rents for $130 a month. She said, "They let me stay here, and I do laundry, iron, and cook for them."

Maria is pregnant again. She said she probably will have her next baby at Cook County Hospital and get welfare payments for that child, too.

The caseworker said it was common for the young women with new babies born in the U.S. to keep house for other illegal aliens.

"Obviously these girls aren't coming here to work," she added. "They're coming here pregnant, either to live with someone, a common-law spouse who is working, or they're coming here specifically to get on Public Aid."

Although the AFDC grants are meager, they seem like gold to illegal aliens who are accustomed to even greater poverty in their native land, the caseworkers say. Asked why she came to the U.S., Maria said: "People in Mexico said it was a good place to go; $50 here has the buying power of $1,200 in Mexico."

Officials say illegal aliens also are easily able to obtain unemployment insurance by presenting false Social Security cards. Stella Cuthbert, state unemployment insurance commissioner, listened during an interview as, an employee explained that if an applicant had a Social Security card, employment, verification, "and stated that he was a U.S. citizen, we wouldn't usually go any further. We don't witch-hunt." Cuthbert said, however, that the number of fraud cases identified is "minimal."

A Latino social worker in Evanston, who refers illegal aliens to social service agencies in the area, agreed. "At unemployment compensation offices, they ask, 'Are you legal to work in this country?' If the answer is yes, they (the illegal aliens) have no problem."

Bob Kichura, an official at Chicago's Department of Human Services Commnity Service Center, 2550 W. North Ave., said illegal aliens frequently are given free baskets of food and counseled about how to get Public Aid for their children.

"We provide whatever services we can to them. We don't ask if they're illegal or not." Kichura said. He estimated that 15 to 20 per cent of the approximately 30,000 persons who come to the center each months are illegal aliens.

The privacy regulations in both the Illinois Department of Public Aid code and the U.S. Department of Health and Human Service Code state that the officials are "prohibited from disclosing the contents of any records, files, papers, and communications, except for purposes directly connected with . . . administration" of the program.

Johnetta Jordan, a Public Aid department spokesman in Springfield, said the most common reason for disclosing applicant information was to aid in fraud investigations. But she said since the U.S.-born children of illegal aliens are entitled to the benefits, no fraud is involved in designating the illegal parent as "grantee."

Cook County Board President George Dunne, who officially is charged with overseeing the finances of Cook County Hospital, was asked why the hospital did not report the aliens. He said "that's the first time that's come to my attention" and said he would "check into the policy."

However, he said: "I don't think I would want to put that imposition on the people at the hospital. We treat people every day who have broken the law of the government—people injured in the act of a crime. If someone presents himself and he's sick, he ought to be taken care of, whether he's an alien or not."

Georgetti said the attitude taken by other government bodies toward illegal aliens is frustrating but legal.

"Obviously, the circumstances are not appealing to me as an enforcement officer, he said. "I'd welcome the opportunity to get information from state officials." But he said that under current regulations, withholding identity of the aliens is a "legitimate interpretation" of the statute.

"About the only thing we can hope for is that by virtue of more people becoming cognizant of the situation, they'll demand of their representatives that something be done," Georgetti said. "Ultimately, we hope for legislation to change it."

PROSECUTIONS INVOLVING CLASSIFIED INFORMATION

Mr. THURMOND. Mr. President, sometimes Federal criminal cases are not prosecuted because the Government is faced with a "Hobson's Choice"—whether to disclose sensitive classified information in a trial or not prosecute a case of clear guilt. The Attorney General has sent to me a copy of the guidelines to be used by the Department of Justice in making this delicate decision. Since the issue is one of general interest to every Senator, I ask unanimous consent that a copy of these guidelines and the forwarding letter from the Attorney General be inserted in the RECORD.

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

OFFICE OF THE ATTORNEY GENERAL,
Washington, D.C., June 10, 1981.

Hon. STROM THURMOND,
Chairman, Committee on the Judiciary, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Attached are the guidelines I have issued for the prosecution of cases which may involve the disclosure of classified information. Issuance of these guidelines was required under section 12(a) of the Classified Information Procedures Act of 1980 (Pub. L. No. 96-456, 94 Stat. 2025) which provides in pertinent part that:

". . . The Attorney General shall issue guidelines specifying the factors to be used by the Department of Justice in rendering a decision to prosecute a violation of Federal law in which, in the judgment of the Attorney General, there is a possibility that classified information will be revealed."

While it is inevitable that there will continue to be cases in which the potential damage to national security interests that could result if classified information were revealed at trial is such that prosecution is precluded, the procedures set out in the Classified Information Procedures Act should enable the Department to prosecute more effectively those cases in which classified information may be at issue. Furthermore, these guidelines should facilitate more reasoned and uniform decisionmaking with respect to the determination of the propriety of initiating or declining prosecution of such cases.

Sincerely,

WILLIAM FRENCH SMITH,
Attorney General.

OFFICE OF THE ATTORNEY GENERAL,
Washington, D.C.

ATTORNEY GENERAL'S GUIDELINES FOR PROSECUTIONS INVOLVING CLASSIFIED INFORMATION

1. Introduction:

The determination of whether it is appropriate to decline prosecution of a violation of federal law is a matter within the discretion of the Executive Branch. It is the policy of the Department of Justice that where it is believed that a person has committed a federal offense and there is sufficient evidence to secure conviction, prosecution should be sought unless no substantial federal interest would be advanced by the prosecution or unless there are other substantial federal interests that would be served by declining prosecution.

