I wrote a devastating answer that responded to what he said and proved him to be wrong—except that he turned out to be 100 percent right. He wrote me a letter 2 or 3 weeks ago and said:

Are you man enough now to admit that you were wrong?

I wrote him a letter in which I said:

I am prepared to admit I was wrong. I have been in politics a long time. I have eaten lots of crow. I have never developed a taste for it. I do not want to eat any more. I was mistaken.

I think I could have voted “yea” without any problem. However, as a matter of principle on any appointment to the Supreme Court of the United States or any elevation of a Supreme Court Justice to the office of Chief Justice of the United States, I am not going to vote “yea” until I have read the hearing record.

I have listened time after time to distinguished senior Senators delay the consideration of nominations by saying, “I just got the hearing record this morning.” I have never heard anyone argue with any senior Senator on that. They would say, “Well, would the Senator like to have the record before him tomorrow?” I would say, “Every time I have heard that point raised, there would be a delay. It strikes me as mighty funny, after all the trouble we have had that in respect to something that raises a very serious question in the minds of the American public, we should not be able to say, ‘We read the record. We read the facts. We support the nominee.’ I am not voting on a record. I am voting on a record 1,000 times I would vote for the nominee. Everything I have heard on the floor and elsewhere would make me favor it. I would not vote against him because I disagreed with him philosophically, whether he was to the right or left of me. I would not want a Supreme Court composed of every one of my philosophical viewpoints anyway. I do not trust my viewpoint.

I think it is sound practice to have some people representing various viewpoints. I never would oppose anyone on that ground. I point out that after all of this fuss, Members of the Senate will be voting on this nomination without having read a page of the hearings record.

Mr. DINKSEN. Mr. President, all of this has a pretty hollow sound.

The roll call for June 2 will show that in this session of Congress 2,416 nominations for civilian positions, other than postmasters, have been submitted to this Congress; 1,721 have been confirmed. There were reports on only three. Where were these voices all this time?

It is time to vote.

Mr. NELSON, Mr. President. I do not think that the answer was present when I addressed myself to that exact point.

Mr. DINKSEN. I was present.

Mr. NELSON. I said the Senate acts on hundreds and hundreds of appointments with no conceivable day on which every Senator can make an investigation and judgment on each one of the appointments. However, at least as to the half dozen top positions in the Government, it is feasible for a Senator to make an independent check and to read the record and then to cast his vote.

That applies to only a handful of positions. It would be impossible to do it for all.

Mr. SACKETT. Mr. President, the Senator from Kentucky (Mr. Cook) is necessarily absent today and has asked that I express for him his high regard for Chief Justice-designate Warren E. Burger and his hope that the nomination will be overwhelmingly confirmed by the Senate. Since the Senator from Kentucky is unable to be present to vote for Judge Burger’s nomination, he has asked that I place in the Record for him the remarks he was not able to be here. I ask unanimous consent that his remarks be printed in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

STATEMENT BY SENATOR COOK

Mr. President, it is with a sense of sincere pride that I support the President’s nomination of Judge Warren E. Burger to be Chief Justice of the United States. I had the privilege, as a member of the Committee on the Judiciary, to be present and to participate in the hearings of Judge Burger. He was questioned by our committee. Never have I been in the presence of a more articulate and intelligent witness.

Certainly recent events indicate that this is not one of the high points in the history of the Supreme Court. The Nation needs a man of impeccable character, and the Court needs a man with proven judicial experience. Warren Burger certainly possesses these attributes as no candidate for selection. I congratulate the President on his choice and wish for the new Chief Justice many happy and productive years on our highest Court.

Mr. HANSEN. Mr. President, it is with real pleasure that I will cast my vote for the confirmation of Warren E. Burger as this country’s next Chief Justice of the U.S. Supreme Court.

He is a distinguished judge and will serve, I am sure, with credit to our country.

Judge Burger brings to the Court a significant background of experience, integrity, and competence. He has told his colleagues many times that his service will do much to restore to the U.S. Supreme Court the prestige and respect it so justly deserves. His appointment will, I believe, add strength to the law-abiding forces of American society. It will give encouragement to all people of good will who recognize the first responsibility of society to make it possible for people to live together in peace—without fear. As I understand Judge Burger believes in the separation of powers: that he regards it as his duty to rule on cases within the framework of a rather strict interpretation of what the Constitution says. He clearly recognizes that the legislative branch of Government have written the law.

