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Senate

(Legislative day of Monday, January 30, 1978)

The Senate met at 10:45 a.m., on the expiration of the recess, and was called to order by Hon. QUENTIN N. BURDICK, a Senator from the State of North Dakota.

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

I heard the voice of the Lord saying, Whom shall I send, and who will go for us? Then said I, Here am I; send me.

—Isaiah 6:8

O Thou Creator Spirit, Light of the world, and Revealer of truth, we thank Thee for moments of quiet reverence when all other voices are stilled and we are ready to receive Thy message. Give us ears to hear Thy voice above the din of many voices and grant us eyes to see the guideposts of history. Help us to discern the things of the spirit whether or not they are of Thee. And when we have heard Thy voice and read Thy signs on the horizon of history may we obey Thee and with the prophet say "Here am I; send me."

We pray in Thy Holy Name. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. EASTLAND).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., February 6, 1978.
To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable QUENTIN N. BURDICK, a Senator from the State of North Dakota, to perform the duties of the Chair.

JAMES O. EASTLAND,
President pro tempore.

Mr. BURDICK thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF LEADERSHIP

The ACTING PRESIDENT pro tempore. The Senator from West Virginia.

THE JOURNAL

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Journal of the proceedings of Thursday, February 2, Groundhog Day, 1978, be approved.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RECOGNITION OF LEADERSHIP

The ACTING PRESIDENT pro tempore. The Senator from Tennessee.

Mr. BAKER addressed the Chair.

Mr. ALLEN. Mr. President, will the Senator yield or will he yield after the distinguished majority leader has completed his remarks?

Mr. ROBERT C. BYRD. Yes.

THE DAVID MARSTON MATTER

Mr. BAKER. Mr. President, over the past weekend, a number of very thoughtful editorial pieces were published regarding the ramifications of the David Marston matter.

As the various authors indicate, it is difficult, if not impossible, to reconcile the administration's handling of this situation with the President's campaign promise to remove politics from the selection of U.S. attorneys.

In the event that all of my colleagues did not have a chance to read the articles mentioned, I commend them to their attention and ask unanimous consent that they be included in the RECORD at this point.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Washington Post, Feb. 4, 1978]

THE MARSTON ISSUE

A BROKEN PROMISE—A BROKEN LAW?

(By Henry T. Roth)

When a presidential candidate makes campaign promises and then, when elected, breaks them, that is a moral and political issue that can be settled at the ballot box. But if a candidate for appointed public office adopts those promises as his intended policies in sworn public testimony at his confirmation hearing, knowing that he does not intend to carry them out—and can't, because of a prior secret political deal—that is

not only a moral and political issue but also a serious legal one:

The moral and political issue is whether the country will stomach such devious conduct by the appointed public official.

The legal issue is whether the law has been broken—for it is clear that if a candidate for appointive public office willfully gives false testimony to a "competent tribunal," such as a duly convened confirmation hearing, that has been held to be a criminal offense designated in law as perjury.

Once the dust settles on the obstruction-of-justice charges concerning President Carter and Attorney General Griffin Bell on the Marston issue, the question of false testimony before the Congress by the attorney general will have to be resolved either by the courts, the Congress, the President or the court of last resort: public opinion.

Regrettably, the current quest for sensational news, in what probably will be an abortive effort to prove obstruction of justice, has diverted the spotlight of public concern from other, more lasting and significant aspects of the Marston affair that strike at the very core of the integrity of our political and justice systems.

The extraordinary public outcry over the Marston matter goes far deeper than mere disgust over a temporary delay in rooting out political corruption in eastern Pennsylvania. It reveals a frustrated and indignant public demanding that their politicians keep their campaign promises and keep politics out of our justice system.

The sorry story of lofty promises and secret wheeling and dealing involving the justice system is all spread on the public record:

First, President Carter, in his campaign platform of June 19, 1976, stated, "All federal judges and prosecutors should be appointed strictly on the basis of merit without any consideration of political aspects or influence."

Second, those promises were reiterated on Jan. 11, 1977, by Bell, under oath, as policies that would be carried out and implemented by him if he were confirmed by the Senate: ". . . If I am to be the attorney general, we want to professionalize the Department of Justice. We want to depoliticize it to the extent possible. Otherwise, I would not care to be the attorney general; he [Carter] would not care for me to be the attorney general."

