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News Summary

OFFICE OF THE PRESS SECRETARY

WEDNESDAY, JUNE 18, 1986 -- 6 a.m. EDT EDITION

TODAY'S HEADLINES

NATIONAL NEWS

Burger Retiring, Rehnquist Named Chief; Scalia, Appeals Judge, Chosen For Court -- President Reagan today announced the retirement of Warren Burger as Chief Justice of the United States after 17 years and the intention to nominate Associate Justice William Rehnquist to replace him.

(New York Times, Washington Post, Washington Times, AP, UPI, Copley News Service, Reuter)

Wealthy Colorado Investors Get \$1 Million Tax Breaks -- The Senate on Tuesday voted special tax cuts of \$1 million apiece for two Colorado investors and \$500 million for the steel industry as lawmakers plodded toward passage of an overhauled federal income tax system.

(Washington Post, AP)

INTERNATIONAL NEWS

South Africa Says It Foiled Planned Insurrection -- The South African government today claimed victory over what it said were black nationalist plans to launch a large-scale insurrection coinciding with yesterday's anniversary of the 1976 Soweto uprising. Eleven blacks reportedly died in overnight violence, one of the highest casualty tolls in several weeks.

(Washington Post)

NETWORK NEWS (Tuesday Evening)

SUPREME COURT -- Chief Justice Warren Burger retires, President Reagan nominates William Rehnquist.

SOUTH AFRICA -- Millions of black South Africans were back on the job today.

REAGAN-GORBACHEV SUMMIT -- President Reagan wants to meet with Mikhail Gorbachev before the end of the year even if there is no prospect for any agreement on issues.

DISTINGUISHED APPOINTMENTS

"The Chief Justice and the eight Associate Justices of the Court must not only be jurists of the highest competence, they must also be attentive to the rights specifically guaranteed in our Constitution and to the proper role of the courts in our democratic system. In choosing Justice Rehnquist and Judge Scalia, I have not only selected judges who are sensitive to these matters, but through their distinguished backgrounds and achievements, reflect my desire to appoint the most qualified individuals to serve in our courts."

(President Reagan, 6/17)

NATIONAL NEWS

CHIEF JUSTICE BURGER RETIRING FROM HIGH COURT

Warren Burger, the 15th chief justice of the United States, will retire next month after 17 years on the court and 61-year-old Justice William Rehnquist will be nominated to replace him, President Reagan announced yesterday.

At an unexpected news conference, Reagan said he would nominate Antonin Scalia, 50, a conservative activist on the U.S. Court of Appeals here, to fill Rehnquist's seat if he is confirmed as chief justice by the Senate.

Burger informed Reagan of his decision to retire on May 27, telling the President -- as he said again yesterday -- that his sole reason for leaving the court was to devote full time to his job as head of the Bicentennial Commission of the United States, which is planning to celebrate the 200th anniversary of the Constitution beginning on Burger's 80th birthday, Sept. 17, 1987. Reagan appointed Burger chairman of the commission a year ago.

(Al Kamen, Washington Post, A1)

Rehnquist Chosen To Lead Court

President Reagan yesterday accepted the resignation of Supreme Court Chief Justice Warren Burger, and swiftly named Associate Justice William Rehnquist to replace him and tapped a conservative appellate judge to fill the vacancy on the nation's highest court.

The promotion of Justice Rehnquist and nomination of Judge Antonin Scalia of the U.S. Court of Appeals here is "one of the most significant decisions" of the Reagan presidency, a senior Administration official said. (Jeremiah O'Leary & Mary Belcher, Washington Times, A1)

Burger Retiring, Rehnquist Named Chief; Scalia, Appeals Judge, Chosen For Court

President Reagan today announced the retirement of Warren Burger as Chief Justice of the United States after 17 years and the intention to nominate Associate Justice William Rehnquist to replace him.

Republican leaders of the Senate praised the selection of Justice Rehnquist to become Chief Justice, but some Democrats expressed doubts about his record. Lawmakers from both parties said Judge Scalia's reputation as a legal scholar was likely to dissolve opposition to his nomination, and many said he would shift the balance of the Court perceptibly to the right.

(Bernard Weinraub, New York Times, A1)

Choices Of Rehnquist, Scalia Followed Methodical Selection Process

Acting with utmost secrecy but with the benefit of years of planning, President Reagan promoted one conservative intellectual to chief justice and replaced him with another to assure that his concept of "judicial restraint" will guide the Supreme Court long after his presidency ends.

Reagan's surprise announcement Tuesday that Chief Justice Warren Burger would retire came three weeks after Burger informed the President of his decision. It climaxed a secret search for a replacement conducted by three of the President's most trusted advisers: Chief of Staff Donald Regan, Attorney General Edwin Meese and White House counsel Peter Wallison.

The process produced Justice William Rehnquist as Reagan's nominee to succeed Burger. Now 61, Rehnquist is the same age Burger was when then-President Nixon tapped him to lead the court away from the social activism of the Warren Court toward a stricter, more literal interpretation of constitutional law. (Michael Putzel, AP)

Burger Retires; Reagan Names Rehnquist Chief Justice, Scalia Justice

President Reagan Tuesday announced the retirement of Chief Justice Warren Burger and said he will nominate Justice William Rehnquist to replace him in the top post at the Supreme Court.

The President said he also will nominate Federal Appeals Court Judge Antonin Scalia, 50, as an associate justice of the Court once Rehnquist, 61, is confirmed by the Senate.

"We are putting on the Court today...a judicial philosopher who shares the President's philosophy and is young enough to remain on the Court for many, many years," said a senior White House official. "That is a very pleasant prospect." (George Condon, Copley News Service)

New U.S. High Court Justice Appointed To Replace Burger

President Reagan has named the Supreme Court's most conservative member, William Rehnquist, as its new chief justice and appointed another conservative to the nation's highest court.

But the appointments, prompted by yesterday's surprise resignation of conservative Chief Justice Warren Burger, failed to achieve Reagan's long-held aim of completely reshaping the court in his own conservative image. To have done so he would have had to replace a liberal.

(James Vicini, Reuter)

Long-Run Impact Is The Target

Ronald Reagan brought the liberal nightmare to reality yesterday, stamping the Supreme Court with a conservative mark almost certain to last into the next century.