This principle was among those articulated in the recently published "Principles of Federal Prosecution."[1] Paragraph 2 of Part B of the "Principles", which addresses the decision to decline prosecution, provides that:

"The attorney for the government should commence or recommend federal prosecution if he believes that the person's conduct constitutes a federal offense and that the admissible evidence will probably be sufficient to obtain and sustain a conviction, unless, in his judgment, prosecution should be declined because:

"(a) no substantial federal interest would be served by prosecution;

"(b) the person is subject to effective prosecution in another jurisdiction; or

"(c) there exists an adequate non-criminal alternative to prosecution."

However, in cases in which there is a possibility that classified information may be revealed if the prosecution is pursued, an additional consideration must be addressed in determining whether it is appropriate to continue with the investigation or prosecution; that is, whether the need to protect against the disclosure of the classified information outweighs other federal interests that would be served by proceeding with the prosecution. In such cases, therefore, it is the responsibility of the Department of Justice, in consultation with the agency or agencies whose classified information is involved, to identify and assess these competing interests so that a reasoned decision may be made with respect to continuing the investigation or prosecution.

The purpose of these guidelines is to identify those factors which should be considered in determining whether to prosecute a violation of federal law where it appears that there is a possibility that classified information will be revealed if prosecution is pursued. While these guidelines do not provide an exhaustive list of all factors which may properly have a bearing on this determination, an attempt has been made to enumerate those factors which are most important and are likely to arise with some frequency.

2. General Provisions.

a. Authority:

These guidelines are issued pursuant to section 12(a) of the Classified Information Procedures Act of 1980 (Pub. L. No. 96-456, 94 Stat. 2025), which provides in pertinent part that:

". . . The Attorney General shall issue guidelines specifying the factors to be used by the Department of Justice in rendering a decision whether to prosecute a violation of Federal law in which, in the judgment of the Attorney General, there is a possibility that classified information will be revealed."

b. Definitions:

As used in these guidelines—

(1) the term "classified information" means any information or material that has been determined by the United States Government, pursuant to an Executive order, statute, or regulation, to require protection against unauthorized disclosure for reasons of national security and any restricted data, as defined in paragraph *r* of section 11 of the Atomic Energy Act of 1954 (42 U.S.C. 201 (y)); and

(2) the term "national security" means the national defense and foreign relations of the United States.

[1] The "Principles of Federal Prosecution," which apply to all federal prosecutions, were published by the Department of Justice in July 1980, and are set out in section 9-27.000 of the U.S. Attorneys' Manual.

with the freedom to choose his own economic destiny.

A person's economic well-being ought to be proportionate to his talents and willingness to better himself, according to the ancient law, one reaps what one sows. From this philosophy sprang the cornerstones of our political and economic structure, the Constitution and the Free Enterprise System.

The next 150 years saw thirteen struggling colonies grow from obscurity to become the undisputed international leader following World War II. Our government, assuming a laissez faire approach toward business and a protectionist attitude toward its citizens' liberties, successfully steered our country during this period of unparalleled growth. A citizenry with character coupled with opportunity provided by a free enterprise government permitted this tremendous expansion.

But recently our government has assumed another role. Instead of protecting the individual from outsiders, it has also determined to protect him from himself. Instead of providing the individual with the economic freedom to determine his condition, the government has resolved to provide him with guaranteed economic security. The United States Government now seems to view as its duty to put a steak in every stomach, an education in every child, and clothes on every back. Through Social Security, Medicaid, Welfare, and the Food Stamp Programs, to name a few, our government has assumed social responsibilities that were once left to the individual or to the family unit.

At first glance this trend may appear harmless enough. What does it matter if government wishes to provide economic security as well as physical security? But steak, education, and clothes cost money; somehow the price must be paid. To provide these social "rights," government, not inherently self-supportive, must turn to its supporters for the material or monetary resources. Any service or product that the government provides, therefore, ultimately is paid for by the people (that is, the people who work). Those who receive the benefits but do not support the system constitute "dead weight." In essence, government in such a situation is not a provider, as many falsely believe, but rather a distributor, who transfers wealth from the worker to the nonworker.

The result of our government acting as a "provider" is an ever-increasing problem. At first the productive working class, comprising a large majority of the population, could support the minority of non-workers. People, however, easily see in such a system a chance to get something-for-nothing, and being human, begin to use it to their advantage. After all, why work when one does not have to? Because the initiative to work and be productive has largely been taken away, the ratio of non-workers to workers is continually increasing. Add to this growth the non-productive, inevitable administrative cost in the distribution of funds, and the system is doomed to economic failure. Our government, therefore, acting as the "provider," is in reality bankrupting our country.

Our government . . . protector or provider? As shown, when its governmental philosophy consisted of protecting the citizens' rights and providing the individual with an incentive to work, the United States prospered greatly. But when the government decided to protect the individual from himself, providing guaranteed economic security by redistributing wealth, stagnation set in, and our national economy began its present downhill slide. Our government, in a sense, must be both protector and provider: it must provide protection of the citizens' liberty and also protect the providers of our national wealth. But it must not, as it does today, provide economic protection for the nonworker, or protect the non-provider from his own laziness. The United States Government is both a protector and a provider, but it must administer these roles in the proper perspective.

ILLEGAL ALIENS AND THE WELFARE SYSTEM

Mr. THURMOND. Mr. President, more and more news reports reveal that all too many illegal immigrants in the United States are not only taking away jobs from American citizens but are also becoming an increasing burden on the welfare system.

Los Angeles County, Calif., has even gone to the extreme of suing the Federal Government for millions in unpaid medical bills for illegal aliens.

James Reston of the New York Times, in fact, has called illegal immigration and all of the burdens that it is creating "one of the most complicated human and political problems before the Nation."

A recent article by reporter Mary Elson in the Chicago Tribune expresses some of my concerns about the welfare system becoming a haven for illegal aliens.

Mr. President, in order to share this excellent journalistic piece with my colleagues, I ask unanimous consent that this article appear at this point in the RECORD.

