

been crying out for solution for all of these years. I hope the process will untangle itself. I am now confident it will—there was a moment there when we were not sure, but I think it will and I think it has—and we will then be able to give Senators on both sides a chance to vote for good product liability reform.

This is not a product of the Contract With America. It is not a product of the Democratic Party. It is a product of people who want reform on both sides of the aisle, working within the Senate, within our ways, within our beliefs to achieve compromise. That is the way the Senate works.

After all, the President of the United States will have to sign the bill and put it into law. This is what has always struck me when people say that the conference process will ruin everything. I have never felt that. I know the Senator from Washington agrees with me on that, and I suspect the majority leader does. I know I do. Because the President, if he does not want to sign the bill, if it does not meet his criteria, which he has laid out to us, will simply veto it and that will be that. So there is a discipline that works there in conference process, which is good.

I remind my colleagues and the leadership in the other body of what I have just said. We have tended to push aside expansionism here and focus on product liability reform. We do that in the agreement between the Senator from Washington and the Senator from West Virginia. So, let the leadership on the other side understand that we are firm in our resolution, and that the President is, too. He will not sign anything other than what stands within his parameters of acceptability.

So I conclude simply by saying that the sidebar of the day was that there was a certain amount of confusion during the process at the end. But the story is that the two sides have reached agreement—Democrats who favor reform and Republicans who favor reform. I have been through this reform with most of my colleagues on my side and have met with a very good reaction, and I assume the same is true on the Republican side.

So, Mr. President, I simply wanted to say that, because there was a certain amount of confusion, but that pales in comparison to the good news of the agreement.

I thank the Chair and yield the floor.

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#### EXECUTIVE SESSION

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#### NOMINATION OF JOHN M. DEUTCH, OF MASSACHUSETTS, TO BE DIRECTOR OF CENTRAL INTELLIGENCE

The PRESIDING OFFICER. Under the previous order, the Senate will now go into executive session to consider Calendar Order No. 114, which the clerk will report.

The legislative clerk read the nomination of John M. Deutch, of Massachusetts, to be Director of Central Intelligence.

The Senate proceeded to consider the nomination.

The PRESIDING OFFICER. The debate on the nomination is limited to 2 hours, equally divided and controlled by the Senator from Pennsylvania and the Senator from Nebraska.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, there have been requests only from Senator MOYNIHAN, who was on the floor, for 15 minutes and from Senator HUTCHISON for 10 minutes, in addition to statements which will be made by the distinguished Senator from Nebraska, the vice chairman, Senator KERREY, and a brief opening statement which I will make. So, in the event that there are any other Senators who wish to be heard on the subject, they ought to come to the floor now or at least let the managers know of their interest in speaking.

Mr. President, the nomination of John M. Deutch to be Director of Central Intelligence was reported to the Senate last week, pursuant to a unanimous vote in the Senate Select Committee on Intelligence with a recommendation that he be confirmed. It was a unanimous vote, 17 to 0.

The committee held hearings on April 26 and then proceeded to that vote last week on May 3. There is a need to move expeditiously, as I see it, to have a strong Director of the Central Intelligence Agency.

In consideration of Mr. John Deutch to be Director, we took up a wide variety of issues. We examined Mr. Deutch's background and qualifications. He has an extraordinary academic record. He has an extraordinary professional record. He has been a distinguished professor at MIT. He has been the head of the department there. He has been the provost there. He has worked in the Energy Department. He has worked in the Department of Defense. He currently serves as the Deputy Secretary of the Department of Defense.

It is my thought, and I believe with the concurrence of the committee members, that he has the kind of strength to take over the management as Director of the Central Intelligence Agency.

He comes to this position at a time of substantial difficulty. He comes to this position at a time when the agency is with substantial problems of morale, in the wake of the Aldrich Ames case, where the agency had a spy within the Central Intelligence Agency which they could not ferret out and eliminate themselves; hardly a recommendation for an agency which is charged with worldwide responsibility to gather intelligence.

There is, in my opinion, Mr. President, the need for intelligence gather-

ing worldwide for the security of the United States.

During the course of the hearings, we explored with Mr. Deutch whether there ought to be a reorganization. His confirmation hearings came in the wake of extraordinary success by the Federal Bureau of Investigation on the Oklahoma City bombing case. We explored with Mr. Deutch whether perhaps the Federal Bureau of Investigation ought to take over on worldwide intelligence gathering. That has been suggested by some.

It would be an extraordinary change for the United States to do that. It would vest enormous authority in the FBI, perhaps more than is wise, in a country where we prize limitations on authority, where we prize separation of power.

The FBI, though, is right now engaged in very extensive operations overseas in work on terrorism as it relates at least to prosecution, work on drug trafficking, work on organized crime, many of those activities being undertaken by the CIA as well. But those were some of the subjects discussed.

I expressed at the hearings considerable concern about the Director of CIA being a member of the President's Cabinet. We have had the experience with Cabinet officers before of the CIA, specifically William Casey, where we had problems on Iran-Contra, and there has been a concern that the policymakers ought to be separated from the intelligence gatherers to the extent there not be the motivation to shade intelligence gathering to support policy, to sort of cook the evidence.

The Iran-Contra Joint Committee made a strong recommendation against that kind of a concern and that kind of activity. But in the final analysis, there is a need to move ahead with the confirmation of the CIA Director, so that it is my judgment, and I think the judgment of others on the committee who were concerned about having the Director in the Cabinet, that we should not hold up his confirmation in that respect.

Mr. Deutch has addressed that question very forcefully and directly, saying that he will be very mindful of those policy considerations and will comport himself so that intelligence gathering is separate from any matters of policy.

Mr. Deutch has made a very forceful statement on taking strong action. If there are those in the CIA, as there were in the Aldrich Ames case, who failed to act when there were lots of indications that Aldrich Ames was in fact not doing his job—when he was intoxicated on the job, when there were unexplained visits to foreign embassies, where he lost his files—Mr. Deutch was emphatic that if anybody was in a position of supervision over another Aldrich Ames and did not take forceful action, that person would be fired preemptorily.

Then the question was raised with Mr. Deutch about somebody who was in a supervisory capacity who did not know but should have known, and Mr. Deutch answered very forcefully that that person would be fired.

Mr. President, there are many people in the CIA who have long, distinguished careers, and there are many able men and women in the Agency who can carry on. It is my hope, I think the hope of the committee, that the morale can be restored by a very firm and forceful Director of the Central Intelligence Agency.

We have recently had hearings on Guatemala which, again, were disturbing, with the Deputy Director of the CIA conceding flatly that the CIA failed in its duty to notify both the House Intelligence Committee and the Senate Intelligence Committee of what was going on in Guatemala.

In sum and substance, Mr. President, it is my view, and I think the view of the committee, that John Deutch is well qualified to take on a very, very tough job at this time.

Mr. President, the nomination of John M. Deutch to be Director of Central Intelligence was reported to the Senate last week pursuant to a unanimous vote of the Senate Select Committee on Intelligence, with a recommendation that he be confirmed. On behalf of myself and Senator KERREY, in our respective capacities as chairman and vice chairman of the committee, we urge the Senate to act favorably on this nomination.

The committee made a complete and thorough inquiry of the nominee's qualifications as well as his views on issues of mutual concern, and concluded that he is qualified by both experience and temperament to hold this sensitive and critical position.

The Senate has moved expeditiously in this important nomination. Nevertheless, the intelligence community has been without a confirmed director since last December—a delay that is particularly costly when the community so urgently needs a strong sense of direction, of mission, and of management. It is a critical time for the intelligence community. If Mr. Deutch is confirmed as DCI, he will come to the job at a time of exceptional promise and peril.

The peril is clear. It is now conventional wisdom that the euphoria which erupted after the fall of the Berlin Wall and the dissolution of the Soviet Empire was premature. While nostalgia for the balance of terror between the United States and the Soviet Union is not in order, it is apparent that the post-cold-war world is not any less dangerous or unstable—as the bombing in Oklahoma City, the World Trade Center bombing, and the gas attack in the Tokyo subway have made shattering clear. Global threats from international terrorism and narcotics smuggling, the proliferation of weapons of mass destruction, and expanding organized crime networks present the intel-

ligence community with targets far more dispersed and complicated than the traditional focus on Soviet military power. The role and the priorities of the intelligence community in the Government's efforts against these and other threats—efforts which now have significant diplomatic, economic, and law enforcement implications—is very much in need of redefinition and reordering.

Moreover, a series of revelations have illuminated problems in the intelligence community that have severely damaged morale among the rank and file and have eroded the public confidence and trust that is essential for an intelligence apparatus operating in a democracy. From the abuses of power evident in Iran-Contra to the incompetence and lack of accountability that characterized the Aldrich Ames debacle, to charges of widespread sex discrimination, to the latest questions about policies and practices that resulted in, at the very least, an impression of culpability in murders in Central America, there is the sense of an intelligence bureaucracy that is not only incapable of meeting our national security needs but, instead, presents a recurring threat to our Nation's credibility and legitimacy overseas through its frequent missteps, miscalculation, and mismanagement.

The American people are looking for a Director of Central Intelligence who will provide strong leadership, accountability, and a clearly defined mission. And therein lies the promise. There is growing support within the intelligence community, the Congress, and the public for significant change in the way we conduct intelligence. The end of the bipolar superpower conflict that dominated the cold war provides new opportunities to build coalitions and achieve consensus on international threats. And thoughtful application of continuing advances in technology can greatly enhance our efficiency and effectiveness.

This committee, along with the House Permanent Select Committee on Intelligence and a congressionally mandated commission chaired by Les Aspin and Warren Rudman, will be taking a hard look at the intelligence community—what its mission should be in the post-cold-war world and how it should be organized to accomplish that mission—with an eye to legislation early next year. This is an opportunity to look forward; to begin a new era and establish a new American model for foreign intelligence.

