I'll lead the parade.

The CHAIRMAN. Senator Cooper.

Senator COOPER. Unfortunately I can't vote, but I've been reading the New York Times, and I thought it had a good article a few days ago, maybe it was yesterday, by a writer who I met today, Mr. Adam Clymer, who I thought expressed a good viewpoint toward the confirmation hearings. I am not going to try to say exactly what he meant,

but essentially it was to provide, unless there is some imperative reason, confirmation of a Cabinet member for the assistance of the President.

The CHAIRMAN. Thank you, sir.

Senator Pell.

Senator PELL. I have no questions. Thank you, gentlemen, for taking time to come here today.

The CHAIRMAN. Senator Helms.

Senator HELMS. No questions.

The CHAIRMAN. Senator Glenn, Senator Hayakawa.

Senator HAYAKAWA. No questions.

The CHAIRMAN. Senator Sarbanes.

Senator SARBANES. I have no questions.

The CHAIRMAN. Senator Lugar.

Would anyone indicate who would like to ask a question? Anyone on this side? Yes, Senator Tsongas.

Senator TSONGAS. Just a note to Senator Weicker. On the issue of the access to those documents that we have subpoenaed, it was the clear understanding that we would have access to those and that we as a minority and I as one would agree to an early vote on confirmation because of the reasons that have been raised by the chairman, but there was never any compromising of our right to those documents. I think that was clearly stated on both sides.

So I appreciate the concern that you raise, but I would like the record to be clear as to the legislative intent by all the members of this committee, because I am troubled by the specter that you raise.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you.

Senator Pressler.

Senator PRESSLER. Yes; I would like the opinion of the Senators and the former Senator on what kind of a situation would the Secretary of State be in if we confirm General Haig and then, over a 3- to 4- to 5-month period of time, the tapes are made public.

Would this handcuff our Secretary of State? Would it put him in a very precarious position? What is your reaction to the approach that the committee has taken in trying to confirm him but then getting the tapes later?

I'd address that to each of you individually.

Senator GOLDWATER. I don't believe anything that could be disclosed or will be disclosed by tapes 5 or 6 months from now will alter the statement made by General Haig, who I understand is willing to testify under oath, if he's not under oath, that he and Watergate just weren't together.

I'm inclined to believe him. I lived through that period. We never convicted the right man in Watergate, so I'll ride with that the rest of my life.

Senator COOPER. Did you ask me? Well, that is what I was talking about a short time ago—speculation, doubts without any concrete evidence to support them. I can't say it's truly analogous but when Secretary Kissinger came up for confirmation immediately after Watergate at a time when there was such a closer connection, there wasn't any question about it. They just took his word. He was confirmed.

General Haig has said he had nothing wrongful to do with it. There's been nothing here that I've read, unless there's some evidence

which has been deposited for further study of the committee, which would indicate that he had anything wrongful at all to do with it. As I said, if you go beyond that you're going into the realm of speculation, you're going into the realm of guilt by association.

If such a situation as you have described could occur and something did appear that the committee considered was not in harmony with such a position, the fact would be before the committee, before the Congress, and before the people.

If it was of such extent that some here seem to suggest, of course I would assume that the general himself would take such action if he thought it correct. He could stay in; it could retire or the Congress could act. But all I've been trying to say is so far as I've read, there's no proof before this committee.

The CHAIRMAN. Senator Pressler, I believe it was Senator Baker who pointed out on Saturday to the committee the same situation was faced by this committee on the confirmation process of Dr. Henry Kissinger. The committee decided to proceed but continue to investigate the wiretap situation. The wiretap matter was investigated. A report was issued subsequently in a matter of months. At no time did any of us ever see that this impaired or hindered Dr. Henry Kissinger as Secretary of State one iota.

He proceeded right ahead. The committee issued its report saying that if all the information had been available to the committee, it would not have changed the vote of the committee at all. We trust that that would be the case in this case, that he would not be impaired one bit by whatever further study is carried on.

Senator Dodd.

Senator WEICKER. May I answer the question that was asked, Mr. Chairman? I believe I have not responded to Senator Pressler's question.

The CHAIRMAN. Yes, Senator Weicker.

Senator WEICKER. First of all, understand that if you succeed in getting the logs and the tapes, the nominee is going to be all over those logs and tapes just by virtue of the time period that is covered, by virtue of his position to the President.

I am not here to comment as to the substance of what is going to appear on the tapes, but he's going to be on those tapes, that much you know.

Now, isn't it interesting you're going to have a little difficulty here getting those tapes, and yet when those tapes were desired in the interest of discrediting a witness—that is, the discrediting of John Dean by Haldeman—those tapes were made available, with the knowledge of General Haig, to Haldeman in order that the discreditation of Dean could take place by letter and then later on by Haldeman.

So what I'm saying to you is again it is unbelievable to me that we have to go through the legal exercises to go out and put on the table the evidence that really belongs to the Nation as a whole, and to those that are trying to use it in an affirmative sense, which is General Haig, are those who want to have to use it in their own defense, and those who were accused at one time in sensitive Watergate matters.

I think you ought to have that information. I thought you ought to have it tomorrow so we can proceed to our vote. You're not, but that in itself ought to tell you what you're up against.

You're not going to get them. I mean, let me tell you, the minute you indicate that you're going to go from A to B to C, I don't care what agreements you made among yourselves, the fact is that there are certain laws, and certain constitutional prohibitions, and certain actions by "the opposition," which happens to be the executive branch of Government, that are going to make life very difficult for you.

Senator PRESSLER. That is what we are operating under. I mean, we really have no choice. We can't change that law.

The CHAIRMAN. Senator Dodd.

Senator DODD. Thank you, Mr. Chairman.

Just very briefly, my colleague from Connecticut, Senator Weicker, I just would like to for the purposes of the record, and it may be self-evident from your testimony, but you had the opportunity to question General Haig personally at some point during the Watergate hearings, is that correct, or am I misinformed?

Senator WEICKER. Correct. In the matter of money, a contribution that was received by Rebozo.

Senator DODD. I presume if there had been anything there you would have included it here. What I want to ask you—

Senator WEICKER. No. The answer is first of all in the executive session which I conducted General Haig, on the advice of counsel, refused to answer any questions. Subsequent to that he received instructions that he could respond to certain questions about the Hughes-to-Rebozo contribution. He did answer questions at that time.

However, it does raise the issue as to whether or not General Haig, having been informed of the contribution by then Secretary of the Treasury Simon and of possible IRS action, didn't so inform the President. And counsel had advised certain counsel to represent Mr. Rebozo in that matter.

Now, what I'm saying is I don't even consider that latter action to be all that great in the sense of propriety. But believe me, what I'm talking about is so much greater that I didn't even bring it up in my formal testimony.

The CHAIRMAN. Senator Weicker, isn't it true that it's President Nixon himself who exercised executive privilege, just as President Carter has exercised executive privilege on the Huyser matter and other matters?

Senator WEICKER. That is what I just so indicated.

The CHAIRMAN. Senator Dodd, do you have any further questions?

Senator DODD. Just the last point.

Lovell, on the last page of your testimony in talking about his motivation, the second to the last paragraph on the last page of your testimony, you mentioned the "special debt of gratitude to General Haig," and I'm quoting you now, "for helping him to edge Richard Nixon toward the exits, if such indeed had taken place, I would be far more grateful if such action had taken place because of principle and not politics or the proximity of impeachment."

This is for both your purposes and in fairness to General Haig. Is there some evidence in particular that would indicate to you that you would like to share with us that this action was not motivated by principle?

Senator WEICKER. Well, considering the timing and concerns expressed by colleagues and also knowing that this was going on, I didn't see all that much concern expressed at an earlier date until the House Judiciary Committee moved toward its particular result and until the political heat was becoming unbearable.

Let me say this: I don't think anybody did the Nation any favors in preventing the impeachment process. I commend my colleague, Senator Goldwater, and the editor of the Washington Post and everybody else for deciding what should happen to the Government of the United States; but again, that's exactly what I'm talking about when you go to a government of men rather than of laws.

There's a process for all of this. It is all right to say that the Government cannot stand that process, but then throw it out of the Constitution. It shouldn't be in there. We'll all just make a few judgments when that moment in time comes, and some will decide it one way and other circumstances another way. It is the Constitution because we recognized that things such as this could happen.

I'd far rather let that process take place than what we're talking about here, and give credit for the success of the project, be that as it may with all of the doubts that that left in the air both as to the pardon, as to whether Mr. Nixon was guilty or not guilty or what have you.

So, again, I don't know what was done for the Nation that we should be thankful for. I would far rather prefer that we follow the processes laid out in the Constitution than that which did take place.

Senator DODD. Thank you, Mr. Chairman.

The CHAIRMAN. Are there any further questions by any Member? Yes, Senator Helms.

Senator HELMS. I don't have a question, Mr. Chairman, but I do want to commend my friend from Connecticut, Mr. Weicker, for an eloquent statement, and to ask him as a favor to me and perhaps to the entire committee if he would not mind drafting a precise memorandum in which he states the acts of dishonor or dishonesty on the part of General Haig.

Now, the Senator participated in the Watergate hearings; I did not. And as I read the Senator's statement, eloquent as it is, it seems to me to be painted with a broad brush.

