

cultural industry, and which will bring a profitable return from power revenues. They plan this development in connection with the Montana Power Co.

If the Government persists in its course, the Indians say, they plan to sue the United States for \$116 million for violation of their treaty rights and usurpation of their lands.

This will make Knowles, already assailed by private power exponents as a costly, taxpayer-supported project that will not pay its way, an extremely expensive undertaking.

The public power exponents and Montana's two Democratic Senators apparently are not to be swayed, however. Nor is that great conservator, supposedly the greatest in that field since Theodore Roosevelt and Gifford Pinchot, the honorable Secretary of the Interior, Stewart L. Udall.

This matter places both Mr. Udall and the entire New Frontier in a curious position. While the Kennedy administration poses as the champion of civil rights in behalf of the Negro, it exhibits blatant disregard for those of these American Indians, the Flatheads, who apparently wish only to be left alone to devise their own industrial progress.

The Indians and Mr. BARRIN probably will be attacked by professional do-gooders as tools of the private power trust; they will be attacked, as in the Burns Creek argument, of shedding "crocodile tears" for the Indians (in former Idaho Congresswoman Gracie Pfof's Burns Creek testimony, it was the Wyoming coal miners).

But they cannot get around the fact that the Indians have a treaty with the United States, it is being flagrantly violated by an invasion of the Flatheads' rights and interests, and over their protests.

Mr. BARRIN can and should call attention again and again to this brazen breach of a solemn agreement.

Mr. METCALF. Finally, Mr. President, point No. 6 of the summary questioned the consistency of the Secretary of the Interior in the case of Knowles Dam. In this regard, I cannot improve upon the statement of the Secretary, in response to a question by Chairman Davis, of the House Public Works Subcommittee on Flood Control, during the hearings June 5, 1963. Secretary Udall said:

Knowles Dam, as I indicated in my prepared statement, is relatively speaking a high dam; it will be primarily a producer of hydroelectric power where my Department has marketing responsibilities for all hydroelectric power. You have in this area problems of irrigation, which are the problem of my Department. You have the Indian land problem, which is again my Department. You have the fish, wildlife, outdoor recreation. All these are responsibilities of my Department. These were reasons why, among others, this was felt that this was a logical project, even though both the corps and the Bureau have studied this project under assignment by Congress in the past over the years. It was felt that this was a logical decision, just as we felt for other reasons that it was logical that major construction work in the State of Alaska, whether it is high dams or low dams, should be done by the corps, which has a major construction responsibility in the construction organization in Alaska.

THE NUCLEAR TEST BAN TREATY

Mr. THURMOND. Mr. President, in previous issues of the CONGRESSIONAL RECORD I have had printed a number of news columns, editorials, and other materials expressing concern or criticism about the proposed Moscow test ban

treaty. I have done this in an effort to present to the Members of the Congress, and particularly the Members of the Senate who are now considering this treaty in debate on the Senate floor, an indication of the widespread concern over the efforts to ratify this treaty.

I ask unanimous consent, Mr. President, to have printed in the RECORD at the conclusion of these remarks the following materials:

My weekly newsletter dated September 16, 1963, and entitled "Superiority or Surrender."

A broadcast editorial over Radio Station KGAF of Gainesville, Tex., dated September 10, 1963.

An article by Maj. Gen. Thomas A. Lant, U.S. Army, retired, entitled "Advice and Consent—A Test of Courage."

An editorial from the State, of Columbia, S.C., dated September 13, 1963, and entitled "A Farewell to Arms?"

A column by Mr. Fred McKinney from an Arizona newspaper.

An editorial from the Knoxville Journal, of Knoxville, Tenn., dated September 10, 1963, and entitled "We Trust the Reds."

A column by Mr. Bill Henry which appeared in the September 10, 1963, issue of the Los Angeles Times of Los Angeles, Calif., entitled "To Vote Without Full Knowledge."

Volume 7, No. 34, September 1, 1963, of NBC's Meet the Press.

A column by Mr. W. D. Workman which appeared in the State, of Columbia, S.C., on September 15, 1963, entitled "Security Endangered."

Statement by Dr. M. H. Johnson, a leading physicist, on the test ban treaty, entitled, "Dr. Johnson Discusses Issues."

There being no objection, the letters, editorial, and articles were ordered to be printed in the RECORD, as follows:

SUPERIORITY OR SURRENDER

(By Hon. STROM THURMOND, U.S. Senator from South Carolina, reports to the people)

SEPTEMBER 16, 1963.

Debate in the U.S. Senate over ratification of the Moscow test ban treaty is waxing hotter and is now boiling down to a basic question of whether political or military considerations are of more importance to our Nation. The Senate Foreign Relations Committee has endorsed the treaty in a report which is filled with rosy observations about Soviet intentions in proposing the treaty.

Following issuance of this report, the Senate Armed Services Committee's Preparedness Investigating Subcommittee, of which I am a member, also filed a report with the Senate. The report states that based on extensive evidence presented by military and scientific witnesses in closed door sessions, the subcommittee has concluded that "the proposed treaty will affect adversely the future quality of this Nation's arms, and that it will result in serious, and perhaps formidable, military and technical disadvantages."

The preparedness report lists eight principal disadvantages which would flow to the United States by ratification of the treaty. They are as follows:

- (1) We probably will be unable to duplicate Soviet achievements in very high-yield weapon technology;
- (2) We will be unable to acquire necessary data on the effects of very high yield atmospheric explosions;
- (3) We will be unable to acquire data on high altitude nuclear weapons effects;

(4) We will be unable to determine with confidence the performance and reliability of an antiballistic missile system developed without benefit of atmospheric operational system tests;

(5) We will be unable to verify the ability of our hardened underground second-strike missile systems to survive closein, high-yield nuclear explosions;

(6) We will be unable to verify the ability of our missile reentry bodies under defensive nuclear attack to survive and to penetrate to the target without the opportunity to test nose cone and warhead designs in a nuclear environment under dynamic reentry conditions;

(7) The treaty will provide the Soviet Union an opportunity to equal U.S. accomplishments in submegaton weapon technology; and

(8) The treaty would diminish our capability to learn of Soviet advancements in technology.

What the Preparedness Subcommittee is particularly concerned with is preservation of U.S. nuclear superiority in the cold war. In fact, this superiority must be of an overwhelming nature, not only to our satisfaction but also in the judgment of the U.S.S.R., especially in view of the fact that our leaders have made it known to the world that we will accept the first blow in the nuclear exchange. All our plans are bottomed on the idea that we will be able to absorb the U.S.S.R.'s first strike capability, and then retaliate with enough power to destroy the enemy and win the war.

Since we have spotted the enemy the first strike, we must be absolutely certain that we can indeed absorb the first blow, and have left enough strategic nuclear weapons to win. The Soviets, therefore, don't need to test as much as we to ascertain weapons effects. In addition, they may have already learned enough to exploit our vulnerabilities so as to neutralize our second strike capabilities in underground ICBM's and in underwater Polaris missiles, to such an extent that they can win in a nuclear exchange or that they can demand U.S. surrender. There is deep concern that the Soviet superbomb either has, or shortly will have, the capability to neutralize many or most of our underground missiles, and that the already deployed Soviet antiballistic missile system may be able to stop U.S. retaliation by Polaris missiles.

For these reasons—and I can think of nothing more important than national security considerations—I am opposing this treaty, even though I realize that to refuse to ratify the treaty, since it was signed without the advice of the Senate, may cause some international repercussions. However, I share the view of Dr. Edward Teller when he warned that "if you reject the treaty this will be a small mistake. * * * If you ratify this treaty, I think you will have committed an enormously bigger mistake. * * * You will have given away the future safety of this country."

Sincerely,

STROM THURMOND.

RADIO STATION KGAF EDITORIAL,
SEPTEMBER 10, 1963

The Senate is now debating whether to ratify the recent Moscow treaty—or the so-called test ban treaty. The investigations held concerning this treaty have exposed serious deficiencies and threats to the security of the United States if this treaty should be ratified in its present form. Close examination of the testimony given in the hearings has revealed that the treaty can be expected to materially help the Soviets to increase their military strength in relation to that of the United States, while preventing this country from making the necessary progress to simply hold our own in the cur-

rent military relationship with the Russians. In fact, the most damaging testimony of all was that given by Secretary of Defense McNamara himself, who was testifying for the treaty. McNamara's testimony, however, reveals serious contradictions and unwarranted assumptions by the Defense Department and the administration concerning our national defenses in relation to the Communists.

Even beyond these considerations, however, is the more obvious facts of life concerning dealing with the Communists who have continuously proclaimed that deceit is the foundation of Communist policy. The hypocrisy of the Soviet position and the entire concept of the treaty of Moscow and the theories of disarmament are exposed in an amendment to the treaty offered by Senator BARRY GOLDWATER.

The Goldwater amendment says, "the effectiveness of the treaty will be deferred until the U.S.S.R. has removed all nuclear weapons, all weapons capable of carrying nuclear warheads, and all military, technical personnel from Cuba and until arrangements have been made for the international inspection within Cuba to determine and confirm such removal."

The treaty of Moscow—or test ban treaty—has been described by President Kennedy as the "first step toward peace."

GOLDWATER exposed the fantasy of this statement when he said, "This proposed test ban treaty cannot be a first step toward peace if it must stumble over Soviet missiles and troops in Cuba."

For over 17 years the Communists have followed an unrelenting course dedicated to the destruction of the United States. For this country to consider disarming or letting down our guard even slightly without some tangible evidence of change in the Soviet policy will be national suicide.

KGAF feels that if the treaty of Moscow is to be considered at all, it must have the Goldwater amendment as a basic protection of our survival. We urge that you wire or write your Senators today calling upon them to insist upon the addition of the Goldwater amendment to the test ban treaty.

The opinion expressed in this editorial is the view of KGAF Radio, not necessarily the view of any advertiser. KGAF Radio will provide equal time for opposing views upon request by a qualified spokesman.

ADVISE AND CONSENT—A TEST OF COURAGE

(By Thomas A. Lane, major general,
U.S. Army, retired)

WASHINGTON.—The Senate of the United States is not called often to exercise its power to approve or reject treaties. Even more rarely is it called to pass upon an agreement negotiated without prior consultation with the Senate leadership. As the Democrats used to say to President Eisenhower, "if we are going to be in on the crash landings, we want to be in on the takeoffs."