Rep. Patricia Schroeder, a liberal Colorado Democrat, found the proposed elevation of Justice William Rehnquist to chief justice and the nomination of Judge Antonin Scalia to the high court "very frightening."

(Tom Diaz, News Analysis, Washington Times, A1)

BURGER SAYS CELEBRATION OF CONSTITUTION WON OUT

Chief Justice Warren Burger told reporters yesterday that the Supreme Court's heavy workload was in constant conflict with a project he has come to love even more than the law: planned celebrations for the 200th anniversary of the American Constitution in September 1987.

Burger, who has guided the court for 17 years, has been chairman of the Commission of the Bicentennial of the U.S. Constitution since last year.

"In recent weeks, it was becoming more and more apparent that I would have to retire as chief justice or resign as chairman of the commission. My first inclination was to resign as chairman of the commission."

But, he said he finally decided, "It's more important that we have an adequate celebration...than it is for me to be on the Supreme Court another few years."

(Keith Richburg & Zeynep Alemdar, Washington Post, A14)

REAGAN RELIED ON HIS INSTINCTS

When Associate Justice William Rehnquist arrived at the Oval Office last Thursday for an interview with President Reagan, the team of three top Administration officials who had been secretly searching for a new chief justice were uncertain what would happen.

After talking with Rehnquist about his health, about his willingness to serve and about his legal philosophy, but not about specific cases or issues such as abortion, Reagan surprised his advisers by offering Rehnquist the position on the spot. "He liked the answers," recalled a White House official who participated.

(David Hoffman, Washington Post, A1)

UTTERLY CONSISTENT IN CONSERVATIVE VOTES AND OPINIONS

President Reagan nominated as chief justice yesterday a man whose conservative views are well-formed, well-known and nearly identical to the President's beliefs on virtually every fundamental social and legal issue of the day.

In 14 years as an associate justice, William Rehnquist has been utterly consistent, even predictable, in his votes and opinions.

Of all the chief justices in recent history, Rehnquist appears to bring to the job the most clearcut ideological agenda.

(Fred Barbash, Washington Post, A1)

JUDGE A FAVORITE WITH RIGHT-WING LAWYERS, ACTIVISTS

Antonin Scalia, a gregarious, piano-playing federal appeals court judge who President Reagan plans to nominate to the Supreme Court, is a vigorous conservative whose relative youth, sharp intellect and outgoing personality made him a favorite for the post among conservative lawyers and activists.

Scalia was appointed to the U.S. Court of Appeals for the District of Columbia in 1982 and was described by those familiar with his work there as a brilliant legal scholar and effective consensus-builder who is likely to try to edge the high court farther to the right.

(Ruth Marcus, Washington Post, A1)

CONFIRMATION OF JUSTICES PREDICTED BY END OF YEAR

Senate Republicans reacted with enthusiasm and Senate Democrats with caution yesterday to President Reagan's nominations of Justice William Rehnquist to be chief justice and Court of Appeals Judge Antonin Scalia to be an associate justice of the Supreme Court.

Initial comments of key senators suggested that the proposed elevation of Rehnquist to chief justice could be the more controversial of the two appointments, with the confirmation battleground centered on his politically conservative views.

But Republicans and Democrats praised the nominees' legal qualifications amid widespread predictions that both will be confirmed by the Senate this year.

(Edward Walsh, Washington Post, A13)

SENATE RETAINS TAX BREAK FOR COAL VENTURE

The Senate yesterday rejected efforts to remove a tax break for an obscure Colorado coal-mining venture from its tax-overhaul legislation, as supporters of the bill considered accepting amendments advocated by farm states and states with high sales taxes.

Until the last few days, Sens. Robert Dole and Bob Packwood has insisted that any amendment to the sweeping legislation could "unravel" the bill. As the package moves toward final passage, however, they are looking at compromises that would permit farmers to use income averaging and would restore the deduction for state and local sales taxes.

(Anne Swardson & Dale Russakoff, Washington Post, A8)

Wealthy Colorado Investors Get \$1 Million Tax Breaks

The Senate on Tuesday voted special tax cuts of \$1 million apiece for two Colorado investors and \$500 million for the steel industry as lawmakers plodded toward passage of an overhauled federal income tax system.

By voice vote, senators agreed for only the second time to amend the bill, striking a provision that would have repealed a tax on foreigners who profit from the sale of U.S. real estate, including farms, in which they do not have an active management role.

(Jim Luther, AP)

BUDGET NEGOTIATIONS STALL AS TAX-HIKE PLAN REJECTED

Congressional budget negotiations stalled yesterday as House bargainers rejected a Senate plan to link new defense and domestic spending to tax increases, then offered an alternate plan that drew a chilly response from Senate negotiators.

In its counter-offer, the House proposed to drop tax increases that the Senate would have used to finance expanded defense spending, contending that President Reagan had invited the defense squeeze by holding the line on taxes.

"Mr. President...you made a choice...you can't have it both ways," House Budget Committee Chairman William Gray said in presenting the new House proposal. (Helen Dewar, Washington Post, A8)

PRESIDENT EXPECTED TO PHASE OUT COMMERCIAL PAYLOADS ON SHUTTLE

President Reagan is expected to soon order NASA to phase out its commercial space shuttle flights, allowing private companies to launch most of the nation's satellites and other payloads, Administration sources said yesterday.

"That decision could come later this week, more likely early next week, but we think we are real close," said a senior Administration official who requested anonymity. (Mark Tapscott, Washington Times, A1)

MISGUIDED 'GROUP THINK' BLAMED IN DECISION TO LAUNCH CHALLENGER

Lawrence Mulloy, the NASA official most criticized for his role in the Challenger space shuttle tragedy, told agitated House committee members yesterday that, "in hindsight," the launch decision grew out of a misguided "group think" that relied on inadequate data in accepting what turned out to be an unacceptable risk.

Meanwhile, in a Senate subcommittee hearing, some panel members continued to criticize the presidential commission for not placing individual blame for the shuttle disaster more directly.

(Kathy Sawyer, Washington Post, A3)

LOSS OF RECORDS ALLEGED AT LOCKHEED

Hundreds of secret and top secret documents are missing from a Lockheed Corp. plant in California and audits are being falsified to conceal the loss, Rep. John Dingell charged yesterday.

Dingell, chairman of the House Energy and Commerce Committee and its subcommittee on oversight and investigations, said the findings of his subcommittee staff confirm his fears that the Defense Department's secret programs are not properly controlled.