You say, "I am not here with any new bombshells." You didn't bring any old ones either. And I would just appreciate it personally as one member of this committee if you would give me a precise accounting of the acts of dishonor or dishonesty on the part of General Haig.

Senator WEICKER. Well, the statement speaks for itself, and if at any point—

Senator HELMS. I'm sorry. It does not.

Senator WEICKER. Well, Senator, that is your privilege of definition, but otherwise I would be glad to get into any specifics as to what I consider to be improper conduct or conduct that does not come up to the standard that is expected out of the executive branch of Government.

Do I believe, for example, that when the best evidence is available there is an affirmative duty to go ahead and disclose that evidence, such as the tapes? I certainly do.

Now, if you think it is up to the Executive or the President of the United States and those assisting him not to say anything, never mind whether you believe that there was an active motion or movement to keep it under cover, well, there is where we would disagree.

Honorable men would stand up and say look, young men and women are being sent to jail, men are being hit all over the place by the Select Committee and by the Judiciary Committee. Give them the evidence that is so necessary to the conduct of their own cases.

Now, that information was known by General Haig at the latest, the fact that there was such a taping system and such evidence was available, at the latest by the evidence we have before us by June the 4th of 1973, and yet it was not until Butterfield's testimony, which was in July, that the existence of the system was known.

That is why I very specifically said in there that the time has come—in other words, the time had come for men of honor under those circumstances where their bosses were charged with the duty of faithfully executing the laws, to say listen, mister, either stop it or I'm leaving, either make this known or get out.

Instead we have this matter continuing in this style and going ahead and protecting the methods of operation of the President of the United States when they were clearly outside the law.

Senator HELMS. Well, of course, Senator, General Haig has given his side of that as well, and there needs to be a balance between the rather broad brush that you used.

Now, let me point out one other sentence, and I do this—

Senator WEICKER. You tell me what you want the specific on, and I'll give it to you.

Senator HELMS. I want to know what acts of dishonor or dishonesty—

Senator WEICKER. I've just given you one. What is your comment? Do you think he should have not disclosed the existence of the system?

Senator HELMS. I don't know what the facts are, Senator. You are familiar with the Watergate facts, and I am not.

Senator WEICKER. Well, don't tell me I'm painting with a broad brush. I'm giving you a very specific example.

Senator HELMS. I'm talking about this statement. You mention the fact that he appeared at the Republican Policy Committee—

Senator WEICKER. That is correct. Do you want the minutes? Do you want me to read them? I've got them right here.

Senator HELMS. Well, what did you mean by—

Senator WEICKER. Well, now, you started it, so let's finish it. Let's go ahead and get the minutes as to exactly what he stated to your colleagues at that meeting. I'll be glad to go ahead and enter the minutes in their entirety.

Senator HELMS. I said at the outset I'm not prepared to debate with you on the Watergate details because I know nothing about it, Senator. I don't question your beliefs about it. I just want to know what the precise facts are.

Senator WEICKER. That is what I'm trying to give you in response to the question you just asked me.

Senator HELMS. Why don't we proceed?

Senator WEICKER. Senator Packwood asked about the President's statement to the 10 Senators on November 15 at 5 p.m. that there were no more blockbusters on the horizon, whereby by his own later admission General Haig informed them of the Rosemary Woods' gap. It goes on to —

Senator HELMS. You're talking too fast, Senator. I cannot understand you.

Senator WEICKER. Do you want me to read the entire minutes?

Senator HELMS. No. I just want you to read it so I can understand what you're saying.

Senator WEICKER. "General Haig said he personally knows of no further shocks to be expected except that no one knows what may come from the technical experts who are currently reviewing the gaps in the tape. It is possible there will be disagreements, conferences, and there's a definite potential for differences, but Haig thinks there will be a plausible explanation for everything."

This is the colleagues of yours, your party, who are looking for some explanation prior to the Christmas recess so they wouldn't get out there and get crucified by the electorate. And this man in effect—and as I said, I'll submit the whole set of minutes to your committee—is telling them don't worry, everything's OK.

Everything was not OK, and the potential for everything not being OK clearly was there with the existence of such a system. And all I'm trying to point out to you is if you've been given assurances, Senator, by this same general that everything is OK in your capacity as a member of this committee, understand I have been through this exercise with General Haig as a member of the Republican Policy Committee, and believe me, the assurance fell somewhat short in light of what then happened.

Senator HELMS. That, Senator, is precisely why I would ask you to give us a memorandum. I don't want to impose on you, but we need to go into what you have said.

Now, I've been handed a note saying that General Haig testified that he knew of the taping system as of June 4 but not that it was voice activated until July.

Now, I don't know what that has to do with the price of eggs in China, but nevertheless—now, let me ask you about one more sentence and I'm through with this situation.

You said, "The job," meaning Secretary of State, "The job cannot become a reward for evasiveness, partisanship, or subservience."

Senator WEICKER. Right.

Senator HELMS. Is that why Ronald Reagan appointed him?

Senator WEICKER. I don't know. You'd have to ask Ronald Reagan.

Senator HELMS. Well, apparently you know why he was appointed.

Senator WEICKER. It certainly seems to me that coming off his service to former President Nixon that those would seem to be the qualifications that brought him this position.

Senator HELMS. Seem to be. You see, there's a difference between "is" and "seems to be."

But I thank the Senator for his statement and his courtesy to me.

THE CHAIRMAN. Senator Lugar.

Senator WEICKER. Suffice it to say that President-elect Reagan and I would have appointed a different Secretary of State.

The CHAIRMAN. Senator Lugar.

Senator LUGAR. Mr. Chairman, I think that an historical debate of sorts has occurred between Senators Weicker and Goldwater. I respect what they have said, and I think their comment's reflect the dilemma that each one of us faces on this committee.

Very clearly Alexander Haig was right in the middle of a very difficult situation, a tragic situation in American Government.

Senator Goldwater has testified to the effect that he knows that Haig was in the middle of the situation. Senator Goldwater visited with Nixon with a lot of other people. It is Senator Goldwater's judgment that the country was well-served by not having weeks or months of an impeachment trial and the turmoil of the indecision involved in having the country tied up in the trial of a President. He has concluded that if Haig had not been there, Nixon might not have resigned at that point, and we might not have had the transition to Gerald Ford. It's a close call.

Now, Senator Weicker has said that Senator Goldwater, the editor of the Washington Post, other people should not have interposed themselves in this way, that in fact you should let the chips fall where they may. Nixon should have been indicted and convicted, if the evidence was there to proceed through that.

Our dilemma is that the nominee that we are examining is right in the middle of all of this as an active participant.

At the same time we also are weighing the fact that Mr. Haig has seen a very great deal of government and statecraft, and he's served under fire, and in the judgment of some of us came off pretty well.

But I think this has been important testimony. I would not be one for disparaging for a moment the validity of either point of view, although they are not reconcilable. Finally you have to come down one way or the other.

It appears to me that President-elect Ronald Reagan's nomination of Haig is based on standards other than his participation during this period of time. I would guess that it comes from a standard of conduct in NATO, in dealing with world leaders, and from a general perspective of the world as it is. And I think most of us have come to the conclusion after several days that Alexander Haig is a remarkable American.

But this certainly has been an interesting exposition of a part of the forest that we might not see quite so directly in any other way.

The CHAIRMAN. Thank you, Senator Lugar.

Senator Goldwater?

Senator GOLDWATER. Might I, very briefly. I was asked by the Republicans to go to President Nixon and tell him that his support in the Senate had eroded, that he might have 10 votes that would stay with him.

I called the White Houses through Dean Burch, who was also in the White House at that time, a former administrative assistant of mine and a former national chairman of the Republican Party. He asked me to come up and we talked about it and decided that nothing would be discussed until noon the next day.

The next morning I got a call from Dean Burch asking me to come to lunch with he and Alexander Haig and would I please not wear my Levis. So I thought that something was up, that I had to be dressed.

So I repaired to the White House at the proper time, and at that time Senator Scott, House Minority Leader John Rhodes, and I met with General Haig in an anteroom, and the decision was made that we would not mention resignation in any way to President Nixon. I think that was a very wise decision and a decision that Alexander Haig made.

Now, you have to keep in mind that Alex Haig had not had the NATO experience or the great broadening experience of dealing with other countries at that time. He was at that time a major general. Admittedly, he was promoted rather rapidly, but that has happened before, too.

Our job then was not allowing, if we could help it, President Nixon to say: "I do not care what you say, I am going to fight this out." Now I do not think I have to describe to you in minute detail what would have happened if we spent 6 to 8 months on this subject and this subject alone, because it would have taken precedence.

I think the country would have been sorely hurt, and that is one reason why I am grateful to Alex Haig for having, in effect, set the stage so that President Nixon had only one decision that he could make, and that was to retire, which he made the night after we had lunch with him.

The CHAIRMAN. Senator Biden?

Senator BIDEN. Senator Goldwater, what do you think General Haig's view of the Congress is? How do you think he views, not us personally, but the institution of the Congress? You dealt with him in that capacity as a representative of the Senate at that time.