A key issue for that future involves the nature of the office that Mr. Deutch seeks to assume. The DCI must have the ear and the trust of the President. Yet he cannot allow his role as confidante in any way to corrupt the intelligence process or his role as intelligence advisor. This is the concern that underlies questions about the wisdom of giving the DCI Cabinet status.

We have examined the nominee's views on a number of critical issues

facing the intelligence community, sought and obtained assurances that his position as a member of the Cabinet would not politicize intelligence, and examined the potential impact of his earlier involvement with issues like the Persian Gulf syndrome on his new appointment. Our objective has been to determine whether he can assert the strong and independent leadership that is so desperately needed. I have concluded that he can and I urge his prompt confirmation by the Senate.

In the remainder of my remarks, I will summarize for my colleagues the nature of the committee's inquiry, and highlight the key features of Mr. Deutch's testimony to the committee.

#### SUMMARY OF COMMITTEE INQUIRY

As you know, the former DCI, James Woolsey, resigned last December. In February, the administration announced that it planned to nominate retired Air Force General Michael C.P. Carns to replace Woolsey as DCI. One month later, General Carns withdrew his name, citing immigration issues. The administration then turned to Deputy Secretary of Defense Deutch. In announcing on March 11, 1995, the decision to nominate Mr. Deutch as DCI, the White House also announced that the post would be elevated to Cabinet-level status. Mr. Deutch's name was formally submitted to the committee on March 29, 1995.

The committee required Mr. Deutch to submit sworn answers to its standard questionnaire for Presidential appointees, setting forth his background and financial situations. These were submitted to the committee on March 30, 1995.

On April 5, 1995, the committee received a letter from the Director of the Office of Government Ethics transmitting a copy of the financial disclosure statement submitted by Mr. Deutch. The Director advised the committee that is disclosed no real or potential conflict-of-interest.

The chairman and vice chairman also reviewed the FBI investigation done for the White House on Mr. Deutch.

The committee held a confirmation hearing on Mr. Deutch on April 26, 1995, at which time the nominee was questioned on a variety of topics. Subsequently, written questions were submitted to the nominee for additional responses.

Based upon this examination, the committee reported the nomination to the Senate on May 3, 1995, by a unanimous vote, with a recommendation that Mr. Deutch be confirmed.

#### HIGHLIGHTS OF TESTIMONY

##### VIEWS ON THE ROLE OF THE DCI—CABINET STATUS

In his opening remarks to the committee, Mr. Deutch described as the primary duty of the DCI "to provide objective, unvarnished assessments about issues involving foreign events to the President and other senior policymakers." He emphasized that "with the exception of policy that bears on

the Intelligence Community, the Director of Central Intelligence should have no foreign policy making role." Speaking directly to the issue of making the DCI a member of the Cabinet, the nominee explained his belief that the President intended this to signal the importance he places on intelligence and the confidence the President has in Mr. Deutch. The nominee went on to present his view that this status is important to ensure that the DCI will be present when policy issues are deliberated so that he can present objective assessments of alternative courses of action and take away from those meetings a better understanding of policymaker needs.

I questioned Mr. Deutch on this issue in meetings prior to the confirmation hearing and again, for the record, in open session. I noted my own view that if you are in the Cabinet, you are much more likely to get involved in making policy than if you are not in the Cabinet. I referred to the congressional report on Iran-Contra and Secretary Shultz's assertion, as reported therein, that the President was getting faulty intelligence about terrorism because there was a problem in keeping intelligence separated from policy. The committee concluded in that report that "the gathering, analysis, and recording of intelligence should be done in a way that there can be no question that the conclusions are driven by the actual facts rather than by what a policy advocate hopes these facts will be."

This need to separate policymaking from intelligence gathering and analysis is reflected in the statute defining the National Security Council. The National Security Act of 1947 sets forth the members of the NSC and then designates others, including the DCI and the Chairman of the Joint Chiefs of Staff, as officials who are not members but may attend and participate as the President directs. It is my strong sense that this is the appropriate status for the DCI with respect to the Cabinet as well.

Mr. Deutch has assured the committee that he will hold to the proper standard of conduct and that he would "not allow policy to influence intelligence judgements and, not allow intelligence to interfere in the policy process."

I believe that Mr. Deutch has the best of intentions in this regard and that he is certainly capable of recognizing the line between intelligence and policy. The committee will be sensitive to any indication that this standard is not being met. Ultimately, however, the makeup of the Cabinet is a Presidential prerogative and is not statutorily defined.

Given the delay already experienced in naming Mr. Deutch, and given his strong qualifications in every other regard, I do not think this issue should stand in the way of his confirmation by the Senate.

With respect to DCI authorities, the nominee noted in response to questions

at the hearing and those submitted later for the record, that in his view, the DCI could more effectively manage the intelligence community if he or she had budget execution authority over key segments of the community.

In further response to questions, Mr. Deutch agreed that this was a propitious time to consider establishing a Director of National Intelligence—who would serve at the pleasure of the President and manage the entire intelligence community—and a separate head of the CIA who would have a 10-year tenure.

#### VIEWES ON THE MISSION OF THE INTELLIGENCE COMMUNITY

Mr. Deutch's prepared statement outlined some of the significant dangers to our national security today: Regional conflicts; the spread of weapons of mass destruction; international terrorism, international crime, international drug trafficking, and their interconnection; instability in the former Soviet Union; and China—as a threat to its neighbors and supplier of missiles.

He then described four principal purposes to which the intelligence community [IC] should direct its efforts: First, assuring that the President and other policymakers have the best information available before making decision; second, support to military operations; third, addressing international terrorism, crime, and drugs, particularly improving interagency coordination and support to law enforcement; and fourth, counterintelligence [CI] that rigorously adheres to high security standards, accords priority to defensive CI and counterespionage, and includes full and early cooperation within the CI community.

He emphasized that the national priorities for intelligence collection established by the recent Presidential Decision Directive need to be implemented.

#### VIEWES ON MANAGEMENT

I applaud Mr. Deutch for his unusually candid and forthright opening statement. In it, he outlined for the committee the significant actions he would take immediately upon confirmation to begin the process of change that is so long overdue in the intelligence community, or "IC." First, he indicated he would bring in several new people to fill upper management positions. In doing so, he will emphasize joint operations of the IC agencies because "we can no longer afford redundant capabilities in several different agencies." Second, he plans to review and encourage changes in the culture and operation of the Directorate of Operations. Third, he will move to consolidate the management of all imagery collection, analysis, and distribution in a manner similar to the NSA's for signals intelligence. Fourth, he wants to manage military and intelligence satellite acquisition in a more integrated way. Fifth, he will put in place a planning process for meeting the priorities and goals established by the Presidential Decision Directive.

Sixth, what he described as his most important challenge is to "improve the management—and thereby the morale—of the dedicated men and women who make up the IC."

#### RESPONSE TO AMES

The issue of management is particularly critical in the wake of Ames. I questioned Mr. Deutch on how he would ensure that he knew what was going on within the CIA so that he could exert the proper management. I cited former Director Gates' admission that by 1987, he had only been advised of about 4 or 5 compromises of U.S. agents, at a time when there were in fact 40 or more compromised operations. Director Gates complained that "nobody bothered to share that information with Judge Webster, my predecessor, or with me," when Gates was his Deputy.

I wanted to know what action Mr. Deutch would take if he identified a person that had a pretty good idea that Aldrich Ames was a mole but failed to pass that information on up the chain of command to the Director. Mr. Deutch said he would terminate that individual. Moreover, when asked about reports that the supervisor of Ames, who knew that Ames had an alcohol dependency and had observed the negative consequences of this dependency, had not only failed to fire Ames, but had, instead, written a highly complimentary review of his performance, Mr. Deutch indicated that supervisor should be fired. When questioned further, he conceded that if the supervisor's supervisor should have known about this improper conduct, that supervisor should also be fired.

The key in this exchange, as emphasized by the nominee, is the notion of accountability. It is a sense of accountability that was absent under the last DCI and that is an essential ingredient of any plan to revitalize our foreign intelligence apparatus.

Mr. Deutch has told the committee that if confirmed, he will review the Ames case and will consider the committee's report on Ames in connection with any personnel action affecting the individuals involved.

#### VIEWES ON CONGRESSIONAL OVERSIGHT

On the issue of congressional oversight, Mr. Deutch emphasized in his opening statement that he could not accomplish the significant change that is needed in the intelligence community without the strong support of Congress. "I consider you my board of directors", he said. "I realize this means I must keep you fully and currently informed about the activities for which I would be responsible—both the good news and the bad news. I understand that I am accountable to you, and I expect you to hold me to a high standard of performance."

Mr. Deutch conceded, when questioned, that, while he could not imagine it happening, if the President ever told him not to inform the committee he, Mr. Deutch, would "go happily back to Massachusetts."

Moreover, the nominee assured the committee that he interprets the requirement for timely notification of a covert action finding, in the absence of prior notification, to mean within 48 hours. Specifically, Mr. Deutch said, "I think that in all situations there should be prior notification. There may be remote instances where that is not possible, in a very, very tiny percentages of the cases. Then 48-hours is what I see as the measure of timely notification."

#### COMMITMENTS FOR PROMPT ACTION

At the conclusion of the hearing, I asked for, and received, a commitment from Mr. Deutch to report back to the committee as promptly as possible if confirmed—preferably within 30 days of confirmation—regarding several issues of particular importance;

First, report on any needed changes to DCI authorities;

Second, improving the intelligence community's fulfillment of its obligation to keep Congress fully and currently informed;

Third, the need for reorganization within the intelligence community;

Fourth, changes in personnel;

Fifth, proposal for how to achieve downsizing in a way which creates headroom, weeds out poor performers, and leaves the intelligence community with the mix of skills required to accomplish its mission;

Sixth, intelligence reassessment of the possibility that U.S. forces were exposed to chemical or biological agents during Desert Storm;

Seventh, actions taken in response to events in Guatemala; and

Eighth, improving coordination with law enforcement.