A spokesman for Lockheed in Washington, Hugh Burns, said that "it sounds like more is being made of numbers and documents and spook stories than is there." Burns said Dingell's staff happened to visit the Lockheed California division during a "routine audit" of security procedures. (Fred Hiatt, Washington Post, A3)

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NEW PAROCHIAL SCHOOL AID DISPUTED

The Reagan Administration is telling local school districts that they may set up mobile vans on parochial school property to bypass the new Supreme Court restriction against public school teachers entering religious schools to give remedial courses to disadvantaged children.

The practice already is under court challenge in Missouri, and yesterday a spokesman for Americans United for Separation of Church and State -- the Administration's main opponent on this issue -- called vans and portable classrooms "a sham, a way to nullify the Supreme Court decision."
(Keith Richburg, Washington Post, A17)

EDITOR'S NOTES: "Text Of Reagan's Announcement Of Burger's Retirement," AP story, in The Washington Post, A12.

"The Counterrevolution That Never Took Place," by David Broder & Bob Woodward, in The Washington Post, A15.

INTERNATIONAL NEWS

SOUTH AFRICA SAYS IT FOILED PLANNED INSURRECTION

JOHANNESBURG -- The South African government today claimed victory over what it said were black nationalist plans to launch a large-scale insurrection coinciding with yesterday's anniversary of the 1976 Soweto uprising. Eleven blacks reportedly died in overnight violence, one of the highest casualty tolls in several weeks.

The millions of black workers who stayed away from their jobs to mark yesterday's anniversary went back to work today and life gradually returned to the country's paralyzed cities. The heavy security force presence in Soweto and other black townships was reduced somewhat. The government expanded its controls over news reporting of the situation, however, issuing a ban today on all live television broadcasts by foreign networks, as well as live TV or radio interviews with South Africans.

(Allister Sparks, Washington Post, A1)

HOUSE SET TO DEBATE ECONOMIC STEPS AGAINST SOUTH AFRICA

House Speaker Thomas O'Neill, on the eve of House debate over economic sanctions against South Africa, is urging President Reagan to reverse course and endorse tough, punitive measures against that nation's white minority government.

The House was prepared to debate a package of sanctions today that would prevent all new American investment in South Africa, end imports of important minerals and prevent South African aircraft from landing in the United States.

(Lawrence Knutson, AP)

RESPONSE TO NEW SOVIET ARMS OFFER UNLIKELY DURING GENEVA SESSION

A divided Reagan Administration is studying the new Soviet proposal in the Geneva arms negotiations and is not likely to formulate a clear-cut response before the current round of talks is over on June 26, official sources said yesterday.

The officials said that ambiguity and complexity in the Soviet bid, which was described in general terms Monday by Soviet leader Mikhail Gorbachev, make a quick U.S. response difficult. Already disagreement is emerging within the U.S. Administration between those who see little movement or merit in the new proposal, and those who believe it may offer at least the basis for fruitful negotiations.

(Don Oberdorfer & Walter Pincus, Washington Post, A30)

Administration Gives Mixed Reviews To New Soviet Arms Proposal

The latest Soviet arms control proposal appears to include intriguing concessions to the United States, but Reagan Administration officials are troubled because the Soviets are tying their concessions to restrictions on the "Star Wars" anti-missile program.

"We're glad they are talking, putting something down," a senior U.S. official said Tuesday in an initial assessment. "Some of the things make sense, but not all of them."

(Barry Schweid, News Analysis, AP)

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AIR FORCE CHIEF DENIES SOVIETS AHEAD IN SPACE

The United States is "well ahead" of the Soviet Union in exploiting the military potential of space and has an eight-to-10-year lead in sophisticated warplanes, Gen. Charles Gabriel, Air Force chief of staff, said yesterday.

Gabriel warned against narrowly comparing U.S. and Soviet space programs, stressing that in those areas vital for keeping up with Soviet military activities and fighting a war, "We're well ahead of them."

(George Wilson, Washington Post, A30)

HOUSE INCHES TOWARD CONTRA AID BILL

House Democrats and Republicans, moving closer toward a bipartisan bill to boost the Nicaraguan resistance, yesterday said any compromise plan probably will include several hundred million dollars in economic aid to four Central American countries.

House Minority Leader Robert Michel and Rep. Dave McCurdy recommended including \$450 million in assistance to Honduras, Costa Rica, Guatemala and El Salvador. (Christopher Simpson, Washington Times, A1)

SEN. LUGAR SAYS CONTRAS MUST ACT TO WIN BACKING

Sen. Richard Lugar reaffirming his support for Nicaraguan rebels, said yesterday the contras must still produce "much more evidence" that they defend democratic principles if they are to win public backing.

In a speech to the National press Club, which was billed as a major effort to reframe the Central American debate, the chairman of the Senate Foreign Relations Committee criticized liberals and conservatives for failing to assert democratic goals for the region strongly enough.

(Joanne Omang, Washington Post, A22)

URUGUAYAN PRESIDENT SEEKS FREER INTERNATIONAL TRADE

President Reagan yesterday lauded Uruguay's turn from military rule to democracy, while President Julio Sanguinetti said his struggling nation seeks freer international trade, not handouts from the United States.

"In this hemisphere, the days of dictatorship -- left or right -- are numbered," Reagan told his South American guest. "The peaceful process used to reestablish democracy in Uruguay can serve as a role model for others. Authoritarian regimes should take notice."

(AP story, Washington Post, A23)

MEXICAN CHIEF'S ELECTION FRAUDULENT, HELMS SAYS

Sen. Jesse Helms charged yesterday that Mexican President Miguel de la Madrid was fraudulently elected in 1982 and that his party falsified legislative election results last year by keeping two sets of election books, "one public, one private."

The Mexican Embassy immediately said the charges were "groundless and most probably are intended to confuse public opinion."

In a statement, the State Department said, "We have no reason to believe such charges and have never seen any evidence to support them."

(Mary Thornton & Joanne Omang, Washington Post, A21)

AFGHAN REBELS SPLIT ON TALKS WITH REAGAN

ISLAMABAD, Pakistan -- The Afghan Moslem guerrilla alliance today split publicly over the question of identifying with the United States and openly seeking its support.

Two fundamentalist leaders rebuked four other guerrilla chiefs for a meeting in Washington with President Reagan, in which they asked unsuccessfully for diplomatic recognition.

