

of Astronomy at Cornell University and had been Director of the National Air and Space Museum since 1987. It is also true that while serving in the U.S. Army from 1955 to 1957, Dr. Harwit was assigned to work on nuclear weapons testing at Eniwetok and Bikini. Dr. Harwit had said that this experience inevitably influenced his thoughts about the *Enola Gay* exhibit. Knowing this, was Dr. Harwit in charge or was he being used as a front-man for someone else's agenda? Also, knowing Dr. Harwit's views, why was he given this exhibit mission in the first place and subsequently allowed to struggle with four or five revised scripts?

Third, what roles were played by Dr. Michael Neufeld and Tom Crouch? Both were associated with the National Air and Space Museum and the first *Enola Gay* script which was never shown to any veterans service organization but was reviewed by unknown parties in Japan. Another facet to this question is, what was the managerial role of the Chairman Tom Crouch to the Director, Martin Harwit?

Fourth and last, why didn't Dr. Heyman, the Secretary of the Smithsonian, take a more immediate and decisive position earlier in this controversy? In all fairness, we know that Dr. Heyman joined the Smithsonian in September of 1994; however, he certainly should have been aware of the on-going *Enola Gay* controversy if only by reading newspaper editorials and surely by receiving information from his Under Secretary, Ms. Constance Newman, who was present for most of the *Enola Gay* campaign. While it is a fact that Dr. Heyman was previously a law professor and chancellor of the University of California at Berkeley, he is no stranger to power and politics of Washington, DC. He was once counselor to Secretary of the Interior, Bruce Babbitt, and Deputy Assistant Secretary for Policy in the Department of the Interior. It is also a fact that Secretary Heyman received congressional criticism beginning in mid-December 1994 from members of the House of Representatives, to include Sam Johnson, Peter Blute, Duncan Hunter, and Bob Dornan among others. Then, on January 19, 1995, Congressman Sam Johnson and Peter Blute issued a press release that was extremely critical of the National Air and Space Museum's attempt to revise previously agreed upon American casualty estimates for a land invasion of Japan. The following day, January 20, 1995, the Air Force Association issued their own press release that also eloquently summarized the VFW's position by stating:

We [the Air Force Association] have continued our discussions with senior Smithsonian officials in the hope that the *Enola Gay* exhibit could be salvaged. We had been assured that no unilateral actions would be taken by curators and officials of the National Air and Space Museum, in whom we lost faith long ago. It now appears that, on the side and behind the scenes, the curators are still working their political agenda. This is unacceptable. Museum officials have failed in their stewardship and responsibilities.

Apparently, Dr. Heyman took this statement and the congressional criticism to heart and 10 days later cancelled the exhibit. This action, in the VFW's opinion, was not justified when we recall the expended time and effort and the fact the Air and Space Museum received about \$13 million in 1994 from Congress. Certainly all this money didn't go into the *Enola Gay* fiasco, but for \$13 million we do expect first-class management that as a minimum has an objective in mind and a timetable to meet deadlines and make decisions. This brings us full circle for the requirement to have Congress conduct an inquiry into how and why this debacle was ever allowed to happen in the first place.

This concludes the VFW's formal statement, Mr. Chairman. I will be happy to respond to any questions you or the committee members may have. Thank you.

The CHAIRMAN. Thank you very much. Mr. Manhan, I shall ask those questions next week. We will get their answers on the record.

Mr. MANHAN. Thank you, Mr. Chairman.

The CHAIRMAN. Let me just make a few comments and turn the questioning over to my colleague, the former chairman. We have lived through this process together. I appreciate the

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restraint that you gentlemen have used with regard to the problems we have had on this exhibit with the Smithsonian.

First let me ask you, General Sweeney, were you contacted by any of the historians at the Smithsonian with regard to your participation in these historic flights before it became a controversy publicly?

General SWEENEY. No, sir, I was not.

The CHAIRMAN. You said that you learned about it first through a publication, the Air Force Association's publication?

General SWEENEY. Yes, when I first learned—

The CHAIRMAN. We need your microphone, General.

