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NOMINATION OF JOHN R. STEVENSON

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HEARING

BEFORE THE

COMMITTEE ON FOREIGN RELATIONS

UNITED STATES SENATE

NINETY-THIRD CONGRESS

FIRST SESSION

ON

NOMINATION OF JOHN R. STEVENSON, OF NEW YORK, TO
BE SPECIAL REPRESENTATIVE OF THE PRESIDENT FOR
THE LAW OF THE SEA CONFERENCE AND CHIEF OF DELE-
GATION, WITH THE RANK OF AMBASSADOR

(Executive Hearing Held on July 31, 1973; Made Public
November 29, 1973)



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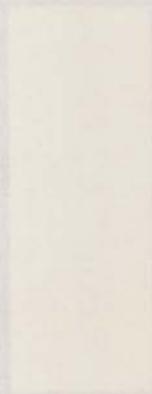
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[Executive Session]

NOMINATION OF JOHN R. STEVENSON

TUESDAY, JULY 31, 1973

UNITED STATES SENATE,
COMMITTEE ON FOREIGN RELATIONS,
Washington, D.C.

The committee met, pursuant to notice, at 11:05 a.m., in room S-116, the Capitol, Senator J. W. Fulbright [Chairman], presiding. Present: Senators Fulbright, Pell, Case, Javits, and Pearson.

The CHAIRMAN. We will come to order.

Mr. John R. Stevenson is here.

Mr. Stevenson, will you come over, please, sir?

[Mr. Stevenson's biographical sketch and a letter follows:]

BIOGRAPHICAL SKETCH OF JOHN R. STEVENSON

Position for which considered.—Special Representative of the President for the Law of the Sea Conference and Chief of Delegation, with rank of Ambassador.

Present position.—Member of law firm, Sullivan and Cromwell.

Office address.—48 Wall Street, New York, New York.

Born.—October 24, 1921, Chicago, Illinois.

Legal residence.—New York, New York.

Marital status.—Married.

Family.—Wife: former Patience Fullerton; Children: Elizabeth F., Sally H., John R., Jr., Patience F.

Home address.—620 Park Avenue, New York, New York.

Education.—A. B. (summa cum laude) 1942, Princeton University; LL.B.

1949, J.S.D. 1950, Columbia Law School.

Language ability.—Spanish and French.

Experience:

Military—1942-45, United States Navy (Ensign to Lieutenant United States Naval Reserve).

Government—1945-46, Political Desk Officer, Office of American Republic Affairs, Department of State; 1969-73, Legal Adviser of the Department of State.

Non-Government—1950, Admitted to New York Bar, also United States Supreme Court; 1950, Lecturer, International Law, Columbia Law School; 1950-69, and 1973 to present, Member of law firm, Sullivan and Cromwell, New York City.

Also: Member of the Council, Section of International Law, American Bar Association; President, American Society of International Law (1966-67); Member of the Board of Editors, American Journal of International Law; Member of the Department of State Advisory Panel on International Law (1967-68); Chairman of the Inter-Agency Law of the Sea Task Force; Member of the United States Delegation to Organization of American States General Assembly (1970-72); Special Adviser to the United States Delegation to the United Nations General Assembly (1969-72).

Publications.—Editor in Chief, Columbia Law Review, 1949; Author: The Chilean Popular Front, 1942; also various articles.

Clubs.—Links Club (New York); Piping Rock Club (New York); Maidstone Club (East Hampton, Long Island); Metropolitan Club (Washington); Ivy Club (Princeton).

DEPARTMENT OF STATE.
Washington, D.C., July 30, 1973.

Hon. J. WILLIAM FULBRIGHT,
Chairman, Committee on Foreign Relations, U.S. Senate,
Washington, D.C.

DEAR MR. CHAIRMAN: In connection with the consideration by the Committee of my nomination as Ambassador while serving as Chairman of the U.S. Delegation to the Law of the Sea Conference, I am pleased to advise you that I will be compensated as counsel to the law firm of Sullivan and Cromwell from which I resigned as a partner effective June 30, 1973, at the rate of \$3,000 per week during such time as I am not serving as Chairman of the United States Delegation at the Law of the Sea Conference or at the preparatory committee meeting this summer.

During the period in which I am serving as Ambassador and as a special government employee, if any situation, not covered in my confidential statement of employment and financial interests, arises which could involve a conflict of interest within the meaning of the Federal conflict of interest laws, I will take appropriate measures to prevent such conflict and report this in writing to the Committee.

Respectfully yours,

JOHN R. STEVENSON.

The CHAIRMAN. Do you wish to make a statement or shall we proceed and ask you question?

STATEMENT OF JOHN R. STEVENSON, NEW YORK, NOMINEE TO BE SPECIAL REPRESENTATIVE OF THE PRESIDENT FOR THE LAW OF THE SEA CONFERENCE AND CHIEF OF DELEGATION, WITH THE RANK OF AMBASSADOR

Mr. STEVENSON. I think, Mr. Chairman, it might be useful if I could make a very brief statement.

The CHAIRMAN. All right.

Mr. STEVENSON. Mr. Chairman, I welcome very much this opportunity to return from private life to lead this law of the sea delegation.

I think my 4 years in Washington convinced me of the very great importance, which I do not think is yet generally recognized in this country, of the law of the sea negotiations. Having been associated with these negotiations for 4 years and knowing a number of the other country leaders involved, I feel it is a challenge which I am very anxious to meet. My objective will be completely to serve the United States as my client and to try to get a generally acceptable treaty which accommodates our various national interests.

I think it is most important that in this activity I have this committee's affirmative support.

We are talking about a very important treaty which will have to be ratified. In addition, we have a good deal of legislation relating to this law of the sea conference which in many cases reflects more domestic concerns than the international negotiations we are concerned with.

I think it has always been very helpful to have this committee's interest in this matter from an international perspective.

Senator Pell in particular has been most helpful in participating on our delegation and giving us very sound advice.

CONCERN THAT THERE BE NO CONFLICT OF INTEREST

I would like to turn primarily to the concern which I understood was expressed last week that there be no conflict of interest in my

serving in this capacity and I very much appreciate the committee's concern in this respect. It is a concern which I and my partners, of course, have shared because, wholly apart from the fact that we are dealing with a criminal statute, I think the most precious possession a lawyer has is his reputation, and so this is obviously something we have given a lot of thought to.

Now, in the first place, I would not wish to minimize the potential impact of the treaty or treaties that would come out of this conference on clients of a large law firm such as the firm I was a partner in until June 30. It is not really a question solely of the oil companies and mineral companies that will exploit the petroleum and hard minerals of the seabed, but also the banking institutions that will have to finance the very huge capital investments that will be required, the investment companies and foundations that have large amounts of oil and metal company securities and other users of the oceans, such as shipping companies and scientific oceanic research organizations. Even public utilities and manufacturers in this country may be involved since the conference is now turning to the whole problem of land-based sources of marine pollution and may very well establish standards that could affect those industries.

However, I think that any conflict between my role at this conference and these potential effects on clients of my former law firm is actually more apparent than real if you take into account two important aspects of the negotiations. The first is the nature of the role I will be playing and the second is the nature of the conference itself.

My role which was described in the acting legal adviser's letter, which has been reprinted in the Congressional Record, will be principally that of chief of delegation and principal negotiator.

The position which I formerly held as chief of the interagency task force will be filled on a full-time basis by Prof. John Norton Moore. He will be reporting directly to the Under Secretaries' Committee under the chairmanship of the Deputy Secretary of State on basic policy issues.

Now, obviously as chief negotiator I will want to be in a position to comment on whatever policy recommendations they make, but the basic responsibility will be theirs.