In the test ban treaty, the Senators face a serious question of national security. Under compulsive pressures to make some headway in disarmament and serve domestic political considerations in the United States and Britain, our representatives have executed an agreement which is plainly advantageous to the Soviet Union.

The dangers of the treaty have been clearly marked by the Joint Chiefs of Staff. By accepting the judgment of the President that the political advantages outweigh the risks taken, the Joint Chiefs and others who are not responsible for political judgments have brought themselves to accept the treaty.

The Senators cannot so easily avoid responsibility. The Constitution requires their solemn judgment of the issue and this responsibility will not be served by mere

acceptance of the Presidential judgment. They must weigh carefully the full impact of the treaty—military, political and spiritual. If they find it to be against the interest of the United States, they must have the courage to reject it.

Free peoples are in a race with the Communist powers for the dominion of the world. Unhappily, we run not so as to win the prize, but so as to withdraw from the race. To foster illusion in our peoples, we pretend that we can avoid the contest.

It began with President Eisenhower who, to appease a popular desire, suspended our testing program without adequate safeguards. We stopped running while the Soviet Union forged ahead.

President Kennedy continued the voluntary ban without making preparations for its violation by the Soviet Union. When the Soviets were ready, they tested; and the scope and magnitude of their tests amazed the world. The United States was caught flat-footed, unprepared.

The Soviet tests challenged us to a vigorous program to overcome the handicap which negligence and bad judgment had imposed on us. What was our response? We have striven not to overcome the handicap but to perpetuate it. We have had no program of testing to bring our knowledge of nuclear weapons abreast of Soviet knowledge. We have been fearful that aggressive testing would jeopardize our negotiations for a test ban, so we have conceded the Soviet superiority.

Since 1948, the United States has been urging atomic arms control under adequate inspection. Refusal of the Soviet Union to accept inspection, even when it was far behind in the race, reflects the Communist determination to prevail. Khrushchev is not withdrawing from the race.

The United States, in contrast, has frittered away its nuclear leadership in vain peace seeking which can only spur the Communist confidence in ultimate victory. If it now abandons the standards of positive inspection which are the only adequate safeguard of treaty compliance in a matter as vital as nuclear weapons development, it invites its own destruction.

The Moscow test ban treaty prohibits testing, without inspection, of small atmospheric blasts which we cannot detect and which are important to nuclear progress. Will the United States voluntarily impose this limitation on itself and trust the Soviet Union to do the same?

Our Senators are called to vote. Will they give the seal of their approval to a policy of granting concessions to communism, and thereby assure its continuance? Will they reject the treaty and call upon the Soviet Union to accept full inspection of nuclear activities? Will they attach protective clauses to the treaty to limit the ban to testing which can be positively identified without inspection at the testing site? Each Senator must decide for himself and for our country.

[From the Columbia (S.C.) State, Sept. 13, 1963]

A FAREWELL TO ARMS?

Do we want complete disarmament of the United States—under the supervision of some international agency?

The State finds no evidence of any such thinking on the part of South Carolinians or of other patriotic Americans. But complete disarmament and international control are the ultimate objectives of the nuclear test ban treaty now being considered in the Senate.

This is no speculative assertion on our part: It is spelled out in exact language in the preamble of the treaty itself. Somehow, in both the political and public debate over the treaty, little attention has been paid to that preamble, but those preliminary words

embrace a threat to this Nation's defense which goes far beyond the particulars of the treaty itself.

The American people are being spoon fed with soothing sirup which plays up the supposed benefits to accrue from the treaty and plays down the hazards to national security. Prominent politicians in both parties are swallowing the same sirup that they are larding out to the public.

Only a handful of courageous spokesmen, mostly Southerners, are challenging the bland promises and unsupported assurances that the treaty is in the national interest. But, little by little, the people are beginning to develop that genuine concern which should accompany any proposal which could even possibly jeopardize national security.

With this awakening on the public's part, there is a corresponding rush in Washington to hasten the vote on the treaty. The President himself is launching a crash program to gain early ratification by the Senate, before any groundswell of opposition from the folks back home can influence the outcome of the vote.

The Kennedy administration already has subscribed to the treaty. Now, only the U.S. Senate stands between the American Nation, along with Russia and Great Britain, party to an agreement embodying these ominous words:

"Proclaiming as their principal aim the speediest possible achievement of an agreement on general and complete disarmament under strict international control in accordance with the objectives of the United Nations which would put an end to the armaments race and eliminate the testing of all kinds of weapons, including nuclear weapons."

The Federal Government already has virtually abolished the sovereignty of the individual American States. Are we now to surrender the sovereignty of the United States itself?

THE BREWERY GULCH PHILOSOPHER SAYS—

(By Fred McKinney)

The test ban treaty between Russia, Great Britain and this country won't become effective until the United States ratifies it. President Kennedy urges its ratification as the "first step toward peace," but the Senate is giving the matter considerable study before making this important deal with our enemy in the cold war, one who has proved treacherous in the past. He has said that he would bury us, and probably some Senators believe that this treaty is a step in that direction along with other steps that may be expected to follow. In the meantime, many other members of the U.N., mostly the smaller ones, have signed.

None of them, as far as we know, have bombs and they couldn't do any testing even if they wanted to. This is a reminder of the story of the hunter and the bear. As the hunter was about to shoot, the bear said, "What is it you want?" The hunter said, "I want a fur coat." The bear said, "I am hungry, I want a full stomach. Let's talk it over, let's negotiate." The hunter laid down his rifle and after a while the bear got up and walked away. He had a full stomach and the hunter had his wish, he had a fur coat. Could this be a case of history repeating itself?

[From the Knoxville Journal, Sept. 10, 1963]

WE TRUST THE REDS

The conviction is almost universal in this country and in other free nations that for the past 40 years Communist world domination has been prevented by just one thing. That has been the military superiority of this country and the other nations a majority of whose people are hostile to the police state as a form of government.

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It is clear to many of us that the nuclear test ban treaty into which the Kennedy administration has all but maneuvered the country represents a first step toward abandonment of the theory defined above. As a substitute for superiority of military power, we are now encouraged to believe that between March and August of this year the Communists have experienced a complete change of viewpoint, that the tiger held at bay by the sight of a gun has now become a tame kitten anxious only to lap up milk from a dish.

History tells us that where Communists are concerned there is no such thing as maintaining a status quo. The late F.D.R. made concessions at Yalta that placed millions of unoffending people behind the Iron Curtain. He did so under the impression he could charm Joe Stalin into being good. Out of the fateful concessions made there many of our current cold war troubles grew.

A few years later, at the urging of the late George Catlett Marshall, President Truman forced upon the Nationalist Chinese a coalition with the Chinese Communists. It was not long before the Reds owned the government and Chiang Kai-shek's forces had to flee to Formosa.

In the Korean war, American forces were under orders not to win. It was forbidden to attack the enemy beyond the Yalu River where were located the staging areas for enemy forces. At the end of an inconclusive truce, we are still, 10 years later, wrestling with the problem of keeping South Korea both non-Communist and free.

An arrangement made by the British with the Russians to safeguard the neutrality of Laos has collapsed by reason of Communist failure to keep commitments publicly made. We continue to wrestle not only with the troubles of Laos, but with increasing problems in South Vietnam.

Following what was made to appear to be a bold confrontation of Khrushchev on the issue of removing missiles from Cuba, we have subsequently acquiesced to the permanent occupation of that country 90 miles from our shores, and, indeed, have constituted the Castro regime as a protectorate.

We have listed a few outstanding examples of attempting to maintain a status quo position with the Communists and now it appears they are ready to try it again. We are abandoning the axiom that the only thing Communists recognize is force and are once more adopting, in this proposed treaty, the historically discredited theory that Communists are susceptible to reason and considerations of honor and conscience.

Furthermore, we are about to take this step in the face of a statement issued by the Senate Armed Services Preparedness Subcommittee which confirms the view that treaty ratification will make permanent our inferior position with respect to military power.

After hearing the testimony of 21 military and scientific witnesses, the majority of this committee reported as follows:

"The Soviets have overtaken and surpassed us in the design of very high yield nuclear weapons;

"That they may possess knowledge of weapons effects and antiballistic missile programs superior to ours;

"That under the terms of the treaty it is entirely possible that they will draw even with us in low yield weapons technology.

"These things are no ground for complacency. We believe very strongly that Soviet secrecy and duplicity require that this Nation possess a substantial margin of superiority in both the quality and the quantity of its implements of war."

[From the Los Angeles Times, Sept. 10, 1963]

TO VOTE WITHOUT FULL KNOWLEDGE

(By Bill Henry)

As we watch Members of the Senate of the United States grappling with their consciences this week as they prepare to vote on the test ban treaty, trying to disagree in some cases without being disagreeable, we're eyeing a strange situation. Here's a treaty which nobody is sure about, one regarding which even its most strenuous advocates can advance only the faintest of praise, yet one virtually certain to be passed by a large majority. It will be approved largely because it will certainly contribute to the peace of mind of a lot of people. Everyone hopes it may lead to a better world. But the existence of the free world is at stake also. Unfortunately, while everyone seems to have a strong opinion on the subject, these opinions are not based on sound fact or knowledge. The real truth about the test ban treaty is that everyone concerned, from President Kennedy down to the least informed of us private citizens, is really taking a chance. President Kennedy, who advocates it and regards it as a sort of peak of accomplishment, doesn't really know what it portends. He is neither a scientist capable of judging the real value of testing in the atmosphere, nor a military expert capable of measuring the treaty's possible consequences on our future ability to survive. It is quite true that the best scientific and military advice is available to him but the fact is that there is vital disagreement among both the scientists and the military. The only place where there is unanimity is in the perfectly human hope for peace, or at least for a lessening of tension. That's just about universal. Unfortunately it is a feeling based entirely on emotion. It is not based either on knowledge of facts or judgment of consequences.

THEY ALL HAVE RESERVATIONS

The truth of the matter is that you can't find anybody on our side whose judgment is worthy of consideration, who wholeheartedly regards the test ban treaty as a good thing. The best that even the President will say for it is that it is a "small first step in the right direction." He, and others who advocate its approval on this ground, say that this is their judgment. Actually, it is just their hope. The scientific side of this question is far too intricate for any layman to assess it sensibly. Furthermore, the scientific people themselves are sharply divided. It is all very well to say that Edward Teller's opinion against approval is offset by the opinions of other scientists who are for it. This may be true, but most of us remember that a lot of the finest of the scientists were convinced that Teller was wrong when he said that we could and should develop the H-bomb. They said it couldn't be done. Teller was right. That's grounds for believing that he might be right this time, too.