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

[From the Chicago Tribune, Apr. 12, 1981]

"WELFARE SYSTEM A HAVEN FOR ILLEGAL ALIENS"

Federal and state officials are aiding a growing number of illegal Mexican aliens to become part of the United States government welfare system, openly thwarting attempts by immigration officials to identify and deport the aliens.

Illinois Department of Public Aid officials say they routinely permit illegal aliens to receive Public Aid Grants for their children born in the U.S., because the children qualify as citizens for the payments.

The officials say they do not report the illegal aliens to the U.S. Immigration Service because privacy regulations prohibit disclosure of information about welfare applicants.

The result is that an increasing number of illegal aliens are able to remain in the U.S. without working, surviving solely on income from the U.S. government, immigration officials say.

"It's something they've (illegal aliens) recently tumbled onto," said Ted Georgetti, an Immigration Service investigator in Chicago. "The longer they're here, the more knowledge and sophistication they get about how the system operates. They come originally to work. But they certainly find out they needn't really work to make ends meet.

"They certainly have no compunction about going on the federal dole."

Public Aid documents reveal that caseworkers plainly describe applicants as "illegal aliens" on forms that include the names, addresses, and phone numbers of the aliens.

Laurel Loughnane, a spokesman for the Illinois Department of Public Aid, acknowledged that illegal alien "guarantees" are a source of discussion in the department. But she said, "We can't report them to Immigration. It's the law. We follow the law."

Cook County hospital officials keep records of the number of illegal aliens treated at the financially troubled institution, and hospital personnel privately say that the responsibility for taking care of the illegal immigrants is one reason for the hospital's economic woes.

Asked why the hospital did not report the aliens to the Immigration Service, spokesman Margo Phillips said: "We don't feel it's our responsibility.

"There are more coming to the door. What do we do? We can't turn them away. But we're stuck with the bill."

During February, Phillips said, records show that the hospital treated 112 illegal aliens. Of those, only six were able to pay all or part of the bill. Phillips said, however, that the number of illegal aliens treated probably is even larger because the aliens frequently are able to obtain fraudulent Social Security cards and pass as U.S. citizens. She said the hospital treats 1,300 to 1,400 patients a day.

Georgetti said there is no way to tell how many illegal aliens are benefitting through their children from welfare grants. But he said there are "hundreds of thousands" of illegal aliens in the Chicago area, and that "they're certainly becoming a bigger part (of the welfare system) as the knowledge be-

* * * * *

not wish to be identified, said about 10 per cent of each worker's 200-plus cases in her office involved illegal aliens and that in the last six months the numbers have increased dramatically.

"Now that word is out, you'd think you were in some town in rural Mexico when you walk into our office," the caseworker said. "They tell all their friends back in Mexico, and they say, 'By God, those Americans are even crazier than we thought.'"

Last week, the public aid department reported that the number of public aid cases in Illinois—more than one million—is at the highest level since the Depression. President Reagan last week also called for a data bank on welfare recipients that would make now-private case information available to federal and state agencies. Reagan asserts that the system would reduce fraud, abuse, and waste.

Maria (a psuedonym), an illegal alien who was interviewed by The Tribune in her West Side home, is a typical case. The 23-year-old woman came to Chicago two years ago. She said her husband already had moved here but deserted her shortly after she joined him.

Like an increasing number of the women, she was pregnant when she arrived. She had her baby, now 2 years old, at Cook County Hospital at taxpayers' expense. The hospital sent her a bill for $120, but she said she did not pay it.

After the baby was born, she went to a Public Aid Office, where she applied for and was granted food stamps and $79 a month for the baby under Aid to Families with Dependent Children. She was designated as the "grantee" on a Public Aid form.

Next to the blank for "Social Security number," the caseworker had written: "None." Another part of the form lists the names of three persons living with her, with the word "illegal" after each name.

Another routine notation by the caseworker stated: "RPY (Represenative Payee—or grantee) is illegal alien—speaks no English."

Asked if she had any fear of identifying herself to Public Aid officials as illegal, she said, "No, a friend of mine (also illegal) was already on Public Aid, and she took me and said there would be no problem." In January, about 600,000 persons in Illinois were receiving AFDC grants totaling nearly $68 million a year.

Maria now lives with three young male illegal aliens in a four-room apartment that

c. Functions of the Attorney General:

The functions and duties of the Attorney General under these guidelines may be exercised by the Deputy Attorney General, Associate Attorney General, or an appropriate Assistant Attorney General. However, the exercise of these functions and authorities by an official other than the Attorney General shall in no way limit the authority of the Attorney General to review, reverse, or amend any decision made under these guidelines.

3. Initiating or Declining Prosecution:

a. Determination of the propriety of initiating or declining prosecution:

Where, in the judgment of the Attorney General, it appears that the prosecution of a violation of federal law may result in the disclosure of classified information, the Attorney General shall determine whether the potential damage to the national security that might result from such disclosure outweighs other federal interests that would be served by the prosecution of the offense. If it is determined, after review of all relevant factors, that the potential damage to national security interests posed in prosecuting such a case outweighs other federal interests in proceeding with prosecution, prosecution of the offense may be declined.