#### CONCLUSION

The foregoing summarizes only the highlights of the record before the committee, which is, of course, available to all Members in its entirety at the Intelligence Committee.

Based upon the nominee's statements to the committee, however, his record of distinguished service and the absence of any disqualifying information concerning him, the Senate Select Committee on Intelligence voted to report his nomination to the Senate with a recommendation that he be confirmed by the full Senate as Director of Central Intelligence.

Mr. President, before yielding the floor, I want to commend my distinguished vice chairman, Senator KERREY, for his outstanding work generally with the committee and on this nomination.

The only other speaker who is to come to the floor on our side is Senator HUTCHISON, who has an allotment of 10 minutes, but I think there will be more time within the unanimous-consent agreement if Senator HUTCHISON wants more time. Or if any other Republican Senators wish to partake in the discussion, they can take time on our side.

I thank the Chair and yield the floor.

Mr. KERREY addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. KERREY. Mr. President, I rise in enthusiastic support of the nomination of John M. Deutch to be Director of Central Intelligence. While I cannot predict a length in time that he will be in service to his country in this capacity, I can predict with confidence, should he be confirmed, he will turn out to be one of the most effective and influential DCI's in the history of this Agency.

The President of the United States, with John Deutch, is making a statement that he intends to send a man to take charge of Langley during what is obviously one of the most tumultuous periods ever experienced by Central Intelligence. The Aldrich Ames case and recent Guatemala revelations portray a troubled corporate culture at CIA.

In addition, many question whether the intelligence community has come to grips with the post-cold-war world and whether new collection methods and technologies are required to target the new threats that have emerged.

The twin threats of international and domestic terrorism lead many to question the intelligence community's proper role in supporting law enforcement. The very structure of the community is in question, as a joint Presidential-congressional commission and several private study groups ask whether intelligence is necessary at all.

Mr. President, we have been watching, once again, another 50-year celebration in the last couple of days. This time the celebration is the 50th anniversary of the day that victory in Europe was declared over Nazi forces. That victory is being celebrated in part because we are also celebrating the fact that over the last 47 or so years, we have avoided, with significant efforts, a third world war. For a 75-year period, roughly from 1914, when the guns of August started World War I, until the fall of 1989 when the Berlin Wall itself collapsed and Eastern Europe began to liberate itself, during that 75-year period, it is, I believe, accurate to say we experienced the bloodiest 75 years in the history of mankind.

During that 75-year period, Mr. President, many things occurred, including the institution of a policy that had the United States of America leading an effort against a clearly identified enemy, and the celebration that takes place this year is not just a celebration of a victory over that enemy, but a sense that we have survived, as a human people, the forecast that we may annihilate ourselves through the use of nuclear weapons. It is a remarkable victory, and I dare not on this floor take a great deal of time describing it, but it is a profound change that the new Director of Central Intelligence must factor in as that individual, hopefully John Deutch, begins to shape the agencies under his control to meet the new challenges that this country faces.

You might expect that only somebody who was a glutton for punishment would willingly volunteer and walk into the set of problems that John Deutch will face. But I can assure my colleagues, as the distinguished chairman of the Committee has already said, that John Deutch knows better than this. He knows, as many of us on the Intelligence Committee know, we have a superb intelligence instrument in this country staffed by brave and intelligent people who take risks every single day and make sacrifices for their country. They provide the President, the military, the Cabinet, our diplomats and intelligence analysts a capability no other country can rival: the capability to know most about threats to our country's freedom and independence, and threats to the lives and livelihoods of Americans.

Unlike the domestic agencies, our intelligence professionals cannot brag about their competence. To brag would lose the all-important source of information. So they are generally silent, but they are of immense value. They need guidance, they need leadership, they need a visionary who can help focus their talent on the Nation's pressing needs, and John Deutch is the person to do it. Adm. Bill Studeman has rendered a vital service as Acting Director. He has kept a complex enterprise on track during a difficult period, and the Nation owes him its thanks. He would be the first to agree that the intelligence community needs a Presidentially appointed, senatorially confirmed director.

Even if John Deutch's service in the Defense Department were his own accomplishment, he would be a strong candidate to be DCI. Most intelligence funding is in defense, the military continues to be the leading customer for intelligence, and his knowledge of defense intelligence is matched by few in and out of our Government.

But another part of John Deutch's résumé appeals to me. John Deutch is a scientist of national renown and a distinguished science professor. Technical intelligence collection is mainly a science problem. The scientific decision of which system to buy or develop to best collect against a certain threat is typically made by lawyers advised by scientists. In this administration, however, the scientists have come to the fore. I, for one, feel very comfortable knowing that the scientific judgment of Bill Perry is making the ultimate acquisition decisions in defense, and I will feel equal comfort with John Deutch's scientific judgment on intelligence acquisitions. The fact that he is a teacher and can explain these complex systems to those of us nonscientists, who are charged with intelligence oversight, is that much better for the American people.

We will get the benefit of Dr. Deutch's scientific expertise not a moment too soon. New threats, new collection priorities, and a rapidly changing collection environment mean that

we cannot stand pat on our collection technologies. Just to maintain the edge we have now, we must fund research and development on new technologies and make hard decisions about which road we will go down.

We also have to maintain the health of our intelligence industrial base, the private companies that produce these remarkable systems. There are uniquely talented people working for these companies, engineers and technicians who turn the requirements statement into reality. If we do not keep these people at work in profitable undertakings, the Government will never be able to afford new systems. That is why Senator WARNER and I, last year, urged the administration to permit U.S. companies to sell 1-meter space imagery and imaging equipment. We did not want to see remote sensing, a technology in which we lead the world, go the way of the space launch. We also wanted America to dominate this growing industry. The administration saw it the same way, and John Deutch is a firm supporter of the administration policy. He knows that our industrial base is our true national treasure, and he will continue to watch over its health.

Intelligence technology routinely saves American lives, but we should be alert to opportunities to make it useful to Americans in other ways. For example, the National Information Display Laboratory in Princeton, NJ, noticed that the technology that helped imagery analysts understand images better could also be helpful to radiologists scanning a mammogram for early signs of breast cancer. NIDL teamed with Massachusetts General Hospital to adapt the technology, and the outcome could be as many as 15,000 American lives saved each year.

Other opportunities abound for the dual-use intelligence technology. We have just begun to make public use of space images and other intelligence collected during the cold war. The declassification process has begun and we must push the process until we can fairly say that intelligence technology serves not just a handful of decisionmakers in Washington but the 250 million decisionmakers across our country.

Mr. President, when I was a young man operating in the U.S. Navy Seal team, we had a piece of advice we tried to follow all of the time, which was that unless you had a need to know something, you did not press the bet and try to acquire it. We did not disseminate intelligence to people who did not have a need to know. Mr. President, there are 250 million citizens of the United States of America who need to know increasingly a set of complex facts in order to make decisions about our foreign policy, in order to make decisions about our domestic policy, in order to make decisions about all sorts of things that are increasingly confusing our citizens.

Democracy cannot function unless citizens make the effort to understand those complexities and come to the table at election time and come to the table when it is time to influence their Senator or Representative or President with all of the facts and information.

The Director of Central Intelligence is the President's national intelligence officer. John Deutch's Government background is in defense, and his testimony before the Committee made clear that he understands the priority of intelligence support to the military. But he also understands the role of national intelligence, and he understands that not every problem facing the country is a military problem. He is aware, for example, of the intelligence community's contributions against international terrorism, against drug trafficking, against illegal trade practices. He knows how important intelligence is to this administration's international economic decisionmaking, and he knows that warning the President about the economic crisis in Mexico last year was at least as important as warning about a military crisis in some less important region of the world. It is ironic that, with the end of the cold war, the Director of Central Intelligence has a broader national charter than ever. It is an irony which John Deutch understands.

The intelligence community includes much more than the CIA. The National Security Agency, the Defense Intelligence Agency, FBI, and the State Department's Bureau of Intelligence and Research all play their largely unique roles. But no question, CIA, unfortunately, lately has been at the center of controversy and likely will continue to be. At least initially, the heart of John Deutch's task will be to make the CIA more efficient and accountable to the American people. I am greatly encouraged, as the chairman indicated earlier, by his testimony on the sense of accountability and responsibility that he intends to bring to CIA's Directorate of Operations. I have visited CIA officers in the field, and I know the high quality of the people John Deutch will lead. These are clear-headed, positive, enthusiastic Americans. The current senior managers should get credit for recruiting and training and motivating a fine crop of younger officers. Now it is time, as Mr. Deutch put it in his own testimony, for the seniors to let the younger officers take the reins.

As they take over, they must recruit and retain more women and minorities, and they must be alert to gender discrimination in assignments and promotions. The Directorate of Operations has never been an easy place for women to get a fair opportunity to make their mark. Not only is gender discrimination illegal, it is also stupid because it denies the American people the brain power of more than 50 percent of our people. It also creates resentments which can dangerously weaken the agency. I have heard all the excuses for discrimination, and none of them wash.

I am confident that John Deutch will not permit it.

CIA's human intelligence activities, which consist mainly in getting foreigners to secretly provide information, will always take place in the shadows. Human sources will have to be protected, so the activities will not be able to be publicly discussed. But CIA, no less than any other agency of Government, must operate in accordance with American law and American values. One purpose of congressional oversight of intelligence is to ensure that this is so. Oversight cannot work if CIA does not inform Congress, or answer Congress' questions. Failure to promptly inform is one of the most troubling aspects of both the Ames case and the Guatemala case. Bad news does not improve with age. The withholding of bad news—withholding information on an intelligence failure—jeopardizes the oversight system without which the United States cannot conduct foreign intelligence operations. John Deutch clearly understands his reporting responsibilities, and I believe Directors Gates and Woolsey and Studeman also understood. The challenge for John Deutch is to know what is happening inside his organization, so the bad news gets to him first.