PEACE OF MIND VERSUS SURVIVAL

The most disturbing factor in the argument is the uneasiness of the people whose lives and careers are devoted to our country's survival. Not a single defense expert has come out wholeheartedly in favor of the treaty. The best any of them has given is a yes—but. The most enthusiastic of them merely says that "the benefits outweigh the drawbacks." All base what approval they are willing to give on the fact that the treaty has "political advantages." A good share say they would have opposed it if it hadn't already been signed. General Power, on whom the actual nuclear defense of our country largely rests, is flatly opposed to it. The Senators already opposed to it are largely

those closest to our national defense. So just remember that the men who are approaching this very vital decision are interested in, and responsible for, not only our peace of mind, but our national survival.

MEET THE PRESS—AMERICA'S PRESS CONFERENCE OF THE AIR, SUNDAY, SEPTEMBER 1, 1963

Produced by Lawrence E. Spivak.
Guest: Dr. Edward Teller.

Panel: John Finney, the New York Times; Peter Hackes, NBC News; and R. H. Shackford, Scripps-Howard Newspaper Alliance.

Moderator: Ned Brooks.

Mr. Brooks. This is Ned Brooks, inviting you to Meet the Press. Last Thursday the Senate Foreign Relations Committee approved a test ban treaty overwhelmingly. It now goes to the Senate floor for debate and vote.

Our guest today on Meet the Press is the treaty's leading opponent, Dr. Edward Teller, one of the world's outstanding nuclear scientists, who has urged the treaty's defeat in public and secret testimony before the Senate committees.

Dr. Teller was the key man in the fight for and the development of the H-bomb. He is a physicist at the University of California.

We will have the first question from Lawrence E. Spivak, permanent member of the Meet the Press panel.

Mr. Spivak. Dr. Teller, you have been quoted as saying about the test ban treaty: "if it is ratified, you will be giving away the safety of this country, and you will have increased the dangers of war."

President Kennedy has decided that ratifying the treaty will not endanger our security. Do you think you and the President are reaching opposite conclusions from the same set of facts?

Dr. TELLER. I believe so. It seems obvious that an agreement should lead toward peace. Peace is the question of overriding importance. In that, I agree. But this treaty will, in my opinion, weaken the United States. Weakness will make it harder for us to preserve the peace. It is our strength that is preserving the peace in our dangerous world. It is because of my desire for peace, for the same reason for which the President and so many other excellent people are urging ratification of the treaty—it is strangely enough for this same reason, for peace, that I argue that this treaty must not be ratified.

Mr. Spivak. Dr. Teller, may I come back to my question? Do you have access to all the scientific and intelligence information available to the President, so that you can come to a conclusion from the same set of facts?

Dr. TELLER. No two people ever know the same facts. In the scientific field, in the military field, I have been worried about this question for almost a quarter of a century now. I have become very familiar with it, and I have learned that often I have to change my mind. In that field I think I have a little competence.

On the intelligence information, I do not know all the facts, and the President does, but I do know that in the intelligence field we have made in the past many mistakes.

Mr. Spivak. Dr. Teller, the thing that bothers a great many people, as I am sure you know, the heads of the Air Force, the Army, the Navy, the Marines, are united in their support of the limited test ban agreement, provided security safeguards are guaranteed, which the President says he is going to put into effect.

Are there any safeguards which would convince you that this treaty ought to be ratified?

Dr. TELLER. I think this treaty limits knowledge. This treaty limits our possibi-

ity to find out about defense against ballistic missiles. The man in charge of the ballistic missiles and also the man in charge of our main Air Force, General Schreiver, and General Power, have argued vigorously against the treaty. I think that the treaty as it stands does not have the proper safeguards.

Mr. SPIVAK. Dr. Teller, isn't it true that a great many distinguished scientists and a great many important military men all agree that there are some risks but that the risks are not so great that they ought not to take the risk?

Do you believe that the United States should take no risk at all, no matter how slight?

Dr. TELLER. I believe that we can take risks, but I also believe that as a scientist I must look at arguments. I must not look at people. I don't care who disagrees with me, but I do care what the reasons are of the disagreement.

Mr. SPIVAK. One more question, Dr. Teller. Are you more concerned that the Soviet Union might keep this treaty not to test in the atmosphere—or that they might not? I mean, which bothers you most?

Dr. TELLER. I don't know. I know that this treaty gives a great deal of flexibility to the Soviet Union. The Soviet Union may develop a missile defense, because of the knowledge they already have and because they may be cheating. And if they have a defense and we don't, this is just as though they had an attacking power and we didn't. Also, this treaty can be used to erect barriers between our allies and us. By keeping the treaty or by breaking the treaty at will the Soviet Union can put us at a very great disadvantage.

Mr. FINNEY. Dr. Teller, could you spell out for us precisely how this test ban treaty would weaken our national security?

Dr. TELLER. This treaty permits underground testing, and rightly so. By underground testing we can continue to develop and the Russians can continue to develop their attacking power. By underground testing, any other signatories can develop nuclear weapons, and therefore this treaty will not stop proliferation. What this treaty does is to ban atmospheric tests, and thereby it prevents the observation of the effects of nuclear weapons. These effects we need, and we need them desperately in order to find out how to defend ourselves against incoming missiles. Only by actual practice in the air can we find out how to make an antimissile missile. This treaty will not stop further big explosives—and I didn't care if it stopped that or not.

Mr. FINNEY. Doctor, let's turn to this anti-ICBM question upon which you pin so much of your case. Is it not true that at the present time we have a warhead for an anti-ballistic missile, in fact, a warhead which has been certified as reliable by the AEC?

Dr. TELLER. We have the warhead, and that is not what I am talking about. We may need another one, and we can't develop that warhead underground. I want to explain to you in a very few words what defense against missiles means. We have to count on 5 live missiles coming against us simultaneously, accompanied by 25 decoys. We must discriminate which are the hot warheads, and we must shoot down every one of them. When we shoot at the first, our shot will blind us. The second, then, or the third or the fifth may come through. This kind of most difficult exercise must be practiced if it is to be reliable. It is this practice that we cannot undertake.

Mr. SHACKFORD. Dr. Teller, during the Senate hearings many of your fellow scientists who disagree with you were asked why they thought you took such an opposite point of view. One of those was Dr. Kistiakowsky, who was President Eisenhower's scientific adviser, and he told the commit-

tee, "Dr. Teller has been extraordinarily single minded in his devotion to one project; namely bigger and better nuclear weapons and specifically the H-bomb, for 20 years."

Dr. Kistiakowsky went on to say that it was inevitable that in concentrating on one aspect of this problem you tended to ignore some of the other considerations. What is your answer to those who say that you base your views upon a narrow, technical point of view and fail to look at the entire picture?

Dr. TELLER. I try to look at the entire picture, but all of us place great emphasis on the things we know. Now, I would like to say this: I wish I could agree with my good friend George Kistiakowsky. I wish I could agree with him that I am single minded and consistent. I am neither. I do not base this case on the development of bigger weapons. In 1958, in 1959, I was in favor of an atmospheric ban because at that time I did not believe in missile defense. I thought it was too difficult.

Then, in 1961 and 1962, the Russians put up a terrific show of atmospheric explosions, and during 1961 they said they have the missile defense. This fact, together with many discussions on missile defense which followed, have convinced me that I must change my mind—that missile defense, while extremely difficult, might be possible. I am opposing this treaty, not because I am single minded, not because I want big explosives, but because I have learned that we must have defense and for defense we need explosions in the air.

Mr. SHACKFORD. Dr. Teller, I am sure you agree that there are also factors involved in a treaty of this sort other than nuclear technology—international affairs, diplomacy, overall military strategy. When you were asked at the Senate hearings about these factors, particularly the political considerations, you said that you thought the consequences of this treaty may weaken the alliance, the NATO Alliance, and in the end it might destroy the alliance.

What led you to this sort of a conclusion? Dr. TELLER. The treaty says, "Each of the parties undertakes to refrain from causing, encouraging or in any way participating in the carrying out of any nuclear weapon test explosion or any other nuclear explosion."

We need cooperation with our allies in our common nuclear defense. I understand that even today our cooperation with Canada has suffered—our cooperation because of which one government in Canada has already fallen. I think that the language of this treaty will make it even harder for us to do what we have to do: Make out of the Western World a unit which is truly one in which each member knows that its fate is irrevocably tied to the fate of every other participant. And we must start with common defense, with common nuclear defense. The treaty makes this vital step more difficult.

Mr. HACKES. Dr. Teller, a great many people within the administration, Cabinet members and such, along with a number of prominent scientists, some of whom have been mentioned here, differ with you rather sharply.

What would you say are the motives of these men? Are they political? Have they been browbeaten by the administration?

Dr. TELLER. I am sure they have not been browbeaten. I have met many of my opponents. I have been always received with courtesy and with smiles. Maybe what we are facing here is a steamroller. But if it is a steamroller, it is something I have never seen before. It is a smiling steamroller, rolling along irresistibly in the wrong direction.

Mr. HACKES. Would you go so far as to accuse the administration of lying to the American people in this general area?

Dr. TELLER. Certainly not. The administration and everyone in the administration is doing what in his opinion is the best for

the country. But the ardent desire for peace, the imagination, the hope, in my opinion the false hope, but nevertheless the hope that this might bring peace closer, it is this that has misled in the past and is misleading now many very excellent people.

Mr. HACKES. There was a time, Dr. Teller, I believe, when you favored a test ban treaty. You are obviously against this one.

Is there a treaty other than this one that you would urge the Senate to approve? If so, what would it include?

Dr. TELLER. There is one. In 1958, Dr. Libby, then Commissioner of the Atomic Energy Commission, and I made a suggestion, and I still maintain this suggestion. I suggested—we suggested, that we limit the release of radioactivity to such an amount that between us and the Russians and possibly other countries, there shall be no further increase of radioactivity—that we shall do no more than replace the amount of radioactivity that year by year is decaying in the atmosphere. This radioactivity is small, and if we observed this limitation then we could be sure about the future of the cleanness of the atmosphere. This I have favored, and this I do favor because within these limits we can carry out everything we need for our defense.