In making this determination, the Attorney General shall assess all relevant information and evidence, consult with and seek the advice of the appropriate interested departments and agencies, and, whenever appropriate, fully utilize the procedures set out in the Classified Information Procedures Act of 1980 in order to assess more accurately the probability that classified information would be disclosed if the case were prosecuted, and the likely nature and extent of such disclose.

b. Factors bearing on the decision to initiate or decline prosecution:

In rendering a decision whether to prosecute a violation of federal law where there is a possibility that classified information may be revealed, the following factors, among others, should be considered:

(1) The likelihood that classified information will be revealed if the case is prosecuted. All relevant considerations bearing on this issue should be weighed, including:

(a) whether it will be necessary for the government to reveal classified information publicly in order to establish an element of the offense;

(b) whether the introduction of classified information will be sought by the defendant as a means of establishing a defense;

(c) whether the government will be required to disclose classified information to the defendant under the *Brady* doctrine, the Jencks Act, or in fulfillment of due process or other requirements;

(d) the likelihood that, under the procedures of the Classified Information Procedures Act, classified information sought to be disclosed publicly by the defendant would be found to be inadmissible, or the government would be permitted to use a substitute for the disclosure of specific classified information;

(e) the number and nature of persons to whom disclosure of classified information may be necessary, and the nature and extent of protective measures that may be available to prevent disclosure beyond authorized recipients; and

(f) whether the government's refusal to permit disclosure of classified information would result in dismissal of the indictment or a lesser sanction.

(2) The damage to the national security that might result if the classified information is revealed. All relevant considerations bearing on this issue should be weighed, including:

(a) the nature and extent of anticipated harm to the foreign relations or national defense of the United States;

(b) the level of classification and sensitivity of the information at issue;

(c) the extent of any previous unauthorized disclosure of the information;

(d) the likelihood that disclosure of classified information in the course of the prosecution would confirm the accuracy of classified information previously unsubstantiated; and

(e) the likelihood that disclosure would adversely affect future cooperation with individuals, organizations, or governments in obtaining classified or other confidential information.

(3) The likelihood that the government would prevail if the case were prosecuted. As in all Federal prosecutions in any case where proceeding with prosecution may result in disclosure of classified information the likelihood of a successful prosecution based on the available evidence should be established.

(4) The nature and importance of other federal interests that would be served by prosecution. Although an assessment of the federal interests that would be served by prosecution is a consideration in the decision to prosecute any case, where proceeding with prosecution may result in the disclosure of classified information that would create a risk of damage to the national security, all relevant considerations bearing on this issue should be carefully weighed, including:

(a) the seriousness of the offense charged;

(b) the extent of the prospective defendant's involvement in the commission of the offense;

(c) the likely sentence that would be imposed if conviction were obtained;

(d) the likely deterrent effect of conviction; and

(e) the availability of adequate noncriminal alternatives to prosecution.

4. Reservation:

a. Relation to the authority of the Attorney General:

Nothing in these guidelines shall be construed to limit the authorities or responsibilities of the Attorney General under the Constitution or laws of the United States.

b. Non-litigability:

The guidelines set forth herein are solely for the purpose of internal Department of Justice guidance. They are not intended to, do not, and may not be relied upon to create a right or benefit, substantive or procedural, enforceable at law by any party to any matter, civil or criminal.

5. Term and Effective Date:

These guidelines shall become effective on June 10, 1981, and shall remain in effect until modified in writing by the Attorney General.

Issued this 10th day of June, 1981.

WILLIAM FRENCH SMITH,
Attorney General.

WARREN RICHARDSON

Mr. HATFIELD. Mr. President, there is a growing concern in this Chamber about the methods and tactics used when we, or the general public, are feeling antipathy toward a Presidential nominee.

One of the objectives of every President is to select talented people to help him carry out the mission of the executive branch. Innate ability, complementary experiential background, and impeccable character are all important ingredients one hopes to find in people selected for high-level Government posts. It matters not that we may be for or against a particular nominee, for hopefully objective reasons, that we should be concerned about the unfortunate treatment that several recent nominees have received.

What we have perceived in the media and sensed in the behind the scenes rumor mill have not aided us or the American people in coming to just conclusions on these nominees. I trust that commenting about it today will at least have some ameliorating effect as we will soon have before us again controversial nominees.

Once more, I want to assert that it does not matter whether we are for or against particular nominees that this issue should be raised. But rather that we should be concerned that possibly a few less-than-principled people have prevailed and could again, in short-circuiting the objective analysis of candidates' qualifications.

For my own part, it is my conviction that I should support the President in his nominations unless there is a compelling reason not to. In that light I supported Mr. Warren Richardson for the post of Assistant Secretary of Legislation at Health and Human Services, and I was prepared to vote against Ernest Lefever as th Assistant Secretary for Human Rights at the State Department. But notwithstanding my position on these nominations, my concern grew through the process of each man's consideration that facts were put aside for fiction to the detriment of society.

In Mr. Richardson's case it is my belief that the Government has lost a fine man and effective public servant. I wrote to him recently to extend empathetic support and to ask for a "thorough debriefing" from his perspective, with the belief that his insights gained through his difficult experience would be helpful to the Senate.

I was not disappointed. His response not only addresses candidly, and with thorough documentation, his own treatment in being wrongly charged with anti-Semitism, but also explores the dangers of using McCarthy-era guilt by association and the difficulties of having stories like his handled factually in the press. I commend his letter and its attachments to your study.

Mr. President, I ask unanimous consent that Mr. Richardson's letter and the copies of correspondence to him be entered into the RECORD.

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

WASHINGTON, D.C.,
June 15, 1981.

Hon. MARK HATFIELD,
U.S. Senate,
Washington, D.C.

DEAR SENATOR HATFIELD: Thank you for sending me a copy of the booklet, "For Those Who Hurt." It was very thoughtful of you and helpful to me. In your letter of June 9, 1981, you ask if it is possible to provide you with a "thorough debriefing" from my perspective of the "unfortunate treatment" I received as a nominee for an assistant secretary position.

At your suggestion, I am pleased to set forth an account of the recent ordeal involving the withdrawal of my name from consideration by the President for nomination to the position of Assistant Secretary for Legislation at the Department of Health and Human Services (HHS). This account will deal with three major aspects of the controversy: the political battle, the battle of personal integrity, and McCarthyism.

