

never do—with the same kind of screaming headline which they used when they said I did break the law.

There is no reference to breaking the law in the entire statement of the distinguished minority leader. There is reference to the Espionage Act. The language is very precise in the Espionage Act:

• • • which information the possessor has reason to believe could be used to injure the United States.

Mr. President, I released no information—then, or now, and never would—that would injure the United States.

If I did that, that would mean that I am a traitor, that I wanted to do harm to my country. If I did that, I should not be permitted to stand on the floor of the Senate. I should not be permitted to go free.

Obviously, that is not my intent. Any Senator that would stand up and say that is my intent is in violation of the rules, because in this Chamber we have a rule that does not permit a colleague to remonstrate concerning the motivations of another colleague.

Certainly my motivations were not to hurt the Senate and were not to hurt the country. I am sure that my colleague from Pennsylvania is aware of the rules within the Senate, to the effect that a Senator cannot impugn the motives of another Senator.

My motive was merely to give information to the American people. That is an opinion contrary to that of my colleague from Pennsylvania, who feels that I have violated the spirit of the rules of the Senate.

First of all, Mr. President, I would like to see the rules, the spirit of which I violated. I think it is quite to the contrary. I have not violated the rules of the Senate. In fact, I think I am performing my functions in the highest traditions of the Senate. I refer to the function as a member of a debating society, and as a member of a group which acts as a conduit of information to the American people, information that is so vital to the American people to exercise intelligently their franchise.

I feel that I have acted in the full spirit of my office as United States Senator. Mr. President, in respect to a violation of the law, I would like the Senator from Pennsylvania to point out where I have violated the law and how it has been violated. The statement has been made by the Senator from Pennsylvania on two separate occasions that I attempted to have excerpts from the NSSM papers printed in the Record in secret session after there had been a prohibition against the introduction of the material into the Record.

There was no effort by me to put the papers into the Record in secret session. There has never been a vote on the question. On the first occasion there was an objection by the Senator from Michigan to the introduction of the material. That is certainly not an expression of the will of the Senate. So to state that on two separate occasions the will of the Senate has been disregarded is I think, slightly in error.

I think the specific points I have disagreement with in the statement are still valid.

I think it is interesting that in the last statement made by the Senator from Pennsylvania, that Senators may ignore laws for which non-Members could be prosecuted, is subject to question. I disagree with the Senator from Pennsylvania. Others who are not Senators have done what I have done. They have not broken the law because there is no law. And if there is a breaking of the law, then I submit that the administration is very capricious and arbitrary in the enforcement of the law.

The New York Times has printed information similar to that which I have released; the Washington Post has printed information similar to that which I have released; and Newsweek magazine has printed information similar to that which I have released.

I would certainly not want to accuse the President or our Attorney General of dealing in selective justice, because I feel that people of integrity should be able to apply justice uniformly.

Jack Anderson also released that information, as well as information relative to the Pakistani papers. No one attempted to prosecute him.

The point is made that this information was not generally known in this body, and that it involves activities in the executive department and not within the Congress of the United States or within the fourth estate: the communications field.

Mr. President, we must rely on our own good judgment and on our own sense of morality as to what is best for this country. I am not prepared to defer as a citizen or as a U.S. Senator to any man as to what might be best for this country. My duty, which I have sworn to uphold, is to protect this Nation and the Constitution from within and without. I think that duty is met when I give information to the American people as to the threat that exists.

I think we have a duty to meet that threat, whether it be with respect to the military or the lives of Americans in Southeast Asia.

The Senator from Pennsylvania says that the NSSM papers of which he speaks are something relating to the U.S. military strategy.

I made that statement. I am glad that my colleague made that statement, too, because those studies to which I referred are more relevant now than when they were first undertaken.

I think it is important for the American people to know the underlying recommendations that the President receives relative to this position.

I am glad that the Senator from Pennsylvania rendered that service, to let us know that the President is working at cross-purposes with the intelligence community and with the best data that he could receive in that regard.