Senator GOLDWATER. I think he has the same view of any man trained in the military, particularly a graduate of the Military Academy, that the civilian is always supreme, and for that reason he has great respect for the Congress, although, if I had to say, like many officers and enlisted men I have known in my life, he does not always agree. And I think that is his right as an American.

But I think his concept of Congress is one of respect, and I think he will abide by any decision of the Congress in complete good grace.

Senator BIDEN. One last question, Senator Goldwater. Do you think that General Haig would, as Secretary of State, be likely to take the same kind of action that Cy Vance did if he had a fundamental disagreement on policy or procedure with the President? Is he the kind of man who would walk in and resign or is he the kind of man who, because of his training, would tough it out because that was his job and because that is what his boss said?

Senator GOLDWATER. I think Alex Haig, if he was faced with a Brezinski and there was a hell of a fight going on, then the President would have to make up his mind, as we will some day, that a National Security Council is not needed, but a Secretary of State can handle the foreign affairs of this country, not somebody in a back room in the White House.

I do not think that, unless it involved a matter of honor, that General Haig would ever resign.

The CHAIRMAN. Are there further questions?

My distinguished colleagues, you are the only witnesses that have been called by this committee, and we thank you very much for your valuable contribution to our deliberations.

Senator GOLDWATER. Where do we get our per diems?

The CHAIRMAN. The committee will stand in recess for 5 minutes, until such time as General Haig returns for questioning.

[Recess.]

The CHAIRMAN. General Haig, I understand you have a statement that you would like to make at this time. You may proceed without interruption and then we will begin the questioning again. Inasmuch as we left off with Senator Cranston, we will begin with Senator Cranston, to be followed by Senator Dodd, and then we will resume our regular order.

General HAIG. Thank you, Mr. Chairman.

I would like to use this time to stress one point. There has been a great deal of discussion about abuses of power and my views on the subject. Were there abuses of power during Watergate? Of course there were. The break-in at the Democratic Committee headquarters and the obstruction of justice involved in the coverup, for example. These actions were improper, illegal, and immoral. They were an affront to the fundamental values I cherish and we all share.

But there were other actions that I do not consider immoral or abuses of power. The Cambodian bombing to destroy sanctuaries that were used by Vietnamese troops who were killing American soldiers was not an abuse of power. The 1972 bombing of North Vietnam was essential to concluding the peace negotiations and achieving the return of American prisoners of war. In my judgment, these actions were not abuses of power.

I am happy to express my values, values which I have worked for during most of my life. They are the values of freedom, liberty, privacy, justice, the rule of law, the right to live with dignity. They are values and rights worth fighting for.

But I cannot bring myself to render judgment on Richard Nixon or, for that matter, Henry Kissinger. I worked intimately for both men. It is not for me, it is not in me, to render moral judgments on them. I must leave that to others, to history and to God.

As for our country, I believe that it is the greatest Nation on Earth, a nation in which these values and rights which we cherish have flourished. I believe the United States has a special responsibility to conduct itself with honor and with generosity.

The strength I see in our economy and our political structure and in our military posture is essential if we are to fulfill our responsibilities in the world. As Secretary of State, it would be my firm intention to devote myself to fulfilling these responsibilities in accordance with the law and the Constitution, and to working to preserve and enhance the values which we as a nation share together.

That is my statement, Mr. Chairman.

The CHAIRMAN. I thank you, General Haig. And because that responds so forthrightly and directly to questions put to you in all sincerity by the Senators that are absent today I will, if you have an extra copy, duplicate it immediately, see that it is put in the hands of every Senator present and those who are not here, because I think it is a profound statement and a very helpful statement, and I think comes right from both the heart and the mind. Thank you very much.

Senator Cranston, it is your turn now to question. I am sorry we could not get to you this morning. But you may proceed and we will be under the 15-minute rule unless otherwise indicated.

Senator CRANSTON. General, were you watching or did you listen to the three Senators who testified?

General HAIG. No, I am sorry, I did not, Senator. I just heard little bits and pieces, and I spent my time preparing that statement.

Senator CRANSTON. Senator Goldwater specifically referred to what he termed your great service to the country at the time of the closing stages of Watergate. Specifically he praised you for, "getting President Nixon to quit before he ruined the country."

Do you feel that was a major contribution of yours at the time of the Watergate crisis? He was referring to the long impeachment process and how this country would have been at a standstill during that time if the President refused to leave office.

General HAIG. Well, I can state that I favored President Nixon's resignation at that time, yes. But I would not presume to cloth it in the language of Senator Goldwater.

Senator CRANSTON. You obviously felt that it was very important to the country to have the President resign at that time or you would not have worked for it.

General HAIG. I felt it was very important to put an end to a situation in which it was becoming or had become increasingly difficult to govern, when we had an international situation of growing severity and a domestic economic problem of some magnitude, yes.

Senator CRANSTON. Senator Goldwater described a visit he and Senator Scott and others made to the White House for a meeting with you before they saw the President. He described your analysis for them of the circumstances, your persuasive powers with them in persuading them not to mention resignation to the President of the United States.

He noted that the President, due to the way the matter was handled by you and by them in that meeting, did announce his resignation that night. But plainly, you played a major part in that very important decision, and from all of these accounts you performed very well at that time.

The point I am getting to is this: Yesterday the Archivist of the United States said that only the lack of consent of President Nixon prevents us from immediate access to the logs and records of the tapes from May 4, 1973, to July 12, 1973.

This afternoon Senator Weicker, a Republican, strongly urged us to vote against your confirmation and pleaded with us to pursue those logs and tapes because we have the constitutional duty to know all of the evidence before we can give advice and consent. A number of Senators of both parties, on and off this committee, plainly are concerned about the gap in information presently available to us.

In view of your powers of persuasion with President Nixon, are you now prepared to ask him to give his consent for those tapes to be turned over, so that we will have available to us the information that we feel we need?

General HAIG. Well, Senator, I have made it very clear to this committee and repeatedly that I have absolutely no objection to your having access to any tape, any document, any phone log or any other piece of data or information that you feel is relevant to the considerations before you. I think I also made it clear that it is not in my authority or, in my view, state of influence to bring about the consequences that you suggest.

In some respects, given the history of this thing, years of litigation involved and the principle—whether it is right or wrong, I leave that to experts on the law—I would not anticipate that I am going to make an iota of difference in the decision that was made so long and that has been so hard fought.

But I think President Nixon knows what I have said here. He is aware that I have no concern about it. And beyond that, I do not know what I can do.

Senator CRANSTON. Well, we appreciate your assistance in getting such information as you can give us. We would appreciate your help in getting more. We understand your position.

That question was asked previously by Senator Dodd. I thought possibly the new circumstances would change your mind. But I see that it does not.

General HAIG. It is a very understandable question, and I unfortunately just do not have the ability to deal with it constructively, in my view.

Senator CRANSTON. I would like to return to a matter of policy that I am particularly concerned about. Let me preface this by stating that I share your belief in the need to strengthen our military posture, both strategic and conventional.

On strategic matters, I am satisfied that you are not trigger-happy with nuclear weapons. And I am very pleased to have had your response to the many questions that have been put to you on that particular matter. I also, as I have already indicated, support your view that we must make our deterrent credible and that we must make it known that we are willing to resort to our nuclear capacities if absolutely necessary as a way of reducing the danger that nuclear war will actually come.

But there is no certain way to assure that nuclear war will thus be deterred. Even absent a deliberate decision to employ nuclear weapons, there are clear dangers of nuclear conflicts caused by accident, by miscalculation, or by an escalation of a conventional confrontation. It is for this reason that I focus so much of my attention in the Senate and in this hearing on arms control.

I want to refer, just now, to an article by George Kennan, the original author of the containment policy designed to limit the aggressive expansion of the Soviet Union. Mr. Kennan now believes that the United States and the U.S.S.R. have reached the point of unparalleled danger. In an article in the January issue of "Atlantic Monthly," George Kennan notes the maintenance by both countries of armed force on a scale that envisages the total destruction of their adversaries' citizenry. And then he writes this in the "Atlantic Monthly":

Modern history offers no example of the cultivation by rival powers of armed forces on a huge scale that did not in the end lead to an outbreak of hostilities. And there is no reason to believe that we are greater or wiser than our ancestors. It would take a very strong voice, indeed a powerful chorus of voices, from the outside to say to the decisionmakers of the two superpowers what should be said to them:

For the love of God, of your children, and of the civilization to which you belong, cease this madness. You have a duty not just to the generation of the present; you have a duty to civilization's past, which you threaten to render meaningless, and to its future, which you threaten to render nonexistent. You are mortal men. You are capable of error. You have no right to hold in your hands, there is no one wise enough and strong enough to hold in his hands,

destructive powers sufficient to put an end to civilized life on a great portion of our planet. No one should wish to hold such powers. Thrust them from you. The risks you might thereby assume are not greater, could not be greater, than those which you are now incurring for us all.

Now, let me say that I know of no way, except through arms control, to thrust these powers and these unprecedented dangers from us. Hence my emphasis on questions on this vital matter.

So let me now get once again to this line of questioning. Do you believe, General, that it is in our interest to put the SALT process on hold for any long period of time while critical decisions regarding the future shape of United States and Soviet nuclear forces are being made? Are not those decisions likely to acquire a momentum of our own, leading to a hardening of positions and increasingly inflexibility on both sides, to the point where arms control agreements may be virtually impossible to achieve?