That is the mark of a tight, confident, organization. John Deutch has some great material to work with, but it is up to him to forge that kind of organization.

If anybody in this great country of ours is up to that job, John Deutch is the person to get the job done.

I yield the floor.

Mr. MOYNIHAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New York [Mr. MOYNIHAN] is recognized.

Mr. MOYNIHAN. I thank my gallant friend from Nebraska. I rise very much in support of the position he has taken and that of the distinguished chairman of the committee, the Senator from Pennsylvania.

I would say by way of introduction that in the 103d Congress and then on the first day of the 104th Congress, I offered legislation that would basically break up the existing Central Intelligence Agency and return its component parts to the Department of Defense and the Department of State in the manner that the OSS, the Office of Strategic Services, was divided and parceled out with the onset of peace in 1945 and 1946, to be followed, of course, by a cold war which has persisted almost until this moment.

I had hoped to encourage a debate on the role of intelligence and of secrecy in the American society. That debate has taken place. Some of the results, I think, can be seen in the nomination of this distinguished scientist and public servant to this position.

It could not have been more clear than in his testimony in which he made a point, self-evident we would

suppose, but not frequently to be encountered in the pronouncements of potential DCI's. He said:

Espionage does not rest comfortably in a democracy. Secrecy, which is essential to protect sources and methods, is not welcome in an open society. If our democracy is to support intelligence activities, the people must be confident that our law and rules will be respected.

It may have come as a surprise—although it ought not to have—in recent months and weeks, to find how many persons there are in this country who do not have confidence that our laws and rules will be respected; who see the government in conspiratorial modes, directed against the people in ways that could be of huge consequence to Americans.

I am not talking about what Richard Hofstadter referred to when he spoke of "the paranoid style in American politics." I am talking about the widespread belief that the CIA was somehow involved in the assassination of President Kennedy, if we can imagine. But there it is.

It is important to understand how deep this is in our society. In 1956, even before Hofstadter spoke of it; Edward A. Shils of the University of Chicago—who just passed away—that great, great, social scientist, published his book, "The Torment of Secrecy," in which he wrote "The exfoliation and intertwining of the various patterns of belief that the world is dominated by unseen circles of conspirators, operating behind our backs, is one of the characteristic features of modern society."

Such a belief was very much a feature of the Bolshevik society that took shape in 1917 and 1918. The conspiratorial decision to help fund and fund in the United States, a Communist party, half of which would be class destiny, the discovery from the archives in Moscow that John Reed received a payment of \$1.5 million in 1920. Even as soft money, that would be a very considerable sum today.

In the pattern that societies go through, it is said that organizations become like one other. To an extraordinary degree we emulate the Soviet model in our own intelligence service.

Unintentionally, naturally, it happens that way, but a very powerful analyses of this has just been written by Jefferson Morley in the Washington Post under the headline "Understanding Oklahoma" in an article entitled "Department of Secrecy: The Invisible Bureaucracy That Unites Alienated America in Suspicion."

Or by Douglas Turner, in an article this weekend in the Buffalo News. I spoke of these concerns in an earlier statement on the Senate floor entitled "The Paranoid Style in American Politics," which I ask unanimous consent be printed in the RECORD along with the articles by Douglas Turner and Jefferson Morley.

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

(See exhibit 1.)

Mr. MOYNIHAN. Mr. President, what we have is so much at variance with what was thought we would get.

Allen Dulles was very much part of the foundation of postwar intelligence, having been in the OSS, served with great distinction in Switzerland during World War II.

Peter Grose, in his new biography, "Gentleman Spy: The Life of Allen Dulles," recounts the testimony Dulles gave before the Senate Armed Services Committee on April 25, 1947, as we are about to establish, passed the National Security Act of 1947 and created this small coordinating body, the Central Intelligence Agency.

Personnel for a central intelligence agency, he argued, "need not be very numerous \* \* \*. The operation of the service must be neither flamboyant nor overshadowed with the mystery and abracadabra which the amateur detective likes to assume." In a lecturing tone, he tried to tell the Senators how intelligence is actually assembled.

Because of its glamour and mystery, over-emphasis is generally placed on what is called secret intelligence, namely the intelligence that is obtained by secret means and by secret agents. . . . In time of peace the bulk of intelligence can be obtained through overt channels, through our diplomatic and consular missions, and our military, naval and air attachés in the normal and proper course of their work. It can also be obtained through the world press, the radio, and through the many thousands of Americans, business and professional men and American residents of foreign countries, who are naturally and normally brought in touch with what is going on in those countries.

A proper analysis of the intelligence obtainable by these overt, normal, and above-board means would supply us with over 80 percent, I should estimate, of the information required for the guidance of our national policy.

Mr. President, that could not happen, did not happen. We entered upon a five-decade mode of secret analysis, analysis withheld from the scrutiny, which is the only way we can verify the truth of a hypothesis in natural science or the social sciences.

The result was massive miscalculation, Nicholas Eberstadt in his wonderful new book, "The Tyranny of Numbers," writes "It is probably safe to say that the U.S. Government's attempt to describe the Soviet economy has been the largest single project in social science research ever undertaken." He said that, sir, in 1990, in testimony before the Committee on Foreign Relations. "The largest single project in social science research ever undertaken," and it was a calamity.

No one has been more forthright than Adm. Stansfield Turner in an article in Foreign Affairs about this time. He said when it came to predicting the collapse of the Soviet Union, the corporate view of the intelligence community was totally wrong.

I can remember the first years of the Kennedy administration. I remember having a meeting with Walt Rostow, Chairman of the Policy Planning Coun-

cil in the Department of State, in which he said of the Soviet Union, I am not one of those 6 percent forever people, but there it was, locked into the analyses. That is what the President knew.

Mr. President, in Richard Reeves remarkable biography of John F. Kennedy, he records that the agency told the President that by the year 2000 the GNP of the Soviet Union would be three times that of the United States. And that is what the President knew. A person might come to him with the most reasonable arguments, as did any number of economists. The great theorists, Friedman, Hayek, Stigler, said it could not happen, it would be theoretically impossible. Important work done by Frank Holzman, at Tufts, and the Russian Research Center at Harvard said, "No, no. That is all very well what you say professor. What I know is different."

The consequences have been an extraordinary failure to foresee the central event of our time. A vast over-dependence on military and similar outlays, that leave us perilously close to economic difficulty ourselves.

I would like to close with a letter written me in 1991 by Dale W. Jorgenson, professor of economics at the Kennedy School of Government, in which he said:

I believe that the importance of economic intelligence is increasing greatly with the much-discussed globalization of the U.S. economy. However the cloak-and-dagger model is even more inappropriate to our new economic situation than it was to the successful prosecution of the Cold War that has just concluded. The lessons for the future seem to me to be rather transparent. The U.S. government needs to invest a lot more in international economic assessments. \* \* \* (I)t should reject the CIA monopoly model and try to create the kind of intellectual competition that now prevails between CBO and OMB on domestic policy, aided by Brookings, AEI [American Enterprise Institute], the Urban Institute, the Kennedy School, and many others.

I ask unanimous consent the entire letter be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 2.)

Mr. MOYNIHAN. Those are the remarks I would like to make, sir. I have the confidence that John Deutch, as a scientist, will follow them. I have the concern that the administration will not.

We do know some things in social science. Mancur Olson, in his great book, "The Rise and Decline of Nations," on this day, V-E Day—I was a sailor on V-E Day, so I can remember that—I can remember the Boston Common, actually—Mancur Olson asked:

Why has it come about that the two nations whose institutions were destroyed in World War II, Germany and Japan, have had the most economic success since? Whereas Britain—not really much success at all; the United States—yes, but." And he came up with a simple answer. The defeat wiped out all those choke points, all those rents, all

those sharing agreements, all those veto structures that enable institutions to prevent things from happening. And we are seeing it in this Government today, 5 years after the wall came down.

Remember, 2 years before the wall came down the CIA stated that per capita GDP was higher in East Germany than in West Germany. I hope I take no liberty that I mentioned this once to Dr. Deutch and added "Any taxi driver in Berlin could have told you that was not so." And Dr. Deutch replied, "Any taxi driver in Washington." But if we cannot summon the capacity to change our institutions in our changed circumstances, there will be consequences and let nobody say they were not predictable.

Mr. President, I thank the Senator from Texas for her graciousness for allowing me to speak when in fact in alternation it would have been her turn.

#### EXHIBIT 1

[From the Congressional Record, Apr. 25, 1995]

#### THE PARANOID STYLE IN AMERICAN POLITICS

Mr. MOYNIHAN. Mr. President, As we think and, indeed, pray our way through the aftermath of the Oklahoma City bombing, asking how such a horror might have come about, and how others might be prevented, Senators could do well to step outside the chamber and look down the mall at the Washington Monument. It honors the Revolutionary general who once victorious, turned his army over to the Continental Congress and retired to his estates. Later, recalled to the highest office in the land, he served dutifully one term, then a second but then on principle not a day longer. Thus was founded the first republic, the first democracy since the age of Greece and Rome.

There is no a more serene, confident, untroubled symbol of the nation in all the capital. Yet a brief glance will show that the color of the marble blocks of which the monument is constructed changes about a quarter of the way up. Thereby hangs a tale of another troubled time; not our first, just as, surely, this will not be our last.