Mr. President, those are the comments that I have to make. I will still wait for an apology. I may have to wait my entire public career for the apology. However, I think that the Senator from Pennsylvania is a person of unusual character, of unusual integrity, and of unusual honesty. I hope that with time he will come to view the situation as I view it, from the facts.

I will not press for an apology if it can be shown where I violated the law. But I ask that it be shown me where I violated the law.

I think that as a U.S. Senator I am entitled to an apology so that we can get the record straight not only in the State of Alaska but also throughout the United States. I think it is important that the American people know these things.

Mr. President, I ask unanimous consent to have printed in the Record at the conclusion of my remarks two articles that appeared in this morning's Washington Post. One is by Roger Wilkins, entitled "Children of Slavery—Parents and Black Liberation." The other is a letter to George Jackson from Angela Davis. I think that these articles shed great light on the attitude that exists on the part of white and black people toward discrimination. I see great merit in these articles. That is why I ask that they be printed in the Record.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. (See exhibit 1.)

Mr. GRAVEL. Mr. President, I ask unanimous consent to have printed in the Record at the conclusion of my remarks one other item of which I have spoken frequently. It seems that we start by saying something that is not credible. However, later the facts of the matter percolate to the surface for all to see. The article which I ask unanimous consent to have printed in the Record is entitled "Bombing of North Spreads to Nonmilitary Targets," written by Peter Osnos, and published in the Washington Post of today.

The PRESIDING OFFICER. Without objection, it is so ordered. (See exhibit 2.)

Mr. GRAVEL. Mr. President, the article refers to the bombing that is taking place and being spread to nonmilitary targets. What moral justification can we have for this? There is no moral justification. In that electrical plant that is supplying electricity to Hanoi, civilians are working. And civilians are living around there. We have now adopted the theories adopted by Hitler in the Second World War, and that is open-city bombing. It was immoral then and it is immoral today when perpetrated by the United States of America. I am ashamed and disgusted as an American citizen to be a party to this. And I think the shame will live long, not only in American history, but also in the American psyche.

EXHIBIT 1

CHILDREN OF SLAVERY—PARENTS AND BLACK LIBERATION

(By Roger Wilkins)

The first "love letter" from Angela Davis to George Jackson introduced by the prosecution at Miss Davis' trial in California for murder offers an extraordinary glimpse into the mind of a young black woman as she struggles with one of the still live and anguishing legacies of slavery. During the late sixties, when young angry black rhetoricians lashed America because of three hundred years of oppression and recited the whole litany of slavery, the standard white response was, "What has this generation—white or black—to do with that period of our distant history?" But in writing to the man she loved, as a black woman caught up in the struggle for black liberation, Angela Davis had still to be deeply involved in the slow

black psychic climb up out of the slime and ooze of slavery. In this letter, excerpts from which appear elsewhere on this page, her issue is whether the survival techniques and the perceptions of black needs developed prior to 1865 and persisting even now are suited to the needs and demands of black society.

The problem Miss Davis confronts runs in an unbroken line from the defense mechanisms blacks developed for survival during the brutal and violent days when they were chattel straight into the guts and spirits of today's black parents struggling with the excruciating problems of raising their children in a still racist America—an America that seems to think it has done enough about the racial problem and is both weary of the issue and hostile even toward such minor innovations as busing and scatter site housing. She knows the parents will be tempted to be "overly protective" by dissuading their children from accepting the "burden of fighting this war which has been declared on us," on the one hand while seeing the need to hand the sons of the race a "flaming sword" on the other.

During slavery, both black men and black women performed as beasts of burden from dawn to dusk, but in a very substantial measure, that was the man's sole function. In order to turn men into beasts, it was imperative for the society to keep them docile. Male slaves could be murdered, punished brutally, sold down the river away from family and friends and have their faces pressed into the mud in hundreds of other more subtle ways until manhood was little more than a scream of anguish that died in the throat before it was heard.