(AP story, Washington Post, A33)

GOVERNORS UNDER PRESSURE TO SEND GUARD UNITS ABROAD

Defense Secretary Caspar Weinberger endorsed legislation yesterday that would limit governors' authority over their National Guard units.

In the meantime, Lt. Gen. Emmett Walker, who commands the National Guard Bureau, disclosed that he is exploring the possibility of cutting federal funds for Guard units in states where the governor prevents them from training abroad.

(AP story, Washington Post, A34)

NETWORK NEWS SUMMARY

(Tuesday Evening, June 17, 1986)

SUPREME COURT

CBS's Dan Rather: Today's top story is, Warren Burger is out as Chief Justice of the U.S. Promoted to Chief Justice: William Rehnquist, first appointed to the Court by Richard Nixon. Up to the Supreme Court to take the Rehnquist seat: A deeply conservative appeals court judge. Lesley Stahl begins our coverage of how today's Supreme Court changes may affect the law of the land for decades to come.

CBS's Lesley Stahl: The President's announcement was one story that didn't leak ahead of time. It came as a total surprise.

(The President at announcement: "Today I receive with regret Chief Justice Burger's letter formally notifying me of his retirement.")

In moves that are not expected to sharply alter the philosophical makeup of the Court, the President chose its most conservative member, William Rehnquist to replace Burger to become the 16th Chief Justice.

(Justice Rehnquist: "I wouldn't call it the culmination of a dream, but it's not everyday when you're 61 years old that you get a chance to get a new job.")

Rehnquist was the youngest member ever named to the Supreme Court when President Nixon chose him in 1971. An intellectual -- graduated first in his class at Stanford law school. Despite a chronic back problem, he told the President he was in good health. Mr. Reagan chose Federal Appeals Court Judge Antonin Scalia to fill the vacant seat on the Court. A conservative who agrees with the President's philosophies.

(The President: "His great personal energy, and force of his intellect, and the depth of his understanding of our constitutional jurisprudence uniquely qualify him for elevation to our highest court.")

Fifty years old, Scalia would be the Court's first Italian-American. Born in Trenton, New Jersey -- has a law degree from Harvard.

(Judge Scalia: "For somebody who spent his whole professional life in the law and getting nominated to the Supreme Court is a culmination of a dream.")

For 78 year-old Burger, it is the culmination of a 17-year career on the Supreme Court. He said he's giving up his lifetime appointment to devote full time to a job he already holds as head of the committee for the 200th anniversary of the Constitution in 1987.

(Chief Justice Burger: "And one of my staff informed me that I had logged 105 hours that week. Now 80 and 90 I can handle, but I'm getting a little too old for 105.")

White House officials say this is one of the most significant decisions of the Reagan Presidency because it will insure that Mr. Reagan's influence over American society will extend well beyond his tenure in the White House.

CBS's Fred Graham: If confirmed by the Senate, Rehnquist and Scalia will add intellectual muscle to the Court's conservative block, but should not change the voting line-up on most conservative issues.

(Attorney General Meese: "Mr. Rehnquist, when he becomes Chief Justice, and Judge Scalia, generally represent I think, basically the same points of view as the people whose positions they're taking on the Court.")

... But Rehnquist has always been more persuasive and consistent in his conservatism, and as Chief Justice, those views should carry more weight. Scalia's vote should duplicate Burger's in many instances, but as a Catholic father of nine, he might be more adamantly against abortion, and the news media has been on the losing end of several of his first amendment decisions. Liberals tended to bemoan both appointments.

(Rep. Edwards: "The new Justice is another Rehnquist so far. He is against affirmative action, he is right-to-life, he is not for school desegregation.")

Ms. Michaelman, Abortion Rights League: "A dangerous double-whammy and threatens Roe vs. Wade and the woman's right to chose.")

...Senate Democrats charge that Rehnquist would be a divisive symbol as Chief Justice.

(Sen. Cranston: "The question is, can a man who has an extreme right-wing ideology manage the Court in a fair and balanced way that will produce majority decisions?")

But Supreme Court nominees have rarely been denied Senate confirmation because of ideology, and these nominee's credentials seem solid enough to make Senate approval very likely.

CBS's Bill Moyers interviews Chief Justice Burger:

Moyers: You've just come back this very moment from the White House where you announced your retirement from what many people consider the most powerful judicial post in the world. Why?

Justice Burger: Chiefly, if not entirely, so I can devote my full time to the work of preparing for the celebration of the bicentennial of the Constitution.

Moyers: Did the President or the White House, prior to this decision, influence you in any way?

Burger: Not the slightest. I think he was, I won't say shocked or stunned, he was very surprised.

Moyers: People are going to say, "There's nothing in the world like the Supreme Court, and he's giving that up when he didn't have to."

Burger: Well, there it is. (CBS-Lead)

ABC's Peter Jennings: The United States is going to have a new Chief Justice, and it was a surprise. President Reagan made the announcement this afternoon that Chief Justice Warren Burger is retiring from the Supreme Court, and Justice William Rehnquist has been nominated to replace him. That leaves a vacancy on the Court and the man who was nominated to be the newest Justice is Antonin Scalia who presently sits on the U.S. Court of Appeals. So it's a major event in the life and times of this country.

ABC's Sam Donaldson: It was a secret that hadn't leaked. President Reagan's announcement today that after 17 years as Chief Justice of the U.S., Warren Burger is at age 78 stepping down.

(The President: "Under Chief Justice Burger's guidance the Court has remained faithful to precedent while it's sought out the principles that underlay the framers' words. I'm proud and honored to stand here today with Chief Justice Burger, with Justice Rehnquist, and with Judge Scalia.")

And to take Burger's place as Chief Justice, the President intends to nominate a man already on the Court, Associate Justice William Rehnquist, at 61 perhaps the Court's staunchest conservative. And if the Senate confirms him, the President will nominate Judge Antonin Scalia of the Federal Appeals Court of the District of Columbia to fill Rehnquist's seat. At 50, Judge Scalia, a conservative, is a Roman Catholic who would be the first American of Italian descent to sit on the high bench. Two men, says the President, who will interpret the laws properly. And why is Burger resigning? In his letter to the President, he said it was to devote his full time to his job as chairman to the Commission on the Bicentennial of the Constitution which comes up in three years -- a job he considers of great importance.