General HAIG. Senator, let me suggest that I share your sense of urgency for a continuation of arms control efforts. I think that is vitally important.

Let me suggest also that the problem in the current SALT II debate, if you will, was probably aggravated by unilateral Soviet action in Afghanistan. It was also a consequence of some serious questions in the U.S. Congress and in the executive branch as well, to say nothing of the media and the number of other think tanks and national security oriented organizational groups, that there were some doubts about the equity of the SALT II.

Now, I share your concern about the importance of this issue. I would also suggest, as a further elaboration on the very erudite quotation you cited from a distinguished American scholar and diplomat, that in my experience historic precedent would suggest it is not when there is an adequacy of armaments, but when there is an inadequacy on one side or another, that the likelihood of conflict is greatest. Not just arms, arms growth per se, but rather anomalies which prove to be tempting to the side which perceives itself to have superior capabilities.

So all of these factors have got to be moved into this very important subject area and we have got to proceed under the premise which you and I have discussed, and on which we share a common perception. I think there are things to be settled in our relationship with the Soviet Union in the period ahead, which, as callous as it may sound, are of even greater importance than efforts to get control of the growth of armaments. These things will plant the seeds for the kind of confrontations that ultimately may lead to the employment of Armed Forces—heaven forbid. And so it must be prevented in its totality.

Senator CRANSTON. Are we not able to pursue these other matters, as important as they are, simultaneously?

General HAIG. I think there has to be some clearing of the air early on. I think we can conduct certain talks and discussions designed to facilitate progress at the right moment. Clearly, I think we owe the Soviet Union some explanations of our concerns today about the provisions of SALT II, which have not garnered the kind of American support, popular, legislative, and executive branch support that I think is necessary to sustain a long-term agreement of the kind we hope to achieve.

Senator CRANSTON. I would not quarrel with what you said about an imbalance in arms being an extremely dangerous invitation to conflict. However, when there is an even balance of nuclear weapons it seems to me even more important to contain, control, and reduce those armaments.

Do you see a danger that if we pursue a buildup while SALT is put on hold, the Soviets will commit themselves to a future course of action that will diminish the possibility that we can indeed halt the nuclear arms race?

General HAIG. I think that is hard to predict with firmness, Senator. I think our past experiences have indicated that since 1962 the Soviets have in general built strategic forces to about the limit that they were capable of building within their restraints of technology, resource allocation, and the maintenance of some balance in their economy. And the boosts have been very sharp in that area.

Senator CRANSTON. You referred this morning to modern-day technological developments as in many respects the most worrisome and unique phenomenon of our time. Is there not some danger—regardless of the capacities at this moment in the Soviet Union to invest a great deal more—and I think that is an open question—that a continued delay in the SALT process may make likely a situation where new breakthroughs by both nations will lead to a situation where efforts to limit the growth of our nuclear arsenals and to contain new genies that emerge from the bottle will be, if not impossible, much, much more difficult?

General HAIG. I think it is an associated risk, but I do not take much comfort from the opposite thesis, that if we proceed that we are going to find restraint in their efforts for breakthroughs, whether it be in space, chemical, biological, laser, or a number of other highly sophisticated, potentially extremely dangerous developments, because we have not seen it during the dialog on SALT I, Vladivostok, and SALT II.

Senator CRANSTON. Well, I am sure that we share a concern that we must not assume that some breakthroughs will be made which could be very foreboding.

General HAIG. Absolutely.

Senator CRANSTON. My time has expired. Thank you very much.

The CHAIRMAN. Senator Dodd.

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

General Haig, yesterday when I completed my last round, I had raised an issue that was brought up a number of times in the context of other matters, and that in the 1969-70 secret bombing of Cambodia. And I would like to return to that subject matter, as I said I would at the completion of yesterday's round.

And before doing that, I would like to make it clear to you the rationale that I have for raising this subject. It has something to do clearly with the actions that were taken in that period, and given the fact that you were in a very influential position as the assistant to Henry Kissinger, who was of course the President's assistant and National Security Advisor, I am interested in that, and frankly I am more interested in talking to you and with you about it in the context of future conduct that you will be engaged in as Secretary of State.

So I want to begin with a clear understanding of why I am approaching this subject matter with you. I suppose—and I do not believe I am breaching any security that we had as a result of last night's session, but we talked a little bit about hiring and so forth. And just as a general matter you talked to us about how you were going to scrutinize very carefully the people that you sent up to us.

And I presume as a part of that process you are going to look very carefully over the prior records of individuals who will serve as your assistants and your deputies, and either you personally will interview them or others will interview them and they will inquire of past conduct as a way of determining future conduct.

And so I say to you today that we of this panel are engaged in the constitutional obligation of hiring you. Certainly President-elect Reagan has the first step to take. But we have a role to play in that process as we, in effect, hire you to be our Secretary of State.

Yesterday I mentioned to you that I did not want to discuss the military necessity of the bombing in Cambodia, that I understood your reasons for the military necessity for that, and so I am not going to quarrel with you at all over the question of whether that made good military sense to conduct 3,000-plus B-52 bombing raids into Cambodia to go after the sanctuaries being used by the North Vietnamese.

What I am interested in pursuing with you is the question of the secrecy of those bombing raids, the secrecy from the American public, from this committee, from Congress. It was clearly no secret from the Cambodians. It was no secret from the North Vietnamese. The only ones who were really in the dark about the whole thing was us, that is, the American people and Congress.

So it is in that context that I would like to proceed with you. You said yesterday in your last remark that you did not believe that the question I raised was really relevant. Let me quote your statement yesterday. You said:

Now, in some respects it is totally irrelevant. It is a totally irrelevant question today. Why? It is irrelevant because of the War Powers Act. It is irrelevant because of the agreements promulgated by the Senate Intelligence Committee that require a priori notification to that Committee, if you would have termed that a covert operation. One way or the other, it is an irrelevant question in the context of the future and tomorrow.

I happen to feel that that particular event is extremely relevant, because, obviously, it involves foreign policy, obviously it involves the question of executive power, and it clearly involves the question of consultation with Congress.

You have been rather explicit in your desire to maintain, as Secretary of State, a close working relationship with Congress. And I respect and appreciate that. But I want to take you back now to that period of time and I want to talk to you now about the issue of secrecy and the legality of that action, if I can. You were quoted, or you said this morning, in response to Senator Sarbanes: "Openness is essential to the support the Government must have from the people." That was in effect your quote as I wrote it down this morning, and I applaud you for that statement.

The question I asked you yesterday and I will ask you again today: Did you approve of the decision to not only bomb that area, which you have indicated you did just a second ago, but did you also approve of the decision to keep that bombing secret from Congress?

General HAIG. First, Senator, let me again assure you that I was aware of briefings held by the administration for key members of the then traditional committees, the chairmen who had been traditionally brought aboard when such operations were conducted, and that occurred on that occasion.

Senator DODD. Do you recall who some of those key members were?

General HAIG. Yes. I recall Senator Russell, Senator Aiken, Senator Stennis. Basically Armed Services and Defense and Appropriations Committees. And I think that was totally consistent with and in fact maybe somewhat more extensive than it happened in my memory in the decade of the 1960's when similar activities were conducted.

Senator DODD. To your knowledge, it was secret only in the sense that the formal committees were not—

General HAIG. But I do not want to sound as if I am constantly trying to deflect your question. I think today that kind of thing is hardly in line. And the reason I answered the question the way I did last night was, it could not occur today the way it did because the procedures have been changed.

Senator DODD. All right. But you are telling me, then, in effect—and if I am incorrect in paraphrasing your feelings about it, you tell me so. Absent the War Powers Act, absent any agreements that now presently exist between the Secretary of State and the various other departments which would be responsible, looking back to that period of 1969 to the end of April 1970, that you would consider that action permissible?

General HAIG. No, I think it would be very imprudent today, because the attitude of the American people, of the Congress, indeed the executive branch as well, which is reflected in the new rules and regulations to which we refer, is perhaps as important as those rules and regulations themselves. And I think Senator Tsongas mentioned this morning, we are not here to legislate retroactive morality.

I think today it would not be an easy thing for anyone in the executive branch to conceive of the way it was done at that time. But I also want to make it clear that I did not think it was either wrong or immoral. I would be deceiving you if I suggested that, for a host of reasons.

But I also want to make clear that, while I favored the action, I was not the decisionmaker in bringing it about or in establishing the procedures that were followed in relation to it.

Senator DODD. I think Mr. Califano is trying to get your attention.

General HAIG. Yes. I just wanted to cite for you and especially for the record here who was consulted and notified in the U.S. Congress. Senators John Stennis, Richard Russell, chairman of the Armed Services and Appropriations Committees, Senate Minority Leader Everett Dirksen was also informed; in the House of Representatives, Mendel Rivers, Leslie Aarons, chairman and ranking minority member of the House Armed Services Committee, as well as Minority Leader Gerald Ford, were briefed. Secretary Laird briefed key members of the Armed Services and Appropriations Committees of both Houses.

No one raised the issue that the full Congress should be consulted. This was at that time the accepted practice for briefing the Congress on classified military operations. Standards for congressional consultations, too, have since changed. This is undoubtedly for the better.