Mr. SPIVAK. Dr. Teller, you seem to place a great deal of emphasis on the fact that we will be unable, unless we test in the atmosphere, to develop an antimissile missile.

I would like to quote to you what the President said about that recently: "The problem," he said, "of developing a defense against a missile is beyond us and beyond the Soviets technically, and I think many who work in it feel that perhaps it can never be successfully accomplished."

Is there any reliable scientific evidence that it can be accomplished?

Dr. TELLER. I am puzzled. The Secretary of Defense said that even without testing in the atmosphere we can develop it. I am afraid that the truth may be in between these two statements. That it may be that without testing in the atmosphere we can develop a missile defense just as Secretary McNamara said, but without testing it we shall never be sure whether it will work, and not being sure, we then may not spend the billions of dollars needed to establish such defense.

Mr. SPIVAK. Dr. Teller, the treaty is almost certain to be ratified, judging by what the committee did the other day, and by the reports about it. Are there any additional safeguards that you think would help?

Dr. TELLER. There are important safeguards. This treaty explicitly says that we must not perform any nuclear explosion—and I read—"any nuclear test explosion or any other nuclear explosion."

I think it should be spelled out in a reservation, as President Eisenhower has suggested, that in case of aggression against any free nation we should promptly and without doubt be able to use nuclear explosives. There are other reservations, but this is the most important one.

Mr. FINNEY. Dr. Teller, you suggested that we can never be sure that an anti-ICBM would work until we actually tested it. Isn't it a fact, sir, that we have several weapons in our arsenal now, such as the Titan and the Atlas which have never really been tested with the firing of the missile and the explosion of the warhead?

Dr. TELLER. It is true, and there are many of my technical friends who are worried about that fact. But the problems of ICBM's attacking, anti-ICBM's defending, are of a complexity similar to the complexity of fencing. Would you in all seriousness say that to become a good fencer all you need is good eyesight, a good blade and rapid reactions? Do you not think that fencing should be actually practiced?

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Mr. FINNEY. Does not the complexity of this problem, sir, involve the nonnuclear side of the problem, the discrimination, the electronics, the radio blackout and so on, rather than the warhead and its effects?

Dr. TELLER. It is true. It involves the non-nuclear side. It also involves the nuclear side, and it involves the interaction between these two, because when a nuclear blast has blinded your radars, your radars won't work, and you have to find out in what way your radars, your detection systems, your tracking systems will be influenced by this nuclear surrounding. This is what you have to find out and many other similar things.

Mr. SHACKFORD. Dr. Teller, earlier you mentioned that General Schreiver and General Power were especially opposed to this treaty, the men in charge of our ICBM's and the Strategic Air Force. But as I understand it, the Army is in charge and has the responsibility for building the anti-ICBM. Don't you find it unusual that the Army and the people who testified before the Senate Committee, representing the views of the Army, said that the laboratory people working on this did not feel that this treaty would inhibit the development of an anti-ICBM?

Dr. TELLER. I do.

Mr. SHACKFORD. The President at his press conference a few weeks ago said that he was afraid that nothing in the field of testing would satisfy you. He was speaking then particularly about the numbers of tests that should be conducted. Could you tell us what would satisfy you in the field of testing? If there were no treaty—if the treaty were defeated, how many tests, and how long these should go on?

Dr. TELLER. I don't want bigger explosives. I do want knowledge, knowledge that comes from testing, knowledge to be applied for our defense, knowledge to be applied for the peaceful use of nuclear explosives. In the way of increasing this badly needed knowledge, I think the more we have the better, and we can do it cleanly and without disturbing anybody in any serious sense. As far as knowledge is concerned, more and more will be needed.

Mr. HACKES. You have indicated, Dr. Teller, that you feel that the Russians are ahead of us in an antimissile weapon. Do you believe, as the Russians have claimed, that they have one now, and how extensive is their antimissile system?

Dr. TELLER. I do not know. I fear that they might have the knowledge by which to build one now, and I am almost sure that none of us really know whether they have it or not. This is what worries me.

Mr. SPIVAK. Dr. Teller, if you were a Senator listening to the conflicting testimony that has been advanced by distinguished scientists and military men, what would finally decide you to vote against or for the treaty?

Dr. TELLER. What would decide me to vote is my desire for peace and for the safety of the United States. What would decide me to vote is the possibility of opening up a real way to cooperate with our allies, to make the first step toward the lawful world government by the union of all free democracies. This is what this treaty inhibits, and that is why I would vote against it if I had a vote.

Mr. BROOKS. I am sorry to interrupt but I see that our time is up.

Thank you very much, Dr. Teller, for being with us.

[From the Columbia (S.C.) State, Sept. 15, 1963]

SECURITY ENDANGERED
(By W. D. Workman)

Self-preservation is a law of nations as well as a law of nature, and in this world of turmoil there can be no guarantee of self-preservation without military strength.

This sort of realization prompted the Sen-

ate Armed Services Committee a year ago to launch a thorough inquiry into the military implications of nuclear test bans. Today, the results of that study are at hand in the form of a printed report by the Preparedness Investigating Subcommittee—and those results give additional cause for concern over this Nation's subscribing to the pending nuclear test ban.

In designating the Preparedness Subcommittee, the chairman of the Armed Services Committee (Georgia's Senator RICHARD B. RUSSELL) named a group of Senators whose knowledge of and dedication to national security are well established. They are Senators JOHN STENNIS, of Mississippi, chairman; STUART SYMINGTON, of Missouri, HENRY M. JACKSON, of Washington, STROM THURMOND, of South Carolina, LEVERETT SALTONSTALL, of Massachusetts, MARGARET CHASE SMITH, of Maine, and BARRY GOLDWATER, of Arizona.

The Senators differed to some degree in their conclusions, and both SYMINGTON and SALTONSTALL indicated in the subcommittee's report their intention to vote for ratification of the present test ban treaty.

But these two, along with the rest of the subcommittee, accepted the validity and accuracy of the factual data acquired by the group in its extensive hearings. And it is that data which needs to be brought to the attention not only of the Senate but of the American public.

LOSSES WE FACE

In summary, and without embodying such allied factors as foreign policy and international relations, the subcommittee made these pertinent statements:

"1. From the evidence, we are compelled to conclude that serious—perhaps even formidable—military and technical disadvantages to the United States will flow from the ratification of the treaty. At the very least it will prevent the United States from providing our military forces with the highest quality of weapons of which our science and technology is capable.

"2. Any military and technical advantages which we will derive from the treaty do not, in our judgment, counterbalance or outweigh the military and technical disadvantages. The Soviets will not be similarly inhibited in those areas of nuclear weaponry where we now deem them to be inferior."

Incidentally, the matter of arms superiority and inferiority is subject to grave question. The Senate Foreign Relations Committee, which has come up with a report favoring the test ban treaty, reports that "Soviet scientists presumably are confident that in many critical areas of nuclear weaponry they have achieved a rough technical parity with the United States."

Such a statement, far from being an argument in favor of the treaty, actually should argue against ratification. Senator STROM THURMOND, in a comprehensive September 11 speech opposing the treaty, made that point clear in voicing this conviction:

If the Soviets think, rightly or wrongly, they have achieved parity with us in nuclear weapons, then they have less reason than before to be deterred by our own strike capability.

This is especially true since President Kennedy and other American spokesmen have repeatedly pledged that this country would never make a first strike. Since we have voluntarily yielded that terrific advantage to our enemies, they can concentrate on plans to neutralize our second strike capability with their first blow.

Here is an area in which their knowledge, gained through the testing of high yield, multimegaton bombs, already seems to be superior to ours.

THE SPECIFICS

The Preparedness Subcommittee, concerned over what seems to be a U.S. lag in

the area of high yield experience, listed these eight disadvantages which are expected to stem from our involvement in a test ban treaty:

1. We will probably be unable to duplicate Soviet achievements in the technology of high yield weapons.

2. We cannot acquire needed data on the effects of high yield nuclear explosions in the atmosphere.

3. We would be unable to develop high altitude data required for the development of an antiballistic missile system.

4. We would find it impossible to predict the performance and reliability of our own antiballistic missile systems unless their guidance and control systems would be tested in the face of nuclear explosions.

5. We cannot verify the degree to which our second-strike missiles in their hardened underground sites would be operable in the face of high yield enemy strikes against our missile sites.

6. We would be unable to confidently determine proper design for our nose cones and warheads when the enemy opposes them with antimissile nuclear explosions.

7. The testing areas left open by the pending treaty would allow the Soviets to gain upon the United States in low yield knowledge while effectively preventing us from gaining on them in high yield areas.

8. By driving Soviet testing below surface (assuming Russian compliance) we would deprive ourselves of intelligence data which would be available to us from atmospheric Soviet tests.

WE RISK ALL

Proponents of the test ban treaty contend that political considerations carry advantages which more than offset the military disadvantages. But political gains cannot be weighted or predicted with the scientific accuracy which can be applied to military weaponry.

We know that the Soviets are our political opponents, with or without a test ban treaty. Our job is to maintain military superiority over them.

Ratification of the test ban treaty may make the task impossible.

TEST BAN TREATY: DR. JOHNSON DISCUSSES ISSUES

(EDITOR'S NOTE.—The News recently printed short discussions by several division members on the treaty for a limited ban on nuclear explosions. The subject is discussed at greater length in the following article, written by Dr. Montgomery H. Johnson, chief scientist, Research Laboratory, and one of the Nation's leading authorities on nuclear energy and theoretical physics.)

The treaty for a limited ban on nuclear explosions has been widely acclaimed as a first small step toward peace. It is really a step toward an honorable peace? Or is it a step toward submission to Soviet domination? The answer depends on what we gain or lose vis-a-vis the U.S.S.R.

The U.S.S.R. is a formidable antagonist. Starting long after us, her nuclear arms now excel ours in the 50-megaton class. She has never yielded an advantage except to a threat of force, most recently in Cuba. She has broken numerous treaties. Therefore, let us be sure we understand what the treaty means.