Senator FORD. We are frugal. We do not have one for everybody.

[Laughter.]

General SWEENEY. Your question was, I first learned about it through a publication, the Air Force Association publication, the Air Force Magazine, which is true. Mr. Correll wrote an article in there and just sent signals to my eyes when the Smithsonian is purported—and I am sure it did say that the script said—implied—I think said that we were trying to destroy another nation's culture and that we were an imperialistic Nation.

Now to the latter I say, I do not think we wanted any of their territory or any other territory in Asia. I do not think we were setting up satellites in other parts of the world or that we were fighting for that reason.

Then as to the culture, we certainly were not trying to do anything with their culture. We were trying to preserve it and not destroy it. We were just trying to get our men home; get the war over with and get our men home. I must suggest to you and remind perhaps everybody that on the original list of targets for the nuclear weapons, Kyoto somehow or other appeared on there. Secretary Stimson struck that immediately because that is considered to be the seat of Japanese culture, religious culture, or whatever you want to call it. So Secretary Stimson struck that from the list immediately.

Also, every bomber pilot in the 20th Air Force in the theater in the Pacific had orders not to ever bomb the Imperial Palace, even as a target of opportunity. Certainly we could have wiped out the Imperial Palace—I do not mean our group, but some group could very easily have wiped out the Imperial Palace if we were trying to destroy their culture. Secretary Stimson said no, never; no pilot will ever, no crew will ever go near that Imperial Palace.

Thank you, sir.

The CHAIRMAN. You raise a very interesting point for me. I was on the Burma Road between Chongqing and Xian taking a convoy of gas trucks up to Chengdu which was a new base to fly B-29's out of. We were preparing to have an assault on Japan flying in from the west. I know full well the impact of the word,

the feelings we had, when we learned that you had dropped the bomb, General. You are right, it was just 8 days later that we were turned around and told to go to another destination, the war was over.

Someone asked me the other day, how can you remember all that? You just do not forget that.

General SWEENEY. Yes, how can you forget?

The CHAIRMAN. Colonel Cooper, I note that you also are distinguished with your record of over 9,000 hours of flying in the Air Force. I do appreciate your attendance. I do not have any questions for you. I want to thank you for coming.

Mr. Harrington, I think the role of the Legion in this from the very first was constructive in trying to bring about a presentation that did comply with the law. I am alarmed that the Smithsonian Institution indicated it does not feel bound by the provisions of Section 80 of Title 20 of the U.S. Code. I just want to read it into this record and we will put the complete history of this section in the hearing.

We intend to have these hearings printed, because I think that we should preserve a record of this attempt to change the history of the *Enola Gay*.

The law provides that the Smithsonian Institution is a study center of historical collections.

The Smithsonian Institution shall commemorate and display contributions made by the military forces of the Nation towards creating, developing, and maintaining a free, peaceful, and independent society and culture in the United States of America. The valor and sacrificial service of the men and women of the Armed Forces shall be portrayed as an inspiration to the present and future generations of America. The demands placed upon the full energies of our people, the hardships endured, and the sacrifice demanded in our constant search for world peace shall be clearly demonstrated. The extensive peacetime contributions the Armed Forces have made to the advance of human knowledge in science, nuclear energy, polar and space exploration, electronics, engineering, aeronautics, and medicine shall be graphically described. The Smithsonian Institution shall interpret through dramatic display significant current problems affecting the Nation's security. It shall be equipped with a study center for scholarly research into the meaning of war, its effect on civilization, and the role of the Armed Forces in maintaining a just and lasting peace by providing a powerful deterrent to war. In fulfilling its purposes, the Smithsonian Institution shall collect, preserve, and exhibit military objects of historical interest and significance. [20 U.S.C. 80a]

Now, that was passed originally on August 30, 1961.

As I understand it, those of you who had negotiations with the Smithsonian have indicated that you called the attention of the Smithsonian to that law and they said they were not bound by it?

Mr. HARRINGTON. It was our understanding, sir, that they insinuated that that section of the law applied to a museum that was being contemplated and had been put on the back burner for the time being and did not apply to the institution in general. That is my understanding, sir.