Second, the conference itself is really a lawmaking conference, really lawmaking in a worldwide sense, and it is not really concerned with the rights and duties of a particular corporation or particular party with respect to a particular matter, which is what our conflict-of-interest laws are mainly concerned with.

This is not like the award of a defense contract or a decision on a tax audit.

DEALING WITH CONFLICT-OF-INTEREST PROBLEM

I think that whatever residual problem there may be here relates more to the question of appearances and the problem of a very remote indirect financial interest based on the fixed compensation that I will be receiving.

I think conceivably you could have dealt with this problem in two ways, at least theoretically.

One would be to identify all of the clients of my former firm that might be affected.

As I pointed out earlier, the very comprehensive nature of this conference means that it could affect a very large number of different sorts of clients, but I think a list of such clients would only be a starting point because the really critical question would be what was the relationship of each client to Sullivan and Cromwell in that context and in point of fact today I would say that the great bulk of corporate practice involves what you might call special representation.

You represent a particular company on an antitrust matter or on litigation but do not represent it generally.

Now, in point of fact, I think in the law of the sea area most companies will be represented by their own house counsel rather than by outside counsel. In our case in one situation a firm which we represented as general counsel in this area retained Washington counsel with respect to law of the sea problems. So that to just have a list of potentially affected clients, I think, would be very misleading as to what in fact the impact might be on the law firm.

Second, there seemed to be a much better way to deal with this problem than in terms of in any sense trying to consider the position of my prior firm and that was to follow the procedures outlined in the conflict of interest laws as they were amended in 1963 to take care of this problem of someone in private life being asked to serve temporarily with the Government. That in fact was the procedure we followed by attempting to insulate me as far as we possibly could from the firm in this area and, second, seeking a determination by the Secretary of State, based on a Department of Justice letter, as provided for in that statute.

The procedures that were followed have all been set out in the letters that have been sent to the committee, but I will summarize them for the record.

I have been appointed as a special Government employee to serve for not more than 130 days in the course of the year.

I resigned as a partner of my law firm as of June 30 and withdrew all the capital interest I had in the firm.

It has been agreed that I will not represent any client, or in any way advise any lawyer in the firm who is representing any client, on a law of the sea matter.

It has also been agreed that I will not appear before the State Department in any capacity.

Finally, the Secretary determined that, on the basis of these steps, particularly the very general nature of the services that I will be rendering, whatever interest there might be deemed to be by reason of my compensation on a salary basis would not be so substantial as to prejudice the integrity of my services.

This, as I said, was in conformity with the Department of Justice letter and all of these materials in accordance with the committee's suggestion were printed in the Federal Register.

Well, if I may just recapitulate very briefly, I think that basically whatever question of conflict there might be is much more apparent than real because of my basic role as leader of the delegation and negotiator in the conference and, second, because of the very general

lawmaking aspects of this conference, which will not be dealing with a particular matter of interest to a particular client.

Second, it was our objective to reduce any residual risk by in effect insulating me from the firm and obtaining the ad hoc determination that the 1963 statute contemplated.

I think that is the basic statement I would like to make, Mr. Chairman.

WHAT CONFERENCE WILL DEAL WITH

The CHAIRMAN. How do you foresee the conference developing?

Does this deal with the disposition of all material wealth beyond the Continental Shelf or is this what is primarily involved, the oil and minerals and so on?

Mr. STEVENSON. Well, in a sense, Mr. Chairman, it will deal directly or indirectly with virtually all of the wealth of the oceans.

Now, of course, today you have general recognition as a minimum of coastal State territorial sea out to 3 miles, in most cases it is 12 miles, and in the case of the seabed, which contains most of the oil under the whole Continental Shelf, out at least to a depth of 200 meters.

I think what you have now is basically two areas of principal concern. One is the so-called area of coastal State resource jurisdiction. I think this is most important to more countries than any other single issue and this involves basically the oil and the fisheries in the area adjoining the coast off most countries, I think there is very general agreement, that coastal States must have control over these resources beyond the 12-mile territorial sea.

Now, the way the discussions have been developing I think at least as far as the seabed mineral resources, which in this area consists almost entirely of oil, that that jurisdiction will probably extend to at least 200 miles or possibly the edge of the Continental margin.

Beyond that there isn't any appreciable oil, according to present indications.

There has been some dispute this summer as to whether you do go beyond 200 miles for this seabed control over oil.

Senator CASE. Two hundred miles beyond the Continental Shelf or 200 miles beyond the littoral?

Mr. STEVENSON. The Continental Shelf geologically averages about 40 miles out, but the continental margin, which is the whole submerged continental land mass, including the area where it starts to slope down, in many cases extends a good deal beyond 200 miles.

In our case in the Atlantic and in some parts off Alaska it goes considerably beyond 200 miles.

Senator CASE. You are talking about 200 miles from the coast?

Mr. STEVENSON. Exactly. But a number of countries that have a continental margin beyond 200 miles claim they really have rights going out to the edge of this, so this is one of the issues.

AREAS OF CONCERN TO CONFERENCE

With respect to fisheries, you have greater differences of view.

I think it is generally recognized that the coastal states should control the so-called coastal fish.

We and the Canadians feel that the coastal state should also control the salmon which breed in our streams and go out to the middle of the

ocean and come back, because if you do not catch them as they are coming back, it is very difficult to maintain conservation.

With respect to highly migratory fish like tuna, we feel that should be handled internationally.

I think that in point of fact it is almost certain that the coastal fishermen are going to be protected.

Countries that are opposed to that are Japan and the Soviet Union. They just don't have enough support, I think, to do much about it. I think it is important to bring them along in order to have a generally acceptable conference through some transitional measures and particularly if the coastal state is not catching the whole coastal stock within conservation requirements to hope that they can be allowed to catch that residual amount. But I think that the whole trend is basically toward giving coastal states much greater control over these resources off their coast.

We are willing on the one hand to recognize coastal state resource management jurisdiction, but at the same time want to get coastal states to accept some international standards to protect other use of these areas so that they won't interfere with navigation or with research, to provide for compulsory settlement of disputes in this area, and hopefully to have the possibility of some kind of revenue sharing so that you can provide something and get support for a general treaty from landlocked and other disadvantaged countries.

UNITED NATIONS ROLE IN AREA

The CHAIRMAN. Is there any disposition to consider the United Nations as having a role in this whole area at all?

Mr. STEVENSON. I think there is in two respects. I think that many people feel that the success of this particular negotiation may be more important to the future success of the United Nations than almost any other negotiation because the whole conference has been organized under U.N. auspices and here is an area where there is a crying necessity for general agreement, minimum rules that everyone can accept. I think that if we cannot get agreement in this sort of area where it is really in everybody's interest to do so, I think that this could very seriously damage the U.N.

On the other hand, if we are able to get agreement and get institutions operating, I think it could very well have a spillover effect in other aspects of the U.N.

So there is that aspect of it.

Whether or not the U.N. itself will have a role in the ultimate international institutions established is a more controversial question. Everyone feels there should be some coordination, but I think there is a very strong opposition to, for example, giving the General Assembly control over the institutions that are set up to deal with the seabed and various other aspects of the ocean.

DISPOSITION TO SHARE RESOURCES

The CHAIRMAN. Is there any disposition to share in any resources that may be discovered?

In view of the U.N.'s very grave financial problems, I think this might appeal to some of the landlocked countries that have no other way of participating in the success of these ventures.

Mr. STEVENSON. I think that there has been an increasing, I think, awareness that the one way to get the landlocked and shelf-locked countries to agree to coastal State resource management is to in effect give them some participation through some kind of a revenue sharing.