Women seemed less threatening and were thus often given positions of trust at the mouths of white babies, and in the kitchens of the great houses or of sexual servitude, to master, master's son, overseer or visiting fireman. The women did what they had to do for their own survival and to protect children, husbands and friends. They saw clearly the perils in store for the black manchild and, over generations and centuries, they devised ways to raise their boys to survive in the world they knew: "Keep your nose clean, hang back, work hard, succeed, escape, become 'non-nigger'."

After slavery, little changed in those patterns. The black male was still systematically degraded. Women could get jobs because people needed domestics and the American fantasy grew enough to include a black woman teacher, nurse or social worker, but could not encompass a black male supervisor or executive. Meanwhile, up through the black revolution of the sixties, black mothers kept teaching the same old survival course to their children. They did so, partially because their own paths to progress were blocked and so they poured all of their hopes and all of their ambitions into their children, and partially because they wanted to save the children from both named and unknown perils.

Then came the revolution of blackness during the late 60s and the rise of black male consciousness. Cultists and others, raging at an abundance of injustices—many real, some imagined—began firing at any moving target. Black women loomed large in many sights; they were told "you have crushed our manhood and bled us of our blackness. We are men now and are prepared to take care of business while your role is to keep quiet, succor and love, while I fight and define my blackness."

This is where Miss Davis parts company with much of the new black thought. She clearly understands the parental instinct to protect the cub, but she knows that the old survival patterns no longer work, for even when they do "work", they often produce individualistic, white-like people, alienated from the black experience, people who stand alone, above and aside, identifying with lit-

tle of the pain and soaring with none of the joy of engagement and occasional victory. The struggle, as she says, must now be collective. Renewed white resistance coupled with the still abysmal circumstances of the lives of at least half of black America requires a strategy of more ingenious and diversified black initiatives springing from both the talents and needs of a more unified black community than has ever previously existed.

Whether Miss Davis was speaking metaphorically when she talked about squeezing rather than jerking the trigger and rejoicing over the running blood of a policeman is something a jury in San Jose will soon begin to ponder. But no one who walks the streets of the poorest black communities in this country can doubt that desperate struggles, the contours of which are yet unknown, lie ahead. Eyes in black spirits see what white blindness and indifference fail to perceive: alleys where children play amidst rubble and wine-soaked bodies, tenements where families sleep eight to a room, grammar schools where heroin pushers peddle their wares to ten year olds and empty shells lurching along streets where men should walk. Nor is there any doubt about the rage such sights engender in the core of every black with a living spirit, whether or not that age is articulated as openly as Miss Davis does in her letter.

Nor can he believe that there is an asset anywhere more precious to the future of black America than her children. Each mother will struggle with the knowledge of the pain that lies ahead for her child. Her instinctive desire to erect an iron protective mechanism around his spirit will do fierce battle with her knowledge that the black community needs him to live his life at full throttle and great risk while pouring his main force into the struggle for black liberation. If the parents choice is the latter, Miss Davis is right. That race of giants won't be developed by strong men and crippled mothers. Rather, it will arise from families headed by two whole human beings who set examples by being fully engaged in the most serious business of America, and who have the full courage to grow and to launch the child in the hope that none of them—whether parent or child—will flinch in the face of the awesome challenges that are sure to come.

LETTER TO GEORGE JACKSON—ANGELA DAVIS:
STRUGGLE, SURVIVAL

It is already impossible to begin at the beginning. If I start by dropping the mask and say in all naturalness; I have come to love you very deeply, I count on you to believe me, George. I have used these words very seldom in my 26 years—because I could not have meant them very often. Believe me, it happened so abruptly, so spontaneously. I was not seeking to love when I walked into a Salinas courtroom on Friday, May 8, 1970. But one thing remains to be said—my feelings dictate neither illusionary hopes nor intolerable despair. My love—your love, reinforces my fighting instincts, it tells me to go to war . . .