The CHAIRMAN. Next week we shall get the background of who gave them the opinion that they are not bound by that 1961 law. Mr. Harrington, on behalf of the committee I want to thank you for your persistence in pursuing this matter. We have taken note of your recommendations. I am not sure that this committee has the jurisdiction to pursue all of the recommendations, but we shall review them.

Mr. HARRINGTON. Thank you.

The CHAIRMAN. Mr. Smith, many of us were involved behind the scenes in trying to straighten this out, but it was your association that really brought it to the forefront. I must say, I join in the regret that the Smithsonian's exhibit will not be as robust as it should have been. It has now been scaled down. The result of the controversy is that it appears they just want this subject to go away. So I hope that you will continue to maintain your concern about the exhibit and help us eventually bring about an exhibit that is meaningful with regard to this event.

Lastly, Mr. Manhan, as I indicated to you, we will ask those questions next week and we will see to it that you get answers to them. They are very good questions. I really do not have any questions because I was in agreement with you from the very beginning.

Senator Ford?

Senator FORD. We both signed the letter so I guess we were in agreement also. Let me tell you what bothers me some right now. I have five great, wonderful grandchildren and before me is history, personal, real, you can put your hand on it. I think our responsibility is to be sure that this real reflection on what actually happened—and I underscore real and personal—is projected into the future and not sanitized.

And I could bring up a little something that if we had term limits, Senator Stevens would not be here. He would not be chairman if we had term limits. Here is a man who participated in World War II, General, and got his mission changed because you were successful. He was going to back you up and come from the other way. We were getting ready to flank them; the strategy was laid out. I was there. I am a veteran of World War II, not as active as some, more active than others maybe.

So somehow or another I want the institutional memory to stay as long as we can till we get it right. That is my problem.

today, and that is what I am going to try to work on with my good friend—and he is my good friend—the chairman of the committee.

I would like to ensure that the Smithsonian does not repeat the errors that it has made in developing the *Enola Gay* exhibit. Based upon the experience of this group here, do other panel members—I believe the American Legion and the VFW have set out specifics—have suggestions or questions that we might use next week as it relates to the Smithsonian? Mr. Smith?

Mr. SMITH. The Air Force Association feels just exactly like they did. We have discussed those—

Senator FORD. I think that was kind of a mutual agreement, but I wanted to be sure—

Mr. SMITH. Yes, it was. Let me build on what you said, Senator Ford, too. I think we missed a wonderful opportunity to display appropriately one of the significant events in the last 100 years for our grandchildren to learn from, and we did it wrong. That is what this is all about. That is why John Correll, who is the editor of the Air Force Association, who I would like to make sure that this committee knows was the one that actually discovered the script the first time and started the work that we did.

Senator FORD. I think everybody understands that we are all on the same wavelength. We are together, and prevention is going to be important in the future. I do not mind somebody disagreeing with me. We all have interpretations, and that is what I have been doing up here for a few years now. We do not agree all the time. But we still try to work things out. And where we do agree, we go gung-ho.

I do not mind having different opinions and different interpretations. But it is awfully hard to refute General Sweeney. It is awfully hard because he was there, and he seems to be of sound mind and all that here today. I feel comfortable with his testimony. I believe if he signed his will today it would be a good one. So under those circumstances, I believe what you tell me, and I want that in the record and I want that unsanitized.

Colonel COOPER. Senator Ford, if I may?

Senator FORD. You sure may. Get me started and it is hard to stop me sometimes.

Colonel COOPER. It has been brought to my attention by an associate who was deeply involved with the National Air and Space Museum directly that at the present time there are three major galleries in the downtown museum that have no actual air or space artifacts in them. Yet just this week we opened a Barbie doll display at the National Air and Space Museum, which I have a little bit of a problem figuring out just what the important aviation artifact is—

Senator FORD. Was Barbie a female pilot?

[Laughter.]

Colonel COOPER. I really cannot answer that question, sir.

The CHAIRMAN. The general has given us a copy of his new video, which is one of the 50th Anniversary commemorative videos on the war's end. We thank you for that, General. I hope to see that we get one of these for each member of the Congress. We will talk to you about that.