I do not think there is as much disposition to feel they should share in the product.

There is a difference in the case of fisheries. I think there has been a disposition on the part of some of the African countries to provide for some of their regional landlocked countries to share in the fishing off their coasts.

Of course, the landlocked, shelf-locked countries together have a considerable number of votes.

I think there is one other aspect of this relating to the deep seabeds regime, where the principal resource is at the present time the manganese nodules from which we expect to get nickel, copper and cobalt. There is a feeling if you have revenue sharing in the coastal area this would perhaps ease the pressure on the part of the developing countries that are now urging the deep seabed mining be carried on principally by the international organization itself rather than by private companies.

PUBLICATION OF RECORD

The CHAIRMAN. This is a point I think that raises the question about the interest of your clients. Before I go on with this, particularly since Senator Javits is here, for the record I want to state that I thought this record should be published because of the sensitive nature of the question that has been raised, but Mr. Stevenson insisted the hearing should be held in executive session and we have acceded to that.

Could we have an understanding? I understand your sensitiveness about mentioning specific clients, that you would not like that to be in the record. I understand that was the main reason you did not want it held in public. With the understanding that we could mutually delete any personal matter of that kind, the record ought to be made available to the public, because the committee obviously is going to be in a position of a participant in this decision now that it has been raised.

Is that agreeable to you?

Mr. STEVENSON. Yes, I think it would serve the national interests to do so.

The CHAIRMAN. To make it public, but in the course of this discussion specific names which you feel would be very embarrassing as a personal matter could be deleted, although there is nothing wrong with it in a legal sense, but just as a matter of public appearances. Obviously Sullivan and Cromwell is a very large firm with many diverse clients. But we will try to do that.

Let me ask one or two specific questions and I will yield to my colleagues.

PAST LAW OF THE SEA CONFERENCES

How many Law of the Sea Conferences have been convened in the past?

Mr. STEVENSON. Well, since World War II there was one in 1958, which was highly successful in terms of more or less codifying the

customary law with respect to the high seas regime and the territorial sea regime, but didn't reach agreement on the breadth of the territorial sea or coastal states fishing jurisdiction and really didn't pay any attention at all to the problem of the deep seabed.

In 1960 they had another conference and they failed by one vote to get agreement on a 6-mile territorial sea and 6-mile exclusive fishing zone.

The CHAIRMAN. I thought that failure was a great tragedy. You have had two of them?

Mr. STEVENSON. The first one was not a failure, though. I think the codification was a significant achievement.

The CHAIRMAN. I meant the one part about the 6 miles.

HEAD OF DELEGATION TO PAST CONFERENCES

Who headed the delegations to these Conferences?

Mr. STEVENSON. Arthur H. Dean was the head of our delegation.

The CHAIRMAN. Was he a senior member of Sullivan and Cromwell?

Mr. STEVENSON. At the time he was.

The CHAIRMAN. So other members of Sullivan and Cromwell have been associated with these two Conferences?

Mr. STEVENSON. Not at all.

The CHAIRMAN. But your firm or a representative of the firm has had long experience in this area?

Mr. STEVENSON. That is correct, but it was more in the public than a private capacity.

QUESTION OF RANK OF AMBASSADOR

The CHAIRMAN. This question of rank of ambassador is nothing personal with you at all. This has been raised in many other connections.

The committee has felt that we and the Department, jointly, have gone too far in naming too many ambassadors with the effect that it downgrades and minimizes the significance of the rank itself. We have had this question arise with the Asian Bank representative and there are a number of others. I think we had five recommended in the U.N.

How important is it that you be an ambassador? It has nothing whatever to do with your personal characteristics. It is an ongoing question of how many ambassadors. Since you will be sort of part-time and will not be representing this country to a specific country, which used to be the traditional role of ambassador, and in view of the fact you have had two conferences and I don't believe the heads of those delegations were given rank of ambassador, why should it be ambassador?

Mr. STEVENSON. Mr. Chairman, let me speak about this generally and not with respect to my own specific case.

I think it is important because most of the other delegations are headed by representatives with ambassadorial rank. I think that whether we attribute importance or not to what these other countries do—

The CHAIRMAN. So that we may be clear on this subject, are they men who are already ambassadors to the United States or to the U.N.

who are assigned to this, or are they assigned as ambassador solely and specifically to this conference?

Mr. STEVENSON. Well, I think in many cases they are men who are permanent representatives at the U.N.

The CHAIRMAN. Already ambassador.

Mr. STEVENSON. On the other hand, the United Kingdom has designated a person specially as ambassador for this purpose.

The CHAIRMAN. Did they do that because we were going to, or not?

Mr. STEVENSON. I'm sorry?

The CHAIRMAN. Is that because they thought we were going to designate a person as ambassador?

Mr. STEVENSON. No; this is because they thought it was that important.

The CHAIRMAN. Nobody downgraded its importance. Lots of things are important that don't involve ambassadors. Our representative to the International Bank is not an ambassador. That is important. I can think of many things.

Mr. STEVENSON. I think this is basically a diplomatic conference and people just automatically assume that it is something that the country will feel is important enough to have an ambassador head it. I think that also in point of fact, Mr. Dean was an ambassador, as a matter of fact, in 1958 and 1960.

The CHAIRMAN. Was he confirmed as an ambassador?

Mr. STEVENSON. No; he held the personal rank of ambassador.

The CHAIRMAN. Personal representative.

Mr. STEVENSON. I agree with you that I think this should not be personal rank, it should be actually confirmed, I think, as I said earlier, it is tremendously important that the leadership of this delegation does have the support of this committee and confirmation evidences that support. So I think that in some respects you would not have nearly as much evidence of committee support behind you if the question of an ambassadorship to be confirmed didn't arise. So I think it is a plus from that standpoint to know this committee has confirmed the person in that role.

The CHAIRMAN. We do not have any precedent for this. We will be setting a precedent. That is why I am raising these questions. I cannot think of a precedent where we confirmed an ambassador on a part-time basis.

WITNESS' TIME AND COMPENSATION

As I understand it, you intend to spend 130 days per year on this business of the conference; is that right?

Mr. STEVENSON. That is correct.

The CHAIRMAN. The rest of the time you will be drawing compensation from Sullivan and Cromwell?

Mr. STEVENSON. That is correct.

The CHAIRMAN. At the rate of \$3,000 a week; is that correct?

Mr. STEVENSON. When I am not working on the conference. That will be about 130 working days. So it may come to about half the year.

The CHAIRMAN. I want the record to show what it is. That is all. I would yield to Senator Pell.

Senator CASE. How are you going to figure a week, would it have to be 7 days consecutive?

Mr. STEVENSON. No; 5 days. A portion of it will be prorated, whatever the portion of 5 days.

HEADS OF DELEGATIONS

There is one more point on the ambassadorship. Of the 75 delegations represented this summer, and this was just a preparatory meeting, 44 are headed by ambassadors and 13 are headed by foreign ministers or under secretaries, or the equivalent.

The CHAIRMAN. How many of the 44 are people who are already ambassadors to a country and are simply given this as an additional duty as distinguished from a man like you who was selected from private industry and designated as ambassador. How many are in that class?

Mr. STEVENSON. There are not that many in that class. But as I said, there is for example—

The CHAIRMAN. Are there any?

Mr. STEVENSON. I think the United Kingdom representative—

The CHAIRMAN. Who is the United Kingdom representative?

Mr. STEVENSON. Sir Roger Jackling who had been a career foreign service officer. He has been designated Ambassador for the Law of the Sea.