Senator DODD. My point here is I recognize what you are saying about existing laws and legislation that would pertain to that kind of action, and the question of whether or not we should inform in response to a question is one matter. The question of misleading a congressional committee, aside from whatever existing powers may presently be on the books, I presume we both agree that that principle is inviolate and has been present for some 200 years.

General HAIG. Yes.

Senator DODD. Did Secretary Rogers know that we were engaged in the bombing of Cambodia?

General HAIG. I believe he did, sir.

Senator DODD. Let me read you testimony of his that he gave on April 2 and April 27, 1970, the last day being 3 days prior to the termination of the bombing. This is from, by the way, a statement of information, House hearings, book 11. I will state the greater details if the committee so desires. When Secretary Rogers testified before the Senate Foreign Relations Committee, he testified that, quote:

Cambodia is one country where we can say with complete assurance that our hands are clean and our hearts are pure. Our best policy is to be as quiet as possible, to avoid any action which appears to violate the neutrality of Cambodia.

My point in raising that is it would appear to me—and we may disagree on interpreting that kind of a quotation, but I read that as misleading. Would you agree?

General HAIG. Well, I do not know that I can either defend or indict this statement, because I am not familiar with what then-Secretary of State Rogers knew or did not know at the moment he made it. I know enough about him that I hardly feel that he would have misled.

Senator DODD. Well, let us assume for a second he knew about the bombings. Was that a misleading statement?

General HAIG. It would be to me, if he had full knowledge of the timing and the event to do it. But you know, this is a difficult—you put me in a difficult position, Senator. I have respect for Bill Rogers—

Senator DODD. I understand that. What I am trying to get at is, was there a discussion at all to your recollection within the upper echelons to instruct people like the Secretary of State, like Mel Laird, like General Wheeler, in their testimony before Congress when asked directly about the bombings in Cambodia, to be less than candid, shall we say?

General HAIG. No; not at all, not to my knowledge. As I pointed out, my recollections only bring to mind a cover plan which was worked out in the broad sense in the event of a diplomatic complaint from the Cambodian Government. And I know there were some other subsequent actions in reporting to the Congress that were both incorrect and improper, but they were not visualized or conceived at the NSC level or at the White House level in the implementation of the program, and I think they were honest misjudgments or mistakes.

Senator DODD. But there was no memo or instruction to people who testified?

General HAIG. No, Senator, not at all.

Senator DODD. So this would have been a decision, if it was—and you have indicated you agree at least somewhat that this was a little misleading—that would have been his decision, to make that kind of a statement?

General HAIG. Perhaps he generally did not know, which is what I am inclined to think, because I just could not conceive of anything else.

Incidentally, Senator, I lived in the Pentagon during the Silvester debates, under Lyndon Johnson's administration, concerning the issue of whether you have the right to lie to the American people. And I am extremely sensitive to the undesirability and the unacceptability of misleading the American people in public statements. It just is not anything I would support or endorse, then or today.

Senator DODD. OK. Is it a violation of the U.S. Code of Military Justice, to falsify reports?

General HAIG. No question about it.

Obviously it is. We both know that, correct.

Senator DODD. Are you familiar with the so-called after-action reports?

General HAIG. Only after the fact and after preparing myself both for this hearing and, I believe, some earlier questions that arose after the fact.

Senator DODD. Did you know that was being done at the time?

General HAIG. No, I did not.

Senator DODD. That that information was being falsified, you did not know that?

General HAIG. No, I did not.

Senator DODD. All right. I guess what I am trying to build here for you, as you can sense anyway—and it is not laying any traps in any way—but absent these laws which are now in place, whether or not that action or an action similar to that, were you cast in that role as Secretary of State confronted with a similar type of situation, in hindsight whether or not a decision to keep the committees of Congress secret or keep them from the knowledge of these actions, whether or not you would in hindsight recommend a different course of action.

General HAIG. I would not have supported it at the time. I think, unfortunately, it was an honest mistake of the momentum of people who were doing what they had reason to believe were legitimate operations, approved by the President, and then in a somewhat mindless way accounting for them routinely in a very inappropriate way.

Senator DODD. Thank you very much.

And thank you, Mr. Chairman. My time has expired.

The CHAIRMAN. Thank you very much.

Senator BOSCHWITZ?

Senator BOSCHWITZ. Mr. Chairman, I would like to make a brief comment on General Haig's remarks after he came back into the committee room earlier this afternoon. I appreciated his statement because I thought it was very lucid and very much to the point. I hope it answered some of the questions that have arisen during the process of the hearings, particularly those questions that arose this morning.

I join with some of the other Senators who have stated that they felt you have been of great service to our country. I share their viewpoint, particularly during the period of Watergate. I can understand how difficult it must be to extract yourself from the intricacies of

Watergate as they occurred at that time and look at it and decide you are going to make a judgment on it.

Perhaps it is a little bit easier for us who were not as intimately involved in the day-to-day transactions of Watergate to make that kind of judgment. On the subject millions of words have been printed, as we all know. There have also been a dozen or so or more lawsuits, scores of books, and thousands of articles. Furthermore, innumerable hearings have been held.

In truth through all that, the name of Alexander Haig has not been implicated. I feel that, yes indeed, if we can we should get the tapes. They would be helpful because they would complete in the minds of some, the exoneration that they feel must yet occur.

I appreciated your statement, General, and I appreciate the service that you have already rendered to the country and I know you will in the future.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you, Senator Boschwitz.

In view of the fact that there are no more questions for you, General Haig, from the majority, the Chair will establish now a ruling that the minority has suggested of a 20-minute limitation, to allow a little more continuity. And we will begin with Senator Pell.

Senator PELL. Thank you, Mr. Chairman.

I would first like to ask a specific question and then move into a more general subject matter. But on the specific matter of the consulates in Europe and abroad, on which General Haig touched this morning, as he knows, the consulates in Goteborg, Bremen, Salzburg, Nice, Turin, Mandalay, and Brisbane have all been closed, I think very much penny wise and pound foolish.

I think a good example of that is Turin. If my recollection is correct, the cost was about \$200,000 a year and the total trade from there was a quarter of a billion or \$250 million. In Salzburg, there are about 20 Soviet citizens in the consulate there and zero in ours. In Goteborg, they are building a new Soviet consulate of massive size just as we pull out and postcards are being issued showing this, sent to me by Swedish friends.

Twice I have sought to get this process reversed by law. The first time the President said it could not be reversed because it interfered with his constitutional right to appoint consuls. The second time I tried to wiggle around it, but nevertheless the administration has closed those seven consulates.

Is it your intention to open them?

General HAIG. Well, Senator, I do not want to give you the impression that I have analyzed each of these closures. There are many, many more that have occurred. But I can assure you that I am very concerned about it. I have observed it from overseas, and I can tell you that it is not a constructive—

Senator PELL. I am sorry, I cannot hear you.

General HAIG. It has not produced a constructive outcome. It is, as I think you said, penny wise and pound foolish. And I would like to analyze all of these and to be sure that I have an executive branch position behind me, and hopefully to elicit the support and cooperation of this committee, so that if we have in fact, as I suspect strongly, gone beyond the limits of prudence on this, then I hope we can rectify it.

Senator PELL. This committee and the Congress as a whole passed amendments in this regard twice before, in the authorization bills for fiscal years 1980 and 1981, and in a supplemental authorization for those years. So I think you would find congressional support. The opposition in the past has been from OMB, and I would hope that you would pursue this. I believe these are the only consulates to have been closed in many years, and they have already caused, I think, incalculable local damage to American interests.

Now, on a much broader subject, this whole hearing is really, in a sense, a battle for men's minds, because on the minority side at least there is not one of us who came to this hearing without a completely open mind, not sold in advance on the idea of voting for your confirmation or voting against it. And this may be—this openness of mind leads to a good deal of soul searching in an effort to do the right thing.

And I was troubled this morning by the exchange you had with Senator Sarbanes. I am glad that you have responded with this statement, because your exchange with Senator Sarbanes did leave some sense of concern as to what your values are, concern which still is there.

And I would like to pursue this a little bit and also try to refine the last matter that we were talking about when my turn expired, when I asked you, who do you mean by the other side, because you referred several times to the other side without specifying who it was. Is it the Viet Cong? Is it the press? Is it the Senate? Who is the other side?

General HAIG. I am not sure I know.

Senator PELL. Well, you referred this morning several times to the other side. Who do you mean by the other side?

General HAIG. In what conversation?

Senator PELL. In the conversation you had with Senator Sarbanes.

General HAIG. I am sorry. I want to be sure I answer your question accurately.

Senator PELL. Right. Why you were taking certain actions and participating in certain actions at the time—

General HAIG. Excuse me. I am sorry. Now I understand.

Senator PELL. And you referred quite often to the other side.

The CHAIRMAN. In the context of saying there was fault on both sides.

General HAIG. Yes; I think those in a very general sense were those who were very, very much in favor of a change in the White House and those who were opposed. That was a very general, collective statement. And I think you could take any one of the elements that you mentioned and find them just as split.

Senator PELL. But I was wondering if, when you said the other side, you did not mean a particular segment of American society?

General HAIG. Oh, no, no.

Senator PELL. The press, war demonstrators, or we the Senate.