First of all, the treaty is not just a limited ban on nuclear testing. That is a misnomer. The treaty specifically prohibits nuclear explosions in the atmosphere, underwater, and in space for any purpose whatever. So long as the treaty binds us, we cannot use nuclear weapons to prevent aggression, to aid our allies in Europe, or to dig canals and harbors off the territorial United States. It is essential to know exactly the conditions under which we are bound by the treaty prohibitions. The conditions have not been made clear in public discussions.

Second, the U.S.S.R. can withdraw from the treaty with 90 day's notice and start atmospheric testing. The extensive series with which the U.S.S.R. broke the previous moratorium required 2 years' secret preparation. Thereby the U.S.S.R. gained 2 years' time in the development of nuclear weapons. We need to know the cost and feasibility of maintaining a 90-day readiness of an atmospheric test series in order to forestall more such gains.

Third, the U.S.S.R. could test clandestinely, a possibility open to the United States only under wartime conditions. Experts at Geneva agreed that a determined nation could secretly test a half megaton in space. Surveillance of atmospheric tests is not reliable below a certain yield and that limit may be raised by "clean" explosives. Can the U.S.S.R. develop a successful ballistic missile defense by clandestine testing? What potentialities in our ability to penetrate U.S.S.R. defenses and we denied by treaty prohibitions? What potentialities for our own defense and the protection of ICBM sites are we denied? The nuclear shield of the free world hinges on the answer to these questions.

Fourth, underground explosions are prohibited if radioactive debris falls outside national territory. Most ploughshare harbors and canals entail minor contamination of international waters and will be prohibited. Underground testing might be limited in a crippling way depending on a quantitative definition of "radioactive debris" nowhere stated. Of equal importance to treaty limitations is the support that will be given to the underground program. We learned in the last moratorium that the pace of nuclear weapon development is set by the pace of the experimental test program. Our ability under the treaty to maintain our nuclear arms relative to the U.S.S.R. depends on the vigor of the underground program.

These are important military and technical issues raised by the treaty. There are additional political issues, such as the effect of the treaty on the NATO alliance, that need discussion. When sober consideration has been given to these issues of national security, and only then, can we see if ratification of the treaty is a step toward an honorable peace or toward submission to U.S.S.R. domination.

THE STATE DEPARTMENT AND THE CONGRESS

Mr. McGOVERN. Mr. President, the Sunday New York Times magazine of yesterday, September 15, 1963, carries an important, thoughtfully written article by Mr. Fred Dutton entitled "The Cold War Between the Hill and Foggy Bottom."

The article centers on the problems and tensions which inevitably arise in the relations between the Congress and the State Department in the field of foreign policy.

Mr. Dutton is admirably qualified to discuss this vital sector of American public life. He is currently Assistant Secretary of State—a responsibility which he discharges with rare skill and intelligence. Mr. Dutton was previously a Special Assistant to President Kennedy—a position which gave him a keen understanding of the overall problems and responsibilities of the executive branch of our Government. Prior to his service in Washington, Fred Dutton established an enviable record as an adviser and assistant to Governor Brown of California.

It has been my privilege to observe Fred Dutton's service while we were both employed in the Executive Office of the President and since he has assumed his present important task in the State Department, I think he is a brilliant and highly able public official and a dedicated, ideally motivated citizen.

His article on the difficult problems of foreign policy as they relate to Congress and the State Department is well worth reading by the Members of Congress. I ask unanimous consent that the article be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

COLD WAR BETWEEN THE HILL AND FOGGY BOTTOM

(By Frederick G. Dutton)

WASHINGTON.—Whatever the shifting outlook in the rest of the world, one area of chronic tension and even occasional guerrilla warfare is the 2-mile gap in Washington between the Hill and Foggy Bottom—between Congress and the State Department.

In the gamut of American Government probably no greater antagonism has been generated over the years than that between the legislative branch and the Nation's foreign policy apparatus. The wrangling could be dismissed as just more governmental infighting if it did not involve some of the most critical and complex issues facing this country.

The view from Capitol Hill is reflected in almost any daily issue of the CONGRESSIONAL RECORD. Thus, on one typical day this year: An Ohio Congressman called for "a thorough fumigation of the State Department"; a Mississippi Senator held forth on an investigation of present Cuban policies; a New Jersey Representative charged this country's role in the Congo was "a sorry mess"; a Wyoming Senator claimed he saw indications of a secret agreement with Khrushchev; and a California Representative claimed that during 5 years of negotiation the United States "has been steadily losing its nuclear shirt." Over a dozen others spoke out with counsel or criticism aimed at the State Department.

The view of the legislative branch among many foreign affairs specialists, on the other hand, was summed up years ago in Henry Adams' comment: "The Secretary of State exists only to recognize the existence of a world which Congress would rather ignore." Or, as a Secretary of State once wrote, "We are so handicapped by the Senate and House that there is nothing more to do but follow a policy of makeshifts and half measures."

With such sharply contrasting attitudes between the Hill and Foggy Bottom, it is little wonder that misunderstandings and even occasional conflicts break out. "The miracle of the day," Secretary Rusk has observed, "is that we have moved in concert as well as we have."

As with nations, much of the real cause of the trouble has long since been obscured by semantics and stereotypes injected into problems in which they are irrelevant and invoked mostly to vent frustrations. Thus congressional complaints about world affairs are often dismissed by foreign-policy experts—in the press as well as in Government—as "uninformed," "opportunistic," and "special interest motivated." The State Department is recurrently assailed as "weak kneed," "the victim of a plot," "the dupe of foreigners," and with other more lurid charges as old as politics.

So far neither side has given much recognition to the possibility that the other may be only trying to meet its functional responsibility—Congress to represent the diverse views and interests that make up our

national society; the State Department to see that the hard complex facts and alternatives of policy concerning the rest of the world are fully considered in the ultimate decisions of the Government.

Increasingly, the main business of Washington is to reconcile this country's domestic and international interests. Since the relationship between Congress and the State Department is intimately involved in that business, there is serious need to dispel the encumbering nonsense.

The difficulties between the legislative branch and foreign-policy apparatus stem primarily from the fact that they are sharply different creatures. The State Department is analytical, tentative and cumbersome as it digests vast detail from far sources and cautiously gropes for the real meaning of what is happening in the world. A friendly but exasperated Senator recently described State as "rational, maybe, iffy at best." Its recommendations often recognize that only part of a problem can be influenced, and decisions are sometimes deliberately left implicit.

Congress, regularly faced with reelection, is assertive, often glandular, in its approach to the world. If one views the untidy legislative process of interrogation and advocacy as an effort to reach a consensus rather than as executive decisionmaking and recognizes that Congress can really affect the President's hold on foreign affairs only if wide support is enlisted, then what sometimes seems erratic or even perverse behavior may actually contain a creativeness, vigor and incisiveness often undernourished in the foreign-policy apparatus.

In addition to the inherent differences, international developments since World War II—including farflung security demands and the growing interdependence of the world—have widened and complicated contacts between the two, making a tolerable accommodation between them vastly more difficult.

More directly, the legislative branch has been injected into broad and continuing international policies through its control of the purse strings. Global efforts since World War II have relied on larger and larger appropriations for economic assistance, for military support and even for the State Department itself.

The principal foreign-policy legislation before the current session of Congress, the foreign-aid bill, highlights the tugging and hauling going on between the executive and legislative branches over their respective influence—a struggle between the constitutional authority over foreign affairs and that over appropriations—where this country's relations with the rest of the globe are concerned.

On immediate life-and-death decisions, the Chief Executive unquestionably holds the initiative. In circumstances such as the Cuban crisis last October and the Korean action in 1950, the President can and did determine the Nation's course without having to consult with Congress in advance of his decision.

But in the longer-range programs through which the United States can most consistently influence rather than just react to world developments, the two branches of Government still seem too often to be wrestling for control. Recent comments by Malcolm Moos, Richard Neustadt, and others about "the shift of great decisions to the executive offices and out of the parliamentary chamber," really apply more to pushbutton than long-haul problems.

The extent to which legislators court positive influence is reflected not only in their recurring forays into the Cuban problem, but also in the influential role Congress has played in this country's China policy for the last decade and a half.

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ent. Two examples demonstrate the ineffectiveness of the rule. In *United States v. Van Allen*, 1961, dismissal was denied under the rule although the indictment was not filed until the very end of the period of limitations and then 6 years elapsed without the case being brought to trial.

In *Harlow v. United States*, 1962, the indictment was not filed until 4 years after the alleged criminal act occurred and 2 years later the case still had not been brought to trial. A Federal court dismissed the case where there was a delay of 8 years after the indictment was returned. But where the delay was only 7 years, all that the court was prepared to do was to set the case for immediate trial. Certainly the Federal courts have thus given a strange meaning to the constitutional requirement of a speedy trial.

Two other measures I have introduced in the 88th Congress will also be of interest to your membership, and to all labor organizations. They seek to revise the bonding provision of the infamous Landrum-Griffin Act of 1959. It will be remembered that the 1959 act requires an individual bond "for the faithful discharge of duties." In my speech against that bill in the fall of 1959, I said of the founding provision: "Individual bonding would not provide any greater protection to union funds. The same losses would be covered, if there were any losses. But we have an implication here of suspicion—that we must have some special safeguard with regard to a union officer, which is not required in the case of a bank president or a member of the board of directors of some corporation. They are privileged to use position schedule bonding. I do not know why we single out labor unions and say, 'You must have individual bonding.'"

Of course, the bonding required of union officers was also far more expensive. The bond previously used had been honesty bonds, providing protection against loss by reason of acts of fraud or dishonesty. Surety companies were required to develop a rate structure for the new bond without having experience to guide them. The rates were extremely high for the first year and have been reduced periodically since.

Just 14 months ago the Congress enacted the 1962 amendments to the Welfare and Pension Plans Disclosure Act which provided for the bonding of the administrators, officers, and employees of employee welfare benefit plans and of employee pension plans. The two laws overlap. A sizable number of the plans subject to bonding under Landrum-Griffin were covered by the newly enacted bonding provisions of the Welfare and Pension Plans Disclosure Act. However, by this time we had learned our lesson. The new bonding provisions in the 1962 bill required an honesty bond, providing protection against loss by reason of acts of fraud or dishonesty.

The 1962 law also provided that its provisions would supersede the Landrum-Griffin provisions to the extent that the two overlapped.

I think it is long past time to strike the remaining application of the 1959 bonding provision, and that is what one of my bills would do. It would make the Landrum-Griffin law conform to the 1962 Welfare and Pension Plans Disclosure Act, insofar as bonding requirements are concerned.