The CHAIRMAN. He had been an ambassador in the foreign service?

Mr. STEVENSON. Yes; but he was specially designated Ambassador to the Law of the Sea.

The Peruvians have a specially designated Ambassador for the Law of the Sea.

[The following information was subsequently supplied:]

Japan, Malta, and the Philippines (Senator Folentino) also have specially designated Ambassadors to the Law of the Sea.

The CHAIRMAN. He was not an ambassador in any other role?

Mr. STEVENSON. He may have been, but he ceased to be that and was designated specifically for this purpose.

NECESSITY OF MOVING FAST

Senator PELL. Mr. Chairman, you brought out most of the facts in the case, but I want to emphasize what we are seeing now, we hope, is the culmination of a good many years of effort. Six or 7 years ago I introduced a resolution for draft treaties along these lines.

The draft treaty was tabled. In the years since we tabled that treaty, there have been many efforts to erode our position and the State Department and Mr. Stevenson have played a real role and have done a wonderful job in trying to keep to the basic position.

With the advance of technology, we find that if we do not move fast we will be too late in many cases. We will find the oceans very much like Africa was in the 19th century, divided up by various flag nation approaches.

Already technology has moved us out beyond the old definition of 200 meters depth so that we can exploit oil in deeper depths.

So if we do not achieve success in the conference in Santiago next year, we really will be, I think, in for a period of some trouble when it comes to the exploitation of the deep sea resources.

WITNESS' PART-TIME SERVICE AND QUALIFICATIONS

Getting to the problem at hand of John Stevenson, obviously it is a poor idea to bring in a man on a part-time basis to do this. I know

I objected strongly to Mr. Rush and to Mr. Stevenson, but Mr. Stevenson has given 4 years of his life in the Department. He does not want to do it any more on a full-time basis. There is general agreement from all sides within industry, within the Government, generally speaking, that Mr. Stevenson has acquired almost unique competence, and, because of his high reputation for honor, which he has, confidence on the part of the other nations. He is really eminently qualified for this.

Thought has been given to putting other people in the job and it didn't measure up to achieving the attainment of the U.S. goals. So we are faced with either Mr. Stevenson doing the job well, competently, or somebody else coming along and doing it less competently and less well.

Regarding the analogy with Mr. Dean, the chairman is quite correct about the personal rank. He was not confirmed. But we never started this habit of confirming ambassadors for these missions until a year or two ago. And while the chairman is right that the title of ambassador has been cheapened and denigrated in the last 10 years as we have sent ambassadors to every little country in the world, the fact is that it has been denigrated all around the world by other nations too. We have to accept that fact, and I think we should, when we find the other members of the Security Council and other great nations making men ambassadors in posts or assignments, not cut off our own nose by not doing the same.

In this case I would hope the committee would support this nomination and would confirm it. If it does not, we will be in really quite a soup in trying to find somebody else to do the job.

The CHAIRMAN. Senator Case.

Senator CASE. Mr. Chairman, I think we have almost got everything we can get on a personal ground.

I agree with my subcommittee chairman in this thing. I cannot imagine anybody better qualified than Mr. Stevenson to do this job and am strongly inclined toward his doing it. I am very deeply troubled at this business of part-time association, not on any ground that you are going to be affected in any way. All of us have interests, either current or from past associations or from the expectation of future associations, education, or everything we do is involved here, and yet it is an area in which you almost seem to me to have to have rather arbitrary rules to deal with things at all, recognizing at the same time that they are not anything more than arbitrary rules.

I just haven't gotten over this in my own mind.

I haven't any questions to ask.

Has the city bar had any comment? Have you had any occasion to consult with people there on this question?

Mr. STEVENSON. No; I have not.

Senator CASE. Are there any precedents?

Mr. STEVENSON. I do not think it would be a matter that I would consult with them on. I have, as I told you, consulted at length with the Department of Justice on this and they have written a letter on it.

Senator CASE. That letter from the Department of Justice came awfully fast after the letter from Charlie Brower. It must have been in preparation before.

Mr. STEVENSON. Obviously he had talked to the Department of Justice beforehand about it.

I might say, Senator Case, I regret I cannot be full time in the government. When I left after 4 years I did not intend to come back.
 Senator CASE. It is a little hard to make a living there.

PART-TIME SERVICE OF WITNESS

Mr. STEVENSON. I am not an independently wealthy man and so I really had to go back and I think it is contemplated I am going to be spending approximately half my time on this job. Secondly, as I mentioned in my statement, the Department has in effect created this very strong supporting staff with John Moore who will be heading the task force as basically the vice chairman of the delegation and also U.S. Representative, so that in essence I think what is happening, is that they are drawing on the 4-years' experience I have had and more particularly the close working relationship that I have with a number of the other leaders involved.

I will say that I think one of the touchstones to the success of this conference is going to be the responsible attitude of the developing country leaders. They must realize that using their voting majority to ram through treaty provisions which are satisfactory to them but which would be unacceptable to us would be most shortsighted. I do feel that I know and understand the concerns of a number of these leaders and hopefully can be helpful in making them understand our concerns in reaching a generally acceptable treaty.

WITNESS' FUNCTION AS COUNSEL

Senator CASE. What do you and the Department envision as your function as counsel?

First, does Sullivan and Cromwell have any other counsel?

Mr. STEVENSON. Retired partners.

Senator CASE. Half a dozen of them?

Mr. STEVENSON. Less than that. Three, I would say.

Senator CASE. Do they actually—

Mr. STEVENSON. They vary in degree.

Senator CASE. Mostly it is related to work they have done before?

Mr. STEVENSON. Yes; it is part of a retirement program really that has just been functioning.

Senator CASE. Yours is different.

What do you figure you are going to do?

Mr. STEVENSON. Well, I think primarily work with particular clients I worked with before. I basically was mostly a security lawyer apart from my special international interests and I expect I will continue to do a good deal in that area of working on security issues of one sort or another.

Senator CASE. Thank you, Mr. Chairman.

I don't think I have any more questions.

PERSONAL CONFIDENCE IN WITNESS

Senator JAVITS. Mr. Chairman, like Senator Case, and probably because of the comparable background of being a high powered New York lawyer, I have the same disquiets that Senator Case has expressed.

I think we are put in a very bad spot by having the best man for the job complicated by this problem. I have had a personal talk with Mr. Stevenson, who is an old friend of mine, whom I recommended as the lawyer for ADELA [Atlantic Community Development for Latin America] and he had a great job there. I again backed him when he went to the State Department. So there is no question about my personal confidence in him.

QUARTERLY REPORT FROM STATE DEPARTMENT ON WITNESS'
STEWARDSHIP

I would have two questions, both of which would require your concurrence. One is this: Suppose that we said that we want a quarterly affirmative report from the Department of State. I know your letter says you will let us know when you think you face a conflict of interest. Suppose we ask for a quarterly report of the State Department on your stewardship. Would that be onerous to you?

Mr. STEVENSON. I see no problem with that.

IMPORTANCE OF TITLE OF AMBASSADOR

Senator JAVITS. Second, what about this being an ambassador. I think that is a tough one. We can take this on or off the record.

I think it is making it very tough for us, for you to be a working ambassador entitled to the title of ambassador and you could be working for Sullivan and Cromwell on some case. That is a tough one for us.

How essential do you regard it to what you are going to do?

Mr. STEVENSON. Well, I believe I regard it as very important in terms of achieving the best results for the United States.

Senator JAVITS. Mr. Stevenson, you are not making it very easy for us. You want us to help you make a living at the rate of \$3,000 a week for 26 weeks and at the same time you have to give something for that. You cannot do both and ask us to bear all of the responsibility. So I am asking you as an American, you really ought to have this job, you are the best man for it, but you have to help us too.

