

rests with the President. If he did not know of your highly significant activities done in his name, then he should have, and we will obviously have to ask Admiral Poindexter some questions.

The next point, with regard to process, relates to your attitude toward the Congress. As you would expect, I am bothered by your comments about the Congress. You show very little appreciation for its role in the foreign policy process. You acknowledge that you were "erroneous, misleading, evasive, and wrong" in your testimony to the Congress. I appreciate, sir, that honesty can be hard in the conduct of government, but I am impressed that policy was driven by a series of lies: lies to the Iranians, lies to the Central Intelligence Agency, lies to the Attorney General, lies to our friends and allies, lies to the Congress, and lies to the American people.

So often during these hearings, not just during your testimony, but others as well, I have been reminded of President Thomas Jefferson's statement: "The whole art of government consists in the art of being honest."

Your experience has been in the Executive Branch, and mine has been in the Congress. Inevitably our perspectives will differ. Nonetheless, if I may say so, you have an extraordinarily expansive view of Presidential power. You would give the President free rein in foreign affairs. You said on the first day of your testimony, and I quote, "I didn't want to show Congress a single word on this whole thing."

I do not see how your attitude can be reconciled with the Constitution of the United States. I often find in the Executive Branch, in this administration, as well as others, a view that the Congress is not a partner but an adversary. The Constitution grants foreign policy making powers to both the President and the Congress and our foreign policy cannot succeed unless they work together. You blame the Congress as if the restrictions it approved were the cause of mistakes by the administration; yet Congressional restrictions in the case of Nicaragua—if the polls are accurate—reflected the majority view of the American people.

In any case, I think you and I would agree that there is insufficient consensus on policy in Nicaragua. Public opinion is deeply divided, and the task of leadership, it seems to me, is to build public support for policy. If that burden of leadership is not met, secret policies cannot succeed over the long term.

The fourth point with regard to process relates to means and ends. As I understand your testimony, you did what you did because those were your orders and because you believed it was for a good cause. I cannot agree that the ends justified these means, that the threat in Central America was so great that we had to do something, even if it meant disregarding constitutional processes, deceiving the Congress and the American people. The means employed were a profound threat to the democratic process.

A democratic government, as I understand it, is not a solution, but it is a way of seeking solutions. It is not a government devoted to a particular objective, but a form of government which specifies means and methods of achieving objectives. Methods and means are what this country is all about. If we subvert our democratic process to bring about a desired end, no matter how strongly we may believe in that end, we have weakened our country, and we have not strengthened it.

The few do not know what is better for Americans than Americans know themselves. If I understand our government correctly, no small group of people, no matter how important, no matter how well intentioned they may be, should be trusted to determine policy. As President Madison said, "Trust should be placed not in a few but in a number of hands."

Let me conclude. Your opening statement made the analogy to a baseball game. You said the playing field here was uneven and the Congress would declare itself the winner. I understand your sentiments, but may I suggest that we are not engaged in a game with winners and losers. That approach, if I may say so, is self-serving and ultimately self-defeating. We all lost.

The interests of the United States have been damaged by what happened. This country cannot be run effectively when major foreign policies are formulated by only a few, and are made and carried out in secret, and when public officials lie to other nations and to each other.

One purpose of these hearings is to change that. The self-cleansing process, the Tower Commission, and these joint hearings, and the report which will follow, are all part, we hope, of a process to reinvigorate and restore our system of government.

I don't have any doubt at all, Colonel North, that you are a patriot. There are many patriots in this country, fortunately, and many forms of patriotism. For you, perhaps patriotism rested in the conduct of deeds, some requiring great personal courage, to free hostages and fight communism. And those of us who pursue public service with less risk to our physical well-being admire such courage.

But there's another form of patriotism which is unique to democracy. It resides in those who have a deep respect for the rule of law and faith in America's democratic traditions. To uphold our Constitution requires not the exceptional efforts of the few but the confidence and the trust and the work of the many.

Democracy has its frustrations. You've experienced some of them, but we—you and I—know of no better system of government; and when that democratic process is subverted, we risk all that we cherish.

I thank you, sir, for your testimony, and I wish you and I wish your family well.

STATEMENT OF SENATOR MITCHELL, JULY 14, 1987

You have talked here often eloquently about the need for a democratic outcome in Nicaragua. There's no disagreement on that. There's disagreement as how best to achieve that objective. Many Americans agree with the President's policy; many do not. Many patriotic Americans, strongly anti-communist, believe there's a better way to contain the Sandinistas, to bring about a democratic outcome in Nicaragua and to bring peace to Central America.