The second of my bonding amendments would remove the rigid and inflexible provision which enables the bonding companies to decide whether an officer or employee of a union may function. The language of the Landrum-Griffin Act means that arbitrary refusal of any bonding company to issue bonds would result in an absolute disqualification of all union officers or employees and would have the effect of paralyzing the union.

Again, the 1962 law was flexible in this respect. The Secretary of Labor was given au-

thority to exempt any plan from the bonding requirement if he found that other bonding arrangements would provide adequate protection of the beneficiaries and participants. So I have proposed to amend Landrum-Griffin by adding this same language from the 1962 law.

Now all these measures are pending in Senate committees. The first two are in the Judiciary Committee, the second two in the Labor Committee. I do not expect that any action can be taken on them this year, because Congress has done so little that its whole normal yearly workload is still piled up ahead of it. In 19 years in the Senate, I have never known a session that has done so little as this one. And the big roadblock—civil rights—is still ahead of us. The Judiciary Committee in particular does little but drag out hearings on civil rights measures when enactment of a civil rights bill seems imminent.

But my bills will also be pending next year. If any action is to be taken on them, there will have to be a good deal of interest expressed among all of American labor. The legislation is there. Now it needs support and backing from all the unions it affects.

Finally, I want to comment on the most recent labor legislation on which Congress has acted, the railway arbitration law. As many of you know, I believe that the first plan proposed by President Kennedy to submit the work rules issue to the Interstate Commerce Committee was a sound one. It followed a procedure already in effect and long supported by the railroad brotherhoods, which is that where railroad mergers occur that affect jobs, the ICC shall determine the rearrangement of jobs. It does so subject to all the rules of procedure that govern all proceedings of the regulatory agencies.

Instead, and mistakenly, I think, the railroad brotherhoods flatly rejected the application of this established means of handling job security in the railroad industry. It rejected this means of settlement, just as it rejected voluntary arbitration as a means of settlement.

To me it is a shocking fact that what the railroad brotherhoods did give their stamp of approval to was pure and unadulterated compulsory arbitration. Their formal objections to the bill reported by the Senate Commerce Committee were mere window dressing. Before the bill was ever reported, the word was out that this was the solution that was acceptable to the unions. It was also understood that the brotherhoods were behind the McGee amendment to restrict the arbitration to the two major work rule issues.

Many of the same Members of Congress who opposed the ICC solution because the brotherhoods did not want to go before the ICC promptly accepted the compulsory arbitration approach, and they did so because the brotherhoods accepted it.

It is no exaggeration to say that not only was compulsory arbitration forced on railway employees by a union refusal to use voluntary arbitration, but it was accepted by the chiefs of the unions as preferable either to the proceedings of a regulatory agency or to voluntary arbitration by Justice Goldberg. So the crocodile tears shed by the chiefs of the brotherhoods over the fact that out-and-out compulsory arbitration was applied to their unions for the first time in the history of Congress should not mislead anyone. This result was their own doing.

It was concurred in, too, by much of organized labor. In my opinion, labor did a great disservice to itself, to its members, and to the future of collective bargaining by rejecting all alternative means of handling this particular dispute which would have involved voluntary action on their part. They invited Congress to impose compulsory arbitration upon labor. Let no one doubt that Congress will not need that kind of invita-

tion next time. The press and the Nation knew a precedent when they saw it, and this settlement has already been entered on many books as the way to handle any future dispute that may so much as threaten any substantial portion of the economy.

I am as proud of my vote against this bill as I am of my votes against Taft-Hartley and Landrum-Griffin. This arbitration is unnecessary and unwise. Since it was preferred by labor to any other proposal, however, the country and the Congress know that labor's opposition to compulsory arbitration is not even skin deep and it will be even easier to use next time than it was this time.

NOTICE OF SHOWING OF FILM ENTITLED "TROUBLED WATERS"

Mr. McNAMARA. Mr. President, reports and studies issued by our Senate committees usually are replete with facts and figures, but they seldom get high marks for engrossing reading.

In an effort to present a major national problem, water pollution, to achieve maximum public attention, the Senate Public Works Committee has departed from the usual written report.

Instead, it has produced in cooperation with several interested Federal agencies a documentary motion picture. The film is entitled "Troubled Waters" and is narrated by Mr. Henry Fonda.

On behalf of the Public Works Committee, I would like to extend an invitation to all Senators and their staffs to attend the first public showing of this film.

It will be presented Friday, September 20, at 9:30 a.m. and 11 a.m., in the Senate auditorium, room G-308, in the New Senate Office Building.

Mr. KUCHEL. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. KUCHEL. Is there further morning business?

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

AUTHORIZATION FOR MEMBERS OF THE STAFF OF THE JOINT COMMITTEE ON ATOMIC ENERGY TO THE PRIVILEGES OF THE FLOOR

Mr. PASTORE. Mr. President, I ask unanimous consent that during the debate on the test ban treaty, Mr. James B. Graham and Mr. Jack Rosen, of the staff of the Joint Committee on Atomic Energy, be permitted the privileges of the floor, in addition to the regular staff quota.

THE NUCLEAR TEST BAN TREATY

The Senate, as in Committee of the Whole, resumed the consideration of Executive M (88th Cong., 1st sess.), the treaty banning nuclear weapons tests in the atmosphere, in outer space, and underwater.

Mr. McGOVERN obtained the floor.

Mr. MANSFIELD. Mr. President, will the Senator yield to me so that I may suggest the absence of a quorum?

Mr. McGOVERN. I am glad to yield.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that further proceedings under the quorum call may be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FULBRIGHT. Mr. President, there appears in this morning's Washington Post a very fine article by Mr. Louis Harris, a noted public opinion pollster. Mr. Harris reports that a recent survey of national sentiment toward the test ban treaty reveals that the treaty now receives the unqualified approval of approximately four out of five Americans.

To say the least, these figures are encouraging to those of us who favor ratification of the treaty and I, of course, commend the Harris survey to my colleagues. More startling than the vast support given to the treaty is the fact that the Harris survey reveals a marked shift of opinion during the past 2 months. During the period in which the Foreign Relations Committee held hearings on the treaty and issued its report and the treaty has been debated on the floor, the percentage of those polled favoring the treaty rose from a bare majority—52 percent—to the overwhelming 81 percent recorded in September.

I believe this shift in opinion is fair evidence of the independence of the American people and a tribute to the open and free society in which we live. It is also gratifying to those of us in the Senate who sometimes feel that the debate on the floor and the information produced by committee hearings go unnoticed by the public. I believe this poll indicates a deep public concern with the issues which it involves and I hope my colleagues will take time to examine its results.

I ask unanimous consent that the Harris survey be printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE HARRIS SURVEY: PUBLIC MORE THAN 4 TO 1 FOR TREATY, MANY SWITCHING TO IT SINCE JULY

(By Louis Harris)

If the American people had to vote in the Senate this week on ratification of the nuclear test ban agreement, they would vote better than 4 to 1 in approval, according to a special nationwide survey completed this past week. Public fears of the effect of fallout and radiation from continued testing and the cautious hope that the agreement marks a first step toward peace contribute heavily to people's views.

Actually, there have been some interesting shifts in public opinion on the test ban question since the negotiations were begun early in July. As the Senate has moved closer to a decision on the treaty, there has been a sharp increase in the number of people who now give unqualified support to the ban and a comparable fall off in the number who are outrightly opposed or still have reservations.

Here are the current feelings toward the treaty among Americans who expressed their opinion in a poll taken last week—compared with the outcome before negotiations began in July:

Attitudes toward test ban agreement

	Percent	
	September	July
Unqualified approval.....	81	52
Qualified approval.....	11	29
Opposed.....	8	19

Even if people giving only qualified approval are combined with those opposed, there are only 19 percent who could not go along with ratification of the agreement now before the U.S. Senate.

If the overall shift has been decidedly toward unqualified approval of the test ban agreement, then there are just as dramatic changes in the reasons that lie back of people's opinions. When asked why they feel the way they do, here is the lineup of the reasons given:

Reasons for favoring or opposing test ban agreement

	Percent	
	September	July
Unqualified approval.....	81	52
Cut fallout.....	21	12
Must end tests.....	18	18
End risk of atom war.....	15	12
Stop world suicide.....	13	6
Step to world peace.....	9	0
Half cost of testing.....	5	4
Qualified approval.....	11	29
If Russia keeps word.....	8	12
Only with inspection.....	2	12
If on our terms.....	1	5
Opposed.....	8	19
Russia will break it.....	4	17
Hurts U.S. defense.....	4	2

In the 2 months of public discussion of the test ban, public awareness on the fallout issue has risen. In Lowell, Mass., for example, a 42-year-old machine tool operator put it this way: "Everyone should agree to this on account of the fallout. This is bad for your system. It can hurt your health." In Gary, Ind., a 27-year-old steel worker had this to say: "It should cut down on the danger to people's health."

A sizable segment of the public also sees the test ban as a first step on the road to peace. However, most agree with this elderly widow in Alhambra, Calif., in her caution, when she said: "I grant it doesn't really do much, but it's at least a step, a possible move for something better." Or as a 28-year-old St. Louis accountant put it: "It's a first step in the relaxation of the cold war, but I'm still terribly leery of the Communists."

Much of the opposition was summed up by a business executive in Rochester, N.Y., who said: "It puts us at a military disadvantage. We've been hoodwinked by the Russians before. It cuts down our experimentation for an antimissile missile weapon." Or, in the words of a motel owner in Inverness, Fla.: "It hurts national defense. We'll keep our word. Russia will break its word."

In short, in the view of a large majority of the American people, the test-ban treaty is considered a first, cautious step worth taking, but few are ready to believe the millennium of peace is anywhere in sight.

Mr. McGOVERN. Mr. President, I support the nuclear test ban treaty without reservation of any kind. The weeks of committee hearings—the supporting statements of our top Government, scientific, military, and religious leaders—the specific endorsements by the President,

the Secretary of State, the Secretary of Defense, the Joint Chiefs of Staff—all of these have only served to fortify my own longtime convictions as to the logic of the treaty.