Mr. STEVENSON. Well, Senator, I am expressing my opinion that it would help me in the job. It is not in terms of any other consideration, but the fact is that most other countries are so represented. Despite my best efforts even now people call me Ambassador and I have to say I am not. You do also have very stupid little problems like protocol problems. Often though you are representing the United States, not being an ambassador, you are seated someplace at the end of the table. This sounds ridiculous, but maybe you want to talk to the person who is the host or another important guest. So it just seems to me it is not in the U.S. interest not to do this.

I also feel that confirmation of me as ambassador is the way that this committee will signify its support of me. And to me that is very important, as I said in my statement. In view of the fact that we do have a treaty negotiation and we have all sorts of legislation that affects this in other parts of the Congress, I think it is very important that there be affirmative support and not just acquiescence in my appointment.

CONTINUOUS SIX-MONTH SERVICE BY WITNESS

Senator JAVITS. You answered a question to me personally, which again we can take on or off the record. That is that it was impossible simply to say you will serve in this job 6 months a year, such and such a period beginning and ending, and then you can do with the other 6 months what you please. You said that was impossible.

Mr. STEVENSON. Senator, what I meant to say is that in effect that is pretty much the case.

Senator JAVITS. Why don't we do it?

Mr. STEVENSON. It is not quite the way you put it. My service basically will be largely 8 weeks this summer at the preparatory committee, 2 weeks next fall at the organizational conference meeting and 8 weeks next spring at the actual conference. That will be by far the bulk of my government work and it will be on a consecutive basis. However, I do not think it would be in the interest of the country to say that during the interval I would have nothing to do with it.

I think during the interval I will be basically not functioning, but I think it would be in the U.S. interest for me to come to Washington when the people in Washington who are heading up the Inter-Agency Task Force thought it was desirable for me to meet with them. That won't be a very frequent occasion. So that the bulk of my service will be on a consecutive basis when I will not be doing firm business. It will be in those two 2-month segments basically.

Senator JAVITS. I didn't have that in mind when I say consecutive. What I had in mind you do all of your business for the United States in 6 months, continuous 6 months.

Mr. STEVENSON. If I could control the Law of the Sea Conference schedule, I would, but I have to be bound by what the conference schedule is. However, it really does break up principally into two consecutive packages.

Senator PELL. Also it can go over into another final session in Vienna or someplace like that. As I understand it, Mr. Stevenson has agreed to see the thing at least through to fruition, if confirmed, no matter how long it goes on.

Mr. STEVENSON. I certainly would like to. However, that depends on the Department.

Senator JAVITS. Thank you, sir.

USE OF WITNESS' RANK

The CHAIRMAN. Senator Javits has raised a difficult problem. You will receive three or four times as much from Sullivan and Cromwell as you will from the United States. You will receive approximately \$78,000 from Sullivan and Cromwell at the same time you only get \$18,000 from the United States, for a total of \$96,000. As you represent your client, you will be in the role of the Ambassador. The protocol works the other way. If you wish to go and negotiate with Libya for [deleted], you will go as Ambassador to the United Nations to represent [deleted] in Libya.

Mr. STEVENSON. Couldn't we agree right now that I will not use this rank except at the conference?

The CHAIRMAN. You will be an Ambassador.

Mr. STEVENSON. No; just for purpose of heading the delegation.

In fact that is the way I have been appointed, as Chief of Delegation with the rank of Ambassador, and I would not presume to use that rank at any other time.

Senator JAVITS. I think we probably could—if the Chair would yield—I had this in mind. In any case no matter what we do we certainly would have to provide that the rank of ambassador should attach to Mr. Stevenson only while he serves as head of the delegation on active assignment, that is, when he is actually functioning as head of the delegation.

Mr. STEVENSON. I would certainly agree with that.

SULLIVAN AND CROMWELL CLIENTS WITH INTEREST IN WEALTH OF SEA

The CHAIRMAN. You did not specifically name them, but I think just for information, what are some of the clients, potentially at least, who have an interest in the wealth of the sea, that Sullivan and Cromwell represent? We can take it out of the record if you wish, but give them to us so that we can say "Yes, we knew."

Mr. STEVENSON. Are we speaking on the record?

The CHAIRMAN. We can take it off if you like.

Mr. STEVENSON. As I mentioned earlier, Mr. Chairman, I think the problem with this is that we have taken another approach to this in terms of insulating me from Sullivan and Cromwell business.

I think you would have to look at each client and see what Sullivan and Cromwell's relationship to it is; otherwise the inference is we would be representing them in Law of the Sea interests and that may not be the case. As I pointed out earlier, I think in law practice today the much more general practice is to—

The CHAIRMAN. You went all over that. Do you represent such firms as [deleted] or [deleted] or [deleted] or [deleted] or [deleted]?

Mr. STEVENSON. I wonder if I could just put it more generally because I think I would have to have my firm look at each client relationship, because when you say "Do you represent," I think in the case of oil companies, in particular, the practice today is to retain firms for very special purposes and certainly we have been retained by a number of different oil companies and a number of different mineral companies, but I think you have to look at each particular situation to avoid a misleading impression that we would be representing them in the Law of the Sea matters. We just did not feel that was a practical approach, so that rather than go that route concluded that I should resign as a partner, which was something I didn't particularly want to do, and stay out of any Law of the Sea matter.

INTEREST OF SULLIVAN AND CROMWELL CLIENTS IN CONFERENCE OUTCOME

The CHAIRMAN. If you do not wish to do that and I do not know why you should not, I will put it in a hypothesis. If one of the clients of Sullivan and Cromwell is Standard Oil, Exxon, which was Standard of New Jersey, the largest one in the business, I guess, anywhere in the world, they obviously will have a great interest in the outcome of this conference. Will they not? They couldn't avoid it.

Mr. STEVENSON. Certainly. I said earlier, Mr. Chairman, that there are very many not only oil companies but mineral companies and others with interests in the sea that will have an interest.

The CHAIRMAN. I would think that other law firms that could not have an ambassador representing them in this field would feel discriminated against.

Don't you think we ought to make an ambassador of a member of all of the big firms so they will all be on an equal basis?

Mr. STEVENSON. One of the conditions is that I would not in any sense represent my firm in the Law of the Sea area.

QUESTION OF HOW SEA'S WEALTH IS TO BE EXPLOITED

The CHAIRMAN. You raised the question whether or not this is to be exploited by the private companies for their sole benefit as distinguished from regulation by an international authority. It would be in the interest of your clients not to have it run by the United Nations, would it not?

Mr. STEVENSON. I do not think that is so at all.

The CHAIRMAN. Why not?

Mr. STEVENSON. Because I think a number of companies recognize that the only basis for having stable business relationships in this area is to have a generally accepted regime which they can rely on.

The CHAIRMAN. Insofar as they could, they would like to get all of the benefit they can.

They are in the business to make money. They are not eleemosynary institutions.

Senator PELL. Mr. Chairman—

The CHAIRMAN. Let me finish and I will yield to you.

You mentioned a moment ago and there has been a good deal in the papers about the nodules that have been discovered. If they do discover a way to efficiently raise them, it could be a source of tremendous mineral wealth. Is that not so?

Mr. STEVENSON. Certainly it is so.

The CHAIRMAN. I would think that companies that have to invest a lot of money in that sort of thing would not be interested in turning it over to the United Nations. If they are going to do it at all, they have to have it for their own reasons.