Mr. President, I welcome Judge Burger to the Court and wish him Godspeed in his duties.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Judge Warren E. Burger to be Chief Justice of the United States? On this question the yeas and nays have ordered to be taken. Those voting in favor of the confirmation of the nomination will vote "yea"; those opposed will vote "nay."

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FULBRIGHT (closing the name). Mr. President, in view of the circumstances, I ask leave to answer "present."

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the Senator from Arkansas will be so recorded.

The assistant legislative clerk resumed and concluded the call of the roll.

Mr. KENNEDY. I announce that the Senator from Idaho (Mr. CHURCH), the Senator from Michigan (Mr. HART), the Senator from Hawaii (Mr. INOUYE), and the Senator from Montana (Mr. MANSENFIELD) are absent on official business.

I also announce that the Senator from Alaska (Mr. GRAVEL) is absent because of a death in the family.

I further announce that the Senator from California (Mr. CROMWELL), the Senator from Tennessee (Mr. GORE), the Senator from South Carolina (Mr. HOLINGS), the Senator from Iowa (Mr. HUGHES), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Montana (Mr. MCINTYRE), the Senator from Utah (Mr. MOSby), the Senators from Rhode Island (Mr. PASTORE and Mr. FALL), and the Senator from Connecticut (Mr. RECROFF) are necessarily absent.

I further announce that, if present and voting, the Senator from Idaho (Mr. CHURCH), the Senator from California (Mr. CROMWELL), the Senator from Alaska (Mr. GRAVEL), the Senator from South Carolina (Mr. HOLINGS), the Senator from Iowa (Mr. HUGHES), the Senator from Montana (Mr. MANSENFIELD), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Utah (Mr. MOSby), the Senators from Rhode Island (Mr. PASTORE and Mr. FALL), and the Senator from Connecticut (Mr. RECROFF) would each vote "yea."

Mr. MCINTYRE. I announce that the Senator from Kentucky (Mr. Cook), the Senator from Arizona (Mr. GOLDWATER), the Senator from California (Mr. MURPHY), and the Senator from Vermont (Mr. PATTEE) are necessarily absent.

The Senator from Hawaii (Mr. FONG), the Senator from New York (Mr. JAVITS), and the Senator from Illinois (Mr. PACAKY) are absent on official business.

The Senator from Kentucky (Mr. COOK), the Senator from Hawaii (Mr. FONG), the Senator from Arizona (Mr. GOLDWATER), the Senator from New York (Mr. JAVITS), the Senator from California (Mr. MURPHY), the Senator from Illinois (Mr. PACAKY), and the Senator from Vermont (Mr. PATTEE) would each vote "yea."

The result was announced—yeas 74, nays 2, as follows:

[No. 36 Ex.]

YEAS—74

Atten
Bluestein
Brooke
Byrd
Calloway
Case
Fong
Goodell
Griffin

Allen
Burdick
Bundy
Byrd
Cannon
Beyh
Bellman
Bertle
Bible
Boggs

Dole
Byrd
Bundy
Byrd
Boyce
Byrd
Beyh
Bellman
Bertle
Bible
Boggs

Dukakis
Brooke
Byrd
Calloway
Case
Fong
Goodell
Griffin

Atten
Bluestein
Brooke
Byrd
Calloway
Case
Fong
Goodell
Griffin

Allen
Burdick
Bundy
Byrd
Cannon
Beyh
Bellman
Bertle
Bible
Boggs

Dole
Byrd
Bundy
Byrd
Boyce
Byrd
Beyh
Bellman
Bertle
Bible
Boggs

Dukakis
Brooke
Byrd
Calloway
Case
Fong
Goodell
Griffin
and the House of Representatives, and that they may be appropriately referred. The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZATION FOR COMMITTEES TO FILE REPORTS DURING ADJOURNMENT

Mr. KENNEDY. Mr. President, I ask unanimous consent that during the period of the Senate, the Senate be authorized to file reports, together with individual, minority, or supplemental views. The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZATION FOR PRESIDENT OF THE SENATE TO SIGN DULY ENROLLED BILLS