The Senate and the Nation were further strengthened in their support for the test ban by the unusually eloquent statements of Senator MANSFIELD, our beloved majority leader, and Senator DIRKSEN, the respected minority leader, whose plea to the Senate was one of the most moving experiences I have ever witnessed. Senator FULBRIGHT, the wise and able chairman of the Senate Foreign Relations Committee, has likewise set forth what seems to me to be an irrefutable argument for approval of the treaty.

In his news conference of last Thursday, President Kennedy summarized the case for ratification in two or three sentences, as follows:

This treaty will enable all of us who inhabit the earth, our children, and children's children, to breathe easier, free from the fear of nuclear test fallout. It will curb the spread of nuclear weapons to other countries, thereby holding out hope for a more peaceful and stable world.

It will—

Said the President—

slow down the nuclear arms race without impairing the adequacy of this Nation's arsenal or security, and it will offer a small but important foundation on which a world of law can be built.

RADIATION HAZARD OF NUCLEAR TESTING

I am for this ban on atmospheric testing first of all because I am worried by the danger to our children, and to generations yet unborn, of death-dealing radioactive fallout.

I referred a moment ago, in my introduction of a bill, to the birth of the quintuplets born to Mr. and Mrs. Fischer, in my home State. I think one of the greatest gifts I can offer as one of the elected representatives of this family is to work in every possible way for a world where these children, all the children of South Dakota, indeed, all the children of the earth, can breathe clean air and live free from the blight of hatred and war.

It is true that the experts are not in agreement as to the number of leukemia or cancer victims there may be if we do not cease polluting the air with test explosions. We do not yet know for certain how much genetic damage may be done to the brains, the bones, and the tissue of the children of the future if the nuclear test explosions continue. But we do know that uncontrolled testing with more and more nations joining in the nuclear race will doom thousands of innocent human beings to suffering and premature death.

Harvard's distinguished professor of biology, Matthew Meselson, told the Senate Foreign Relations Committee that "a reasonable estimate for the number of children with gross mental or physical defects who will be born in the world because of the genetic effects of fallout from tests conducted to date is about 50,000."

Recent Government surveys have reported radioactive concentrations in some localities two or three times great-

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er than we had previously believed to exist.

The tragic fact is that we may not know for another generation or more the full effect of radiation damage already caused by nuclear explosions.

The Friday issue of the Washington Star carried an urgent half-page paid advertisement sponsored by the noted physician, Dr. Benjamin Spock, and 66 other medical doctors. Said Dr. Spock and his associates:

We believe that as a result of the fallout from past tests, at best a small percentage of our children will develop cancer or leukemia in the future, and that some of our children's children will be born with physical deformities or mental deficiencies. If testing in the atmosphere continues, the risks will increase.

Some persons have contended that the radiation danger is a minor factor since it may affect only a small percentage of the world's children. But if one of those children, Mr. President, happened to be yours or mine, we would not think that was a minor matter. No one of us relishes the thought of living permanently with the fear that our families might be drinking contaminated milk or eating polluted food or breathing poisonous air.

But, Mr. President, you and I would have less cause to complain about radiation damage to one of our children as a result of nuclear testing than would a parent in Norway or Tunisia or the Philippines. For we have a voice and a vote in the determination of the nuclear policy of the world's mightiest nuclear power—the first nation to develop and explode a nuclear device. Those millions of human beings around the world who are nervously watching the nuclear race must rest their chances of survival on what the giant powers decide to do. Like the rain, radioactive dust falls alike on the just and the unjust, the innocent and the guilty, the weak and the strong. Little wonder, then, that some 91 nations have quickly offered their signatures to the treaty now pending before the Senate.

In this morning's Washington Post, the distinguished columnist Mr. Roscoe Drummond reports the overwhelming support for the nuclear test ban treaty among the 59 national parliamentary groups attending the conference in Belgrade, our country being one of the countries represented at the conference. I should like to read one brief passage from this column:

If there are any U.S. Senators wavering in their opposition to the nuclear test ban on the ground that it is a meaningless gesture, it is too bad that they are not in Belgrade sitting with the American congressional delegation at the 52d conference of the Inter-parliamentary Union * * *. To a man they are deeply convinced that the test ban treaty is welcome and worth while, a beginning toward a more peaceful world. They do not look upon the test ban as meaningless. They look upon it as a blessing.

One final phrase:

It is evident to every Senator and Congressman attending this global gathering of parliamentarians that if the U.S. Senate turns its back on the test ban, world opinion

will turn its back on the United States in agony and disappointment.

I ask unanimous consent that the full text of the article by Mr. Drummond be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. McGOVERN. Mr. President, this one single factor—the radiation hazard—places a sobering responsibility on those who say that we will all be safer if the nations of the world continue to explode their nuclear warheads in the air.

Of course, those who oppose the treaty contend that we must risk radioactive fallout to avoid the military risk involved in the limited test ban.

I think this argument has been demolished by our best military and scientific authorities—to say nothing of the moral, political, and diplomatic issues involved.

We now have a clear-cut nuclear superiority over any other nation. We have enough warheads and delivery systems right now to obliterate civilization even if we never test another bomb or missile in the atmosphere. Far from adding to our nuclear superiority, continued testing by ourselves and other countries could clear the way for our rivals to narrow our present nuclear lead. This has been the past experience of nuclear testing over the years.

There are those who argue that we need to test in the atmosphere to develop a defensive antimissile missile. This argument falters at two points: First, it is highly unlikely that either we or the Russians can develop any really dependable defense against offensive missiles; second, the unsolved problems of the antimissile missile do not call for atmospheric testing but relate instead to technical problems such as guidance systems and the identification of incoming missiles, which have nothing to do with the testing of warheads.

The only dependable protection against enemy missiles is the enemy's knowledge that if he destroys our country, we can destroy his simultaneously. We are in a balance of terror today, and neither side has the slightest need to explode another test bomb to demonstrate its enormous killing power. The leaders of both the United States and Russia already know that a nuclear exchange of a few minutes' duration would incinerate most of the people in both nations. If that is not enough to deter a nuclear strike, then mankind is doomed no matter how many test bombs we explode or fail to explode.

But for those in doubt, we have the repeated assurance of our President and our military leaders that underground testing will be energetically pushed and that we will be prepared to resume atmospheric tests if that becomes necessary.

Indeed, Mr. President, the administration has been called upon to give so many assurances of our continued nuclear efforts after treaty ratification

that a casual observer might assume that we are approving this treaty so that we can accelerate the arms race and beef up the warmaking facilities of our country.

There seems to be a side of our nature which leads us to require repeated assurances that we will continue to add to our capacity to annihilate the enemy more thoroughly than he annihilates us.

Some spokesmen have warned about the great danger of euphoria setting in if we cease exploding test bombs over the heads of the earth's inhabitants. Webster defines "euphoria" as "bodily comfort; a feeling of well-being."

Frankly, Mr. President, I think there is less danger to the world from this dread disease, "euphoria," with its symptoms of "bodily comfort" and "a feeling of well-being" than from polluting the air with radiation and accelerating the nuclear race.

As a former combat soldier I know the necessity of a strong and alert national defense.

But I also know that there is more to the defense of a nation than the size of its nuclear stockpile.

We need to balance off the alleged danger of becoming afflicted by "a feeling of well-being" against the dangers to our way of life from another 10, 20, or 50 years of mounting tension, anxiety, and fear. What does it do to a free society to live decade after decade under the shadow of a nuclear Armageddon. What does it do to our Nation to invest annually more than half of our entire national budget in building the weapons of death while neglecting the quality of our schools, our cities, and our lives?

I fully agree with the distinguished Senator from Louisiana [Mr. ELLENDER], who said on Friday:

If the Senate should fail to ratify the test ban treaty, it appears to me we face two alternatives, and either will be destructive of our way of life. We may eventually drift or be forced into a nuclear war with Russia or we will go broke attempting to maintain the status quo indefinitely. Does any intelligent person believe we can continue to pour out between \$50 and \$60 billion for any length of time without doing violence and much harm to our economy and our way of life? I for one do not.

I agree with the Senator wholeheartedly.

Mr. MILLER. Mr. President, will the Senator yield?

Mr. McGOVERN. I have only a brief statement. I wonder whether the Senator will withhold his questions until I have completed my statement; then I will be glad to yield to him.

Senator ELLENDER expressed the hope of a world that longs for peace when he said that the treaty could be a first step to thaw the cold war and help dispel the fear existing between Russia and the United States.

This brings me to one aspect of the treaty ratification which I think has not had sufficient consideration. I refer to the impact of this first step upon the Communist world.

THE TREATY AND THE SINO-SOVIET RIFT

All of us would readily agree that the hopes for world peace depend not only

on the policy of the United States, but even more significantly on the course which the Communist world follows.

All our hopes for peace—and I believe the American people are united in that hope, for peace—can be dashed into a nuclear holocaust no matter what we do if the Soviets and their allies should decide that they prefer that alternative to peaceful coexistence.

So we need to consider whether ratification of the test ban encourages the forces of peace or war in the Communist sectors of the globe.

During most of the 18 years since World War II, we have thought of the Communist nations as a monolithic structure solidly united under the leadership of Moscow. With the emergence of a Communist regime in Peking, we developed the phrase "Sino-Soviet bloc" to describe what we believed to be the common front of Russian and Chinese Communist power. We noted and partially exploited the divergence of Tito's Yugoslavia from Moscow leadership, but we saw this as a unique and uncertain exception to the monolithic nature of international communism.

In recent years, however, we have witnessed a fast-growing split in the Sino-Soviet bloc. Indeed, there is now clear evidence of a bitter power struggle between Moscow and Peiping for leadership of international communism.

"The New Cold War: Moscow Versus Peking" is the title of a newly published book by Edward Crankshaw, the London Observer's respected authority on Soviet affairs. Crankshaw and others see the first signs of the Russo-Chinese rift in the notable 20th Soviet Party Congress of February 1956 when Khrushchev launched the movement to downgrade Stalin. At the same Congress, Khrushchev announced that war with the capitalist societies is no longer considered inevitable in Communist dogma. The Chinese took issue with both of these developments.

For several years the Soviets and the Chinese tried to soften the public demonstration of their differences by indirect verbal attacks. When the Chinese wanted to attack the views of Moscow they did so by sharp criticism of Yugoslavia. The Russians would reply by a verbal blast at Albania.

There are numerous factors involved in the widening Sino-Soviet rift. Basically, however, the dispute centers around Khrushchev's policy of coexistence and some accommodation with the West. While Mr. Khrushchev has given growing evidence of his desire to avoid a military showdown, the Chinese have denounced this policy as a cowardly betrayal of Communist principle.