General HAIG. Oh, no, not at all. I meant those harboring one set of views and those harboring another, like conservative and liberal, for example, the way this committee is somewhat split.

Senator BIDEN. May I interrupt? I am still a little confused.

Those who want the other side brought down. One side was you and the White House, I assume you mean; and the other side were people who thought—

General HAIG. No.

Senator BIDEN [continuing]. That the President should be brought down; is that what you mean?

General HAIG. No; I do not mean that. And I do not put—this was after the period of so-called circling of the wagons. I am talking about the later period, when the resignation of Haldeman and Ehrlichman had occurred, when Watergate was behind us. The events that triggered it had occurred, and almost without exception those involved had left and were either under litigation—

Senator BIDEN. But while the President was still there.

General HAIG. But while the President was still in office. There were strong disagreements throughout the country by well-meaning people on both sides of the issue, some who somehow felt—I think the word “railroad” was used here yesterday—that perhaps he was being railroaded, others who felt that he could not take a fast enough train.

That is just the general connotation of the remark I meant.

Senator BIDEN. May I?

Senator PELL. Yes; please.

Senator BIDEN. Did you think that after Haldeman and Ehrlichman and company left, that the matter should have ended there?

General HAIG. Oh, lord, no.

Senator BIDEN. Thank you.

Senator PELL. Now, this is said in a nonpartisan vein, but I have noticed in all administrations since the Vietnam war that the supporters and architects of that war always emerge in very high positions in Government or actually in what I would call the establishment, while the opponents of that war usually end up pretty much in obscurity. In the last administration, the highest ranking opponent of the Vietnam war was Sam Brown, who was left in the third level of Government.

So I am saying this in a nonpartisan vein, but yet in retrospect there was no greater mistake really in this century, I guess, in American foreign policy and in our national interest than the whole Vietnam war, that whole adventure, if you want to call it that, or misadventure.

One, is it your view that those who designed the war, Democrats and Republicans alike, have continued to be in place running the country, while those who opposed it have been abused?

The CHAIRMAN. Well, if I might interject, you have in the Senate Gary Hart, for instance.

General HAIG. It is a bipartisan question, and I hope my answer is taken in a bipartisan way. But I can name any number of officials in the last administration who occupied extremely high positions who were all part of the Democratic administration that made the decision to enter Vietnam but who subsequently broke with the Vietnam war policy in the post-1970 period as we, competently or incompetently, sought to wind the war down and get our prisoners out, and they returned to very high positions.

Senator PELL. I think my figures will remain. I am talking about pre-1970, early Vietnam. I think Sam Brown was the highest one. He was in the third level of Government, that is, after the Cabinet, and the sub-Cabinet. And I do not think you could name anybody else.

Anyway, the point of my question is, in your administration, if

confirmed, do you have any prominent people in its high reaches who opposed the war in Vietnam prior to 1970?

General HAIG. Will I have some?

Senator PELL. Yes.

General HAIG. I cannot answer it, because I do not necessarily attribute competence or virtue to the fact that somebody was opposed to the war prior to 1970. I would say the main problem was how we entered that conflict, the way we entered. And hindsight is always a very helpful aspect of the problem.

I was a young lieutenant colonel at the time we entered the war, working very close to Mr. Vance and Mr. McNamara, and I observed some of the early decisions and the reasons for them, and I was uncomfortable with the way in which we went into the war. I have always felt that if we asked ourselves, before we sent a single American soldier over there—and as you know, our presence began with President Kennedy's incumbency—where it could lead, what were the real contributing factors to it—and when I say that, I mean the strenuous support from Moscow—and had we even assessed the emergency of multipolarity during the conduct of the conflict, the divergence between Peking and Moscow, that we would have certainly done one of two things.

We would have asked ourselves, are we prepared to pay the price that this kind of inching escalation will ultimately cost, or are we better to conclude that it is not in our vital sphere of influence, as we decided in 1956 with the strong recommendations of a military man, General Matt Ridgway, who urged President Eisenhower not to join the French and support their request for our involvement in South-east Asia.

So again, I do not—I would hate to put myself in the position that I labeled guys because they were for or against the war as good guys or bad guys. There were a lot of mixed-up people in the decisionmaking process, but there were good reasons for it. And it was a very tragic outcome, I agree with you. It was one of the most profound mistakes in the history of our country, not the war itself but the way in which it was fought. You could argue whether or not it was the right thing to do or not to do.

Senator PELL. I guess my point is more philosophical here, but there were many of us who opposed vigorously that war in 1966, 1967, 1968, before it became more fashionable to oppose it. And those people who opposed it have, generally speaking, disappeared from the scene and their advice is being taken with skepticism unless they are able to hold elective office.

And my hope is that some of those men and women would be used by you in foreign policy matters as they come down the road. I hope you will not judge them on the basis of whether they were doves or not; I would hope you would not consider that a disqualifying factor in hiring in your new Department.

General HAIG. No; I would really turn on that issue to the reasons why, and there were many good reasons why someone could have been opposed to the war; that is, to that war, conducted in that particular way.

Senator PELL. And I think the blame there does not rest on the military services. It rests on the administration and the civilians who

created the war. It has always bothered me that those who articulated and developed the policy ended up in the highest posts in the establishment within and without Government, but that the others have sort of disappeared.

But that is all I have for the moment.

The CHAIRMAN. Senator Biden, you would have 20 minutes, then. Senator BIDEN. Thank you.

General, I was not here for part of the morning because I was questioning one of your prospective counterparts in the administration, Mr. Casey, in his confirmation hearing before our Intelligence Committee.

What I would like to know is, why did you feel it necessary to come back in this afternoon with this statement, to start off with this statement? What made you think you had to come in and start with this statement?

General HAIG. Well, very frankly, Senator, for one reason or another I suppose a few of us, a very few of us, have been talking around each other. Now, what the reasons are I do not know. I suspect it is my own inarticulate ability to respond to very sincerely asked and intensely held views.

For that reason, I thought it was important that I get the record straight, because repeatedly I thought I had addressed these issues, but I found some in my own entourage who shared my view that I had not. And for that I thought I had an urgent obligation to do so. It is too important.

Senator BIDEN. You know, I have been having the opportunity in the past week to question you on a whole range of issues. And I would like to once again cast the issue as I see it as it relates to whether or not we can—I, as an individual Senator, vote for or against a particular nominee.

In your case, although we talked a lot today about Watergate, we have raised questions about Cambodia, Chile, and the periods that I guess we and the press have referred to as the Watergate era, although nothing to do directly with Watergate, the real issue is the issue of power and the abuse of power, if any, and the concern that abuse may occur again.

And when any of us, either in closed session or in open session, have asked you questions, it has not been with the desire to trap, but the desire to get a sense of your values, which you came back this afternoon and once again have tried to express to us.

And it seems to me that implicit in that attempt to investigate in this hearing process whether there is likely to be an abuse of power is a recognition of the fact that, no matter how many laws we have on the books, there is so much inherent power in the Secretary of State's office and that of the President of the United States with whom he works that it is not sufficient to determine just whether or not you would obey the law.

I would have been shocked, absolutely shocked, if you came in here and said, in response to my questions which were asked to make a record for all of us on both sides, that no, I would not obey the law, I would not obey the War Powers Act, I would not obey the Case Act. I would have been shocked.

The reason we are going beyond it is because we recognize the incredible power that you have and should have as Secretary of State.

Now, if I can refer to this afternoon's statement, in the fifth paragraph you say:

"But I cannot bring myself to render a judgment on Richard Nixon or, for that matter, Henry Kissinger. I worked intimately with both men. It is not for me, it is not in me"—underlined, "in me"—to render moral judgments on them. I must leave that to others and to history."

Now, without——

Senator TSONGAS. The Senator left out "to God."

Senator BIDEN. "To history and to God." Excuse me. I beg your pardon.

Now this is a very serious question and I do not want to make light of it.

I am not about to ask you to render judgment on Richard Nixon. But do you believe it will be your responsibility as Secretary of State, as very critical decisions are asked of you, very critical judgments required on your part, and the requirement that you fulfill the directives of the President of the United States with regard to foreign policy, that you must at that point in time render a moral judgment as to whether or not what is being asked of you, what you are being asked to carry out, is moral or immoral from your point of view?

General HAIG. Of course.

Senator BIDEN. Now, if that applies prospectively, why do you find it so hard to make that judgment retrospectively? It seems to me you had the same obligation, to steal a phrase from the era, at that point in time, to make a moral judgment as an individual whether or not what you were being asked to do or participating in was right or wrong.

General HAIG. Maybe that is part of the difference between your moral code and mine, Senator. My moral code tells me it would be inappropriate for me to do it. And I am sorry, that is just an inherent aspect of my character, for which I am willing to take whatever judgments you care to apply.

Senator BIDEN. Is there any instance in your tenure of 30-some years of serving this country that you could cite as an example that would assure, that would give me some sense of hope that you would, if confronted with a request to abuse power, reject that power, reject that request?

General HAIG. I am not sure it would be particularly helpful, but I can think of a number over the years. But the price of doing that in an open session is, I think, to take unnecessary and unwarranted advantage of others who may have been participants in something you challenged.