Mr. STEVENSON. Well, I think the situation is not that clear. Even if you were to take the position that those companies have a right to go out there now and exploit, what they want is security over tenure and no one maintains that the United States could give them security of tenure. That is why they came up in the Metcalf bill and asked for some sort of Government insurance during that period.

The CHAIRMAN. I am not objecting to this. I think it is much wiser to exploit the sea than go to the moon. My only personal view is that we have neglected this area. I am just raising the questions because, as Senator Javits says, you put the committee in a very difficult position if this becomes controversial and we are a party to a very unusual arrangement.

I do not know of any precedent for it. But I do not minimize the importance of exploiting the wealth of the sea. I think we have to come to it.

It is a question of doing it in a way that maintains the integrity of the committee and of our process.

I guess we are more sensitive under present conditions than we used to be about Government being suspect in everything it does. I wish I knew a way that we could get around it.

AMBASSADORSHIP QUESTIONED

I must say I don't quite see the significance of the ambassadorship. You have the prestige just in being who you are. You have been operating without being an ambassador and I doubt if anyone discriminates against you. They recognize your ability as a person. I do think that you mentioned the protocol. The other aspect of it is that you are an ambassador working part time for the biggest corporations in the United States, for which I do not know of any precedent at any time.

Mr. STEVENSON. Well—

The CHAIRMAN. I don't know of any and I am always a little fearful about setting a precedent of this kind. I can see other people coming in and saying, "We would like an ambassador representing us, too." When he goes to Japan or Russia, he will be received in the Kremlin. He will sit next to Brezhnev because he is an ambassador. Otherwise he sits down below. It works that way, to the advantage of your clients. That is human nature. Not that I want to deprive you of any advantage, but we are a party to it if we do this and it is very bothersome.

Mr. STEVENSON. Well, in terms of—

The CHAIRMAN. Don't you think you could really do just as well if we called you Special Representative of the United States or some new title? I don't know. It bothers me very much. We have been bothered even by the Asian Bank. We argued about whether we should send an ambassador to the Asian Bank, a full-time ambassador, simply because it is setting a precedent and every bank and every international institution is going to have an ambassador. This is much more difficult than that because you are only half-time. You will be working part of the time for private clients. I think it would make it a lot easier if you could reconcile yourself to being called something else. I do not believe you will suffer any. You have enough prestige from your personal accomplishments in your reputation. Nobody is going to look down on you. You don't think they are. Are they going to seat you out in the kitchen when they are all eating in the dining room? I don't believe they will do that.

Mr. STEVENSON. Well, Senator, really, it isn't me. I am not going to ask you to make me ambassador to satisfy any personal desire of my own, but I think the man in this position should be. It is not comparable, I think, to the Asian Bank. This is probably the most important diplomatic conference we are going to have for some time and I agreed earlier I think it would be wrong for me to have that rank except while I am on active duty heading the delegation. But I think if you feel I am the best man to head the delegation, it seems to me the fact that I have that capacity and the experience based on 4 years in the Government makes irrelevant the fact that I may be doing something else when the conference is not in session. It seems to me that the amendments to the conflict of interest law were designed to deal with just this sort of case so you will have the opportunity to draw on people from public life, as certainly was done in the past in

the case of Arthur Dean and John McCloy and Fred Eaton. I think there are many precedents. In many cases they had personal rank but that was because the administration was going that route at the time. I personally feel it is highly desirable that there be a confirmation.

I also feel frankly that if I were not confirmed now that it would cast some doubt on whether you really feel I am the best man for the position.

The CHAIRMAN. I don't think anybody has raised that question at all. It is certainly not in my mind. I don't have that thought at all. I don't know a better qualified—

OIL COMPANIES' POSITION ON REGULATION BY INTERNATIONAL ORGANIZATION

Senator PELL. There is one point that you made about the view of the oil companies. Actually they reversed their position in the last couple of years. You are quite right. Four years ago they were violently opposed to any sovereignty or any regulation by an international organization because they wanted to make sure of the 6 percent of the Continental Shelf attached to the United States, but they came to realize that we had an interest in 94 percent of the shelf around the world. The fact that other countries would exploit that area, I think, very much softened them on this question. They would prefer some kind of stable international regime to dealing directly on a bilateral basis. There has been a complete reversal of view and the reversal, I think, has been partly due to the skillful suggestions of Mr. Stevenson and others in this regard.

ADVISERS ON DELEGATION

Senator CASE. Mr. Chairman, I wonder if this is really on the point, a little broader context. There are advisers to the delegation, are there not?

Mr. STEVENSON. Yes, sir.

Senator CASE. How many are there, roughly, do you know?

Mr. STEVENSON. I think I gave you our delegation list.

Senator CASE. Would you run over them now with us and see if you have any clients on that?

See if there are any Sullivan and Cromwell clients on the list.

Mr. STEVENSON. Of experts.

Senator CASE. Represented there.

Mr. STEVENSON. Let me explain what the experts are. We established an advisory committee to consider and consult with the State Department, when I was head of the interagency task force, which had representatives of all of the affected industries, fisheries, petroleum, minerals, as well as the scientists and the international lawyers, and regularly before each meeting the interagency task force met with these and environmentalists, shipping people, to attempt to get as broad a discussion of the positions we were taking as possible, so there has been a great deal of cross fertilization.

We initially had them meet separately and that didn't work at all because you just got an industry point of view. Now, the experts on the delegation are basically representatives of those various industry groups.

The CHAIRMAN. Who are some of them?

You evade ever mentioning anybody. I think we ought to know. I don't want to have to say I don't know who anybody is.

Mr. STEVENSON. They are experts. Richard Greenwald of Deep Sea Ventures, who are in the deep sea mining business; Richard Frank, Center for Law and Social Policy. He is an environmentalist. And Anthony Smith, who is an attorney at law and represents the environmentalists.

The CHAIRMAN. Why can't you put the whole list in the record?

Mr. STEVENSON. I can put the whole list in the record.

Senator CASE. With any comment you make on any special associations you may have had or the firm may have had with any of them, too.

Mr. STEVENSON. Well, some of them represent companies that the firm may have represented from time to time, certainly.

Senator CASE. We are only trying to get the facts out. It is better to have it out now.

[The list referred to follows:]

U.S. DELEGATION TO THE MEETING OF THE COMMITTEE ON THE PEACEFUL USES OF THE SEABED AND OCEAN FLOOR BEYOND THE LIMITS OF NATIONAL JURISDICTION, GENEVA, JULY 2-AUGUST 24, 1973

REPRESENTATIVES

The Honorable John R. Stevenson (Chairman), Special Presidential Representative of the President for the Law of the Sea Conference.

John Norton Moore (Vice Chairman), Counselor on International Law, Office of the Legal Adviser, Department of State.

ALTERNATE REPRESENTATIVES

Martin F. Herz, Deputy Assistant Secretary, Bureau of International Organization Affairs, Department of State.

The Honorable Donald L. McKernan, Coordinator of Ocean Affairs and Special Assistant to the Secretary for Fisheries and Wildlife, Department of State.

CONGRESSIONAL ADVISERS

The Honorable Clifford P. Case, United States Senate.

The Honorable Ernest F. Hollings, United States Senate.

The Honorable Claiborne Pell, United States Senate.

The Honorable Ted Stevens, United States Senate.

The Honorable Thomas N. Downing, United States House of Representatives.

The Honorable Donald McKay Fraser, United States House of Representatives.

The Honorable James R. Grover, U.S. House of Representatives (Aug. 19-24).

The Honorable William S. Maillard, United States House of Representatives.

The Honorable Joel Pritchard, United States House of Representatives.

The Honorable Leonor K. Sullivan, United States House of Representatives.