At the outset, let me state clearly that I have no personal animosity towards the cast of characters who played out their parts in this drama on the steps of life.

THE POLITICAL BATTLE

The synopsis of events began on Tuesday, April 14, when a local official of the Anti-Defamation League of B'nai B'rith called Mr. David Newhall, who now holds the title of Chief of Staff at HHS, and informed him that the League would oppose my proposed nomination. Upon being informed of this development late that afternoon, I tried to locate former Senator Richard Stone. The next day I talked to him in London, England, and he called the Anti-Defamation League, asking them to postpone publicizing this matter until after he returned to the United States on Saturday, April 18, and we could talk with the individuals concerned. There was apparent agreement to proceed in that fashion.

Unfortunately, a Member of Congress issued a press release on the subject, and it became a topic of newspaper reports on Friday, April 17. More stories appeared in subsequent days. The allegation was put forth that I am anti-Semitic, hence not qualified to serve as the Assistant Secretary for Legislation at HHS. The following week, beginning Monday, April 20, the intensity of the press campaign increased. I wrote an apology for whatever misunderstanding may have arisen over any of my actions. I also visited with the Washington chiefs of two well-known Jewish organizations. A United States Senator informed the Secretary that he was going to lead a filibuster to try to stop my confirmation if the nomination reached the floor.

By mid-week it became clear that the war was being fought on two levels. Level one was an attack on my character, i.e., the charge of anti-Semitism. Level two was political, i.e., the liberal establishment telegraphing its desire to battle the Reagan administration over my appointment.

The growing importance of the political battle also became very clear because of three events:

1. A leader of one Jewish organization assured me that this affair was "nothing personal."

2. Letters from Americans of Jewish descent who have known me for at least 25 years declared, and explained, that I am not anti-Semitic. These were ignored by Jewish leaders and the press.

3. A Jewish friend of mine called to explain that this was a liberal scheme to embarrass the Reagan Administration.

There is yet another reason why it became apparent that the battle was now essentially political in nature. Nothing ever just happens in politics—it is planned. Timing is one of the key factors in political wars, just as it is in bullet wars. The whole offensive against me was timed to reach a crescendo when President Reagan appeared before the joint session of Congress to bring them, and a nationwide TV audience, his very important message about the economic recovery program.

There is independent verification that the whole attack was timed and not spontaneous. As noted above, Tuesday, April 14, 1981, was the date the Department was notified that my appointment would be opposed. Six days prior thereto, namely, April 8, a political observer in Washington with excellent connections called to tell me that a decision had already been made to oppose my nomination in order to attack the Reagan Administration. Why the delay? Timing, of course.

It was not until the week beginning Monday, April 13, that it became generally known that President Reagan would address the nation when Congress returned from its Easter recess. The timing pattern was almost upset by the phone call from Senator Stone. Had there been no press statements until after he arrived at his office on April 20, and had we met with Jewish leaders about their concerns, the opponents' critical timing sequence would have been ruined.

On Friday, April 24, the White House made its formal announcement that the President would address Congress the next Tuesday, April 28. That same Friday afternoon it became clear that there was no evidence to support the charge of anti-semitism, and it was equally clear that the liberal establishment timing sequence was on course, thus allowing them to ride the issue into a filibuster in order to embarrass the President. Their ploy was checkmated when I withdrew my name from consideration.

My decision was made without any pressure from the Secretary or the President, both of whom had been extremely supportive.

One of my colleagues at HHS commented afterward on the irony of the situation. He pointed out that I had been employed, in large measure, because of my ability to understand political situations and to arrive at sound political judgments. In exercising these abilities, I removed myself from the position.

Thus it goes in political wars. There are winners and losers. I was a loser in this one. From a political perspective only, I must say that the liberal establishment planned and executed its battle well. But there will be other battles, other winners and other losers.

THE BATTLE OF PERSONAL INTEGRITY

American political history is replete with examples of mudslinging, name-calling, and other assorted political dirty tricks. Likewise, the victims of such battles litter the pages of history. My case is no different from the others. All of us have a duty to be graceful losers in the political battle, but none of us is under an obligation to allow false allegations relative to our personal life to go unanswered.

In terms of the battle over my personal integrity, I was exonerated. In his statement accepting my request to withdraw my name, Secretary Schweiker said:

"A careful review produced no convincing evidence that Warren Richardson is or ever was anti-Semitic or racist."

His conclusion was based upon personal knowledge and upon the letters which were sent to the Department in my behalf.

These letters came about because many friends called to offer help. They either read or heard about the headline, "Charges of Anti-Semitism Peril Nomination for Key HHS Post," which appeared in the first story carried by the Washington Post on April 17. Most of them were outraged over the untrue characterization of me since all have known me to be non-anti-Semitic.

Fortunately, two of the people who offered to help are American citizens of Jewish descent. One of these individuals is Mr. Albert A. Rapoport, who wrote, in part:

"I am an American of the Jewish faith. In the past, I have been a member of B'nai B'rith, B'rith Sholom, and the Jewish War Veterans. Because of my background, education and practice as a lawyer for over 27 years, I feel well-qualified to judge whether a person is anti-Semitic or not. Anti-Semitism is a condition of a person's character. It cannot be imputed. It either exists, or it doesn't exist."

