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Mike Mansfield 1903-2001

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June 28, 1971

STATEMENT OF SENATOR MIKE MANSFIELD (D., MONTANA)

The Supreme Court is now in the process of determining whether there is a government right to preempt publication under the First Amendment. It is right and proper that the Supreme Court has convened in extraordinary session to make this determination without delay. Protracted delay cannot be tolerated, especially when the issue involved is whether the Constitution permits even a temporary delay.

The responsibilities of the Congress are closely allied with the Freedom of the Press. It is not enough that Congress have access to information. The focus of the attention of Members of Congress is greatly determined by the information commonly available to the electorate. [REDACTED]

[REDACTED] In this way, the daily judgments of the Congress in exercising its responsibilities are affected by the availability to the public of information upon which the great national decisions are based. A swift court decision on the public availability of this information will be most welcome.

Whatever the outcome of the Court proceeding, it would be my hope that there will not be a mad rush on the part of every Senate committee having some possible degree of jurisdiction to conduct hearings on this matter. This would be both haphazard and irresponsible. I, personally, would have preferred a House-Senate committee to undertake this responsibility, but that suggestion seems out of the question, as does a Senate select committee.

I would hope, therefore, that on the basis of a tentative agreement -- and I stress the word tentative -- it would be possible for a Joint Committee of the Senate Foreign Relations Committee and the Armed Services Committee to undertake this job. It will not be an easy one because there is always the danger of politics and personalities, ~~_____~~

~~_____~~ It would be my hope that, whoever conducts the Senate inquiries, personal feelings would be shoved into the background, that personal publicity would be avoided, and that the dominant factor would be based on responsibility -- on a high sense of responsibility -- and the need to learn from the past.

It is not necessary to search for scapegoats and devils, because all of us who shared in these decisions on Southeast Asia in some degree or another, must by necessity bear a share of the blame. What we should seek to establish for the future is a closer and more open working relationship between the Congress as a whole, and the Executive, in determining national policy. It must be based on equality and understanding of each others' responsibilities. The purpose would be to reestablish our credibilities with each other and with the Country.

What must be done as well is to go more deeply into the question of classification of documents, which, without question in my mind, has exceeded

sensible limits, and to speed up the declassification of documents which have previously met a valid criteria of classification.

Perhaps the need is for a Twentieth Century Stamp Act, which would define more precisely who has the right to stamp the various classifications, and under what circumstances, and to require a justification by the originator of the classification as to his selection and how public dissemination would compromise national security.

In these matters I am certain that President Nixon is moving to achieve the necessary reformation, and I commend him for moving in that direction. He shall have the Senate's full cooperation.

The hearings to be conducted by the Senate will not be an easy responsibility. Those who have been named in the Documents, or will be named, must be given the right to explain or defend their participation in the preparation of these papers. I understand in many cases the papers represent only tentative positions, and are not the final position papers. The hearings should be conducted in neither haste nor at leisure. I would envision a most careful preliminary study of the Documents involved. It would be important to maintain a keen appreciation of the interests of third countries who may have been acting in our behest in a private way to find the road to peace, and it must be undertaken with the national security of our Country kept uppermost in our mind.

The investigations will call on all Senators to rise above parties or prejudices, to act calmly in a way which will bring credibility to what they do, and in a manner which will restore a greater degree of confidence in the Government and its processes.