I can tell you there have been a number of times in my career when I have recoiled from suggestions that I felt were inappropriate or immoral.

Senator BIDEN. General, the only thing I ever wanted to be was a professional athlete. I wasn't good enough to do that, so I became a U.S. Senator. To make an analogy with athletic competition, I am lobbying you the biggest, slowest, softest softball, hoping and praying that you will hit one out of the park for me. Why is it so hard?

General HAIG. Senator, I think you have got great athletic skills, and as a matter of fact I think I have gotten a spitball or two from you in the last 21½ days.

But be that as it may, I am doing my best to be responsive. I think you have read my statement, and that is about as well as I can present it, because it took a lot of intense work and thought in the period we had between our last session and this. I am really having difficulty in understanding what more you want.

Senator TSONGAS. Would the Senator yield?

Would you include track two and the secret bombing of Cambodia along with the issues of the break-in and the coverup as issues you would deem to be improper, illegal, and immoral?

General HAIG. Track two?

Senator TSONGAS. Chile.

General HAIG. Oh, the Chile thing?

Senator TSONGAS. I am not referring to razor blades.

General HAIG. I think in today's environment, probably. At that time I am not sure, because I was not involved in the decisionmaking process. I was not for the break-in either, heaven forbid.

I think, as I pointed out, that those kinds of things have been—we have created regulations, controls and procedures designed to prevent that. As I told you last night, there are a number of situations where you and I, this committee and I, will have to sit down and anguish whether or not it is right.

And I think in the particular instance of track two—and as I say, I did not know what track two was until after the event—it would not be right today in any way. Then, in hindsight, it was probably the wrong thing to do. But I think you want to be careful and I want to be careful as to what we establish as a priori conditions beyond those that are already a reflection of the best judgment of the executive and the legislative branches, both of whom bear an increasingly joint burden here, and I am talking about the Intelligence Committees.

Senator TSONGAS. If I could follow up with just one question. You said on the first day, on Track II, that your recollection of the October 15, 1970, meeting between yourself and Dr. Kissinger and Mr. Karmessines was that you had turned off Track II and you were surprised to see it carried out. So that you knew of Track II at the time of that meeting, because you discussed it.

General HAIG. Well, again, I did not know there was a Track II specifically established. I knew there were some operations the kind of which were described by Mr. Karmessines in that meeting, yes. But I did not participate in the decisionmaking that established, quote, "Track II."

Senator TSONGAS. Thank you.

Senator BIDEN. Let us talk about prospective action, General. Can you think of any hypothetical circumstance in the new administration where you would feel as a matter of your sense of honor or morality where you would be required, to keep face with yourself every morning when you shave, to resign or quit?

General HAIG. Oh, absolutely.

Senator BIDEN. Would you give me an example? Or if you want time to think about it, I will go back to it.

General HAIG. No, I can give you an example. If I found anything abhorrent to my fundamental standards of morality or I knew something was clearly in violation of law itself or the rule of law, I would refuse to participate and if necessary would resign in the process.

Senator BIDEN. General, in your opening statement on page 17 you said that Congress must do its part and behave responsibly in order to have good relations in foreign policy.

General HAIG. Yes.

Senator BIDEN. Could you give us an example of where Congress has behaved in foreign policy irresponsibly?

General HAIG. Golly, you would be a better expert than I, Senator. You live with it every day.

Senator BIDEN. Well, I know in my view what constitutes irresponsibility. But I am interested in what yours is. I am not concerned about mine.

General HAIG. Well, in the context of that statement, we are talking about sharing sensitive information. And if I bring up here to you some sensitive information and within an hour a member of your staff or you yourself are out in the corridors backgrounding one of our active publications here in town, I refer to that as irresponsibility.

Senator BIDEN. Can you cite me an example of any time that has happened, where you think we have in the past been irresponsible?

General HAIG. Well, I cannot—you know, I am sure there have been incidents, just as there have been equally as many in the executive branch and perhaps more. But the point to be made is that partnership is indeed a two-way street, and not only must I have your best judgments, which I welcome and cherish, hopefully in a bipartisan way, but I would hope also that you would recognize that when an issue is sensitive it must be treated in a sensitive way, just as I would insist on that among my own people, and you raised that this morning.

Senator BIDEN. For example, if I am not mistaken—and I may be—one of your predecessors on this job, Dr. Kissinger, has indicated, I believe—and if not he, then there have been plenty that have—that the Congress acted irresponsibly in the area of foreign policy as it related to the embargo with regard to Turkey.

Now, that is one kind of irresponsibility, as characterized by an individual, where the entire U.S. Congress voted on an issue. It did not sneak off to some back corridor and give somebody a backgrounder on secret information.

General HAIG. No.

Senator BIDEN. Is that the kind of "irresponsibility" you are referring to? I am just trying to get a sense.

General HAIG. No, not really. That is a label. That is a value judgment on a contentious issue. I happen to have disagreed profoundly with the overall congressional view on that subject and I lived with it intimately. So I can understand Dr. Kissinger or someone in the executive branch at that time, trying to get vitally important assistance to Turkey to prevent even worse calamities, might have described it that way.

But that is not the connotation of what I am saying in my statement. Rather, what I am saying is I think the responsibility is to perform responsibly in this partnership of consultation, coordination, this

effort to create a consensus of views for the most effective foreign policy we can have.

It is not an argument against disagreeing, if that is what you mean.

Senator BIDEN. So to clarify it in my mind, if you come up here and consult with us and we disagree with you within the structures of the institutional framework that is out there, if we express our disagreement by Senate resolution or committee resolution or whatever, that would not end from your viewpoint the cooperation? That is not the irresponsibility that would cut the link?

General HAIG. Not at all.

Senator BIDEN. Well, you understand why I ask, because there are many who have suggested, written, and made speeches about that as one of the reasons why you all should not come up here and talk to us, because our track record with Turkey, for example, shows that we do not know enough about foreign policy, ergo we should not be involved in it.

General HAIG. Senator, you have spent 3 days pointing out to me errors made in the executive branch. No one has any guarantee that he is going to be making right decisions.

Senator BIDEN. Well, if that was the basis on which you could be involved in foreign policy, then I do not think we would have any Presidents who would be involved in it, or many, anyway.

Now, my time is winding down. I have 2 more minutes. Now let me discuss with you for a moment your view of the War Powers Act. Under the War Powers Act do you think that President Carter was correct in not informing the appropriate committees of his introduction of troops in Iran, as few as they were, in the rescue mission? Did that comply with the War Powers Act? Did that violate the War Powers Act? You know, give me your sense.

General HAIG. I do not know the answer, because I do not know what steps were taken here and what consultations were engaged in.

Senator BIDEN. I can help you on that. There were not any. And I am on the Intelligence Committee, I am on this committee, and I was, quote, "a political ally." And there ain't none.

Now, having said that, do you think it complied with the War Powers Act?

General HAIG. It would seem to me it would be in violation of either the Intelligence Committee's regulations—probably not the War Powers Act, I do not think, in the context of that operation, probably not. But I would prefer to have a very strong and carefully worked out legal assessment of that.

Senator BIDEN. I happen to agree with you. But my time is up. I will come back and pursue the War Powers Act and a few more things with you later.

Senator HELMS. Senator Glenn?

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

That is a tough one that you are on there, because the need for secrecy with that thing was paramount above all. Whether we wanted anybody else notified or not I do not know. That is a very sticky one for me, wanting to know everything at this end of the avenue, but knowing full well the risks of putting people in more danger, perhaps. That is a real tough one that I do not know the answer to either, Joe.

Senator BIDEN. It is the general ones that do not bother us. It is the exceptions.

Senator GLENN. It is the exception.

General, back to some policy things here, I think we reached perhaps a watershed in our relationship with the Soviet Union at the point at which we turned them back in the Cuban missile crisis. In retrospect, I think they went home with their tail between their legs, vowed never to be put in that position again, and started building. And I think that is when they made the decision, from what we know now.

They went back and for the last dozen or 14 years or so they have outspent us by some 30 to 50 percent a year. And as they have come close to us in military capability they started being a little more militarily adventurous. The original coup in Afghanistan, help for Syria and Iraq, some of which backfired on them a little.

Then they tried a big experiment, a big military experiment—Cuban surrogate, Soviet equipment, Angola. Then it worked. It worked very well. Then they went to Zaire, Ethiopia, Somalia, up in the Eritrea area, South Yemen, ultimately North Yemen, doubled their presence in the Indian Ocean. Now back in with a full military takeover in Afghanistan.

Now you have talked about linkage and you are a proponent of linkage, and I think I am too. And we have some things going on with the Soviet Union. We cut off the drill bit program for them—the Dressler Industries plant going over there, that remains cut off now.

The Soviets are short of oil—going to be short of oil. Based on estimates that I got released from the CIA back some months ago, the Soviets run about 12 million barrels a day production right now, sell about 2 million to their allies. Their Warsaw Pact countries sell about 1 million on the open market and that is their main hard currency exchange.

Now their easy-to-get oil has already been obtained. To continue that production they need to get the deep drilling equipment—the bits—that are all American. They can't go anywhere else and buy them. Four companies make those bits.