"Warren is not anti-Semitic in any way, shape or form. This judgment is based on the many years I have known him as a friend, and to be a sensitive human being. We met in September of 1951, at law school in Washington, D.C. Warren and I went to classes together, studied together, and endured the trauma of studying for and taking the bar examination together. We socialized at parties and family gatherings. During all of these years, I have never heard Warren utter an anti-Semitic remark; tell a racist story of any kind; or speak unfeelingly of a person, because of his race, religion, or national origin. You can understand my sense of outrage at seeing groundless allegations that Warren is anti-Semitic. The only obvious thing to be gleaned from these Post articles is that Warren is being used as a political football for the selfish interests of others regardless of consequences to a really decent human being, and his family. Is it any wonder that we have difficulty in getting the best people for government service when they have to bear unfounded slings and arrows?"

In short, Mr. Rapoport says that I'm not anti-Semitic.

The second citizen of Jewish descent is Mr. Irwin Richman. He states:

"At the outset, I would stress that as a Jew, I have known anti-Semites and experienced their hatred first hand. I have known Warren Richardson for over 25 years (since December 1955) and state that Warren Richardson has never by word or deed shown or expressed anti-Semitism. On the contrary, Warren Richardson is one of the most fair-minded, objective persons I have known."

Again, I am not anti-Semitic. Copies of both letters are attached.

Also attached are copies of other letters which were received. Mr. and Mrs. George Hewitt, who have known us for over thirty years and come from "mixed heritage and religious backgrounds," say that the allegation of anti-Semitism is "the most unfortunate, false, and unfounded accusation and abuse of our freedoms that I have ever known." Two people, Congressman Gene Snyder and Mr. William E. Pursley, Jr., were lobbied by me when I was employed at Liberty Lobby, and they both testify, in effect, that I was not then, and am not now, anti-Semitic.

The next three people—Hubert Beatty, James D. McClary, and R. M. Chastain—all worked with me at the Associated General Contractors (AGC) from 1973 to 1977, after I had left Liberty Lobby, and testify as to my competency as a lobbyist.

Mr. Charles T. Carroll, Jr., worked with me at AGC on a daily basis for almost four years. His testimony is that "not once" during that period did I ever express any thought that could be viewed as anti-Semitic. During the past eight years I have worked as a lobbyist with a great many people. Four of them—Argyll Campbell, Hal Coxson, John S. Bush, Jr., and F. Patricia Callahan—spent many, many hours with me. All of them testify, in effect, that I am not anti-Semitic.

Another business friend is Mr. Kenneth C. O. Hagerty, Vice-President of the American Electronics Association (AEA). AEA was a client to my firm when I was in business for myself from 1977 to 1981. Mr. Hagerty states:

"What I can speak to that you may not know are Warren's philosophic and religious views. He and I have had numerous extended conversations over the years on religion, politics, and the interrelation between them. Those private conversations took place long before he had any thought of returning to government service. They have ranged over all economic, political and geopolitical issues.

"Never in that time can I recall a single statement or reference that might reasonably be construed as anti-Semitic. I can vouch for the fact that Warren's view of the world is not antagonistic toward Jews or any other ethnic group."

The next attached letter is from Mr. Bruce Klein who knows me socially through his association with my wife in their place of employment. He, too, states that I am not anti-Semitic.

Mr. Svend Petersen, from Florida, writes:

"At no time did I hear Mr. Richardson utter a remark that could be even remotely construed as anti-Semitic. In fact, it

The result was announced—yeas 66, nays 27, as follows:

[Rollcall Vote No. 80 Leg.]

YEAS—66

[illegible]nor	Goldwater	Melcher
[illegible]drews	Gorton	Mitchell
Armstrong	Grassley	Murkowski
Baker	Hatch	Nickles
Bentsen	Hatfield	Nunn
Boren	Hayakawa	Percy
Boschwitz	Heflin	Pressler
Burdick	Heinz	Quayle
Byrd, Harry F., Jr.	Helms	Rudman
Cannon	Humphrey	Schmitt
Cochran	Jackson	Simpson
Cohen	Jepsen	Specter
D'Amato	Johnston	Stafford
Danforth	Kassebaum	Stennis
DeConcini	Kasten	Stevens
Denton	Laxalt	Symms
Dole	Leahy	Thurmond
Domenici	Long	Tower
East	Lugar	Tsongas
Ford	Mathias	Wallop
Garn	Mattingly	Warner
Glenn	McClure	Weicker

NAYS—27

Baucus	Exon	Pell
Biden	Hart	Proxmire
Bumpers	Hollings	Pryor
Byrd, Robert C.	Inouye	Randolph
Chafee	Kennedy	Riegle
Chiles	Levin	Roth
Cranston	Matsunaga	Sarbanes
Dodd	Metzenbaum	Sasser
Eagleton	Moynihan	Zorinsky

NOT VOTING—7

Bradley	Hawkins	Williams
Dixon	Huddleston	
Durenberger	Packwood	

So the motion to lay on the table UP amendment No. 59 was agreed to.

Mr. HEINZ. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. McCLURE. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAKER. Mr. President, will the distinguished manager of the bill yield to me so that we may take care of another matter?

Mr. HEINZ. I yield.

SENATE CONCURRENT RESOLUTION 17—PROVIDING FOR ADJOURNMENT OF THE CONGRESS FROM APRIL 10, 1981, TO APRIL 27, 1981

Mr. BAKER. Mr. President, I send to the desk a concurrent resolution and ask unanimous consent for its immediate consideration.

The PRESIDING OFFICER. The clerk will state the concurrent resolution.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 17) providing for an adjournment of the Congress from April 10, 1981 to April 27, 1981.

Mr. BAKER. Mr. President, I have conferred with the distinguished minority leader. I believe he is agreeable to disposing of this matter at this time, and I hope that the Senate can dispose of this resolution so we can send it to the other body at this time.