As befitted a republic, the monument was started by a private charitable group, as we would now say, the Washington National Monument Society. Contributions came in cash, but also in blocks of marble, many with interior inscriptions which visitors willing to climb the steps can see to this day. A quarter of the way up, that is. For in 1852, Pope Plus IX donated a block of marble from the temple of Concord in Rome. Instantly, the American Party, or the Know-Nothings ("I know nothing," was their standard reply to queries about their platform) divined a Papist Plot. An installation of the Pope's block of marble would signal the Catholic Uprising. A fevered agitation began. As recorded by Ray Allen Billington in *The Protest Crusade, 1800-1860*:

"One pamphlet, *The Pope's Strategem: 'Rome to America!'* An Address to the Protestants of the United States, against placing the Pope's block of Marble in the Washington Monument (1852), urged Protestants to hold indignation meetings and contribute another block to be placed next to the Pope's 'bearing an inscription by which all men may see that we are awake to the hypocrisy and schemes of that designing, crafty, subtle, far seeing and far reaching Power, which is ever grasping after the whole World, to sway its iron scepter, with bloodstained hands, over the millions of its inhabitants.'"

One night early in March, 1854, a group of Know-Nothings broke into the storage sheds on the monument grounds and dragged the Pope's marble off towards the Potomac. Save for the occasional "sighting", as we have come to call such phenomena, it has never to be located since.

Work on the monument stopped. Years later, in 1876, Congress appropriated funds to complete the job, which the Corps of Engineers, under the leadership of Lieutenant Colonel Thomas I. Casey did with great flourish in time for the centennial observances of 1888.

Dread of Catholicism ran its course, if slowly. (Edward M. Stanton, then Secretary of War was convinced the assassination of President Lincoln was the result of a Catholic plot.) Other manias followed, all brilliantly describe in Richard Hofstadter's revelatory lecture "the Paranoid Style in American Politics" which he delivered as the Herbert Spencer Lecture at Oxford University within days of the assassination of John F. Kennedy. Which to this day remains a fertile source of conspiracy mongering. George Will cited Hofstadter's essay this past weekend on the television program "This Week with David Brinkley." He deals with the same subject matter in a superb column in this morning's *Washington Post* which has this bracing conclusion.

"It is reassuring to remember that paranoiacs have always been with us, but have never defined us."

I hope, Mr. President, as we proceed to consider legislation, if that is necessary, in response to the bombing, we would be mindful of a history in which we have often overreached, to our cost, and try to avoid such an overreaction.

We have seen superb performance of the FBI. What more any nation could ask of an internal security group I cannot conceive. We have seen the effectiveness of our State troopers, of our local police forces, fire departments, instant nationwide cooperation which should reassure us rather than frighten us.

I would note in closing, Mr. President, that Pope John Paul II will be visiting the United States this coming October. I ask unanimous consent that Mr. Will's column be printed in the Record.

[From the Buffalo News, May 8, 1995]

#### GOVERNMENT SPOOKS, BEWARE—MOYNIHAN AIMS TO REVEAL SECRETS

(By Douglas Turner)

WASHINGTON.—For generations, artists like Jules Verne, Graham Greene, Steven Spielberg, and Peter Benchley in his novel "White Shark," have harnessed the public's flirtation with fear for innocent profit, fame and fun.

There is something lurking out there, or down there created by a force beyond our knowing.

Far down the creative scale are conspiracy freaks Oliver Stone, Ian Fleming and the publishers of checkout-counter tabloids.

In dank corners of our society is a separate category: Those who subsist utterly in paranoia: Oliver North, Gordon Liddy, David Duke, Tim McVeigh and those who put on war paint and military fatigues, play with assault weapons, and preach war against a popularly-elected constitutional government.

Like Sen. Joseph R. McCarthy, they nurse on paranoia and propagate it.

Sen. Daniel Patrick Moynihan, D-N.Y., suggests this last category either exploits, or is partly driven by the web of government secrets that has grown like spores since World War II.

He speaks of official Washington's "enormous secrecy system . . . which just expands, if anything, which we're in on and everyone out there is not, is out of, and easily it's a culture that breeds paranoia."

For years, Sen. Moynihan has been sounding a warning about what he calls our culture of paranoia. In an article he penned four years ago, Moynihan said Stone's film, "JFK," could "spoil a generation of American politics just when sanity is returning."

Realizing he couldn't do much about popular culture, Moynihan set about stripping down government's role in creating fear by going after the mountain of official secrets generated annually.

To that end, on Jan. 22, 1993, Moynihan introduced a bill creating a bipartisan commission on reducing and protecting government secrecy. A Democratic Congress passed it and President Clinton made it law.

The commission had its first meeting in January and elected Moynihan chairman. Other members include Sen. Jesse Helms, R-N.C., who was appointed by Sen. Majority Leader Bob Dole, R-Kansas; Ellen Hume of Annenberg Washington Program, who was named by the president; a Harvard professor, and Clinton's nominee to head the CIA, John Deutch.

It has an office in an old Navy Building with view of the Potomac, and a staff director, Eric Biel, formerly a senior Senate staffer. It has had a couple of organizational meetings, all public. And its first real working session will be on May 17.

Moynihan in a television interview joked "we've managed to conceal our activities so far by holding public hearings. Nobody goes to public hearings."

On the 17th, the commission will hear about official secrets from officials of the National Security Council, who are cooperating as a result of an executive order issued by President Clinton three weeks ago.

Government files harbor nearly a billion official secrets.

It generates about 7 million of them a year. But the secret, Moynihan wrote, is that the government "only counts (secrets) up to the level of Top Secret."

"All the real secrets are higher than that with code names I am not at liberty to reveal, having taken a kind of vow of secrecy when I became vice chairman of the Senate Select Committee on Intelligence," he said.

Three million government employees have security clearances up to top secret. This is fairly common stuff as most field grade military officers, beginning with lieutenants, are entitled to top secret access.

The plethora of secrets, security levels and "cleared" employees has made a joke of the security system itself—with "secret" material spilled into defense and intelligence trade publications every day.

"They" can see it, but you can't.

Then there are the active classified files of the FBI, the Bureau of Alcohol Tobacco and Firearms, the Secret Service, the Customs, Immigration and Naturalization Service, the Border Patrol, the Department of Energy, and even the Department of Agriculture.

Official secrecy, endemic to big government, dies hard. As in corporate life, and in the highest aeries of journalism, secrets are not just the key to power. They are power.

Official infatuation with secrecy is reflected in the forbearance in President Clinton's executive order. Existing secrets must be declassified after 25 years, he said. Future ones after 10 years.

This would matter in an age when breech-load rifles were on the cutting edge of military science. The standard is ridiculous in the light of today's expanding technology.

Thanks to the reports the CIA issued—based on "evidence" you and I could never

see or evaluate—on Soviet weaponry and the economy, this country went on a military spending binge beginning with the Vietnam war and ending only three years ago.

But these CIA fabrications served to justify quantum leaps in spending on the American defense establishment, and of course covert CIA. We will be paying for that buildup for the rest of our lives.

[From the Washington Post, Apr. 30, 1995]

DEPARTMENT OF SECRECY

THE INVISIBLE BUREAUCRACY THAT UNITES  
ALIENATED AMERICA IN SUSPICION

(By Jefferson Morley)

Scapegoating is a time-honored spring sport in Washington. Professionals of the pastime are already in fine mid-summer form on Topic A: Who is responsible for the Oklahoma City bombing? Skillful soundbites indict various culprits: Right-wing talk radio, the NRA, lone nuts and (the ever-reliable) '60s counterculture.

But while the theories fly, the All-Stars of the Washington blame game somehow overlook one of the leading suspects in the minds of the American people: the Department of Secrecy.

There is no official department of secrecy, complete with Cabinet officer and official seal. But there is the functional equivalent: the federal bureaucracy that keeps the government's secrets. It consists of the offices and archives in the Pentagon, the intelligence agencies, the FBI, the Bureau of Alcohol Tobacco and Firearms and other federal agencies that classify and guard all sorts of information considered too sensitive to be shared with the American public. The connection between this empire of information and the Oklahoma City bombing is not obvious but it is real.

First, the Department of Secrecy is a significant presence in American society and politics. Viewed on an organizational chart, the federal secrecy system is bigger than many Cabinet agencies. According to a Washington Post report last year, the secrecy system keeps an estimated 32,400 people employed full-time—more than the Environmental Protection Agency and the Department of Education combined. According to the Office of Management and Budget, the bureaucracy of secrets may cost as much as \$16 billion a year to run.

Second, mistrust of the government and its many secrets is now raging out of control. The assumption that the government is not accountable for its actions is now the norm.

It is an article of faith among many on the religious and paramilitary right (including, apparently, one of the bombing suspects in custody) that the federal government has not been held accountable for the 1993 raid in Waco which left 85 people dead.

Liberals and the left were angered but not surprised by the recent revelations about the CIA in Guatemala. In the name of protecting its "sources and methods," the agency shielded from justice the Guatemalan colonel who is the leading suspect in the murder of an American innkeeper and the husband of an American lawyer.

Robert McNamara's memoirs are an infuriating reminder to moderates that the veil of secrecy allowed utterly respectable mainstream Washington officials to send thousands of American boys to slaughter in a disastrous and still-divisive war.

In the movie theaters of America, the most treacherous, evil Hollywood villains often work inside the Department of Secrecy. Popular movies like "Outbreak" and "Clear and Present Danger" routinely depict senior officials in Washington as smooth-talking criminals who think nothing of betraying

the public trust and sending innocent Americans to their death.

"The pathology of public attitudes toward government are due in large part to excessive and unnecessary secrecy," says Steven Aftergood of the American Federation of Scientists, a leading advocate of government openness in Washington.

The State Department, for example, retains the right to withhold information that would "seriously and demonstrably undermine ongoing diplomatic activities of the United States." Under this standard the CIA-in-Guatemala story would almost certainly still be secret and two American women would still be wondering who murdered their husbands.

For now, the effect of Clinton's order is expected to be modest.

