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## Congressional Record S. 16087 - Equal Justice Under the Law?

Mike Mansfield 1903-2001

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SENATE RESOLUTION 399—SUBMISSION OF A RESOLUTION URGING FULL PUBLIC ACCESS TO INFORMATION REGARDING THE WATERGATE INVESTIGATION

(Referred by unanimous consent to the Committee on Government Operations.)

Mr. MANSFIELD submitted the following resolution:

S. RES. 399

Whereas, It is paramount to the national interest that the American public be made fully aware of all facts connected with and relating to Watergate matters and the fruits of all investigations conducted pursuant thereto; and

Whereas, It is uncertain that there is now assured public access to all such facts as they are contained in papers, documents, memoranda, tapes and transcripts, Be It Therefore

Resolved, That President Ford take all steps necessary to assure full public access to all facts connected with and relating to Watergate matters and the fruits of all investigations conducted pursuant thereto, and Be It Further

Resolved, That except in cases clearly vital to the national security interests of the United States, President Ford afford the American public full access to all such papers, documents, memoranda, tapes and transcripts originating at anytime during the period January 20, 1969 through August 9, 1974 at the earliest practicable time and in an adequate and effective manner.

THE NATIONAL INTEREST REQUIRES FULL PUBLIC ACCESS TO ALL FACTS AND THE FRUITS OF ALL INVESTIGATIONS RELATING TO WATERGATE AND ALL PAPERS, DOCUMENTS, MEMORANDA, TAPES, AND TRANSCRIPTS BEARING THEREON

Mr. MANSFIELD. Mr. President, this resolution speaks for itself. It calls upon President Ford to assure the American people that in the national interest they will be provided all of the facts of Watergate and all of the facts relating to matters connected therewith.

That the American people are entitled to these facts is unquestioned in my judgment; that they are not now assured of that opportunity is equally clear, however.

As I have expressed before, I do not criticize President Ford for his actions in this matter to date. It is my fervent belief that he is a sincere man, who is sincerely motivated.

On the other hand, Watergate and all of its ramifications are not now behind us. They will not be behind us until the record is complete. To accomplish that objective in our free and open society will require full access by the American people to all relevant data and information. To justify this action I would refer to the words of Mr. Justice Story in a case cited by Attorney General Saxbe in

his opinion issued by the White House on September 6:

From the nature of the public service, or the character of the documents, embracing historical, military, or diplomatic information, it may be the right, and even the duty, of the government, to give them publicity, even against the will of the writers." (*Folsom v. Marsh*, 2 Story 100, 1841)

Such a duty and such a right have been clearly and amply demonstrated with respect to the nature of Watergate and to the character of all information relating thereto.

Mr. President, I ask unanimous consent that the resolution which I now submit be referred to the Committee on Government Operations.

The ACTING PRESIDENT pro tempore (Mr. BENNETT). Without objection, it is so ordered.