

This proposed amendment would delete the limiting language, providing for the continuation of the authority granted by the previous amendment. No change is proposed in the present ceilings for any of the Act's separate categories.

The Office of Management and Budget advises that the enactment of this bill would be consistent with the Administration's objectives.

Sincerely yours,  
ROGERS C. B. MORTON,  
*Chairman.*

By Mr. JACKSON:

S. 1502. A bill to promote, preserve, protect, and guarantee the independent professionalism of the Federal Bureau of Investigation by making organizational changes in the Office of Director; by requiring that the Office of Director be filled only by qualified persons having professional law enforcement experience; by establishing a 15-year term for the Office of Director; by setting forth conditions for removal of the Director from office; by limiting the term of any person nominated and confirmed as Director before the passage of this act; and by requiring the Director to submit an annual report to Congress to be referred to the Government Operations Committees of the House and Senate for consideration and appropriate legislative recommendations. Referred to the Committee on the Judiciary.

Mr. JACKSON. Mr. President, I rise to introduce legislation entitled "The FBI Reorganization and Reform Act of 1973." The purpose of this legislation is to reestablish the independence of the Federal Bureau of Investigation and to free the Director of the Bureau from political pressures and influence. This legislation will have three principal features.

First, my bill will establish standards of professional qualification for the office of FBI Director, including extensive professional experience in the field of law enforcement and at least 10 years of experience in a responsible position within the FBI itself.

Second, this measure will provide for a fixed term of 15 years for the Director of the Federal Bureau of Investigation without the possibility of reappointment after the expiration of his term.

And third, this bill will provide that the Director may only be removed from office for good and sufficient causes related to the ability of the Director to properly perform the duties and responsibilities of his office.

Mr. President, I believe that the need for the measure I am introducing is obvious. The Office of Director of the FBI is a uniquely sensitive one and it must be insulated from the political pressures which have surrounded the Office since the death of J. Edgar Hoover. It is at the heart of our democratic tradition of government that the enforcement of the criminal law be performed with a scrupulous adherence to the principle of equality. There can be no special favors when it comes to justice; it must be equally applied to all if it is to mean anything at all.

Mr. President, I believe that we are at a historic crossroad. Behind us we have a tradition of 50 years in which the

FBI has been the preeminent law enforcement agency in the world; the Bureau has been an efficient and incorruptible agency. Many who formerly criticized Mr. Hoover now understand the contribution he made and fondly look back to the days when the Bureau served the Nation with distinction. The same cannot be said since the death of Mr. Hoover. It is simply essential that the Congress act to reestablish the independent professionalism of the FBI before the tradition is lost.

The Director of the FBI should be insulated from Presidential pressure in the same way that the Comptroller General of the Government Accounting Office is. While there are legal distinctions between the status of the GAO and the FBI, there is a common ground. GAO is a kind of financial FBI, and the same need for freedom from improper political pressure and influence is crucial to the ability of each agency to perform its delegated duties.

By establishing professional standards and qualification, by providing for a fixed term without possibility of reappointment, and by providing that the Director may only be removed for good cause, I believe that it is possible to insulate the Director from the kind of undesirable political pressures which have made this legislation necessary.

Mr. President, I believe that the time is right for the Congress to act decisively to protect and preserve the integrity of law enforcement at the national level. It is my hope that the Senate will give prompt attention to the measure I am proposing.

I ask unanimous consent to have the text of the bill printed in the RECORD. The PRESIDING OFFICER. Without objection, it is so ordered.

S. 1502

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as "The FBI Reorganization and Reform Act of 1973."*

SEC. 2. The Congress declares that it is a matter of utmost national importance that the Federal Bureau of Investigation perform its appointed law enforcement functions in a manner characterized by the highest degree of independent professionalism. The Congress further declares that it is a matter of utmost national importance that the Federal Bureau of Investigation perform its functions free from any influence, political or otherwise, that would tend to impair, impede, or compromise the independent professionalism of the Federal Bureau of Investigation. Further, it is the express policy and intent of the Congress that the President of the United States in appointing an individual to be Director of the Federal Bureau of Investigation shall observe the purposes and provisions of this Act.

SEC. 3. The Director of the Federal Bureau of Investigation shall be appointed by the President of the United States by and with the advice and consent of the Senate. The President of the United States shall make a nomination for Director of the Federal Bureau of Investigation within sixty days after a vacancy occurs in that office. The President of the United States shall also have the power to name an interim Director of the Federal Bureau of Investigation who shall serve until the permanent Director of the Federal Bureau of Investigation is confirmed by the Senate.

SEC. 4. No person shall be qualified or eligible to be appointed by the President of the United States to serve as Interim Director of the Federal Bureau of Investigation, or nominated by the President of the United States to be Director of the Federal Bureau of Investigation unless that person has at least fifteen years experience in the field of law enforcement, of which at least the last ten years of this experience shall have been in a responsible position in the Federal Bureau of Investigation.