(Chief Justice Burger: "We're going to have the devil's own time trying to do the kind of a job that ought to be done for this great event.")

Reporters, intrigued by the thought that a person would give up being Chief Justice of the U.S. to head a temporary commission, pressed Burger. Donaldson: Was it his health? Burger: "Never felt better in my life."

Donaldson: Was it the reported bickering among the Justices? Burger: "We have cordial and good relations. We can disagree in a civilized way and we do."

Donaldson: Was he simply weary of the job? Burger: "No I wasn't weary of being Chief Justice. It's a lot of fun."

Reporter: "Sir, what will you miss most about being Chief Justice?"

Burger: "Really, nothing."

It was on May 27th that Burger told President Reagan of his plan to resign. Mr. Reagan asked Chief of Staff Don Regan, Attorney General Ed Meese, and White House Counsel Peter Wallison to start searching for a replacement. They presented the President with some 10 to 15 names for each job -- all of them sitting judges. No litmus test was applied, it is said, only three criteria.

(Attorney General Meese: "Intellectual and lawyerly capability; secondly, integrity; thirdly, a commitment to the interpretation of the law rather than being a law maker.")

The nominee to be the new Chief Justice sounded properly eager to step up.

(Justice Rehnquist: "I wouldn't call it the culmination of a dream, but it's not every day when you're 61 years old that you get a chance to have a new job.")

The President personally interviewed both his new nominees before selecting them, mindful that his Supreme Court appointments could be his most enduring legacy. The Burger era may be ending, but Mr. Reagan very much wants to see to it that the Court's conservative era goes on for years to come.

Jennings: If the Senate agrees it will be the Rehnquist Court. And he's been on the Court for 14 years. To some extent you can define each man by his decisions.

ABC's Tim O'Brien reviewed Chief Justice Warren Burger's tenure on the Court.

O'Brien continues: Burger's successor William Rehnquist, a Justice on the Court since 1972, is known for his congeniality, sure to be an asset in his new role. He is a respected scholar who should win swift Senate confirmation. He writes lucid opinions frequently laced with Shakespeare. He is also the Court's most conservative Justice -- against busing, for the death penalty, against racial preferences, dedicated to allowing the states to ban abortion, and to have prayer in the classrooms.

It's up to the Chief Justice to oversee the entire federal judiciary. But when the Court decides cases his vote doesn't count any more than any other Justice's. It's going to take much more than congeniality to bring the full Court around to Rehnquist's conservative views.

Jennings: Rehnquist suffers from a chronic back problem. He was hospitalized five years ago when a reaction to the drugs he was taking for pain caused him to suffer what his doctors described as disturbances in mental clarity.

In 197 years, if he's confirmed by the Senate, Judge Antonin Scalia will be only the 107th Justice -- and he'd be the youngest.

ABC's John Martin: Antonin Scalia is no stranger to presidents. Fifteen years ago he served Richard Nixon as general counsel of the office of telecommunications. He served Gerald Ford as an Assistant Attorney General. He has a reputation as a conservative dedicated to judicial restraint. He was one of three appeals court judges who ruled that the Gramm-Rudman law's provisions for triggering budget cuts violate the separation of powers. In another case he wrote that sexual harassment of bank teller Michelle Vincent, does not violate the federal civil rights law. These and other positions are dismaying to feminists and civil libertarians.

(Eleanor Smeal, NOW: "It appears that he's opposed, really, to Roe vs. Wade and keeping abortion and birth control safe and legal. So we were very alarmed by these positions.")

But conservatives are pleased.

(Bruce Fein, American Enterprise Institute: "Judge Scalia has such impeccable ethical, intellectual, jurisprudential credentials, that it ought to inspire any of the other justices.")

Ironically Judge Scalia's nomination comes at a time of personal sadness. Only months ago his immigrant parents died within days of each other, just before he reached this threshold of the highest Court in America.

Jennings: Justice Rehnquist and Judge Scalia now have to be confirmed by the Senate. The reaction on Capitol Hill has been fairly positive to their nominations, and the confirmation hearings are expected to begin fairly shortly. (ABC-Lead)

NBC's Lead-in:

(The President at today's announcement: "Today I received with regret Chief Justice Burger's letter formally notifying me of his retirement.")

NBC's Tom Brokaw: The U.S. Supreme Court, one of the most powerful institutions in American life is about to change. The question is tonight, "How much?" Chief Justice Warren Burger is retiring. President Reagan is nominating Justice William Rehnquist as his replacement and the President has selected a Federal Appeals Court Judge Antonin Scalia to fill the Rehnquist vacancy. The Rehnquist and Scalia nominations are not expected to face major obstacles in the Senate confirmation process. This development caught everyone off-guard today including NBC's Carl Stern and Chris Wallace. Carl, let's begin with your report on the possible chances for a philosophical change in the Court.

NBC's Carl Stern: No highly respected federal judge is more conservative than Antonin Scalia. But Scalia's addition to the Court is unlikely to bring about many changes.... Scalia is a product of the so-called Chicago school of the University of Chicago which believes that economic muscle should decide things, not the constitution.

(Scalia on Oct. 26, 1985: "Even the vast bulk of the noncriminal cases that are so-called civil rights cases, are, when one scratches the surface, really cases involving economic disputes. The legal basis for the plaintiff's claim may be, for example, sex discrimination, but what she is really complaining about is that someone did her out of a job.")

Scalia was placed on the Court of Appeals four years ago, and recently wrote the opinion striking down the mechanics of the Gramm-Rudman deficit reduction law.... William Rehnquist, who'll become Chief Justice, regarded as the most conservative Justice in fifty years, boasts Scalia is even more conservative. But Rehnquist is also affable and gets along well with the other Justices. President Nixon barely knew him when he put him on the Court, once calling him, "Justice Renschburg." Last winter Rehnquist strongly defended the President's political choice of justices.

(Rehnquist: "If you're talking about a President putting people on the Court who he believes will be sympathetic to his judicial ideas, I think it's been recognized historically as an entirely proper thing for the President to do.")

Stern reviewed Burger's record as Chief Justice.

Brokaw: At the White House tonight, today's developments are a perfect reflection of President Reagan's attitude for the highest Court in the land.