". . . If we are really serious about doing something about crime in this country, then we must go into same career service in the prosecutorial forces.

". . . I intend for the Justice Department to be operated within the strictures of its being a law department, which would have nothing to do with politics. Of course, you

touch politics because you are advising people, but it will not be a medium of politics, and it will not be used for political purposes."

Third, at his hearing before the confirmation committee, Bell was specifically questioned about his policies on retaining a hold-over U.S. attorney appointed by President Ford (such as David Marston in the Eastern District of Pennsylvania) who had made a "competent and meritorious record" and "wishes to be retained." His reply: "... They will have an opportunity to be considered for retention on the merit system. ... Otherwise we would not be putting in a merit system."

Fourth, the above testimony is in stark contrast to what surfaced and transpired after Bell's confirmation:

On June 22, 1977, at a hearing convened by Rep. Robert Drinan (D-Mass.) Bell was asked to give Justice Department support to a bill being pushed by the congressman. Bell declined because, as he testified at that time, of an "agreement" with the Senate whereby in return for taking appointments to the federal circuit courts (but not the district courts) out of the patronage system, U.S. attorneys would continue under the politics-as-usual patronage system. Although the attorney general's office first denied the existence of such an agreement, it later admitted in a letter dated Dec. 20, 1977, that it was made during "an oral exchange between Judge Bell and Senator Eastland which took place in Atlanta in late December of 1976 or early January of 1977." [This meeting has generally been reported to have been held on Dec. 13, 1976 (one week before Carter announced Bell's selection and three weeks before Bell gave the testimony above—testimony that not only made no mention of this secret arrangement, but was squarely contrary to it).]

Fifth, on Jan. 9, 1977, Bell was quoted as having stated at the National Press Club that Marston's "job is to be replaced by a Democrat. ... The 'ins' are the Democrats. ... They can get in easier to complain. ... I have nothing against Mr. Marston. He is a fine young man—but this is the political system in this country."

Finally, on Jan. 20, 1978, when Marston was fired, Bell complimented Marston on his performance and on the conduct of the office of the U.S. attorney in Philadelphia. At that time he reiterated that Marston was being removed "not because of lack of merit qualifications, but solely because of political considerations."

David Marston has now been fired—and he has now become a national folk hero. In due course, Philadelphia will get a new U.S. attorney, who will undoubtedly press, with equal vigor, to root out crime and political corruption.

But what about the promises to the nation to keep politics out of the justice system?

And what about the continued tenure of the attorney general? Whether, after all the evidence is in, it is found that he committed a criminal act at his confirmation hearing or aided and abetted in the obstruction of justice, is a complex factual and legal matter best left to the Congress, through impeachment proceedings, or to the due process of law in the courts.

But as the nation's chief law-enforcement officer, whose first duty is to search after truth, can Bell, in light of the gap between his word and deeds, continue to merit the respect and confidence of the nation, let alone the staff and subordinates, including the 94 U.S. attorneys, who report to him? This writer believes not.

And what about President Carter? Does he not have an obligation to square with the American people where he and we stand on his promise to take politics out of the justice system? Has he, or his attorney general, used the justice system as a pawn in a partisan political struggle?

[From the Washington Star, Feb. 3, 1978]
"PEOPLE'S WHITE HOUSE" TUNES OUT ON MARSTON FIRING CRITICS
 (By Mary McGrory)

David Marston, the young ex-U.S. attorney from Eastern Pennsylvania, may be political. But he's not political enough to do the administration any good.

The storm-center came to Washington again to give his side of the story to a press breakfast. He has a fine opinion of himself and his performance. He has large brown eyes, a receding chin and a marmoset-like intensity of manner, and he wants to be sure that the world understands how he lost his job.

His version: "I am convinced that I would not have been dismissed if Eilberg had not called the president."

Rep. Joshua Eilberg, D-Pa., who was under investigation by Marston's office, telephoned Carter on Nov. 4 and told him, in Marston's phrase, to get the cop off the beat."

Senior loyalists, Tip O'Neill and Robert Strauss, tried to help out by painting Marston as brash and opportunistic, "viciously" pursuing Democrats. But these Goliaths did nothing to young David in the eyes of Pennsylvania voters.