Mr. HARRINGTON. Mr. Chairman, if I may please, before you conclude. There was mention made of the Smithsonian's deviation and dereliction from Title 20 of the United States Code. We do have a letter from Secretary Heyman citing that particular exemption that he claims is applicable to the institution and we would be glad to provide that to you, sir.

The CHAIRMAN. Yes, we would like to have that. The scope of this hearing, as I said at the beginning, is to look into the decision-making processes of the Smithsonian to see if we can find a way to be assured that the intent of Congress in helping to create the Smithsonian is met. It is on the Smithsonian's future management practices.

This is not the first time that this committee has had difficulty with the Smithsonian. We had difficulty over one exhibit that was called "The Underclass", which in order to enter it, one had to lie down on a slab like it was a morgue and go through a wall. It was a very traumatic experience really for children that were going through that exhibit.

Secondly, we had difficulty with the Smithsonian over its insistence on assisting Professor Luis Fuentes in getting national recognition of his theory that our Government stole California, Arizona, and Texas from the Mexican people and ought to look into finding some way to redress the wrongs. With the increasing Mexican population in those areas, you can understand our concern about anyone who might be fomenting great dissatisfaction in that area of our country.

We have had a series of these revisionist concepts with the Smithsonian, and it is a management concern. Two members of our committee are on the board of directors, but it is such an enormous institution now and there seems to be such great leeway in determining how the space is to be used for exhibits, and in the content of the exhibits, that it raises serious management questions. I think this is a management problem; the problem of determining whether the research that was conducted prior to planning the exhibit was adequate. We hope that we are understood here.

I am pleased, as I said, that you gentlemen have joined in the concept of trying to demonstrate our concern about the future of support for the Smithsonian. Had this exhibit gone on as it was originally brought to my attention, I swear that no veteran of the United States would have ever contributed to the Smithsonian again. Now that is what the board must understand. It was not true history. It was a distorted reflection of the endeavors of General Sweeney pursuant to the Commander-in-Chief's orders.

You have contributed to our process of trying to bring about some change in the management practices of the Smithsonian and I want to thank each of you for attending here today. Thank you very much.

Whereupon, at 10:43 a.m., the committee was adjourned.

THE SMITHSONIAN INSTITUTION: MANAGEMENT GUIDELINES FOR THE FUTURE

THURSDAY, MAY 18, 1995

U.S. SENATE,
COMMITTEE ON RULES AND ADMINISTRATION,
Washington, DC.

The committee met, pursuant to notice, at 9:35 a.m., in Room 301, Russell Senate Office Building, Hon. Ted Stevens, chairman, presiding.

Present: Senators Stevens, Warner, Cochran, Ford, Pell, and Feinstein.

Staff Present: Christine Ciccone, Deputy Chief Counsel; Mark C. Mackie, Chief Counsel; Virginia C. Sandahl, Chief Clerk; and Kennie L. Gill, Special Counsel for the Minority.

OPENING STATEMENT OF HON. TED STEVENS, CHAIRMAN A U.S. SENATOR FROM THE STATE OF ALASKA

The CHAIRMAN. Let me make a preliminary statement here, if I may. Part of it is procedural. We have had a decision now from the Supreme Court that indicates that unsworn statements before the Congress cannot be the subject of further action. I intend to send a letter to all of the chairmen and ranking members of Senate committees to put them on notice that, in my judgment, that means that if there is any question that might be raised concerning testimony, that my advice to them—and I think my good friend, the Vice Chairman and Senator from Kentucky, will join in this—that the advice is that witnesses appearing before the committees who have not been sworn in as we have, should be. Members of Congress and Federal employees are under oath when they appear before our committee. We will start the practice of asking witnesses who appear before this committee to take an oath.

Again, I want to say, I believe that members of the Federal Government have taken an oath, as we have taken an oath, and are subject to prosecution if we do not testify truthfully here. I hope that those who appear before us will understand. It is my intention to ask witnesses who have not taken an oath, as employees or otherwise, to take an oath. I remind those who