And what we drill with those bits in our technology in 1 day takes them 34 days to drill in the deep drilling that they need, or their production may go down by one-fourth over the next 5 to 7 years. And there are various estimates on the time span there. Now that is a real policy decision that will be yours, come next Tuesday.

And we have along with that the oil pipeline out of far Siberia proposed across to Germany. It would be a big advantage to the Soviets. It is estimated, in a few years it would be 37 percent, as I recall, of Germany's gas, a big benefit monetarily to the Soviet Union, business that helps them, but then makes West Germany dependent.

Now there are two examples of where we can have decisions on linkage right away—the drill bit, and the pipeline that they are trying to get financed with Western financing. I could add one complicating factor along with that, and that is that there are now some reports that Pakistan may be moving toward an accommodation with the Soviet Union, which would mean, then, the access down across to warm-water ports, not only for shipping purposes but naval bases to use against us in the Persian Gulf area.

Now that is quite a scenario I have outlined for you, and I know we could discuss this for hours on end. But would you link up the drill bit? Would you link up the pipeline? Those are prime linkage prospects, if I ever saw them. What would your view be if there was a move toward Pakistan or if Pakistan would fall into Soviet orbit? Or would you link these things up and cut off those programs?

General HAIG. Well, Senator, clearly those issues and some others as well are all in, what I would call, the toolbox of linkage. Some are unilaterally under our control; some are not and require diplomatic initiatives, all of which have accompanying costs.

I think it is of such significance and such importance that I would defer from signaling how we will come out on one issue or another until we have had an opportunity to study it with care and, above all, discuss it with the President-elect and know how he comes out on it.

Senator GLENN. You would not at this point, though, eliminate those items from linkage?

General HAIG. No; not at all.

Senator GLENN. Are there any others you think would automatically be linked up other than those two that I used as examples?

General HAIG. Well, we have done some fairly effective things in the technology transfer area—exceptions to the Cocom list, with varying degrees of discipline among our partners. I think the whole mix is there. I think the mix of our overall demeanor in a broader sense is an important aspect.

Senator GLENN. I went through that little litany, well, just for two purposes. One to find out what your reaction to it would be with regard to linkage and the other to point out I think we too often tend to take these items in some kind of splendid isolation. And think, well, they went into Afghanistan. Well, that is one issue.

But if we look back at what has happened over the past 8 or 9 years, it is a progressive thing that is extremely disturbing.

General HAIG. Yes.

Senator GLENN. And then, when you combine that with some of the things that are happening in the Soviet orbit at this time, some of these forces that may be taking some of their Warsaw Pact countries out of the close relationship that they have had in the past, you begin to see some disintegrating factors. And yet it is a Soviet Union on the march that is very disturbing. And I don't think we have really learned to cope with this thing yet.

And I hope your linkage or ideas of linkage are something that will work. And I don't know that anybody has the answer on this one yet. It disturbs me very much. I know that.

General HAIG. I share that concern, Senator.

Senator GLENN. Working with the Congress—are you willing to make a commitment now that we can have regular meetings on a once-a-month or once-every-2-months basis, either with you or your top deputies? I don't want to pin you down specifically, if you would be on a trip or something, but what kind of a commitment can we have? We talk about a bipartisan foreign policy. It is talked about when every administration comes in. We are going to have a bipartisan foreign policy and then everybody goes on their own ways, and we wind up tug-and-haul down Pennsylvania Avenue.

We never seem to get around to it and it just seems to me that unless we are in on some of the briefings at the takeoff we can hardly be expected to be supporters at the landing, whether it's a good landing or a crash landing. But if we are to have a bipartisan policy, it seems to me there has to be a commitment from you to this committee that we will, on a very regular basis, get together, whether it is once a month with you coming down here, we spring for lunch at this end, you at the other end of the avenue on the alternate months, or something of that nature. I'm not trying to pin you down to every third Tuesday or something like that at this point, but would you commit at this time at least to getting together on a regular monthly or every 6 weeks basis?

General HAIG. I can very easily commit myself to regular meetings, either at the Department or here, perhaps alternating. I think they have done it different ways in the past, sometimes breakfast. I've heard complaints that they were too early.

Senator GLENN. No, it usually has not been done on any regular basis in the past. That has been the problem. That is what I am trying to address. Once in a great while somebody goes down. We have a breakfast. Or once in a great while they come up here. Senator Muskie made an effort in this regard that was very good.

I would like to see this if we are going to have a bipartisan foreign policy, which I sincerely hope we do have; I hope that we get started on some sort of regular basis on this and not just when you happen to think about calling us up sometime or we happen to think about calling you up.

General HAIG. I think what I would like to do, if I may, Senator, is to have about 3 or 4 weeks' experience in the job and to come up here with a proposal or proposition which would be designed to satisfy your concerns, and I can assure you it is to my advantage to have this kind of a regular dialog.

Senator GLENN. I agree with you 100 percent on that. I think you would find our ideas are not always all bad up at this end of the avenue. Once in a while we also have some good ideas at this end of the avenue.

What are your views on foreign aid? It is very unpopular. Nobody likes it. Those of us that just came off the campaign heard such questions as why are we giving money to those people abroad when the steel industry is closing in Youngstown, Ohio, and the auto industry is down—70,000 people unemployed in our State and you are down there voting for foreign aid.

General HAIG. Well, I think foreign aid is frequently, not always, but frequently a very cheap investment in the assurance of our national interests, even in the commercial side. If we look at the combination of foreign economic assistance to developing states and set that alongside the growing advantages to American industry in our export ratios, which have gone up higher and higher and that is our largest trading constituency—the developing states.

Senator GLENN. Have you talked to Mr. Stockman about his views on foreign aid?

General HAIG. I haven't yet. No, sir.

Senator GLENN. You what?

General HAIG. I have not yet, sir.

Senator GLENN. Because I can imagine what those are going to be. And I'll tell you I don't take Mr. Stockman lightly. I view him as the No. 2 man in government. I am not kidding.

General HAIG. Recent history would suggest that is true.

Senator GLENN. He is the No. 2 most powerful man in government—certainly domestic government—and I think when we went through his hearings in Governmental Affairs the other day I was somewhat disturbed because he is talking about well, there won't be any help to autos or steel or anything. The world market will take care of that. And the only welfare will be if there is visible physical impairment of a person—visible physical impairment was one of his past statements.

And he supplemented that to say, well, we might give welfare—he would be for continuing some of the AFDC for dependent children. But just—I think he goes far beyond anything I ever heard President Reagan—President-elect Reagan—say during the campaign. And so I can imagine where we are going to sit with foreign aid. I imagine that it is going to be down. And I hope you fight for at least some levels there that can continue at least some of this advance that we have made as a nation since World War II that I alluded to earlier today.

I am not one that is rushing out to quintuple foreign aid or anything like that. But I think a modest amount of foreign aid that we can obviously afford with our economy does wonders for the long-term future stability that has been evidenced since World War II, as we did go out and help some other nations. And we gradually have dropped back. We are down quite a ways in the percent of GNP that we contribute to any aid for any other countries compared to most of the modern industrialized nations of the world.

I will give up the rest of my time on this round, Mr. Chairman, except I would like to say that on page 12, General Haig, of your statement, you listed some fundamentals that are very general. They are generalized fundamentals, and I won't ask you to go into these now, but tomorrow sometime I would like to have you spell out a little bit more about how we reach those very laudable goals. It was not done in your statement. We haven't addressed those things specifically, and I don't want to just spring this on you right now. I would bring that up as one of my questions tomorrow. They are fine objectives, but I would like to have a little more detail as to how you plan to carry those things out.

And I would yield back the balance of my time on this round, Mr. Chairman.

The CHAIRMAN. Thank you very much indeed.

The hour of 5 o'clock having arrived, in accordance with our understanding yesterday, we would take this time now for the committee to determine what the procedure would be.

General Haig, I think tonight we can excuse you and would ask that you be back at 10 o'clock tomorrow morning. As I understand it, there are no further questions from the majority. The minority has a maximum, it is understood to be, unless something unusual comes up, of some 7 hours, possibly. So we feel reasonably certain we can finish the hearing tomorrow.

Senator Pell and I have been discussing this with our colleagues, and I would yield to Senator Pell to articulate the understanding that we have arrived at.

But, General Haig, there is no reason for you to stay now. You and Mrs. Haig could be excused. I know you have a number of other things to do in connection with your duties at the State Department. We thank you very much for your very thoughtful and incisive testimony today.

Senator BIDEN. Mr. Chairman.

The CHAIRMAN. Senator Biden.

Senator BIDEN. Mr. Chairman, before you excuse General Haig—General, I think it is fair to say that it is very unlikely we would even use the 7 hours. The way we have arrived at that was it was stated if we all took the maximum time, assuming no one else asked any of our questions, it would take that long. I wouldn't be surprised if we finish this up so you can have a good long lunch and end it.

But I just want you to know, and particularly your gracious wife, whose stamina I think is very, very significant, it is much, much harder to witness a boring session than participate in it. And I compliment them for being able to take it.

[Laughter.]

THE CHAIRMAN. Thank you very much, Senator Biden, for your comments.

Thank you, General Haig. We will see you tomorrow morning at 10 o'clock.

[Whereupon, at 5:06 p.m., the committee recessed, to reconvene 10 a.m. Wednesday, January 14, 1981.]



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