The issue for them is not Marston's personality or his palpable ambition; it is his strenuous attack on the permanent, free-floating corruption in Pennsylvania politics.

"People know he is political, but they don't care," said Karen John, a Democratic town committeewoman from Phoenixville, who testified in behalf of some 50 irate Pennsylvanians who came to Washington for an ad hoc, more or less bipartisan House hearing on the Marston affair.

She called the firing "the final rape of the judicial system," which may sound strong in pussyfooting Washington, but which seems to reflect the general feeling of the folks back home.

Marston was too smart to attend the rally. He said that he is "not trying to keep the issue alive," and he went back to Philadelphia immediately after his press breakfast.

Republican leader John J. Rhodes, who did attend, made somber and pointed reference to Watergate, and praised, for the first time, the impeachment contribution of Rep. Robert F. Drinan, D-Mass., who came to plump for a bill that would mandate merit selection of U.S. attorneys.

Another impeachment committee veteran, Rep. Tom Railsback, R-Ill., said he was on hand to represent an incensed Democratic nephew in Valley Forge.

"They better," he rasped, referring to the stonewallers in the White House and Justice Department, "just come out and start telling us what happened."

Democrats may be able to turn back Republican demands for an investigation of the Marston firing, but the real political damage has already been done.

It isn't just that the campaign pledge of "Why Not the Best" in U.S. attorneys has been shredded—Marston is not so brilliant a lawyer that no Democratic counterpart can be found. Voters may, in time, recover from Carter's grating assertion that he would do it all over again—cornered politicians often bare their teeth.

But what comes out more strongly every day is of a more subtle and corroding nature. It is the howling discrepancy between the kind of open "people's" White House Jimmy Carter promised to run and the kind of impenetrable old-style bastion that he operates.

One of the Pennsylvanians, Brian P. Bowie, a well-tailored employee relations manager from Philadelphia, put his finger on it. Eilberg, he noted, got through to the Oval Office without any trouble and got an immediate response to his SOS. The people of Pennsylvania, who are up in arms, are getting the brushoff.

The dimensions of the run-around were

detailed by the principal spokesperson for the protesters, a small, spirited gray-haired woman named Jean Irvin, who is not entirely clear on the difference between district attorneys and U.S. attorneys but knows what she likes. She told of her efforts to persuade the president to have a "town meeting" with the irate "Citizens United to Retain Marston," who, she says, will soon number 10,000.

She called appointments secretary Tim Kraft for two straight days beginning Jan. 14.

"Each time I was told he was either out of the office, out of town, or on another line," she recounted.

Another aide, Scott Burnett, advised her to send a mailgram. She did and she is still waiting for an answer. A week later, someone from the White House called her. It was Doug Huron, and he is from the office of the president's legal counsel. Ms. Irvin sniffed that she thought it was meant to scare her.

The point about all this is that Jimmy Carter stood in a thousand living rooms in this country two years ago and told people he wanted an "intimate relationship" with them, wanted them to "stay close to me," and would rely on their "advice."

The people of Pennsylvania have been trying desperately to stay close to him on the Marston affair. To date, 11,530 telephone calls and 27,385 letters have come to the White House. All but 50 of them have advised the president that he was dead wrong to sack Marston.

By his unresponsiveness, he is telling them to drop dead.

ORDER OF BUSINESS

Mr. BAKER. Mr. President, I have a request for a portion of my time under the standing order. I will be happy to yield the floor at this time and reserve my time under the standing order, if the majority leader wishes to transact business on that side.

Mr. ROBERT C. BYRD. Mr. President, I yield to the distinguished Senator from Alabama first and then to the distinguished Senator from South Carolina. How much time does the Senator want?

Mr. President, I yield briefly to the distinguished Senator from South Carolina.

REGULATION OF UTILITY POLE ATTACHMENTS

Mr. HOLLINGS. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on H.R. 7442.