CONGRESSIONAL STAFF ADVISERS

Robert R. Boettcher, Staff Consultant, International Organizations and Movements Subcommittee, House of Representatives Foreign Affairs Committee.

Earle F. Costello, United States Senate Committee on Commerce.

Merrill Englund (7/2-20), Administrative Assistant, United States Senate.

D. Michael Harvey (8/13-24), Special Counsel, United States Senate.

John F. Hussey, Staff Member, United States Senate.

David Keaney (dates of attendance to be determined later; Consultant, United States Senate.

Arthur Pankopf, United States Senate Committee on Commerce.

David P. Stang (8/13-24), Staff Member, United States Senate.

James P. Walsh, United States Senate Committee on Commerce.

ADVISERS

- John P. Albers, Associate Chief Geologist, U.S. Geological Survey, Department of the Interior.
- Paul Ake, Commander, U.S.N., Legal Adviser, International Negotiations, Office of the Joint Chiefs of Staff, Department of Defense.
- William W. Behrens, Jr., Vice Admiral, U.S.N., Assistant Deputy Administrator, National Oceanic and Atmospheric Administration, Department of Commerce.
- John Peter Bernhardt, Legal Assistant, National Oceanic and Atmospheric Administration, Department of Commerce.
- Burdick H. Brittin, Deputy Coordinator of Ocean Affairs and Special Assistant to the Secretary for Fisheries and Wildlife, Department of State.
- James Brown, Commander, U.S.C.G., Office of the Chief Counsel, United States Coast Guard, Department of Transportation.
- John A. Busterud (7/30-8/24), Member of the Council on Environmental Quality, Executive Office of the President.
- David Cook (7/2-20), Office of the General Counsel, Council on Environmental Quality, Executive Office of the President.
- John A. Dugger, Office of the Assistant Secretary of Defense for International Security Affairs.
- W. Pierce Elliott, Assistant Solicitor for International Marine Minerals, Department of the Interior.
- Otho Eskin, Bureau of International Organization Affairs, Department of State.
- Stuart P. French, Director, Law of the Sea Task Force, Department of Defense.
- Jon Hartzell, Director of Trade Negotiations, Department of the Treasury.
- Robert D. Hodgson, Director, Office of the Geographer, Bureau of Intelligence and Research, Department of State.
- Terry L. Leitzell, Office of Assistant Legal Adviser for Ocean Affairs, Department of State.
- Stuart H. McIntyre, Deputy Director, Office of United Nations Political Affairs, Bureau of International Organization Affairs, Department of State.
- Robert E. McKew, Commander, U.S.C.G., United States Mission to the United Nations, New York.
- Myron H. Nordquist, Office of Assistant Legal Adviser for Ocean Affairs, Department of State.
- Bernard Oxman, Assistant Legal Adviser for Ocean Affairs, Department of State.
- Basil Petrou, Department of the Treasury.
- The Honorable Howard W. Pollock, Deputy Administrator, National Oceanic and Atmospheric Administration, Department of Commerce.
- Leigh S. Ratiner, Director for Ocean Resources, Department of the Interior.
- Horace B. Robertson, Rear Admiral, U.S.N., Deputy Judge Advocate General of the United States Navy, Department of Defense.
- Philip M. Roedel, Coordinator, Marine Recreation Programs, National Oceanic and Atmospheric Administration, Department of Commerce.
- Louis B. Sohn, Consultant to Inter-agency Law of the Sea Task Force.
- George Taft, Office of the General Counsel, National Oceanic and Atmospheric Administration, Department of Commerce.
- Ms. Rebecca Wright, Foreign Affairs Assistant, Office of the Director for Ocean Resources, Department of the Interior.
- Norman A. Wulf, Special Counsel, Office of General Counsel, National Science Foundation.
- Paul A. Yost, Captain, U.S.C.G., Office of the Chief Counsel, United States Coast Guard, Department of Transportation.

EXPERTS

Fisheries

- Jacob Dykstra (July 24-August 2), Point Judith Fishermen's Cooperative, Naragansett, Rhode Island.
- August J. Felando (July 2-24, August 3-24), 1 Tuna Lane, San Diego, California.
- William N. Utz (July 2-August 24), American Shrimp Association, Washington, D.C.
- Lowell Wakefield (July 2-27), Wakefield Seafoods, Inc., Port Wakefield, Alaska.
- Walter Yonker (July 28-August 24), Executive Vice President, Association of Pacific Fisheries, Seattle, Washington.

Hard minerals

T. S. Ary (8/16-24), Vice President, Union Carbide Exploration Corporation, New York.

Marne Dubs (7/23-8/5), Director, Ocean Resources Department, Kennecott Copper Corporation, New York, New York.

John E. Flipse (8/6-15), President, Deepsea Ventures, Inc., Gloucester Point, Virginia.

Richard Greenwald (7/5-22), Deepsea Ventures, Inc., Gloucester Point, Virginia.

International law and relations

Richard L. Gardner (7/2-15), Professor of Law and International Organization, Columbia University School of Law, New York, New York.

H. Gary Knight (7/30-8/12), Louisiana State University Law School, Baton Rouge, Louisiana.

Robert B. Krueger (8/13-24), Nossaman, Waters, Scott, Krueger and Riordan, Los Angeles, California.

Marine environment

Richard A. Frank (7/2-13; 7/30-8/24), Center for Law and Social Policy.

Robert Hallman (July 2-15), Environmental Defense Fund, Washington, D.C.

Anthony W. Smith, (7/10-27) President and General Counsel, National Park and Conservation Association, Washington, D.C.

Marine Science

William Burke (July 17-31), University of Washington, Seattle, Washington.

Thomas A. Clingan, Jr. (July 2-16; Aug. 15-24), Professor of Law, University of Miami, Coral Gables, Florida.

John A. Knauss, Provost for Marine Affairs, University of Rhode Island, Kingston, Rhode Island.

Petroleum

George A. Birrell (8/6-11), General Counsel, Mobil Oil Corporation, New York, New York.

Melvin Conant (7/16-8/3), Ocean Affairs Committee, Exxon Corporation, New York, New York.

G. Winthrop Haight (7/2-13), Forsyth, Decker & Murray, New York, New York.

Cecil J. Olmsted (8/12-24), Vice President, Assistant to the Chairman of the Board, Texaco, New York, New York.

With respect to Senator Case's question regarding the industry experts on the delegation, Sullivan and Cromwell represents on certain matters the Exxon Corporation and Texaco. The industry experts were recommended by the respective subcommittees of the State Department's Advisory Committee on the Law of the Sea.

CLIENTS OF SULLIVAN AND CROMWELL

The CHAIRMAN. I don't wish to be in the position of having had a hearing and never having asked you whom you represent. I want to say, "Yes, he told me."

Obviously they are some of the big ones. Why don't you name them? You are so evasive when we ask who these people are who will be involved.

Do you represent [deleted]?

Mr. STEVENSON. We have from time to time.

The CHAIRMAN. Do you represent [deleted]?

Mr. STEVENSON. Not to my knowledge.

The CHAIRMAN. [Deleted]?

Mr. STEVENSON. Not to my knowledge.

The CHAIRMAN. [Deleted]?

Mr. STEVENSON. I am not sure. There may have been.

The CHAIRMAN. Do you represent [deleted]?

Mr. STEVENSON. No, sir.

The CHAIRMAN. [Deleted]?

Mr. STEVENSON. No.

As I said earlier, I was away for 3½ years until 6 months ago. I don't know all of the clients of Sullivan and Cromwell, but I also pointed out that it was—could I go off the record for a minute?