"I don't think it's going to make much difference," said retired Lt. Gen. William Odom, the former director of the National Security Agency and a skeptic of openness efforts. Odom recalled that a similar directive from President Carter in 1978 had little effect on how he, Odom, actually classified information for the government at the time.

Aftergood praised Clinton's directive as a distinct improvement over the old secrecy rules but added "I just hope we are at the beginning of a reform process, not the end."

That will depend, in part, on what the public, the president and Congress learn from Oklahoma City.

Is the bombing the work of isolated madmen with no connection to the larger political culture? Or is it a warning of the pathological possibilities opened up when the federal government loses the faith of its people?

These questions are especially pertinent for people working within the secrecy system. Most of them do not hide wrongdoing from the American people. The information they guard is often legitimately secret: military codes, the names of law enforcement informants, the U.S. position in international trade talks and the like.

But they shrug off the widespread mistrust of their work at their own peril. With the government generating so many secrets each year—an estimated 6.3 million in 1993—and continuing revelations about governmental abuses of power, the line between the paranoia of a few and legitimate fears of the many gets harder to draw.

A few years ago, the notion that the U.S. government had, over the course of several decades, routinely conducted dangerous radiation experiments on thousands of unwitting Americans would have been regarded by most reasonable people as unfounded, if not ridiculous. Today, thanks to the aggressive release of long-secret documents by Secretary of Energy Hazel O'Leary, the radiation experiments are cold, disturbing historical fact.

O'Leary's leadership shows that full disclosure of embarrassing material is not political or institutional suicide. In fact, the Department of Energy, by all accounts, enjoys more credibility on Capitol Hill and with the public for coming clean.

We don't know what other abuses of governmental power, if any, the secrecy system is hiding. But we do know that a citizenry without access to its own history has no guarantee of democratic accountability. And as long as democratic accountability is in doubt, the citizenry, not just government office buildings, will remain vulnerable.

EXHIBIT 2

HARVARD UNIVERSITY, JOHN F. KENNEDY SCHOOL OF GOVERNMENT,

Cambridge, MA, March 18, 1991.

Senator DANIEL PATRICK MOYNIHAN,  
U.S. Senate, Washington, DC.

DEAR PAT: This is just a personal note of thanks for your eloquent and stimulating contribution to the lunch discussion with the new National Research Council Board on Science, Technology, and Economic Policy last Friday. Needless to say, I think you are absolutely right about the significance of the long-standing intelligence failure in assessing the Soviet economy and the Soviet military effort. While I do not concur with your Galbraithian view of economics as a failed profession, this has to be one of the great failures of economics—right up there with the inability of economists (along with everyone else) to find a remedy for the Great Depression of the 1930's.

On your specific arguments: In 1985 Paul Samuelson was relying on the CIA estimates, so that this is not an independent piece of evidence. For every quotation you can give from people like Lawrence Klein, you can find a counter-argument in the writings of Friedman, Hayek, Stigler and many others. All three have been amply rewarded for their efforts with the Nobel Prize, the National Medal of Science, and the esteem of their colleagues (with the conspicuous exception of your former neighbor on Francis Avenue). They deserve a lot of credit for the positions they took in the 1930's all the way up to the 1980's and they are getting it.

It seems to me that it is better to address the issue of international economic assessments within your framework of post-Cold War reversion that Galbraith's entertaining but wrong-headed view of economics as a failed profession. Given the importance of economic assessments of the Soviet Union, it is almost incredible that the U.S. government established an in-house monopoly on these assessments. The principal academic centers for research in this area at Columbia and Harvard were allowed to wither away. Over the past decade, Frank Holzman of Tufts and the Russian Research Center at Harvard has been a lonely voice in opposition to the CIA view.

I believe that the importance of economic intelligence is increasing greatly with the much-discussed globalization of the U.S. economy. However, the cloak-and-dagger model is even more inappropriate to our new economic situation than it was to the successful prosecution of the Cold War that has just concluded. The lessons for the future seem to me to be rather transparent. The U.S. government needs to invest a lot more in international economic assessments. Second, it should reject the CIA monopoly model and try to create the kind of intellectual competition that now prevails between CBO and OMB on domestic policy, aided by Brookings, AEI, the Urban Institute, the Kennedy School, and many others.

An important subsidiary lesson we can learn from the failure of the CIA Soviet assessments is the importance of "sunshine". Although economic intelligence is always going to be sensitive to somebody, it should be carried out in full sight of the public, including the professional peers of the intelligence analysts. I hope that the new National Research Council Board can contribute to the post-Cold War re-conversion of our economic intelligence establishment in a positive way. As I see it, this is a daunting task. To use a medical analogy, this will require something more like a "life style" change than a simple remedy for a chronic disease.

I hope that you can find the time to present your perspective on this issue to the

policy community, say in the form of an article for Public Interest. This would be an interesting opportunity to bring your ideas about post-Cold War conversion to a specific problem of great importance to the national interest.

With best regards,  
Yours sincerely,

DALE W. JORGENSON.

Mrs. HUTCHISON addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mrs. HUTCHISON. Mr. President, I am always happy to yield to the senior Senator from New York, because I always enjoy hearing what he has to say.

Mr. President, the importance of intelligence gathering for our Nation is at a critical juncture. Never has it been as important as it is today that we have foreign intelligence gathering capabilities, particularly because we are now facing a time when weapons of mass destruction, nuclear, chemical and biological, are being made in different parts of the world. Even worse, the weapons that transport those weapons are also being developed in different parts of the world. There is an urgent need for us to know where those weapons are and where the capabilities are to transport those weapons, either within their own theater or over to our country.

So, there is no question in my mind that we must have a strong foreign intelligence gathering capability. We also have a problem. That is we need a leader and we need a focus and we need a mission for the people who are in our intelligence gathering operations right now. We have had several mishaps. The Aldrich Ames case is one that has been talked about on this floor and it is one that is very troubling to us, even today. Many people feel this traitor was not dealt with in a way that will show there is an accountability when a drastic mistake happens.

The lack of management accountability did demonstrate, by recent events in Guatemala, the lack of information that the oversight committees had about the situation in Guatemala. The escalation of terrorism all over the world is causing an ongoing need for us to have intelligence-gathering capabilities.

So, we do need a person who can take control of our central intelligence-gathering operation, lift the morale of the wonderful people who work there, and put an accountability into the system. We also need someone who can make it more efficient. As we are downsizing our budget we need to make sure that we have a mission, that we are using our assets in the most efficient way.

So we need someone to come in and show that leadership. I believe John Deutch is that person. I think the President has made a good decision.

There are some issues that must be dealt with. First, I must say I disagree with the President giving Cabinet rank to the Director of Central Intelligence. The National Security Act of 1947 sets

forth the members of the National Security Council and then designates others, including the Director of Central Intelligence and the Chairman of the Joint Chiefs of Staff, as officials who are not members but may attend and participate as the President directs. I believe that is also the appropriate role for the DCI with respect to the Cabinet.

Mr. Deutch was asked these questions in our Intelligence Committee hearing on his nomination regarding the Cabinet status of the Director of Central Intelligence. He assured the committee that he would hold to the proper standard of conduct and that he would not allow policy to influence intelligence judgments and not allow intelligence to interfere in the policy process.

That is a very important distinction that the new Director has adopted and which I think is very important for us to keep—the separation between intelligence gathering and policymaking. The committee is going to be sensitive to any indication that this standard is not being met, but I believe the make-up of the Cabinet is the responsibility of the President. That is not within our mission in confirmation. And, therefore, I hope the standards that we have discussed will be adhered to, both by the President and by the new Director of Central Intelligence.

I brought up two major issues in committee that I thought were important. First, a closer working relationship with the oversight committees in Congress, the Intelligence Committee in the Senate, and the one in the House. I think it is most important when you have a covert operation which, of course, intelligence gathering is, to have an even more strong relationship and communications network with the oversight committees that can assess the judgments that are being made in these covert operations.

It is good for Congress and it is good for the intelligence gathering, as well. It is very important that we have an oversight and we have the ability to make judgments by the duly elected officials in the U.S. Congress when we are dealing with such sensitive intelligence matters.

So I talked to the new Director-designate about that. And he agreed totally that we needed to have that line of communication, and I think it has been reiterated by every person who has spoken on the floor today, and most certainly every member of the committee.

The second issue that was very important to me was complete financial disclosure of every person who works at the CIA and every contractor who is working on CIA projects. I felt this was important because one of the obvious things that was missed in the Aldrich Ames case was a high-living lifestyle by Aldrich Ames and his family, clearly one that could not be shown to have been supported by a person on the salary of Aldrich Ames.

If we had the vehicle in place to have total financial disclosure, the CIA could immediately have begun to check on this lifestyle to see if there was something that was not right. Clearly, it was not right the way Aldrich Ames was living. And we found out later it was because he was receiving millions of dollars from the Russian Government for secrets that he was giving to them from our CIA. So we need the basic information.

Mr. Deutch said, and promised, that he would make sure that every person who works for the CIA, who willingly comes to work for the CIA, will give basic financial disclosures. I think that is going to be a very important tool for us to show that there is an accountability in the CIA and that an Aldridge Ames case will not as easily be repeated and, if it is repeated, that we will have the ability to go in immediately and see what the assets are that have been disclosed and if something seems to be amiss.

So these are two areas that I am satisfied that Mr. Deutch is going to address, and he has already given me his word that there is going to be financial disclosure among the CIA employees and people who are working for the CIA under contract.

So in conclusion, Mr. President, I support Secretary Deutch for the role of Director of Central Intelligence. This is one of the most important nominations that we will have before us this year, because this agency needs such direction. I believe Mr. Deutch can provide that direction. I have worked with him as a member of the Armed Services Committee in his capacity as Deputy Secretary of Defense. I find him to be a person of integrity. I respect his judgment, and I think he did a fine job as Deputy Secretary of Defense. I think he is the person to fulfill this mission at this very important time in our intelligence gathering reorganization.