Many patriotic Americans are concerned in the pursuit of democracy abroad we cannot compromise it in any way here at home. You and others have urged consistency in our policies, you have said repeatedly that if we are not consistent our allies and other nations will question our reliability. That is a real concern. But if it's bad to change policies, it's worse to have two different policies at the same time; one public policy and an opposite policy in private. It's difficult to conceive of a greater inconsistency than that. It's hard to imagine anything that would give our allies more cause to con-

sider us unreliable than that we say one thing in public and secretly do the opposite. And that's exactly what was done when arms were sold to Iran and arms were swapped for hostages.

Now, you have talked a lot about patriotism and the love of our country. Most nations derive from a single tribe, a single race; they practice a single religion. Common racial; ethnic religious heritages are the glue of nationhood for many. The United States is different; we have all races, all religions, we have a limited common heritage. The glue of nationhood for us is the American ideal of individual liberty and equal justice. The rule of law is critical in our society. It's the great equalizer, because in America everybody is equal before the law. We must never allow the end to justify the means where the law is concerned. However important and noble an objective, and surely democracy abroad is important and is noble. It cannot be achieved at the expense of the rule of law in our country. And your diversity is very broad.

You talked about your background and it was really very compelling, and is obviously one of the reasons why the American people are attracted to you.

Let me tell you a story from my background. Before I entered the Senate I had the great honor of serving as a federal judge. In that position I had great power. The one I most enjoyed exercising was the power to make people American citizens. From time to time I presided at what we call naturalization ceremonies; they're citizenship ceremonies. These are people who came from all over the world, risked their lives, sometimes left their families and their fortunes behind to come here. They had gone through the required procedures, and I in the final act administered to them the oath of allegiance to the United States, and I made them American citizens. To this moment, to this moment it was the most exciting thing I have ever done in my life.

Ceremonies were always moving for me because my mother was an immigrant, my father the orphan son of immigrants. Neither of them had any education and they worked at very menial tasks in our society. But because of the openness of America, because of equal justice under law in America, I sit here today a United States Senator. And after every one of these ceremonies I made it a point to speak to these new Americans, I asked them why they came, how they came, and the stories, each of them, was inspiring. I think you would be interested and moved by them given the views that you have expressed on this country.

And when I asked them why they came they said several things, mostly two. The first is they said we came because here in America everybody has a chance, opportunity. And they also said over and over again, particularly people from totalitarian societies, we came here because here in America you can criticize the government without looking over your shoulder. Freedom to disagree with the government.

Now, you have addressed several pleas to this committee very eloquently. None more eloquent than last Friday when in response to a question by Representative Cheney you asked that Congress not cut off aid to the Contras for the love of God and for the love of country. I now address a plea to you. Of all the qualities which the American people find compelling about you, none is more impressive than your obvious deep devotion to this country. Please remember that others share that devotion and recognize that it is

possible for an American to disagree with you on aid to the contras and still love God and still love this country just as much as you do.

Although he's regularly asked to do so, God does not take sides in American politics. And in America, disagreement with the policies of the Government is not evidence of lack of patriotism.

I want to repeat that: In America, disagreement with the policies of the Government is not evidence of lack of patriotism.

Indeed, it is the very fact that Americans can criticize their Government openly and without fear of reprisal that is the essence of our freedom, and that will keep us free.

I have one final plea. Debate this issue forcefully and vigorously as you have and as you surely will, but, please, do it in a way that respects the patriotism and the motives of those who disagree with you, as you would have them respect yours.

Thank you very much, Colonel.

RESERVATION OF THE REPUBLICAN LEADER'S TIME

Mr. BYRD. Mr. President, I ask unanimous consent that the time of the distinguished Republican leader be reserved for his use later in the day.

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

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond 10 a.m. with Senators permitted to speak therein for not to exceed 5 minutes.

The Senator from Wisconsin.