SEC. 5. The Director of the Federal Bureau of Investigation shall hold office for a term beginning upon his confirmation by the Senate and expiring fifteen years after the date upon which he was confirmed. A person holding the Office of Director of the Federal Bureau of Investigation shall not be eligible for reappointment after the expiration of his term, nor shall a Director of the Federal Bureau of Investigation be eligible for reappointment if his tenure in office expired by resignation, or by removal for cause, as hereinafter provided by this Act.

SEC. 6. The Director of the Federal Bureau of Investigation may be removed from office for only the following reasons:

- (1) permanent incapacity,
- (2) neglect of duty,
- (3) malfeasance in office,
- (4) any felony or conduct involving moral turpitude.

SEC. 7. Upon attaining seventy years of age, the Director of the Federal Bureau of Investigation shall be retired.

SEC. 8. The term of office of any person nominated and confirmed by the Senate to be Director of the Federal Bureau of Investigation prior to the enactment of this Act shall not extend beyond January 1, 1974. Nothing in this Act shall be interpreted to prevent the renomination of the person who is the incumbent Director of the Federal Bureau of Investigation on the date of enactment of this Act, if he meets the criterion of eligibility established by this Act.

SEC. 9. The Director of the Federal Bureau of Investigation shall prepare and transmit on January 1 of every year an annual report to Congress. The report shall be referred to the Committees on Government Operations of the House and Senate for review, and for the submission of such recommendations to the House and Senate as the Committees deem necessary and desirable.

Mr. ROBERT C. BYRD. Mr. President, will the Senator yield?

Mr. JACKSON. I am happy to yield.

Mr. ROBERT C. BYRD. Mr. President, I compliment my distinguished colleague and friend from the State of Washington on his having introduced this legislation.

I, as a member of the Judiciary Committee, having sat through the hearings on the nomination of Mr. Gray for the directorship of the FBI, have become convinced of the need for some kind of such legislation now, or certainly during this period following the death of Mr. Hoover, who was a man unique, a Director sui generis of the FBI.

As we look forward into the future, I think there needs to be a very close look given by the Congress to this matter, so as to reduce the possibility of a director who would be subservient to the White House politically, under any administration, be it a Democratic or Republican administration.

Earlier this year, I introduced a bill which would provide for a 4-year term for the Director of the FBI. The hearings, which I attended as often as I could attend, on the nomination of Mr. Gray

convinced me that that was the wrong approach; that a 4-year term for the head of the FBI would provide a situation—

Mr. JACKSON. Would coincide with the political term of Presidents.

Mr. ROBERT C. BYRD. Exactly, and I am afraid we would be going in the opposite direction from that in which we ought to go. It would contribute to a politicalization of the FBI. So I do not support that proposal any more.

I think the Senator's suggestion with respect to a 15-year term has much merit. I introduced legislation also today—co-sponsored by Mr. MANSFIELD and Mr. BENTSEN—which would provide for a 7-year term for the Director and Deputy Director, with the possibility of re-appointment.

As I indicated in my statement earlier today, I am not wedded to a term of 7 years. It could be 9 years, 11, 12, 15 years, or some such. I am not particularly wedded, moreover, to the idea to re-appoint. Perhaps a longer term than 7 years with no opportunity for reappointment would be the appropriate step. I do not say.

In any event, now is the time for Congress to exercise its collective, considered judgment in connection with this important issue.

I was not able to hear the Senator's speech in its entirety, but I applaud him. I am glad to see the distinguished Senator from Washington, who has been in the Senate a long time, longer than I have been here, bring his talents to bear on this vital issue. I hope that other Senators will evidence a concern about the possible politicalization of this greatest law enforcement agency in the free world, and certainly the greatest intelligence gathering network in the free world—an agency which could potentially be harmful to the constitutional liberties of Americans.

I think now is the time for Congress to get a sure hold of this matter, so that the Congress can have some input into the direction, into the role, into the functions of the FBI, and the Senator is helping to lead in that direction.

Mr. JACKSON. Mr. President, first of all, I want to take this opportunity to compliment and commend the able Senator from West Virginia for his early recognition of what was—

The PRESIDING OFFICER (Mr. HASKELL). The Senators' 5 minutes have expired.

Mr. STAFFORD. Mr. President, I may not necessarily agree with what the distinguished Senator is saying, but for the next 3 minutes I will defend his right to say it. I will yield my 3 minutes to the distinguished Senator.

Mr. JACKSON. Mr. President, I thank the Senator for honoring an ancient tradition.

Mr. President, the distinguished Senator from West Virginia was one of the first to speak out on the real threat to the Federal Bureau of Investigation, and that was the politicalization of the FBI. He was the first to warn of that development. And, Mr. President, I think this goes to the heart of the problem. What both of us are trying to do, I think, with our respective bills is to protect the in-

tegrity of the FBI from any manipulation on the part of any President, Republican or Democrat.