The ACTING PRESIDENT, pro tempore laid before the Senate the following message from the House of Representatives:

Resolved, That the House agree to the amendment of the Senate to the bill (H.R. 7442) entitled "An Act to amend the Communications Act of 1934 to provide for the regulation of utility pole attachments", with the following amendments:

1. Page 1, strike out all after line 4 over to and including line 8 on page 7.
2. Page 7, line 9, strike out Sec. 5., and insert Sec. 2.
3. Page 7, line 13, strike out Sec. 6., and insert Sec. 3.
4. Page 10, strike out all after line 6 over to and including line 12 on page 11.

Mr. HOLLINGS. Mr. President, I move that the Senate disagree to the House amendments, en bloc, numbered (1), (2), and (3).

The ACTING PRESIDENT pro tem-

pore. The question is on agreeing to the motion of the Senator from South Carolina.

The motion was agreed to.

UP AMENDMENT NO. 1175

Mr. HOLLINGS. Mr. President, I move to concur in House amendment No. (4) with an amendment which I send to the desk.

The ACTING PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

The Senator from South Carolina (Mr. HOLLINGS) proposes an unprinted amendment numbered 1175:

Beginning on page 10, strike all after line 6 over to and including line 12 on page 11, and insert in lieu thereof the following:

Sec. 7. The amendments made by this Act shall take effect on the thirtieth day after the date of enactment of this Act; except that the provisions of sections 503(b) and 510 of the Communications Act of 1934, as in effect on such date of enactment, shall continue to constitute the applicable law with the respect to any act or omission which occurs prior to such thirtieth day.

Mr. HOLLINGS. I move concurrence in House Amendment No. (4), as amended.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from South Carolina.

The motion was agreed to.

Mr. HOLLINGS. I thank the Senator.

Mr. ROBERT C. BYRD. The Senator is welcome.

I yield to the distinguished Senator from Alabama (Mr. ALLEN).

PANAMA CANAL TREATIES

Mr. ALLEN. I thank the majority leader.

Mr. President, I would like to ask the distinguished majority leader when he plans to have laid before the Senate the Panama Canal treaties, for consideration by the Senate.

Mr. ROBERT C. BYRD. Under the rule, may I say to my distinguished friend from Alabama, Thursday would be the day on which the committee report would have been available 3 days. I would like to get unanimous consent, if I could, that we proceed on Wednesday. We had earlier planned to proceed on Wednesday, because all Senators had indicated that they could get their supplemental views, and so on, to the Foreign Relations Committee on time for the report to be printed and made available 3 days prior to Wednesday. That was not possible; Thursday is the earliest if there is objection, but if there is no objection, I would hope we could get to the consideration of the treaties on Wednesday.

Mr. ALLEN. I would say to the distinguished majority leader that I would have no objection to the matter coming up on Wednesday, or if it were possible, today.

What does concern the Senator from Alabama, however, is that no unanimous-consent order with respect to the procedure on the treaties be made prior to the laying down of the treaties for consideration, because many of us would like to be here for the full proceedings, and would not like for unanimous-con-

sent requests to be made prior to that time

I have absolutely no objection to the request that the treaties be considered, but they would be considered under the rule. We do not want to agree to short-circuiting the Committee of the Whole consideration.

Will the distinguished majority leader and the distinguished minority leader agree that no requests for unanimous consent with respect to the procedure on consideration of the treaties be made prior to the treaties being laid before the Senate for consideration?

Mr. ROBERT C. BYRD. Yes, that would be very agreeable to me.

Mr. BAKER. Mr. President, if the majority leader will yield to me for just a moment, so that I may respond to the inquiry of the Senator from Alabama, that is fine with me, too. I certainly have no desire to take anyone by surprise.

There are two matters I hoped we could take care of today, and I wonder how the Senator from Alabama would feel about them. Incidentally, the Senator from Michigan (Mr. GRIFFIN) is on his way to the floor. I have consulted with him about these matters, and he has no objection.

First, the majority leader has suggested that we abbreviate the 3-day rule by 1 day, so that the Senate could take up the matter Wednesday. I understand the Senator from Alabama has stated that he has no objection to that.

The second matter concerns controlled time. I have no desire to have a limitation of time, but this is such an emotional issue and the Senate and the country are so divided on it that I have suggested to the majority leader that possibility, and he suggested, I believe, that we put down a unanimous-consent order to control the time, that is, to allocate half of the time each day to Senators who could yield it to Members who support their respective points of view.