Concerning black women: I am convinced that the solution is not to persuade the black woman to relax her reins on the black male, (but to translate) the "be a good boy" syndrome into a "take the sword in hand" attitude . . . to take our first step towards freedom, we, too, must pick up the sword. Only a fighting woman can guide her son in the warrior direction. Only when our lives—our total lives—becomes inseparable from struggle can we, black women, do what we have to do for our sons and daughters . . .

My mother was overly protective of her sons and daughters. I could never forgive her for forcing my brothers (us, too) to take dancing lessons. George, we must dig into all the muck and get at the roots of our problems . . . When we are overly protective, we attempt to dissuade our loved ones from accepting the burden of fighting this

war which has been declared on us, we cannot be dismissed as counter revolutionary. You'd be surprised how many brothers would say this. Nor can it be said that we ought to blot our natural instincts for survival. Why, why, is our conditions so wrought with contradictions? We, who have been coerced into performing the most degrading kinds of labor—a sex machine for the white slave master. Rather than helplessly watch her children die a slow death of starvation, my grandmother submitted to the white master, my father's accursed father . . .

To choose between various paths of survival means the objective availability of alternatives. I hope you don't take this as an apologetic stance. I'm only trying to understand the forces that have led us, black women, to where we are now. Why did your mother offer you reprimands instead of the flaming sword? Which is equivalent to posing the same question about every other black woman—and not only with respect to the sons, but the daughters too, this is really crucial. In Cuba last summer, I saw some very beautiful Vietnamese warriors . . . all female . . . I saw women patrolling the streets with rifles on their backs—defending the revolution. But also, young companeras educating their husbands and lovers—demystologizing machismo. After all, if women can fight, manage factories, the men ought to be able to help with the house, children.

But returning to the question—we have learned from our revolutionary ancestors that no individual act or response can seize the scepter of the enemy. The slave lashes out against his immediate master, subdues him, escapes, but he has done nothing more than take the first step in the long spiral upwards towards liberation. And often that individual escape is in evasion of the real problem. It is only when all the slaves are aroused from their slumber, articulate their goals, choose their leaders, make an unwavering commitment to destroy every single obstacle which might prevent them from transcribing their visions of a new world, a new man onto the soil of the earth, into the flesh and blood of men.

Even dreams are often prohibited or are allowed to surface only in the most disguised and sublimated form—the desire to be white, the monstrous perverted aspirations of a so-called black bourgeoisie, created to pacify the masses. And then there is the unnatural system-oriented desires of a black woman who is relating to the survival of her children . . .

The point is—given the vacuum created by the absence of collective struggle, the objective survival alternatives are sparse: ambitions of bourgeois gluttony or—like you said—unconscious crime. One path goes in thru the front door, the other sneaks in thru the back and is far more dangerous and seemingly far less likely to reach its destination . . .

A mother cannot help but cry out for the survival of her own flesh and blood. We have been forbidden to reach out for the truth about survival—that is a collective enterprise and must be offensive, rather than defensive . . .

Frustrations, aggressions cannot be repressed indefinitely . . . For the black female, the solution is not to become less aggressive, not to lay down the gun, but to learn how to set the sights correctly, aim accurately, squeeze rather than jerk, and not be overcome by the damage. We have to learn how to rejoice when pig's blood is spilled. But all this presupposes that the black male will have purged himself of the myth that his mother, his woman, must be subdued before—he—can wage war on the enemy. Liberation is a dialectical movement—the black woman can liberate herself from all the muck—and it works the other way around and this is—only—the beginning . . . Women's liberation in the revo-

lution is inseparable from the liberation of the male . . .

Jon and I have made a truce. As long as I try to combat my tendencies to remind him of his youth, he will try to combat his male chauvinism. Don't come down on me before you understand—I never said Jon was too young for anything, I just mentioned how incredible it is that in spite of a Catholic school, Georgia, etc., he refused to allow society to entrap him in adolescence. But still, he doesn't dig any mention of age.