NBC's Chris Wallace: White House officials say the biggest impact on the Court will be generational -- a 78 year old conservative replaced by a 50 year old conservative. Officials flatly deny the Administration pressured Burger to retire. The Chief Justice said he's leaving to head the celebration of the Constitution's 200th birthday.

(Burger: "I wasn't weary of being Chief Justice. It's a lot of fun. But I go back to what I said first. We have an inadequate preparation for the bicentennial of the Constitution.")

Wallace continues: The President asked Chief of Staff Regan, Attorney General Meese, and Presidential Counsel Peter Wallison, to look for replacements. The key: That they believe in judicial restraint. The Court should not assert their authority over Congress and the President. Mr. Reagan chose Rehnquist first from a list of 10 to 15 judges. More a right-wing intellectual than an administrator, he was only mildly impressed to be named Chief Justice.

(Rehnquist: "I wouldn't call it the culmination of a dream, but it's not every day when you're 61 years old that you get a chance to get a new job.")

The President chose Scalia yesterday, and White House officials think he has everything. They say he's young, brilliant, extremely conservative -- an Italian Catholic who opposes abortion. Postponing comment until his confirmation hearing all he would do today is pronounce his name.

(Scalia: "I'd be happy to do that. Scalia")

The feeling on Capitol Hill is that both men will be confirmed, but only after a highly political battle.

(Sen. Leahy: "President Reagan said in 1980 and 1984 if he was elected he'd appoint the most conservative justices he could. He got elected, he's appointed the most conservative justices he could.")

(Kate Michaelman, Abortion Rights League: "The combination of the appointment of Rehnquist as Chief Justice and Scalia as Associate Justice present a threat to the decision, the Roe vs. Wade decision, legalizing the right to an abortion.")

(Sen. Hatch: "I think it would be a disgrace to keep somebody off the Court who otherwise is qualified just because you differ with them ideologically.")

Confirmation problems may be the reason the President's old friend Ed Meese was never considered. A top official says Meese and White House officials realized he is now so controversial he would have great trouble getting through the Senate. There have been surprises on the Court where a President thought he was appointing one kind of Justice and ended up with another. But officials here say that by appointing sitting judges with long judicial records, this time there will be no surprises.

Brokaw: These changes were so closely held that the other Justices on the Supreme Court were not aware that they were going to occur until just two hours before today's White House announcement. A rare Washington development -- a secret that remains a secret.

(NBC-Lead)

NBC's John Chancellor Commentary: Last weekend up at Camp David the President got some good news. The latest Gallup poll showed that he is more popular at this stage of his tenure than any president since FDR. This news presumably came as he was making up his mind on two nominees to the Supreme Court, one is Chief Justice. He decided to name an associate justice to the top job -- something presidents rarely do. They usually choose from outside the Court. To fill the Rehnquist vacancy he could have appointed a hard-line conservative, say, from the U.S. Senate, which would have just about guaranteed confirmation. He could have reached out for a judge whose nomination would have pleased the religious right.

Chancellor continues: He could have named a pal to the Court -- several presidents have done that. Felix Frankfurter was close to Roosevelt when he was appointed. Harry Truman named four cronies to the Court. Lyndon Johnson got in a terrible jam when he tried and failed to get Senate approval of his old buddy Abe Fortas as Chief Justice. Did Mr. Reagan think of his good friends Judge William Clark, formerly in the Cabinet, or William French Smith, formerly his Attorney General? We know he thought of Attorney General Edwin Meese, but he wasn't named. All of those would have had trouble getting confirmed. Nevertheless, it is arguable that a president of Mr. Reagan's enormous popularity could have named a friend or a politically comfortable ally and got the Senate to go along. But he didn't. Rehnquist and Judge Scalia have first-rate minds and solid conservative legal records. They are not presidential pals and neither was Sandra Day O'Connor before he named her. In the matter of Supreme Court appointments Mr. Reagan has played the game fairly. (NBC-12)

SOUTH AFRICA

Rather reports millions of black South Africans who had what appeared to be a successful general strike yesterday were back on the job today. The white minority government now says 11 blacks were killed during the tenth anniversary of the Soweto township massacres. What the government insists upon calling a state of emergency continues in full force, and smothering press censorship was tightened even further today. Alan Pizzey was taken on an officially guided press tour today -- the kind you might get in the Soviet Union or Libya. (CBS-3)

Jennings reports Barrie Dunsmore has been piecing together information from other sources.

ABC's Barrie Dunsmore reports that Amnesty International received reports that police broke into a Dutch Reform church near Capetown on Sunday and arrested the entire congregation of 200 people. Among those taken into custody at the church was a U.S. citizen named Scott Dougherty. In Washington, the State Department confirmed Dougherty's arrest as well as that of three other Americans. The U.S. is said to be taking up the cases with the South African government at the highest levels. (ABC-2)

Brokaw reports South Africa's white minority government today called its state of emergency crackdown a success in that country. At the same time it announced that 11 more blacks had been killed in political violence bringing to 42, 39 of them black, the number of those killed since police rule was imposed last Thursday in South Africa. (NBC-2)

REAGAN-GORBACHEV SUMMIT

Brokaw reports the White House also said today that President Reagan wants to meet with Soviet leader Gorbachev before the end of the year even if there is no prospect for any agreement on issues. Said Spokesman Larry Speakes, "We don't have to sign a piece of paper for a summit meeting." (NBC-13)

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GOINS BURIAL

Rather reports burial with full military honors today at Arlington National Cemetery for Army Sergeant James Goins. He is the most recent victim of anti-U.S. terrorism. Sergeant Goins was 26. He died last week of wounds suffered April 5th, in the bombing of a West Berlin disco. (CBS-4, NBC-5)

NASA

Rather reports the NASA decision makers in charge of the rocket booster that failed and destroyed Challenger today came in for new heavy criticism -- some of it from relatives of Challenger astronauts who died.

CBS's Eric Engberg reports the lawyer who represented the widow of astronaut Gus Grissom killed in an Appollo test says he is now preparing a lawsuit at the request of some families of Challenger crew members. Ronald Crist would not identify the families.... The House called in Morton Thiokol engineers who opposed the launch and learned that the rocket that failed had never been tested at temperatures as cold as those on launch day. Alan McDonald said he had made that very point to NASA managers before launch.

(McDonald: "So I argued with them afterwards, "How in the Hell can you accept a recommendation to go fly this thing outside what you think it's qualified for and what I think it's qualified for.")