Mr. KENNEDY. Mr. President, I ask unanimous consent that the President of the Senate be authorized to sign duly enrolled bills until June 12, 1969. The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE PROGRAM

Mr. DURENBERG. Mr. President, I wish to ask the distinguished Senate major party leader whether or not there will be any business on Thursday. Mr. KENNEDY. Mr. President, on Thursday, after disposition of routine morning business, and after the address by the Senate of Connecticut (Mr. Dodd) be recognized for not more than 1 hour. The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECONCILIATION OF SENATOR DODD

Mr. KENNEDY. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 11 a.m. on Thursday next. The PRESIDING OFFICER. Without objection, it is so ordered.

NOMINATION OF CARL J. GILBERT TO BE SPECIAL REPRESENTATIVE FOR THE UNITED STATES—CONFIRMATION

Mr. FURBERG. Mr. President, there is a matter on the calendar about which I have just had a discussion with the distinguished chairman of the Committee on Finance. I wish to propound a unanimous-consent request with regard to one of the nominations on the Executive Calendar. After consulting with the distinguished Senator from Louisiana, I ask unanimous consent that the nomination of Hon. Carl J. Gilbert, of Massachusetts, to be a Special Representative for Trade Negotiations, with the rank of Ambassador Extraordinary and Plenipotentiary, be referred to the Committee on Finance with instructions to report back the nomination within 30 days. After consultation with the Foreign Service, this referral, or unanimous-consent request, does not affect the original jurisdiction of the Committee on Foreign Relations to appointments of this nature but does constitute a special case which will give the Committee on Finance an opportunity to hear this nomination. The PRESIDING OFFICER. Is there objection to the request of the Senator from Arkansas? The Chair hears none, and it is so ordered.

THE PROPOSED SAFEGUARD ABM SYSTEM

Mr. BAKER. Mr. President, on the subject of the recommended anti-ballistic-missile system, I wish to make two additional points. First, with respect to the remarks of the distinguished Senator from Missouri (Mr. SYMINGTON) today, I think it is clear under the circumstances that if there is a substantial controversy over the deployment of the Safeguard system for any anti-ballistic-missile system in the defense of the United States, I think it is unfortunate that in some quarters it has become a highly emotional matter. That has not been the case with the distinguished Senator from Missouri. I think he might join with me in stating that is so on some occasions. Mr. SYMINGTON. Mr. President, will the Senator yield? Mr. BAKER. I yield. Mr. SYMINGTON. I do join with the Senator in that regard. Mr. BAKER. Mr. President, the only two points I wish to make at this late hour are as follows. One, the distinguished Senator from Missouri pointed out in a previous interview, as I said earlier today, that if a certain chart was released by the Defense Department it is possible that the argument over the deployment of the ABM system might be over. Clearly, he has seen that chart, as I have. I think it is clear the argument is not over. I think it is clear that there continues to be a substantial controversy, and it is clear that there is no substantial controversy in philosophy over what is best and proper for the defense of the United States. I respect those who advocate the system. I personally support deployment of the system. I make this last point. One of the arguments advanced in opposition to deployment of the ABM system is that the response of the Soviet Union might be to deploy a greater number of offensive missiles so that it might overwhelm the new ABM. As far as I know, no one claims that Safeguard or any ABM system is infallible or that it can entirely protect the United States against attack by an aggressor. On the other hand, I think we are all going to do the best we can in the defense of this country. It is important to this debate that it now appears, and I have been informed, that the time has come when it is cheaper to build and deploy ABM Sprints than to deploy additional Minutemen. The time is at hand when it will be cheaper for us to build a component of the defensive system, an ABM Sprint, and its proportionate share of the radar cost, than it is for the Russians to build an offensive weapon to try to overcome it. We are all concerned with the cost of defense. We are all concerned most with defense as an abstract quality of necessity for this country. I believe those two points, however, are significantly this colloquy. Mr. SYMINGTON. Mr. President, will the Senator yield? Mr. BAKER. I yield. Mr. SYMINGTON. I appreciate the position of the distinguished Senator.