I think we must take our responsibility in confirming him, to do this in a swift and timely manner. We have had five DCI's in the last 10 years. This agency needs leadership. We need some reorganization. We need a mission, and we need to make sure that we are using our assets efficiently and well so that everyone in our country is secure so that we have the information that we need to keep that freedom, independence, and liberty that we have.

So I am supporting Mr. Deutch for this very purpose. I wish him well. It is going to be a very tough job. I hope that he will work with Members of Congress who want him to succeed, and we do. For all of our country, we must succeed with this new Director.

Thank you, Mr. President. I yield the floor.

Mr. KERRY. Mr. President, I am pleased to join my colleagues today to urge confirmation of John Deutch as Director of Central Intelligence. As a permanent resident of Belmont, MA, and having a lifelong involvement in

the Massachusetts community, John Deutch is a neighbor and a man who has built a national and international reputation as a leader and as a forceful and effective professional. I described him publicly, not long ago, as "superb and first rate", and I reiterate that description today, without hesitation and with renewed respect and continued confidence in his extraordinary ability.

Let me add a few words about the task he will face and the talent he will bring to the position of Director of Central Intelligence. The world is undoubtedly changing. It will continue to change more quickly, perhaps, than at any other time in our history. We are seeing old threats and new threats emerge in a shifting political and economic atmosphere that will test our resolve and challenge our leadership.

Mr. President, John Deutch is undoubtedly up to the challenge, and he is a leader for his time. There is no question about that. He understands the critical task that he will face, and the importance of facing it with resolve, strength, and a firm hand. He has proven that he knows the need and has the expertise to address what we all acknowledge are operational and administrative problems at the CIA. As Director of Central Intelligence he will face two daunting managerial tasks: First, he must try to restructure the U.S. intelligence community at a time when many believe there is no longer a need—nor the funds—for the level of intelligence activity to which we became accustomed during the cold war. He will have to balance proper and appropriate intelligence activity with increasing congressional and public scrutiny of scarcer and scarcer tax dollars.

Second, in the wake of recent events at the CIA, he will have to look critically at internal operations and move quickly to rebuild morale, public trust, and confidence while maintaining the integrity of America's intelligence capability. As far as restructuring the intelligence community, I believe John Deutch has one very important advantage over many who could have been chosen to serve. He is not an architect of either the current intelligence system or the processes that have been put into place. He is a fresh face, a new voice, a real leader with the talent and the foresight to succeed.

Now, as far as what Secretary Deutch will face at the CIA, operationally and administratively, there is a need to act expeditiously to turn things around even if it means significant personnel changes, and I am confident that John Deutch has the necessary judgment and will to quickly act in the best interest of the Agency and the Nation.

Mr. President, the American intelligence community will be well served by the experience and leadership of John Deutch who rightfully observed in his statement to the Intelligence Committee that "changing intelligence priorities, as well as intelligence failures, dictate that we carefully re-examine the need for, and specific mis-

sions of, intelligence." He added that he sees "four significant dangers to our national security and the social and economic well-being of our citizens." He cites major regional conflicts; the spread of weapons of mass destruction; international terrorism, crime, and drug trafficking; and the present nuclear danger that still exists in Russia and the Russian republics as they move toward democracy.

I also see the new Director of Central Intelligence moving, as he said he would, to improve the support that the intelligence community gives to law enforcement agencies in areas of narcotics trafficking, international crime, and terrorism. I agree with his assessments and I am confident he will move expeditiously to address the continuing threat of the proliferation of weapons of mass destruction, and particularly the emerging threat of terrorist attacks with these weapons. I see the new Director re-defining and establishing new standards for the proper role for the intelligence community in the areas of economic intelligence, and addressing the issue of making information, when appropriate, more readily available by lowering classifications or through declassification. And I see the new Director, like every other director of a Federal agency, looking for ways to economize and streamline the operations at CIA to give us more for our tax dollars.

From all we've heard about John Deutch, I believe he has the experience, the expertise, the professionalism, the reputation, the perseverance, the qualifications and the integrity to do the job, and I urge my colleagues to confirm his nomination.

Thank you, Mr. President, and I yield the floor.

THE NOMINATION OF JOHN DEUTCH TO BE  
DIRECTOR OF CENTRAL INTELLIGENCE

Mr. ROBB. Mr. President, I would like to add my voice in support of the nomination of Dr. John Deutch to be Director of Central Intelligence. This nomination is extremely important, Mr. President, because the Central Intelligence Agency is at a crossroads and I believe John Deutch has what its going to take to redirect the Agency's course during its next few crucial years.

There is no question that strong leadership is critical for the CIA to be able to transform the Agency's mission into one that provides policymakers with timely, useful, and target-specific intelligence. CNN can cover the world; the CIA needs to bring greater attention and resources to bear on countries and issues that represent a threat to our national security interests.

Dr. Deutch was brutally frank in his assessment of CIA successes and failures, and refreshingly candid about what he would like to accomplish as DCI. His candor was unusual, since nominees normally go out of their way to avoid categorical statements about agendas and work plans. Dr. Deutch, in contrast, went out of his way to ex-

plain exactly where he is headed and what he would like to do.

During his confirmation hearing, I heard Dr. Deutch speak of bringing in a new generation of leaders at the CIA, streamlining imagery operations, and getting to the root of problems inside the Operations Directorate.

Mr. President, John Deutch brings with him a demonstrated track record of achievement in both government and academia. He is widely respected within the defense community for his performance as Secretary Perry's deputy at the Pentagon and within the scientific community for his tenure at the Massachusetts Institute of Technology. I believe he is more than equal to the task of restoring luster to the CIA.

As a member of the Armed Services Committee, I have worked with John Deutch, and I have seen firsthand the quality of his work and his conscientious commitment to our national defense and to the men and women who serve our country.

Finally, Mr. President, as a Senator from Virginia, I'm pleased that Dr. Deutch understands the distress of talented Agency personnel and alumni who have watched the CIA and other intelligence branches endure a rough patch. He is, in my judgment, the right man at the right time to restore dignity and respect to deserving and hard-working public servants working in the Intelligence Community.

Mr. President, I have high hopes for Dr. Deutch's tenure at the CIA, and I urge my colleagues to support his nomination.

Mr. President, I yield the floor.

NOMINATION OF JOHN M. DEUTCH TO BE THE  
DIRECTOR OF CENTRAL INTELLIGENCE

Mr. NUNN. Mr. President, I am pleased to support the nomination of John M. Deutch to be the Director of Central Intelligence. The nomination of Dr. Deutch, who presently serves as the Deputy Secretary of Defense, has received the unanimous, bipartisan support of the Senate Select Committee on Intelligence. This strong support reflects Dr. Deutch's outstanding qualifications, including his first-rate performance as Deputy Secretary of Defense and Under Secretary of Defense for Acquisition.

I have had the opportunity to work closely with Secretary Deutch, both in my prior capacity as chairman of the Armed Services Committee and in my current role as ranking minority member. He has made an outstanding contribution at the Department of Defense, and is well-qualified to serve as the Director of Central Intelligence.

Secretary Deutch came to the Department of Defense following a long and distinguished academic and government career. His positions in academia included service as provost and institute professor at the Massachusetts Institute of Technology. His prior Government experience included service on the staff of the Office of the Secretary of Defense during the early

1960's, and as Under Secretary of Energy during the late 1970's. In addition, he served on the Defense Science Board and on many other advisory boards over the years.

In 1993, he was nominated by President Clinton and confirmed by the Senate to serve as the Under Secretary of Defense for Acquisition. When Bill Perry became the Secretary of Defense in 1994, Dr. Deutch was nominated and confirmed to his current position as Deputy Secretary of Defense.

I have known Secretary Deutch personally for many years, including the periods of his service in the Department of Energy and during his tenure at MIT. His entire career—both in academia and in Government service—has been devoted to developing creative and thoughtful approaches to national defense and intelligence policy issues.

Secretary Deutch has compiled as solid record in the Department of Defense as a strong manager. He has served the Nation well, not only in the management of internal Department of Defense functions, but also as the DOD official with primary responsibility for interface with the intelligence community. He knows how to solve problems, make clear decisions, and address pressing issues. On the Armed Services Committee, we have appreciated his breadth of knowledge, his candor, and his willingness to engage in dialog. He also has a good sense of humor, which he uses to put difficult issues in perspective—a quality that will be most useful in his new position.

The intelligence community faces many difficult challenges in the post-cold war era, particularly in the aftermath of the Ames espionage matter. The Oklahoma City tragedy underscores the dangers of terrorism in the modern world. The tensions in the Persian Gulf and North Asia, as well as the problems faced by the States of the former Soviet Union, are but a few of the difficult challenges facing the intelligence community. John Deutch has the experience and background to take on these challenges. I strongly urge the Senate to confirm his nomination to be Director of Central Intelligence.

Mr. KERREY addressed the Chair.

The PRESIDING OFFICER (Mr. DEWINE). The Senator from Nebraska.

Mr. KERREY. Mr. President, there are, to my knowledge, no other Senators who wish to speak on this nomination. I will offer a couple of closing comments and then yield time, alerting colleagues who are watching of the possibility that we may be yielding back, and they have not told us they wanted to speak. They could rush over here and say a few words.

In my statement, I indicated, and it is correct, that one of the problems we have with our intelligence effort is that as a consequence of needing to protect security, we are unable—the intelligence people are unable—to brag about successes, and thus not only is it difficult for us to give credit, but in-

creasingly citizens are needing and asking for information that will enable them to judge whether or not their tax dollars are being well spent. I would argue that this condition of being unable to disclose sometimes puts us in a position of not being able to give citizens information or having them say, "Now I understand why we are doing this, and I believe we are in fact getting our money's worth."