The concurrent resolution (S. Con. Res. 17) was considered and agreed to as follows:

Resolved by the Senate (the House of Representatives concurring), That when the two Houses adjourn on Friday, April 10, 1981, they stand adjourned until 12 o'clock noon on Monday, April 27, 1981.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. ROBERT C. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

GRAYMAIL LEGISLATION: PROTECTING NATIONAL SECURITY IN CRIMINAL CASES

Mr. BIDEN. Mr. President, I was pleased to note last week in reading the Baltimore Sun that the Justice Department is implementing the so-called graymail legislation for the first time in a case in Baltimore. That case involves a former CIA agent charged with embezzling $60,000. The former agent's defense is that the CIA authorized the loans for secret CIA projects. Of course the defendant intends to use that defense as a pretext for pretrial discovery that will force the Government to disclose classified information and "graymail" the Government into dismissing the case. The Classified Information Procedures Act which we developed in the Judiciary Committee last year addresses this problem by providing procedures to protect classified information and restrict frivolous discovery motions in these kinds of cases.

I ask unanimous consent that an article from the April 2 Baltimore Sun describing this case be printed in the RECORD:

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

NEW LAW ON CLASSIFIED DATA MAKES DEBUT IN JOLLIFF CASE

A federal judge yesterday appointed a caretaker for secret documents that may be sought by a former CIA employee as evidence in his criminal case, activating for the first time here a new law to guard against public disclosure of classified information.

The temporary appointment was made by U.S. District Court Judge Frank A. Kaufman in the case of Wade A. Jolliff, Jr., who is charged with impersonating a CIA agent and fraudulently obtaining more than $65,000 in loans for purported CIA "operations" while working as head of security at the University of Maryland's Baltimore campus.

Mr. Jolliff, who the FBI said worked for the CIA until 1972, disputes the charges, contending that there are CIA records that will prove he was actually on assignment for the agency while employed at the university's Baltimore campus.

However, concerned that Mr. Jolliff—who had access to secret information while working for the CIA—may be seeking classified information, federal prorsecutors have asked that proceduers outlined in the Classified Information Procedures Act be followed.

The law, enacted last October, would require Mr. Jolliff to disclose in writing what material he is seeking and to prove the relevance to his case of any secret material he may request. The law also requires the appointment of a court security officer to protect any classified documents.

Judge Kaufman temporarily assigned Mary Schwartz, a member of the Security Programs staff of the U.S. attorney's office, to that duty so the case could proceed in time for the April 21 trial. A permanent caretaker will be appointed some time next week from a list of candidates provided by the Justice Department, a Justice Department spokesman said.

The duties of the security officer include making certain that the area where the documents will be reviewed—for example, the judge's chambers—is secure and that no one who does not have CIA clearance sees the information.

According to FBI records, Mr. Jolliff worked 10 years for the CIA until he left in 1972 to work for UM as head of security at the Baltimore campus.

In the grand jury indictment, Mr. Jolliff was accused of obtaining loans from B. Dixon Evander Associates, Inc., an insurance firm, and from other investors in an alleged scheme in which he purported to solicit funds for secret CIA projects.

HEROIN ADDICTION AND STREET CRIME

Mr. BIDEN. Mr. President, as ranking minority member of the Senate Judiciary Committee I am continuing to pursue an issue I began addressing 2 years ago as chairman of the Subcommittee on Criminal Justice. Two years ago the subcommittee began to notice an increase in Southwest Asian heroin in the urban Northeast. I am convinced that heroin addiction is a prime contributor to much of the increasing crime that occurs in this country.

This opinion is supported by most streetwise cops and prosecutors, but now we have supportive research which shows the appalling relationship between heroin addiction and street crime.

A study done by Prof. James Inciardi of the University of Delaware showed that 356 active heroin users were:

First, responsible for 118,134 crimes in 1 year;

Second, over 95 percent reported committing illegal activity in the year period;

Third, 90 percent relied on criminal activity as a means of income; and,

Fourth, most disturbing, is that only 1 of every 413 crimes committed resulted in an arrest.

Additional research completed this past year at the Temple University School of Medicine by Dr. John C. Ball, Dr. Lawrence Rosen, Dr. John A. Flueck, and Dr. David Nurco showed that 243 heroin addicts committed almost 500,000 street crimes in 11 years.

Their research also showed that when these addicts were not dependent on heroin, there was an 84-percent decrease in criminality.

These two studies clearly show that if we could ever control heroin addiction or even reduce it, we would see an appreciable reduction in criminality.

As the new administration begins its war on violent crime it also proposes to cut $5.4 million requested previously by the Drug Enforcement Administration for its Southwest Asian heroin interdiction program, elimination of the State and local drug coordination program, $5.9 million cut for the Federal, State, and local task force programs, and budget cuts to the State Department's international narcotic management program that supports crop substitution overseas. In the treatment area, there will be major cuts in treatment slots and prompted Mr. Julio Martinez of the New York State Division of Substance Abuse Services to say in the New York Times on March 9, 1981:

of this issue so that we can look at improving our Nation's energy supplies, particularly in gas.

Finally, we have to ask ourselves, is this amendment germane to the export trading bill which it hopes to amend? Clearly it is not germane. It is rather an attempt to push through the Senate an early end to the debate on natural gas before it even begins.

So I hope my colleagues will be more deliberative on this emotional issue and reject this amendment of my good friend from Nebraska.

I thank the distinguished Senator.

The PRESIDING OFFICER. The question is on agreeing to the motion to table.

Mr. HEINZ. Mr. President, I ask unanimous consent that the Senator from Washington (Mr. JACKSON) be recognized for not to exceed 5 minutes during the pendency of the motion to table.

The PRESIDING OFFICER. Is there objection to the Senator from Washington proceeding for 5 minutes notwithstanding the pendency of a motion to table? No objection being heard, the Senator from Washington is recognized for 5 minutes.

Mr. JACKSON. Mr. President, I thank the senior Senator from Pennsylvania.