LET'S STOP SHREDDING OF VITAL NATIONAL SECURITY DOCUMENTATION

Mr. PROXMIRE. Mr. President, in listening to the testimony of Colonel North, Admiral Poindexter, and others at the Iran-Contra hearings, I am reminded of a song written a few years ago by Lerner and Lane. The song title was: "How Can You Believe Me When I Say I Love You When You Know I've Been a Liar All My Life?" Now, in testimony before the Congress and the country, these witnesses admit they lied again and again and again. And why did they lie? To protect the President. So doesn't it seem logical to assume that when they are asked whether they had ever told the President about the diversion of profits from the Iran arms sale, and when they know that if they answered "yes," I have told the President, it would put their Commander in Chief in jeopardy, that once again they would not hesitate to lie, if necessary, to protect their Commander in Chief? And doesn't it seem overwhelmingly likely that some time in the long months of this transaction so dear to the Presi-

dent's heart that North or Poindexter or both would have reported the truth about this crucial transfer to the Contras to their chief? Polls indicate that the American people believe that the President is lying when he says he did not know about this diversion of Iran money to the Contras. The evidence proving or disproving this has been shredded.

Would North, Poindexter, and the others fear that the written, documented evidence would be likely to expose any lie they told under oath before the Joint Committee as criminal perjury and result in a jail sentence? Maybe. But they had shredded the evidence meticulously. So, they're taking a gamble. But isn't that the name of the game they are playing?

Mr. President, it is time the Congress stopped this practice of shredding or destroying critical documented national security information to protect the President. I have tried to do this before. But I failed. On November 21, 1986, I suggested to the office of the Senate Democratic leader, ROBERT BYRD that he call on William Webster then FBI Director to move at once to locate, collect, secure, catalog, and safeguard all files, documents, and other materials related to the Iran arms sale, the diversion of these funds to assist the Contra forces in Central America and the use of Swiss bank accounts for this purpose. Senator BYRD agreed. He wrote the FBI Director Webster making the request that the FBI assure the safeguarding of the documents. So what happened? The shredding went ahead anyway. The documents were destroyed. The Congress and the country will never know the truth.

Now Mr. President, this is not the first time this destruction of crucial documentation of illegal activity by a President or subordinate acting for him has taken place. The same thing happened in the Watergate case. There too I tried to persuade our law enforcement authorities to safeguard critical material. But what happened? In Watergate too the shredding went merrily on, destroying critical documents, essential to determine the truth.

Mr. President, it is time we put an end to this easy way for Presidents to avoid accountability for their unlawful acts. We can and should stop the shredding of all relevant documents. Why not? Well there are two objections we will certainly encounter to legislation that would automatically and surely preserve such crucial documentation. First we will be told that shredding must occur. Why? Because if the Government did not destroy the colossal amount of paper generated in this city we would shortly be buried under a mountain of paper 10 miles high, covering not only the District of Columbia but much of the country.

The answer to that, Mr. President, is available in our new technology. We can transfer millions of pieces of information to a single computer chip. A small file box can hold a literally infinite amount of detailed documentation. So we can forget the alibi that we will run out of space if we safeguard critical material.

The second objection to a law safeguarding the material is that the information is too dangerous to preserve at all, too sensitive, too threatening to our national security and to the lives of brave and patriotic Americans who are engaged in intelligence activities. Of course this objection has merit. But is it beyond the capacity of this country to provide a system of truly safeguarding such information? It is one thing for a briefing officer to walk into a room and discuss classified information with a hundred or more persons present, including elected officials and Presidentially appointed officials. If that briefing officer discusses information that—if publicly released—could endanger the life of Americans or the national security, he is taking a risk. Under such circumstances no system to safeguard the national security or the lives of Americans can be perfectly effective. But it is far safer to place the information in a secure place under lock and key and guard, so the information can only be released under carefully monitored circumstances. Again, there is a risk. But the risk can be much more limited. And we can preserve the vital capacity of the nation to prevent unlawful conduct by our President or his agents.

For these reasons I urge the Inouye-Hamilton committee to consider as one of their recommendations a procedure which, henceforth, will fully protect the documentation affecting the foreign policy and national security activities of our Presidents. We have been burned twice now. Thirteen years ago it was the Watergate shredding. This time it is the Iran-Contra shredding. If we fail to act after these two tragic experiences in which evidence was deliberately destroyed, we can count on a future President in 5 or 10 or 15 years from now to once again give in to the temptation to use his great power to violate a law he doesn't like.

JULY GOLDEN FLEECE GOES TO DEPARTMENT OF COMMERCE

Mr. PROXMIRE. Mr. President, my Golden Fleece Award for the month for July goes to the Department of Commerce for a see no evil policy permitting local authorities to so mismanage a federally funded, revolving loan program that the local economy was hurt rather than helped and \$1.3 million—over 90 percent—of the money was lost. In one case, \$95,000 was used