I would like as a consequence to identify for citizens two recent events that were publicly disclosed. And for the information of citizens, it is the President of the United States who has the controlling authority both to make a classification decision and to make a declassification decision. That decision is spelled out in statute. It is not a decision that can be made by either the Congress, in the absence of changing the law, or an individual Member of Congress. But two recent disclosures, probably, I suspect, disclosed by a decision made by the President to make the disclosure, underscore the importance of this intelligence effort.

The first was that the United States of America presented to the U.N. Security Council clear and present evidence that North Koreans were engaged in a policy, a strategy, an active effort to acquire nuclear capacity. We could say that they were, and people did or did not believe it. They mostly said, "Well, maybe that is just the United States just sort of hung up again." Because we had the intelligence capacity, we presented information—in this case, images—to the Security Council, and the Security Council sees clearly North Korea is building nuclear capability and the Security Council takes actions supportive of the United States' effort to make certain that North Korea does not become a nuclear nation.

Again, with the use of images disclosed to the public, our Ambassador to the United Nations, Madeleine Albright, at the direction of the President of the United States, at the time when the French and the Russians were weakening in their resolve in regard to sanctions on Iraq, buying into the Iraqis' assertions that, "We are impoverished now; we don't have very much money; and, no, we are not building any chemical or biological chemical capability, and we are not really a militaristic nation. You need not worry about us any longer."

Our Ambassador presents, in a week-long trip to I think 10 or 12 nations, again, images that are our intelligence images to these world leaders on the Security Council, information clearly indicating that the Iraqi leader had built a \$1.2 billion palace, hardly the sort of action taken by a nation that was impoverished; second, that chemical and biological capability continued to be a problem; and that the acquisition of Kuwaiti military equipment during their occupation of Kuwait was being integrated into the Iraqi forces, giving lie to all three of the statements made by the Iraqi leader and giving the

United States the capacity, the President the capacity, through his United Nations, our U.N. Ambassador, the ability to make the argument to keep the sanctions still tightening around the nation of Iraq.

In both cases, the United States of America received benefit. Who knows what the cost to the world would have been had North Korea been permitted to continue building its nuclear capability or had the sanctions been dropped from Iraq, a nation that continues to exhibit dangerous tendencies, indeed dangerous actions.

I cite those two amongst the latest that have been disclosed publicly because citizens deserve to get enough information upon which they can make a decision about whether or not we are either sort of captive to the intelligence community, as is very often suspected by many who are not on this Intelligence Committee, and perhaps other citizens as well, that we in fact are looking at these successes, insisting upon accountability, trying to assess the threats in the world and organize our intelligence efforts to meet those threats, to maintain the capability to keep the United States of America as safe as is humanly possible.

Let me, in addition, Mr. President, point out that there are two things Mr. Deutch is going to be addressing which in some ways are a consequence of both our successes and at times our failures of the past.

The first is, many of the threats that we are now dealing with are threats that are a consequence, sort of a residual, of the cold war. The proliferation threat on the nuclear, biological, and chemical is a threat that came as a consequence of our building capacity and the Soviets' building capacity. This proliferation threat is a very real threat, and we are having to now take the sort of residual problem of the cold war and move it to the top of the list knowing that the bombing in Oklahoma City would be magnified several thousand times over were either chemical, biological, or nuclear weapons to be used in a terrorist effort.

This is a very real and present problem. It requires the United States of America to lead. No other nation is going to do it. We saw recently, when the President put sanctions on Iran, our friends in Europe said, "Well, we think that's a bad idea. We want to continue to engage with a country that's involved with terrorism."

I do not know what they are going to do; I suspect wait until something terrible were to happen. Only the United States of America can lead on that issue, lead trying to get Russia not to sell nuclear technology to Iran. Only the United States of America, I believe, is willing to make the kind of diplomatic and financial effort necessary to make this world safe in the area of nuclear, chemical, and biological weapons and the terrorism that comes from that.

There is a second problem, Mr. President, that our new, hopefully new Director of Central Intelligence is going to have to be dealing with. The distinguished Senator from New York in his comments referenced that, and that is not just a cynicism toward Government but a precise suspicion that the CIA is involved in all sorts of things that are bad. That the CIA is possibly responsible for the assassination of John Kennedy is something that is actually honestly believed by some Americans who see a conspiracy in which the Central Intelligence Agency perhaps played some central role.

We are going to have to face an awful lot of that, Mr. President, and we are going to have to face it very squarely and very honestly. As I said earlier, I am very excited watching the accounts of the celebration of the victory in Europe 50 years ago, watching old men recall the stories of bravery and heroism and sacrifice. I say, with no interest in disparaging that success—I thrilled in that success and am unable to measure truly the sacrifice and heroic behavior that was necessary, but it stands in stark contrast to an event that occurred, oh, I guess about a month or so ago when former Secretary of Defense McNamara published a mea culpa book saying that in 1966 the Secretary of Defense of the United States of America, with all the intelligence effort at its disposal, had actually concluded that the war in Vietnam was unwinnable.

Well, I was there in 1969. I do not remember McNamara saying anything about it then. And that kind of a statement is the example of the sort of thing, unfortunately, that feeds this cynicism and this conspiracy theory and causes people to say that the Government really is against rather than trying to be on their side in making their lives not only safe but their lives secure as well. It means that we are going to have to press the envelope a bit on secrecy. By that I mean we are going to have to take great care that a secret is, indeed, necessary to protect the American people rather than protecting those who are operating, either the Director of Operations or other sorts of entities. It cannot be that we keep a secret from the American people because we are afraid of what they will do to us if we tell them the truth. It must be that a secret is being maintained because we are concerned about our inability to carry out an important security mission if full disclosure were to occur.

As I indicated, there is a tremendous capacity in the intelligence community to help citizens in a very difficult time acquire the information needed to become informed. When you are born in the United States of America, you are given enormous freedoms at birth and should have been told at some point during your public education or upbringing by your parents or upbringing by others, you should have been told that freedom is not free; that a contribution has to be made back of some

kind. And our citizens are increasingly aware of the contribution of time and effort that they have to make to become informed about what is going on in Chechnya, what is going on in the former Yugoslavia, what is going on in Mexico, what is going on in places where they have a difficult time pronouncing the name let alone making decisions about what our foreign policy ought to be. I believe the technologies that we have at our disposal, if we press the envelope judiciously and not in a reckless fashion, can, indeed, help our citizens make decisions and make it more likely that government of, by, and for the people works both in foreign as well as domestic policy.

Mr. President, no one has traipsed over to the floor to provide additional testimony, and I am prepared to yield back what time is remaining and yield the floor.

Mrs. HUTCHISON addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. We will also yield back our time, and I will go forward and close.

#### REMOVAL OF INJUNCTION OF SECURITY

Mrs. HUTCHISON. I ask unanimous consent that the Injunction of Security be removed from the extradition treaty with Hungary (Treaty Document No. 104-5), transmitted to the Senate by the President today; and the treaty considered as having been read the first time; referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed; and ordered that the President's message be printed in the RECORD.

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

The message of the President is as follows:

*To the Senate of the United States:*

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Treaty Between the Government of the United States of America and the Government of the Republic of Hungary on Extradition, signed at Budapest on December 1, 1994. Also transmitted for the information of the Senate is the report of the Department of State with respect to this Treaty.

The Treaty is designed to update and standardize the conditions and procedures for extradition between the United States and Hungary. Most significantly, it substitutes a dual-criminality clause for the current list of extraditable offenses, thereby expanding the number of crimes for which extradition can be granted. The Treaty also provides a legal basis for temporarily surrendering prisoners to stand trial for crimes against the laws of the Requesting State.

The Treaty further represents an important step in combating terrorism by

excluding from the scope of the political offense exception serious offenses typically committed by terrorists, e.g., crimes against a Head of State or first family member of either Party, aircraft hijacking, aircraft sabotage, crimes against internationally protected persons, including diplomats, hostage-taking, narcotics-trafficking, and other offenses for which the United States and Hungary have an obligation to extradite or submit to prosecution by reason of a multilateral treaty, convention, or other international agreement. The United States and Hungary also agree to exclude from the political offense exception major common crimes, such as murder, kidnapping, and placing or using explosive devices.

The provisions in this Treaty follow generally the form and content or extradition treaties recently concluded by the United States. Upon entry into force, it will supersede the Convention for the Mutual Delivery of Criminals, Fugitives from Justice, in Certain Cases Between the Government of the United States of America and the Austro-Hungarian Empire, signed at Washington, July 3, 1856, with certain exceptions.

This Treaty will make a significant contribution to international cooperation in law enforcement. I recommend that the Senate give early and favorable consideration to the Treaty and give its advice and consent to ratification.

WILLIAM J. CLINTON,

THE WHITE HOUSE, May 8, 1995.

#### EXECUTIVE SESSION

#### EXECUTIVE CALENDAR

Mrs. HUTCHISON. As in executive session, I ask unanimous consent that the Senate immediately proceed to the consideration of the following nominations on the Executive Calendar en bloc: calendar Nos. 107, 108, 109, 110, 111, and 112; further, that the nominations be confirmed en bloc, the motions to reconsider be laid upon the table en bloc; that any statements relating to the nominations appear at the appropriate place in the RECORD, the President be immediately notified of the Senate's action, and that the Senate then return to legislative session.

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

The nominations considered and confirmed en bloc are as follows:

#### THE JUDICIARY

Maxine M. Chesney, of California, to be United States District Judge for the Northern District of California.

Eldon E. Fallon, of Louisiana, to be United States District Judge for the Eastern District of Louisiana.

Curtis L. Collier, of Tennessee, to be United States District Judge for the Eastern District of Tennessee.

Joseph Robert Goodwin, of West Virginia, to be United States District Judge for the Southern District of West Virginia.