

# Senate Faces Limited Options

By Murrey Marder

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"Archimedes wanted only a place to stand and a lever long enough to move the world. Dr. Kissinger as both (a) Secretary of State, and (b) presidential adviser on national security affairs, would have a place for both feet."

(Former Foreign Service Service officer John D. Hemmenway) who invoked that image of an all-powerful Henry A. Kissinger before the Senate Foreign Relations Committee Friday was trying to make that group balk at putting new authority in his hands.

But that is not quite the way the committee regards the limited options open to

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it for supporting or opposing Kissinger's confirmation as Secretary of State.

"We can't name anyone (Secretary of State)," said Sen. John Sparkman (D-Ala.). "We can only say yea or nay (on Kissinger)."

There is an unprecedented factor, however, in the choice open to the Senate on Kissinger's nomination, Sen. George McGovern (D-S.D. emphasized; whether or not Kissinger is confirmed, he can still control foreign policy strategy from the White House.

The real question before the Senate, therefore, McGovern bluntly said, is whether Congress will get something it now does not have by granting Kissinger the formal title of Secretary of State. That is, the chance to get an official glimpse of the underlying future foreign policy of the United States by obtaining the right to "cross-examine him" in public in his role as secretary.

For portions of three days, in public appearances totaling about eight hours of testimony, the Senate Foreign Relations Committee had its first crack at questioning Kissinger in public.

How'd they score?

One is tempted to guess that if former Harvard University professor Kissinger were to grade the committee on its performance, he would give them a barely passing grade in public, and a failing grade in private—but would never admit that out loud.

To start with, the members of the Senate Foreign Relations Committee were and are overwhelmingly favorably disposed to Kissinger. He is a personal friend of many of them. Most of the committee members have agreed with his general strategy, except on the Indochina war. They are great admirers of his articulateness, of his conceptual, philosophically phrased approach to most foreign policy questions.

What has troubled many members of the committee, however, has been the extraordinarily secret style of Kissinger's method of operation. This has meant that the committee has been as uninformed as the rest of the nation about the multiple surprises pulled off by Kissinger in world affairs, best illustrated by the sudden Nixon administration

turnabout and breakthrough with China.

Secondly, the committee was troubled by the prospect of confirming, Kissinger some public disapproval of the role he played in the tapping of the telephones of 13 government officials, including members of his own National Security Council staff, and four newsmen between May, 1969, and February, 1971.

The continuance of such covert infringements on human rights, many committee members genuinely fear, would destroy what remains of the shattered morale of the federal foreign policy bureaucracy; it would eliminate any chance of restoring the national consensus on foreign policy to which Kissinger is pledged, because that depends in part on regaining the confidence of the nation's academic community, which was deeply shocked by the wiretapping. Moreover, Congress would never know when its own conversations with officials or newsmen were being tapped.

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## on Kissinger Nomination

Kissinger from the outset disclaimed any responsibility for proposing any specific method of surveillance of officials and newsmen to prevent the leak of national security secrets. The wiretaps, he said, were not his idea, but the suggestion of the late FBI director, J. Edgar Hoover.

It was Kissinger, however, the record shows, who did raise the internal outcry about "news leaks," carried the issue to Hoover and Attorney General John N. Mitchell, and won President Nixon's endorsement of the practice.

The wiretapping operation was one of the first ventures into the twilight zone of clandestine activities carried out in the name of protecting national security that ultimately exploded with the label "Watergate."

Kissinger has adamantly, and without challenge so far, disclaimed any knowledge of, or association with, acts encompassed in the term Watergate.

From the outset, there was no intention, or desire, inside the Senate Foreign Relations Committee to probe deeply into the wiretap controversy.

The last thing Chairman J. W. Fulbright (D-Ark.) wanted to do was to parallel any portion of the Senate Watergate investigation.

The committee, therefore, and then only at the goading of Sen. Clifford P. Case (R-N.J.), circumscribed its inquiry on the wiretapping affair. The committee limited itself to a demand for access to an FBI summary on the wiretapping of the individuals, one of whom had become a member of the Senate committee staff, and to the question of Kissinger's degree of "initiative or concurrence in wiretap surveillance . . ."

Although the Nixon administration initially balked even over that minimal request, it quickly shifted ground when the price became the blockage of Kissinger's confirmation. Sparkman and Case, plus committee staff chief Carl Marcy, were shown a copy of the FBI summary, and



By James K. W. Atherton—The Washington Post

Senate Foreign Relations Committee chairman J. W. Fulbright, foreground, listens to Henry A. Kissinger testify during hearings on Kissinger's nomination.

Sparkman said he will report to the committee in closed session Monday that he finds nothing in it to warrant blocking Kissinger's confirmation.

Before the committee hearings on Kissinger's nomination opened on Sept. 7, a well-informed Senate source gave a private projection about what was ahead:

"They do not want to knock off Kissinger, because the alternatives are too horrible to contemplate. Who would it be? John Connally? They don't want him.

"Nor does the committee

want to start off with Kissinger in a posture of acrimony or lack of trust, even though they may have doubts about some things he has done, such as wiretapping. For they know full well that in the end they will confirm him. So they don't want to go to the mat with him.

"So they want to be tough enough so that the press will say, 'They did a pretty good job.' They are not looking for any confrontation. And they don't want to destroy all prospects of cooperation with him."

It is questionable that the

committee could have been "very tough" with Kissinger even if it had wanted to do so.

The Senate Foreign Relations Committee procedure simply is not geared for tough questioning of anyone, nor are its members personally disposed to either exhaustive or penetrating cross-examination.

Chairman Fulbright noted, apologetically, at the outset that the hearings would proceed with each senator allowed 10 minutes to speak in each round—automatically restricting comprehensive questioning.

With 17 members, all inclined to make speeches rather than ask questions, a witness of Kissinger's ability and adroitness could readily pace his responses to outlast any questioner with generalities. In fact, Kissinger did not even have to do that; he was never seriously taxed by any question. Most were of cream-puff consistency.

As a result, the committee learned little, if anything, more about where U.S. foreign policy is headed under Kissinger at State than it knew before the inquiry began. The unrevealing wire-tapping inquiry only helped to preempt concentration on substantive issues.

All the great issues of future American policy remain unplumbed: the specifics of projected U.S. relations with China, the Soviet Union, Southeast Asia, Western Europe, Japan, Latin America, Africa and so forth.

Kissinger readily agreed "to study" all questions for which he offered no generalized answer. The committee did not press for more.

The committee as a whole, for its part, evidently feels satisfied, even though critics certainly are not, that it has fulfilled its function. Its argument is that, normally, presidential nominees for Secretary of State receive the most perfunctory questioning, on the premise that a President is entitled to select virtually any candidate of his choice for the post. But the state of national trauma and division is far beyond normality.

To the committee's de-

mands for a greater voice in rebuilding a consensus on foreign policy, Kissinger responded with fulsome pledges of total readiness to operate in "a climate of mutual trust." The committee took the assurances with hope — and a question mark.

Satisfaction of the de-

mands, both sides recognize, await future test. Verbal commitments aside, the real challenge is one that was acknowledged by Kissinger.

"No foreign policy — no matter how ingenious — has any chance of success if it is born in the minds of a few and carried in the hearts of none."