The House committee also saw a 1985 tape in which NASA's Lawrence Mulloy tells superiors of the long history of problems with solid rocket booster joints. The committee asked why no one had heeded years of warnings.

(Mulloy: "When we recognized it had a design deficiency we did not fix it. When we started down that road, we started down the road to eventually having the inevitable accident.")

Today as NASA continued tests on the grounded fleet, Jane Smith, widow of the Challenger pilot, declared the evidence now convicts NASA of incredibly terrible judgments, and what she called, "shockingly sparse concern for human life." (CBS-6)

Jennings reports that for the first time one of the relatives of the Challenger crew has openly criticized NASA for the loss of the space shuttle. Jane Smith, widow of Challenger's pilot Michael Smith, said NASA had a shockingly sparse concern for human life. (ABC-7)

Brokaw reports Morton Thiokol vice president Joseph Kilminster expressed regrets today about the Challenger launch decision. Kilminster overruled his company engineers and approved the launch. He told Congress today, "In hindsight we wish we could reverse the decision we made. It has been on my mind since January 28th." (NBC-8)

U.S.-CANADA/TRADE

Brokaw reports for the U.S. and Canada the issue is trade these days. It is causing the worst tension between these two neighbors in some time. Today the two nations began talks aimed at freer trade -- talks which Prime Minister Mulroney called, "A turning-point in the life of our country."

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NBC's Don Oliver reports that in an unusual atmosphere of secrecy and wariness, Canadian and U.S. negotiators began meetings in Washington today aimed at removing barriers to free trade between the two countries.

(Simon Reisman, Canadian negotiator: "We can't really be revealing to the world just what we're going to talk about, but we're going to talk business.")

But while talking peace the two nations are on the brink of a trade war.... Vice President Bush was sent north to try to pacify the Canadians.

(The Vice President: "Our friendship is too important to let these matters disrupt it, and that we should put this tiff behind us and focus on the road ahead.")

By dismissing the dispute as just a tiff, the Vice President raised the ire of many Canadians who believe the U.S. does not accord Canada the respect or attention it deserves.

(Mike McCracken, consultant: "We thought the U.S. wanted free trade kinds of talks. Why are they doing this to us? Other people are saying, "See, you can't trust them.")

But the Prime Minister says Canada has no choice but to trust them. He made his first nation-wide television broadcast last night urging Canadians to support free trade.

(Mulroney: "We seek a new deal with the Americans -- one that shields our trade from shifting political winds.")

But many Canadians are afraid an open border and free trade might result in a complete Americanization of this country, costing them their national identity and sovereignty.

(John Turner, Opposition Leader: "We do not intend to become the 51st state of the American union.")

The free trade issue is much more important on this side of the border than it is in the U.S., because the stakes involve the very existence of a Canadian way of life. (NBC-7)

MEXICAN ECONOMY

Jennings reports that Republican Senator Helms charged today that Mexico's President Madrid won the presidency in 1982 by rigging the election. The Mexican embassy called the charges groundless. There was a surprise resignation today in Mexico. The government's finance minister Silva Herzog has resigned. There was no immediate explanation but Herzog was deeply involved in the renegotiation of Mexico's massive debt. That debt has already led to the collapse of the peso, and has left the Mexican economy in a shambles.

(ABC-5, CBS-8)

AT&T STRIKE

Jennings reports there has been a tentative settlement of the strike against AT&T. The union representing 155,000 striking phone workers accepted the company's offer of an 8% pay-raise spread over the next three years. The union said the company sweetened the offer by dropping some give-back demands and offering an improved job-retraining program. Some local issues are still to be settled before those picket lines come down, but union officials did express confidence members would be back on the job this weekend.

(ABC-3, CBS-5, NBC-6)

TERRORISM

Brokaw reports in Madrid today, two Spanish army officers and an enlisted man were gunned down by three terrorists who riddled their military car with sub-machinegun fire. There was no immediate claim of responsibility. (NBC-4)

AIR FORCE CRASH

Brokaw reports a U.S. Air Force refueling tanker crashed today in Panama killing all four crew members on board. The jet was trying to land at Howard Air Base near the Panama Canal when it crashed into a hill. The cause of the crash was not immediately known. (NBC-3)

SUPREME COURT FDA RULING

Rather reports that today the Supreme Court gave the Federal Food and Drug Administration wide discretion in the way it handles some types of food contamination, such as unavoidable pesticide traces. The FDA has been using informal safety levels case by case. The High Court today rejected requests by consumer groups for formal FDA rules that would require public comment and review. (CBS-2)

EXCEDRIN

Rather reports the maker of Extra Strength Excedrin Capsules today asked stores across the nation to remove them from shelves. The action came after tests confirmed a cyanide-laced capsule caused the death of a woman in a Seattle suburb. (CBS-9, NBC-9)

Jennings reports the authorities believe it's an isolated incident and they have found no other poisoned bottles. (ABC-6)

HOUSING STARTS

Rather reports housing construction has stood staunch amid recent economic storms, but the roof caved in last month. The government today reported that housing starts in May plunged 7.4%. Analysts said the decline was due entirely to a drop in large apartment units. (CBS-11)

KATE SMITH

Rather reports that Kate Smith, who died today, underwent two major operations this year. In recent years she was in the news chiefly for health matters. But once upon a time, and for a long time, there were, in a way, few bigger influences on this country than Kate Smith.

CBS's Bernard Goldberg: No one could sing "God Bless America" with the joy that Kate Smith could. It made her a symbol of a nation's patriotism.

(TV coverage: President Reagan awarding Kate Smith the Medal of Freedom in 1982.)

Once, when President Roosevelt introduced her to the King of England, FDR said, "This is Kate Smith. This is America."

(ABC-8, CBS-13, NBC-14)

EDITORIALS/COLUMNISTS

ARMS CONTROL

Caught Cheating -- "The allies and the domestic critics alike appear to have fallen into the trap of viewing the arms-control process as an end in itself. Properly understood, however, arms control is only a means to an end. For the U.S. and its allies, that end is peace with freedom, or put another way, security without surrender or retreat. When such arms-control agreements as SALT II erode the security of the U.S. and, yes, of its allies in Europe, these agreements are making the world not safer but more dangerous.... That was why Mr. Reagan was right to reject the fraudulent appearance of arms control in favor of bold actions that might yet achieve the real thing -- if the Soviets are interested."