The night after I saw you in court, for the first (time) in months, I dreamt (or at least the dream was significant enough to work its way into my consciousness). We were together, fighting pigs, winning. We were learning to know each other.

I love you . . .

EXHIBIT 2

BOMBING OF NORTH SPREADS TO NONMILITARY TARGETS

(By Peter Osnos)

SAIGON, May 24 (Wednesday).—U.S. Air Force and Navy jet fighters carried out their heaviest raids so far on North Vietnam over the weekend, expanding again the scope of their targets and the range of the attacks, the U.S. Command said Tuesday.

An average of more than 330 strikes a day were flown in a three-day period ending Monday evening, the command said, including attacks on bridges and rail lines only 40 miles from the border of China.

In addition to the strictly military installations and transportation facilities that had been the principal targets up to now, the command confirmed that a power transformer eight miles northwest of Hanoi had also been attacked.

[Several thousand South Vietnamese marines launched a combined amphibious and helicopter assault Wednesday on the coastal strip called the "Street Without Joy" east of Quangtri City, AP reported.]

Senior U.S. officers said the justification for hitting the power plant was that it supplied electricity to many truck repair shops and small factories in the Hanoi area providing war-related services. They said the transformer was 75 per cent destroyed.

Well-informed American sources said a cement factory in the vicinity of the port city of Haiphong was also hit, but this raid was not included in the command's latest listing of bomb damage.

[In Washington, Defense Department spokesman Jerry W. Friedheim confirmed the bombing of nonmilitary installations and said U.S. bombers "will be hitting some of the other targets, such as power plants and some of the industrial facilities which support the military effort of the north."

[Friedheim told newsmen that U.S. commanders "probably have more flexibility in their targeting than was exercised in the 1967-1968 period."]

The renewed regular bombing of North Vietnam, code-named "Linebacker" by the Pentagon, coupled with the mining of the country's seven ports and, heavy naval bombardment has now surpassed anything mounted by the United States in past years.

Despite failures in the previous bombing campaign to stop the flow of men and equipment to the South, officers believe this time the effect will be greater. "We are doing better," said one very senior commander. The greatest impact on Hanoi's war-making capability, U.S. officers believe, will be the failure to get supplies from the sea routes, a direct result of the U.S. mining of harbors.

[The official North Vietnam News Agency said antiaircraft crews and planes shot down eight American warplanes over North Vietnam, four of them over Habac Province, UPI reported.

[U.S. Air Force and Navy fighters shot down four Soviet-built Mig interceptors over

North Vietnam Tuesday, AP reported, citing U.S. military sources.

[Communist gunners fired 14 rockets into Bienhoa airbase, 15 miles north of Saigon, overnight, Reuter reported. First reports said one South Vietnamese soldier was killed and 15 persons, including four U.S. servicemen, were wounded.]

In the two weeks since "Linebacker" began, Hanoi and Haiphong have been hit as many times as they were in the 1965-1968 period, according to the informal records of military statisticians.

"There is nothing inviolate," said one ranking officer responsible for the conduct of the air war. "If someone says we want that target up there . . . we go get it."

Moreover, the commanders maintain that the bombing is substantially more effective than it was in the past because of improvements on the conventional 2,000-3,000-pound bombs that have been fitted with laser-guided and electro-optical bombing devices. These bombs can be released from altitudes as high as 20,000 feet and still score accurate hits in up to 80 per cent of the strikes, Air Force journals have reported.

The "smart bombs" have been responsible for the success in knocking out bridges, rail lines and other targets that had once proved troublesome to pilots who kept having to come back to them.

The important rail and vehicular Thanh Hoa Bridge, 80 miles south of Hanoi, for example, was struck many times in 1965-68, but never rendered useless for a significant time period.

The bridge was hit again on May 13 and the Air Force maintains it has been put out of action for the foreseeable future.