As a young man just out of law school, and having been elected prosecuting attorney in my home county, I had the privilege of working with the FBI in one of the famous kidnaping cases which has yet to be solved. The Matson kidnaping case is one of the unsolved cases. I must say that my experience firsthand in dealing with the FBI on a day-to-day basis was indeed a most refreshing experience. The professionalism, the honesty, the integrity that existed in that organization was something that made me proud.

There have been differences about Mr. Hoover over the past, and that is in the American tradition. I must say that we all are proud of the fact that, despite the controversy that raged from time to time over the FBI, not once was the finger of corruption ever pointed at the FBI.

I think this is the important consideration that we as Senators must face up to in connection with the successor to Mr. Hoover, and I believe that we need to provide some legislative standards that will achieve the twin objectives of maintaining control over the FBI, but build around the FBI a wall of integrity and the highest degree of professionalism.

This is what I am trying to do. This is what the Senator from West Virginia is trying to do. And I hope that, before we act on another nomination, it will be pursuant to these new standards—standards that will make the FBI what it always has been, especially during the long tenure of Mr. Hoover—an incorruptible organization that has been respected by all Americans. This is our goal and this is our objective.

Mr. ROBERT C. BYRD. Mr. President, I again thank the distinguished Senator from Washington and congratulate him. I have now looked over his speech, and he certainly has proposed some very worthwhile suggestions. I join with the Senator, feeling that these bills, will at least stimulate activity and thinking on the part of the appropriate committees and the Congress toward developing a system which will guarantee insulation of the FBI Director from political pressures and political activity.

Mr. JACKSON. I look forward to working with the Senator in attempting to achieve that goal.

Mr. ROBERT C. BYRD. I thank the Senator.

Mr. JACKSON. Mr. President, I yield the floor.

#### ADDITIONAL COSPONSORS OF A BILL

S. 920

At the request of Mr. JACKSON, the Senator from New Jersey (Mr. CASE) was added as a cosponsor of S. 920, to authorize the acquisition of the Big Cypress National Fresh Water Reserve in the State of Florida, and for other purposes.

#### NOTICE OF HEARING ON S. 1385

Mr. JACKSON. Mr. President, for the information of Members of the Senate

and others, I wish to announce that the Subcommittee on Territories of the Committee on Interior and Insular Affairs has scheduled a hearing for Wednesday, April 11, to consider S. 1385, to amend section 2 of the act of June 30, 1954, as amended, providing for the continuance of civil government for the Trust Territory of the Pacific Islands.

The hearing will begin at 10 a.m. in room 3110, Dirksen Senate Office Building. Anyone who wishes to be heard in connection with the legislation should contact the committee staff in order that a witness list may be prepared.

#### NOTICE OF HEARINGS ON EXECUTIVE PRIVILEGE AND GOVERNMENT SECRECY

Mr. ERVIN. Mr. President, Senator MUSKIE has already announced the joint hearings on executive privilege and secrecy in government which will be held by the Subcommittee on Separation of Powers of the Committee on the Judiciary and the Subcommittee on Intergovernmental Relations of the Committee on Government Operations on April 10, 11, and 12.

My purpose now is to inform the Members of a change in the location of the hearings from that originally announced.

The hearings will be held in room 6202, Dirksen Building, and will begin at 10 a.m. each day, on April 10, 11, and 12.

Mr. President, these are very important hearings, which may determine the kind of government the country will have. I urge my colleagues to support this effort.

#### ANNOUNCEMENT OF HEARING ON FEDERAL CONSTITUTIONAL CONVENTION PROCEDURES BILL

Mr. ERVIN. Mr. President, on April 12, 1973, the Subcommittee on Separation of Powers will hold a brief hearing concerning S. 1272, the Federal Constitution Convention Procedures bill. This hearing has been called at the behest of representatives of 33 States that have petitioned, or may be contemplating petitioning, the Congress to call a constitutional convention for proposing an amendment to the Constitution of the United States.

The purpose of the hearing is to discuss what might transpire if a constitutional convention were to be called and to explain how the bill, if enacted, would provide orderly rules and procedures to be followed. It is not the purpose of the hearing to discuss any particular constitutional amendment that has been proposed or that may be contemplated.

The hearing, which is scheduled to last only 1 hour, will begin at 9 a.m., Thursday, April 12, 1973, in room 4200, Dirksen Building.

Interested persons are invited to be present.

#### NOTICE OF FIELD HEARING IN NEWARK, N.J., ON S. 6, "EDUCATION OF ALL HANDICAPPED CHILDREN ACT"

Mr. RANDOLPH. Mr. President, may I announce that the Senate Subcommit-