I just learned of this amendment a few minutes ago. I believe the timing of the amendment and the procedure here are not wise. As the major author of the amendments to the original Natural Gas Act of 1937, I must speak my mind.

Mr. President, may I say that I agree wholeheartedly with the substance of the pending amendment. I want to report, as we all know I am sure, that the Natural Gas Policy Act is indeed working. There are more rigs out drilling for gas now than at any time in history. We had a net increase in domestic natural gas production last year for the first time, Mr. President, in years.

However, I must disagree with pursuing this amendment at this time, and I emphasize "at this time." The chairman of the Energy Committee, Mr. MCCLURE, has urged the administration not to pursue legislation for decontrol at this time. So, may I point out, Mr. President, Has the chairman of the House Energy and Commerce Committee, Mr. DINGELL? And, if I may add, I also share the view of the chairmen of the Senate and House committees.

I think we are all in agreement that the act is working reasonably well. It may not be perfect, but it is indeed achieving the purpose for which the legislation was intended. It is my view, Mr. President, that tampering with it will create uncertainty, and that is the last thing we need.

Now is not the proper time, nor is this the proper vehicle, to pursue this issue.

If the administration chooses not to heed our collective advice and sends us a bill I want to say right here and now that I will oppose it. I do not mean just ordinary opposition, because I feel very deeply about this subject. I believe that our collective efforts reached an equitable result. We were able to achieve a bipartisan compromise. Our differences of opinion were fought out and resolved.

I think the administration certainly should get the very clear message that amending the Natural Gas Policy Act would not be an easy task. We want to make that very clear.

I would join the ranks of those who would talk a long time, or at length, or any other way you want to describe any sort of extended debate, regarding any decontrol bill.

Finally, Mr. President, this resolution does not provide the proper forum, or afford us time for adequate preparation to discuss the hundreds of issues we would need to discuss in connection with such an important debate.

I will, therefore, support the tabling motion. I want to make it clear why I am supporting it. I must state categorically that I do not oppose the substance of the amendment, but I indeed oppose the procedure here which I do not think gives the consumers, the producers, and the public interest as a whole an opportunity to be heard, to properly ventilate all of the matters that are relevant and pertinent to this matter.

The PRESIDING OFFICER. The question is on agreeing to the motion to table. The yeas and nays have been ordered——

Mr. HEINZ. Mr. President, I ask unanimous consent that during the pendency of the motion to table I may yield first 2 minutes to the Senator from Massachusetts (Mr. TSONGAS).

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered. The Senator from Massachusetts is recognized for 2 minutes.

Mr. TSONGAS. Mr. President, this amendment presents a dilemma for those of us who are from the Northeast and whose States are reasonably dependent upon natural gas.

But I share the view of the Senator from Washington, that it is premature to bring the issue up like this without serious debate and consideration. I think it does not do justice to the complexity of the issue.

I happen to support decontrol in principle for the obvious reason that energy ought to be priced at its replacement cost in order to assure efficient use and sufficient development of energy. But the specific question of natural gas decontrol depends on a great deal of information not yet available regarding the competitiveness of natural gas markets, projected supply response, availability of substitutes, adequacy of programs to protect the poor, and interregional transfers of wealth. I think that faced with an attempt by the President to deregulate natural gas suddenly, I would join with the Senator from Washington in the extended debate and oppose efforts to eliminate the Natural Gas Policy Act. But I think the issue today is the export trading companies.

The likelihood is that the President will not seek to deregulate natural gas this year. The chairman of the Energy Committee has said he does not think that will take place either. I think on the merits I agree with the Senator from Nebraska but given the issue of time and place rather than substance, I will vote to table and urge my colleagues to do the same. However, I reserve my right to join with the Senator from Nebraska in the future were there to be an attempt to deregulate. But I want to distinguish between the substance of the issue and what indeed we are addressing here today.

I thank the Senator from Pennsylvania.

Mr. HEINZ. Mr. President, I ask unanimous consent that the Senator from Nebraska (Mr. EXON) be yielded 2 minutes without my losing my right to the floor during the pendency of the motion to table.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered. The Senator from Nebraska is recognized.

Mr. EXON. I thank the Chair, and I thank my friend from Pennsylvania. I also wish to thank the wide range of support I am receiving from my colleagues on the floor for what I am trying to do, but not now.

It brings to mind the old story that I am all for the church but I am not going to give to it because I do not like the location. The fact of the matter is I do not want the new church in the first place.

I am amazed to hear on the floor some of the people who conceded they put together the Natural Gas Policy Act of 1978 saying we should not tamper with it.

Mr. President, this sense-of-the-Senate resolution does not tamper with it at all. It says it was a good act and it says we should continue that. That is all it says.

Let me read it again:

> It is the sense of the Senate that the schedule of the phased decontrol of natural gas prices embodied in the Natural Gas Policy Act of 1978 continues to be sound public policy which should not be altered.

I am patting them on the back for the good job they did, and they objected for reasons—unless they are indeed intending to change that well-thought-out measure that they enacted in 1978.

I urge my colleagues to vote against the tabling motion.

I thank my friend from Pennsylvania.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Pennsylvania to lay on the table Mr. EXON's amendment (UP No. 59).

The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from Minnesota (Mr. DURENBERGER), the Senator from Florida (Mrs. HAWKINS), and the Senator from Oregon (Mr. PACKWOOD) are necessarily absent.

Mr. CRANSTON. I announce that the Senator from Illinois (Mr. DIXON), the Senator from Kentucky (Mr. HUDDLESTON), and the Senator from New Jersey (Mr. WILLIAMS) are necessarily absent.

I further announce that the Senator from New Jersey (Mr. BRADLEY) is absent on official business.

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