(San Diego Union, 6/6)

Reagan Foreign Policy Clarity At Heart Of SALT II Debate -- "Give President Reagan credit. His Administration has pushed for a clear understanding of world political realities in place of a fuzzy overconfidence in arms control agreements that only the West observes.... Our own defense posture must reflect genuine national priorities and not a vague hope that somehow arms control will work out if we just wait long enough."

(Dayton, Ohio Journal Herald, 6/11)

Playing The Arms-Control Game -- "In the delicate parlance of nuclear arms control, negotiators don't always say what they mean. That is why our doubts over President Reagan's May 27 announcement to give up SALT II have been tempered by recent developments.... Perhaps Reagan hasn't given up on a negotiated arms-control agreement. Perhaps he's not ready to show all his cards. We hope that's the case. We shouldn't rush to junk SALT II, whatever its imperfections, without reaching a new agreement on arms control."

(San Diego Tribune, 6/13)

Is Reagan Pulling a Bluff With SALT II? -- "There is virtue in taking a President at his word. Reagan says he wants an agreement and knows how to get it. He can now be judged in his terms by his deeds. If he will make himself master in his own house, then ending allegiance to SALT II could still prove to be part of a successful effort to replace it with something better. But failing that fast-fading hope -- failing a conscious change in Reagan's style of governing -- the superpowers will be left without an agreed standard of measure for the continuing arms race. Even friends sign contracts to avoid misunderstandings. For enemies whose misunderstandings can prove fatal, there is folly in leaving all to chance."

(Robert Hunter, Los Angeles Times, 6/15)

Reagan Did His Job With SALT II -- "Reagan has in fact made the world a safer place, because the decision makers in Moscow now know that he is serious. They are, above all, brutal realists and they will now have to factor Ronald Reagan's seriousness into their equations. Both Brezhnev and Chou En-lai respected and in their way trusted Richard Nixon, not because they thought he was charming but because they understood that his calculations would coincide precisely with theirs. President Reagan, similarly, has done his job."

(Jeffrey Hart, Manchester Union Leader, 6/10)

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FOREIGN MEDIA REACTION

SOUTH AFRICA

"Reagan believes that sanctions are useless, but the U.S. Congress is steering him in that direction because of the meager results of his policy of silent diplomacy."
(La Stampa, Italy)

"In scrupulously respecting the strike and in refusing the trap of direct street confrontations, the black rebellion has put the white power off balance. There will be no 'bloody night' in South Africa but apartheid is now showing signs of collapse, a collapse which will be won in the battles of a war of attrition..."
(Liberation, France)

"The absence of an official U.S. delegation [at the U.N. conference] is all the more understandable for the fact that the U.S. participants...would have found themselves facing an embarrassing situation, not so much for the attacks against them...as much as for the presence of a number of American VIPs who came to express their solidarity with antiapartheid movements..."
(Il Giornale, Italy)

"So if Europeans and Americans want to see a viable racial balance established, they will have to stop eternally remonstrating with Pretoria for 'ignoring democratic principles,' but rather say how they envisage a new balance of forces that they would help install."
(La Suisse, Switzerland)

"Reagan has stated explicitly that his Administration does not intend to impose any economic sanctions on the South African government because such measures will deprive the U.S. of an ability to control events there. President Reagan also defended the racist massacre committed by the Pretoria regime calling it a legitimate part of self-defense..."
(al Thawra, Syria)

"Economic sanctions are now the only practical, nonviolent means by which the outside world can influence South Africa in its time of need.... To say that sanctions are wrong and a waste of time is to tell black South Africans that they have no option but to turn...to violent means to overcome their plight."
(Age, Australia)

"In the face of opposition from Britain and West Germany, the EEC deferred a decision on sanctions against South Africa until the Community summit in The Hague in a week's time..."
(Times, London)

"The EEC is still hesitant on the issue of sanctions against South Africa.... firmly opposed to sanctions, Britain underlined that such measures will not be effective..."
(Figaro, France)

"Along with West Germany and Great Britain, the U.S. is refusing to participate in the debate on economic sanctions against South Africa sponsored by the UN.... Reagan decided to take the road of personal persuasion. He sent a message to Botha last week..."
(La Stampa, Italy)

FOREIGN MEDIA REACTION (continued)

THE PRESIDENT MEETS AFGHAN REBELS

"U.S. position on Afghanistan is still ambiguous. During his meeting with Afghan rebel leaders, President Reagan reiterated his support but he promised no increased military aid or official support."

(Radio France-Inter)

"President Reagan, a staunch champion of anticommunist movements, yesterday met a group of Afghan guerrillas as well as supporters of the Nicaraguan rebels."

(Times, Britain)

"President Reagan yesterday met Afghan resistance leaders at the White House amid conflicting reports on whether Stinger anti-aircraft missiles had reached Afghan hands..."

(Guardian, Britain)

U.S.-SOVIET/ARMS CONTROL

"Mr. Gorbachev...yesterday spelled out new Soviet proposals for the limitation of nuclear armaments which include significant concessions to the United States.... The Soviet Union is now willing to accept President Reagan's Strategic Defense Initiative, the so-called Star Wars project, so long as it remains at the laboratory stage which it has now reached, Mr. Gorbachev said..."

(Financial Times, Britain)

"The rhetorical ballet which just took place in Washington around the SALT II accord has relaunched speculation on the future of the ABM Treaty...(which) considerably limits the development of SDI..."

(Figaro, France)

"We certainly maintain that the disarmament proposals Gorbachev has been making for several months now are at least worthy of some attention.... America intends neither to accept Gorbachev's proposals, nor even take them as a point of departure for possible negotiations..."

(La Repubblica, Italy)

"Gorbachev responded to apparent U.S. openings and to Reagan's personal praises with moderate pessimism or dubious optimism..."

(La Stampa, Italy)

"If the American side ignores...our initiatives, it will become clear that the present U.S. Administration is playing an unseemly game in the most serious question on which determines the future of mankind, Gorbachev said."

(TASS, Moscow)

"There are many tricks in the 'Soviet Peace Offense.'...Its aim is to maintain the present lead in military strength. If the U.S. agrees to 'freeze,' 'ban the tests,' it is equivalent to surrender to the USSR. Gorbachev's present peace offensive is...to stop the U.S. from getting a power balance..."

(Ching Po, Hong Kong)