The CHAIRMAN. Yes.

[Discussion off the record.]

DECEMBER 1970, COMMITTEE LETTER TO SECRETARY OF STATE

The CHAIRMAN. Mr. Stevenson I think you were in the State Department as legal adviser when the committee wrote a letter to the Secretary of State in December 1970. You were then in the legal department, weren't you?

Mr. STEVENSON. Yes, sir.

The CHAIRMAN. We made a point. This was about Miss Louise Gore, who wanted to be ambassador with the rank of Ambassador to the United Nations Educational and Scientific Cultural Organization. The committee was reluctant to approve this nomination, not because of any question related to Miss Gore's qualifications, but because it objects strongly to conferring the rank of ambassador upon individuals occupying part-time and relatively insignificant positions.

The committee asked me to bring to your attention in a most forceful way the decision not to give its consent to such nominations in the future. We are trying to push the State Department along in not proposing this. Why did they suggest that you should be an ambassador, or, did you request it and say you wouldn't serve in any other capacity?

Mr. STEVENSON. No; I did not.

The CHAIRMAN. The Department proposed it.

Mr. STEVENSON. The Department proposed it.

The CHAIRMAN. So they don't pay any more attention to our letters.

Mr. STEVENSON. I think there is a very important qualifying statement in your letter.

You said an insignificant post, and I don't think that this is an insignificant post.

The CHAIRMAN. Relatively insignificant as distinguished from being an ambassador to a sovereign country.

That is what that means. I would not say that the U.N. is insignificant either. You don't think it is an insignificant organization. Nor do we.

We are thoroughly in accord with the idea that John Scali or George Bush who represent us at the U.N. would be ambassadors. That does not mean we do not think our representative on the Security Council, in case it is a different one, or this United Nations Education and Scientific Organization is not important. That is what we have been trying to do and it is very embarrassing to us having written to the Department 3 years ago—we have other similar letters. We have written proposing ground rules not to confirm people who in effect purchase these nominations as ambassador. We do not like that, either. But we have been confronted with it and we tried to resist it.

Recently, the whole committee, voted unanimously, I think, to establish ground rules against approving in the future ambassadors

who made these enormous political contributions, such as the recent case of Mrs. Farkas, who gave \$300,000 and then was nominated to be Ambassador to Luxembourg. I guess you are familiar with that case.

We think it is demeaning to the whole concept of ambassadors. That is all. We have nothing against Mrs. Farkas. Nobody is saying she isn't a very reputable and fine woman. It is the procedure. And here is a part-time ambassador who worked for a law firm. We don't have any precedent. No one is questioning your integrity or your capacity. You know that.

PRECEDENTS IN THE PAST

Mr. STEVENSON. But I think, Mr. Chairman, there have been precedents in the past, some of the men I referred to.

The CHAIRMAN. I don't. None of them are on all fours. We didn't confirm any you mentioned.

Mr. STEVENSON. I think McCloy or Fred Eaton.

The CHAIRMAN. The President used to designate anybody he liked as ambassadors. We did raise that question again, trying to protect the stature of the real ambassadors. That was the only reason.

Do you have anything more you want to say?

ALTERNATIVES FACING COMMITTEE

Senator PELL. No, I realize the position of the committee and I feel a bit in between because of my intense interest in the treaty.

The CHAIRMAN. We all feel in between.

Senator PELL. I wish that Mr. Stevenson would be able to see his way to coming in full time, but he is quite adamant on that. I understand it and sympathize with him. So we are faced really with the alternative of doing it this way or having another man doing it. I think we have to make a judgment which is better.

QUESTION OF HONOR

Two points I would like to leave on the record: One is that we have to judge here the question of honor, and there is no man with a more honorable reputation, I think, than Mr. Stevenson. I received one letter, making the point that he would do what some of us tried to do, vote against our own interest. If there is any question in your mind, I think he would be inclined to give a harder time to Exxon, if they were a client of the firm, than Richfield or some other company that wasn't a client. I think that is the way he would react.

IMPORTANCE OF AMBASSADORSHIPS

The other point is with regard to the importance of ambassadorships, I don't think their importance is cheapened by this. This position is certainly as important to our national interest as ambassadorships to some smaller countries.

The CHAIRMAN. If it is that great, why don't we give him a more important title and call him Minister Plenipotentiary and let it go. Maybe we have to start another process.

Senator PELL. You remember the Swiss before the war used to have no ambassador anywhere. When the French sent an ambassador to Berne, they wouldn't send an ambassador until after the war. But the process has been cheapened.

NEW PROCEDURE TO DESIGNATE THOSE WHO HAVE IMPORTANT RESPONSIBILITIES

The CHAIRMAN. Perhaps we ought to make everybody ambassador and get some new title.

Senator PELL. As Special Representative.

The CHAIRMAN. That wouldn't satisfy you, Special Representative?

Mr. STEVENSON. Mr. Chairman, it is not a question of satisfying me.

The CHAIRMAN. Maybe we ought to reverse our field and make everybody ambassador.

Then we start some new procedure to designate those who have important responsibilities.

Senator PELL. I remember before the war my father was Chief Mission Minister to Portugal for 4 years and never ambassador. They had a World's Fair and they made him ambassador for the Fair, but not to the sovereign nation.

IMPORTANCE OF COMMITTEE PARTICIPATION

Mr. STEVENSON. Mr. Chairman, I certainly agree with you that the importance of the mission should determine this, but I must say I feel this is one of our most important diplomatic conferences in many years, and it is important that this committee participate in the appointment of our leadership. I still feel that it would have been a great mistake for this to have gone forward without the committee participating and I think in point of fact the participation is technically on the ambassador aspect of it. I think it is much more important to me than the ambassadorship that the committee be concerned with the substance of my doing this job. I think that in a sense is one way for the committee to be directly involved in these type of assignments, by having the ambassadorial question before it.

CREATION OF NEW TITLE SUGGESTED

The CHAIRMAN. Maybe we ought to designate these important positions, like put a special Ambassador to the Conference of the Law of the Sea. Would that bother you any? We could pass a law to create a new title reserved only for people doing responsible work.

Mr. STEVENSON. It wouldn't bother me.

The CHAIRMAN. As the former legal adviser, is that legal?

Mr. STEVENSON. I don't see any problem with that.

The CHAIRMAN. Maybe we ought to just call it Special Ambassador to designate that it is a special situation, or Extraordinary Ambassador. You don't see any problem with that?

Mr. STEVENSON. No.

The CHAIRMAN. You are speaking now as a former legal adviser to the Department of State.

Mr. STEVENSON. No, once you leave the post, you have no more authority.

Senator JAVITS. What about the use of the word Minister Plenipotentiary? What is the situation on that?

Senator PELL. It means something different. The Ambassador is the representative of a sovereign nation. Minister Plenipotentiary is a representative of the head of the Department of Foreign Relations Affairs of the country. It has two different meanings.

Mr. STEVENSON. Ministerial rank is second to ambassadorial rank. I think it would be better to have nothing.

The CHAIRMAN. How about a special emissary? We can have "Emissary" precede the "Ambassador." You sit above the Ambassadors.

Mr. STEVENSON. I think the fact that ambassador is the term that is used internationally, there will always be a question as to what any other title really means.

Senator PELL. I think you are right.

The CHAIRMAN. You have no more you want to say?

Senator JAVITS. No.

The CHAIRMAN. Do you have anything more?

Senator PELL. No.

The CHAIRMAN. Thank you very much, Mr. Stevenson. I don't have any more to say, unless you have some new thought.

[Whereupon, at 12:30 p.m. the committee proceeded to other business.]