I think that procedure would add to the orderly consideration of the matter, and I wonder how the Senator from Alabama would feel about it.

Mr. ALLEN. I feel that when the treaty is before the Senate, there should be no time restraints or orders for speeches, because we frequently have Senators who might be in line for speaking and not be on the floor. I think we have difficulty here in the Senate getting speeches made.

I feel that Senators should have an opportunity to be heard. I rather imagine that a procedure will be worked out, but I would not like to divide the time in any way. I think that will take care of itself, would be my judgment.

I have absolutely no objection to waiving the 3-day rule, or to waiving the 1-day requirement of having the treaty lie over for a day. I do not care about that; but I do not want to short-circuit the Committee of the Whole, because that is very important as an order of procedure; and also, the resolution of ratification could not be offered in the Committee of the Whole, whereas it could be in the

full Senate, at any time, thereby cutting off amendments.

I am perfectly willing to abide by the statement of both leaders that unanimous-consent agreements will not be asked for other than those we have discussed. I would object to the second request, but not the first, on the matter being brought up.

I am hopeful that the committee report is in, and available to all Senators at this time.

Mr. ROBERT C. BYRD. The report has been printed, and is available.

Mr. ALLEN. At the time the matter is called up in executive session, at that time, if there are to be requests for immediate consideration, I would ask that that agreement be made now, rather than the request being made on Wednesday.

Mr. ROBERT C. BYRD. I have no objection.

Mr. BAKER. I have no objection to that. I thank the Senator from Alabama for his consideration.

Mr. ALLEN. I am happy to accommodate the Senator.

Mr. BAKER. And I have no objection to our proceeding on Wednesday.

Mr. ALLEN. I might, for the record, request that the distinguished majority leader alert the Vice President that his presence would be helpful as Presiding Officer at that time. I have a series of parliamentary inquiries that I would like to make concerning the procedure on the consideration of the treaties.

Mr. ROBERT C. BYRD. I may have some myself; so we will try to get the Vice President in the chair at that time.

Mr. ALLEN. I thank the distinguished Senator.

CONSIDERATION OF CERTAIN MEASURES ON THE CALENDAR

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the following Calendar Orders: Nos. 570, 571, and 573, with the indulgence of the distinguished Senator from Rhode Island.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

PUBLIC AIR SPACE IN THE DISTRICT OF COLUMBIA

The bill (H.R. 7766) to authorize the Mayor of the District of Columbia to enter into an agreement with the U.S. Postal Service with respect to the use of certain public air space in the District of Columbia, was considered, ordered to a third reading, read the third time, and passed.

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BAKER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

PARTICIPATION IN JUDICIAL PROCEEDINGS

The resolution (S. Res. 373) authorizing the Select Committee on Ethics to

participate in judicial proceedings to obtain information regarding its Korean inquiry, was considered and agreed to, as follows:

Resolved, That the Select Committee on Ethics is authorized, on behalf of the Senate or on behalf of Members, officers or employees of the Senate who have been sued for actions taken in an official capacity, to participate in any judicial proceeding, whether initiated by the Select Committee or any other person, to obtain testimony, documents or other evidence concerning or relating in any way to its inquiry into or investigation of allegations that Members, officers, or employees of the Senate have been the object of efforts on behalf of the Republic of Korea, or of persons acting on behalf of or in connection with the Republic of Korea, to influence improperly the conduct of Members, officers or employees of the Senate.

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. BAKER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ADDITIONAL EXPENDITURES BY THE COMMITTEE ON RULES AND ADMINISTRATION

The resolution (S. Res. 380) authorizing additional expenditures by the Committee on Rules and Administration for inquiries and investigations, was considered and agreed to, as follows:

Resolved, That, in holding hearings, reporting such hearings, and making investigations as authorized by sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, in accordance with its jurisdiction under rule XXV of the Standing Rules of the Senate, the Committee on Rules and Administration is authorized from March 1, 1978, through February 28, 1979, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

Sec. 2. The expenses of the committee under this resolution shall not exceed \$793,000, of which amount not to exceed \$76,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(1) of the Legislative Reorganization Act of 1946, as amended).

Sec. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 1979.

Sec. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required for the disbursement of salaries of employees paid at an annual rate.