"The simple fact is that he (North Vietnam) can still repair these things," said a senior Air Force officer, "but I can take them out in just a few minutes. It takes about two minutes for each bridge. It's a relatively clean, surgical operation. Bombing is very precise with these weapons."

The officer said that the attacks 40 miles from China destroyed six bridges with only eight planes.

"Smart bombs" have been in the Air Force and Navy arsenals for as long as two years, but they were not used extensively in operations over the Ho Chi Minh Trail or inside South Vietnam. Other high-priced equipment—computers, sensors and the like—is also credited with improving results.

While commanders maintain that fewer planes are now necessary to accomplish greater objectives, they are at no loss for assets. Since the buildup began in mid February, air strength in Southeast Asia has risen to the level of the peak years of "Rolling Thunder."

Fighters and bombers operate from six bases in Thailand, (one was recently reopened), anywhere from five to seven aircraft carriers and some B-52s are based on Guam. There are Air Force and Marine squadrons based at Danang and Bienhoa, inside South Vietnam.

Through careful manipulation of the manpower commitment, Pentagon planners have managed to avoid sending so many people to South Vietnam that the steadily dropping troop strength figures would be reversed.

Many of the additional planes (the overall total is about 1,100) are deployed inside South Vietnam where the air offensive also continues to expand. The total number of sorties in May is likely to come close to the figure for May, 1968, the highest of the war. That month, the daily average was about 400.

Tuesday, Air Force and Navy jets flew 426 sorties. For the entire month of January, 1972, 169 U.S. sorties were flown inside South Vietnam.

Mr. SCOTT. Mr. President—

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Wisconsin was to be recognized.

Mr. GRAVEL. Mr. President, how much time do I have remaining?

The ACTING PRESIDENT pro tempore. The Senator from Alaska has 1 minute remaining.

Mr. PROXMIRE. Mr. President, I yield 3 minutes to the Senator from Pennsylvania with the understanding that I may get the 3 minutes back from the acting majority leader.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent also that the Senate have the 1 minute remaining to the Senator from Alaska.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The Senator from Pennsylvania will be recognized for 1 minute from the time of the Senator from Alaska and 3 minutes from the time of the Senator from Wisconsin.

Mr. SCOTT. Mr. President, we must all presume to be responsible for the reasonable consequences flowing from our actions. And that, of course, includes newspaper publicity.

I have filed a bill of particulars, and I filed it on the same day that my friend, the Senator from Alaska, filed his complaint about me. It was not carried in the press because I filed it late in the day. So, in order to show my reply, which is in great detail and should have appeared in the same newsworthy, I ask unanimous consent that my statement made at that time may appear in the Record at the conclusion of my remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. (See Exhibit 1.)

Mr. SCOTT. Mr. President, I was not the one who made reference to the documents being classified as secret. That statement was made by the Senator from Alaska, who said:

I presume that document is classified "Secret"; in fact, I have every reason to believe it is classified "Secret." I know it is classified "Secret."

Title 18 of the United States Code, pages 4240 and 4241, states the offense of having unauthorized possession or access to documents of this nature. I quote the entire section in this statement and the penalty therefor.

Moreover, section 793(d) of title XVIII quotes the penalty for "whoever, lawfully having possession of, access to" these documents delivers or otherwise makes public these documents is guilty of an offense under the Federal Code.

Now, as to the effort where I said the Senator twice tried to get these documents in the Record, I am referred to the Senator's statement where he said:

I have tried to get these documents in the Record. The areas that I quoted today were not quoted previously on this floor or in the newspapers.

I made the distinction that a Senator has certain immunities from prosecution and, therefore, it is possible to violate the law and not be prosecuted for it because we cannot be held responsible in any other place for what we say on the floor. This places on us a considerable burden to be careful what we say on the floor, but there can be violation of law without prosecution for it, and that is the sort of case I am addressing myself to.