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. BAKER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

RECOGNITION OF LEADERSHIP

Mr. ROBERT C. BYRD. Mr. President, I have no further need for my time.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee.

THE PANAMA CANAL TREATIES

Mr. BAKER. Mr. President, I see that the distinguished Senator from Michigan is now in the Chamber, and the Senator from Alabama is here. I wonder if we might proceed now to make the unanimous-consent request with respect to the 3-day rule.

Mr. ROBERT C. BYRD. Mr. President, is my understanding correct that the eight Senators who wish to have a colloquy on tomorrow are willing to forgo that colloquy until Wednesday?

Mr. BAKER. That is my understanding. Mr. President, I would hope we might be able to substitute Wednesday on the order for tomorrow.

VACATION OF ORDER FOR RECOGNITION OF EIGHT SENATORS TOMORROW, AND ORDER FOR RECOGNITION OF THE SAME ON WEDNESDAY

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the orders for recognition of eight Senators on tomorrow be vacated, and that the orders for the same Senators be reinstated for Wednesday, beginning at 10 a.m.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THE PANAMA CANAL TREATY

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that at the hour of 12 o'clock on Wednesday, the Senate go into executive session to consider the first treaty, Executive N, 95th Congress, First Session.

Mr. ALLEN. Reserving the right to object, and I do not plan to object, this request would cause the treaties automatically to be considered in the Committee of the Whole, would it not?

Mr. ROBERT C. BYRD. That is correct.

Mr. ALLEN. I thank the Senator.

Mr. GRIFFIN. Mr. President, reserving the right to object, and I shall not object, I urge all of my colleagues to agree to this unanimous-consent request. The only reason it is necessary is that the Committee on Foreign Relations accorded me the courtesy of having until Friday to file the views of the lone dissenter. I appreciate that courtesy. Except for that extension of an additional day until Friday, they would have been required to be filed on Thursday.

I would say that a printed copy of the report was available on Saturday, although in very limited numbers, and I hope that it will be available to all Senators today and to others beyond the Senate. This request, it seems to me, by the joint leadership is very much in order and appropriate. I join in the request.

Mr. BAKER. Mr. President, reserving

the right to object, I thank my colleague from Michigan for his thoughtful handling of this matter. He, of course, was entirely within his rights to object had he chosen to do so, but I believe this is an appropriate method of handling it. I thank him for his statement.

Mr. ROBERT C. BYRD. Mr. President, I also thank the distinguished Senator from Michigan (Mr. GRIFFIN) and the distinguished Senator from Alabama (Mr. ALLEN). I misspoke earlier, when I said the report was available on Friday. It was not available on Friday; it was available on Saturday.

Mr. President, I express my appreciation, again, to my colleagues and to the distinguished minority leader for the assistance he has been able to render in making this consent request, hopefully, agreeable.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR RECESS UNTIL 10 A.M. TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that, when the Senate completes its business today, it stand in recess until the hour of 10 a.m. tomorrow instead of 8 a.m.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. ROBERT C. BYRD. Mr. President, the distinguished Senator from Rhode Island has been wanting recognition and the distinguished minority leader has suggested that his time be yielded to the distinguished Senator from Rhode Island. I ask unanimous consent that the minority leader's time be restored to the minority leader in full so that he make good on his promise to yield to the Senator from Rhode Island.

Mr. ALLEN. Reserving the right to object, and I shall not object, I wonder if the distinguished majority leader would have the morning business time ahead? I have two items that will not take more than 5 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR PERIOD FOR ROUTINE MORNING BUSINESS

Mr. ROBERT C. BYRD. With the indulgence of the distinguished Senator from Ohio (Mr. GLENN), I ask unanimous consent that, following the 10 minutes or such time as is consumed normally allotted to the minority leader, there be a period for the transaction of routine morning business not to extend beyond 10 minutes, with statements therein limited to 5 minutes each.

Mr. ALLEN. Would the distinguished majority leader make it 15 minutes?

Mr. ROBERT C. BYRD. I ask unanimous consent that the period be 15 minutes and that, at the close of that morning business period, the Senate resume consideration of the unfinished business, with no time to begin running on the unfinished business until the morning hour has run out.