During 1959 Khrushchev seemed to be cultivating President Eisenhower and laying the groundwork through the spirit of Camp David for a high-level understanding. The subsequent summit conference in Paris in the spring of 1960 was, however, torpedoed by the ill-fated U-2 incident and Khrushchev's violent reaction to that event. It seems probable that the hard-liners in the Kremlin and the more militaristic advocates in Peiping made it politically nec-

essary for Khrushchev to back off from the Paris conference when the U-2 incident erupted on the very eve of the conference.

Since that time, the Soviet leader has seemed to act alternatively belligerent and peaceful, but always he has backed away from the much more aggressive course demanded by Peiping.

The Moscow-Peiping battle broke into full public view following the Cuban missile crisis of last October. After gambling on the missile installations in Cuba which he thought would strengthen his hand for a showdown on Berlin, Khrushchev withdrew his missiles in the face of President Kennedy's stern ultimatum.

This withdrawal infuriated the Chinese who saw it as a surrender to the hated imperialists—the United States—which had previously been described by Peiping as a "paper tiger."

Khrushchev replied: "The paper tiger has nuclear teeth".

He warned the Chinese that to follow the unyielding militaristic course advocated by them would lead to a nuclear devastation that would cause survivors to envy the dead.

The Moscow-Peiping differences were further inflamed by the Chinese attack on the Indian border which coincided with the Cuban missile crisis. Moscow made no effort to hide its displeasure and in fact assisted the Indians rather than its Communist ally.

This summer the world has witnessed the public exchange of lengthy letters between the Communist parties of China and Russia which erase any doubt as to the fundamental ideological conflict between the two power blocs.

No one can read the article on the origins of the Sino-Soviet rift published by Peiping on September 6 without sensing the intensity of the struggle. The article traces the dispute to the 20th Congress of the Communist Party of the Soviet Union in 1956 and the Soviet peaceful coexistence policy which accompanied the downgrading of Stalin. The Peiping government takes strong exception to the Soviet warning about the necessity of avoiding a nuclear war.

In its letter to the Chinese on July 14 of this year—remember, this was on the eve of the nuclear test ban discussion—the Central Committee of the Soviet Communist Party wrote:

The CPSU (Communist Party of the Soviet Union) Central Committee believes it a necessary duty to tell the party and the people with all frankness that in questions of war and peace the CCP (Chinese Communist Party) leadership is based on principle differences with us, with the world Communist movement. The essence of these differences lies in the diametrically opposite approach to such vital problems as the possibility of averting a world thermonuclear war, peaceful coexistence of states with different social systems, and interconnection between the struggle for peace and the development of the world revolutionary movement.

Two recent actions—to say nothing of the battle of words—of the Soviet Union point up their acute differences with Peiping. Under Secretary of State Averell Harriman has noted that it was the U.S.S.R. which proposed that the

successful test ban treaty negotiations should begin in Moscow on July 15. Previously, July 5 had been fixed for the Moscow talks with the Chinese. The Soviet letter—in effect, an attack on the Chinese position, which I have just quoted—was sent on July 14 while talks with the Chinese Communists were in progress. Both the timing of these events and the substance of that letter are less than conciliatory toward the Chinese.

The Chinese Communists have denounced the proposed test ban as a "nuclear fraud," a "fake peace," an instrument of nuclear "monopoly," and a "capitulation to U.S. imperialism" which allows it to "gain military superiority." In the history of the Sino-Soviet dispute published by Peiping on September 6, the Chinese openly berated Moscow for scrapping its agreement to help Red China develop nuclear weapons. Peiping said that the agreement was broken "apparently as a gift" to be made to President Eisenhower "to curry favor with the U.S. imperialists" during the Khrushchev visit to the United States in September of 1959.

One could quote at length from the growing literature of dispute, down to the recent bitter exchange about incidents along the frontier between the U.S.S.R. and Communist China and the charge of Peiping that Mr. Khrushchev has joined President Kennedy, President Tito, and Prime Minister Nehru as a "vaudeville star" in a new holy alliance.

What I have said, however, is quite enough to remind the Senate that this dispute over the leadership of international communism between these two major Communist powers is a major reason for Soviet agreement to the treaty, a proposal which they had rejected in 1959 and, again, in 1961.

Some of our most able Soviet authorities, including Mr. Harriman, believe that Mr. Khrushchev urgently needs some tangible evidence that his doctrine of peaceful coexistence is a more practical policy than the militant Chinese line. The treaty is popular in Eastern Europe, as indicated by remarks of Mr. Roscoe Drummond, which I just read, where there is pressure for more independence of Soviet control. It has been widely acclaimed by the developing countries of the globe. It is plausible that Moscow desires the treaty to win greater voluntary approval among people both at home and abroad. Khrushchev doubtless feels that he can command greater influence by supporting the test ban as a symbol of peace than Mao Tse-tung can in the role of an unyielding warmonger.

Beyond this, it is quite probable that the Soviet leadership should mean in a literal sense what they say about avoiding nuclear war even as they say it for propaganda effect. Why should they not wish to avoid a nuclear war which could destroy most of their country? Why should it not be reasonable to suppose that in the avoidance of nuclear war, at least, we have some common ground with them; that they conceive of this treaty, as we do, as a step—admittedly a limited step—admittedly a step involv-

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ing some risk—toward that end. Why should we in this country want to give Peiping ammunition to support its loud contention that "peaceful coexistence" as Moscow conceives it, is impossible in relationship to the West? Ever since 1959 we have told the world that we were prepared to stop test explosions in the atmosphere if the Soviets and other countries would agree.

Mr. President, can you not hear the ridicule and scorn that Mao Tse-tung would heap on the head of Khrushchev if we now reject our own proposal?

I believe that the rejection of the test ban treaty would play squarely into the hands of the Chinese militarists and might lead either to the repudiation of peaceful coexistence by Mr. Khrushchev or his replacement by a more militaristic Soviet leader. On the other hand, our acceptance of the treaty could very well have the effect of widening the split in the Communist world.

We know that the dispute between Russia and China does not mean that our troubles with Moscow are over. The tensions between our two competing social systems will remain. We know that the Soviet Union seeks to outdo us in at least the economic and ideological sense of the term, and we know there will be military pressure. But I do not fear peaceful competition with the Soviets. I have the faith to believe that our economy and our society and our democratic government are more than equal to that long-term struggle. I believe, too, that if we can avoid war, we shall continue to see modifications in Soviet society and foreign policy that will improve the chances for a world of law, rather than ruin.

As the late John Foster Dulles said 5 years ago:

There is nothing inevitable about Communism except that it, too, is bound to change. The forces that change it are already at work and discernible. Education that equips minds to find the ways to penetrate outer space also equips them to penetrate the fallacies of Marxism and its glittering slogans.

Merely in order to survive, the Russian leaders are constrained to recognize that they cannot force a Communist mold on the world. They do not agree with our ideology, and we do not agree with theirs; but they share our urgent desire for survival. Of that, we can be sure.

Mr. Khrushchev and his colleagues are realists who must reckon, not only with the nuclear power of the United States, but also with the concern of the Russian people in their legitimate interests; and one of those interests is survival. The ultimate hope of more peaceful relationships with Moscow and, indeed, the hope for a more humane regime in the Kremlin depend in large part on our ability to discern and to act upon the conditions on which the interests of America and Russia coincide.

As President Kennedy said in what I regard as his greatest speech—his speech of June 11, at American University:

Among the many traits the peoples of our two countries have in common, none is stronger than our mutual abhorrence of war. Almost unique among the major world

powers, we have never been at war with each other. And no nation in the history of battle ever suffered more than the Soviet Union in the Second World War. At least 20 million lost their lives.

The Soviet Union and the United States would be the centers of unspeakable horror in the event of another war. Likewise, these two great powers are carrying the chief burdens of the arms race, and have the most to gain from a relaxation of tensions.

Said the President:

We are both caught up in a vicious and dangerous cycle with suspicion on one side breeding suspicion on the other, and new weapons begetting counterweapons. In short, both the United States and its allies and the Soviet Union and its allies have a mutually deep interest in a just and genuine peace and in halting the arms race. Agreements to this end are in the interests of the Soviet Union as well as ours—and even the most hostile nations can be relied upon to accept and keep those treaty obligations and only those treaty obligations, which are in their own interest.

Mr. President, the treaty before us is in our interest and is also in the interest of the Soviet Union and in the interest of the 91 nations that have signed it. The Chinese Communists and Fidel Castro do not think the treaty is in their interest; but, fortunately, neither of them is presently in a position to jeopardize its success.

I know that some Senators have honest doubts about the wisdom of this treaty. But I hope and pray that their doubts will not prevent an overwhelming vote of approval. No one can deny that if we were to reject this proposal, for whatever reason—a proposal which our leaders have been urging on the world for 5 years—that rejection would bring from Peiping and from Havana the loudest shouts of glee.

I know, too, that some Senators who have no specific objection to the treaty itself fear that it is dangerous and will lead to additional steps to disarmament that might threaten our Nation's security.

But, Mr. President, so long as we remain reasonably alert to danger, and maintain a reasonable level of defense, why is it not in our interest to take as many steps as we can to put the arms race into reverse? Just as each new round of weapons produces a counter round by our rivals, so we may find it possible to take certain cautious steps in arms reduction that will prompt reductions by the other side. Just as fear and hate beget fear and hate, so may hope and love, however cautious, beget hope and love.

Philip Wylie in his little book, "The Answer," tells of simultaneous nuclear test explosions by Russia and the United States which broke through the canopy of heaven and brought two angels fluttering down to earth. When the angels were examined by astonished men in both the Soviet Union and the United States, it was learned that they were carrying to earth a message which represented the distilled wisdom of all the universe. That message, written in every language of mankind, read simply: "Love one another."

I am familiar with the warning that those who place faith in such doctrines should take care to keep their powder dry. I agree in general with that precaution.

During World War II, we used to sing a song, "Praise the Lord, and pass the ammunition." I appreciate the need for ammunition. It has at various times in history overcome tyranny and brought down bullies. But let us not forget the other side of the equation—that our Nation has also come to greatness under a tradition of praising the Lord.

I see the banning of nuclear test explosions in God's heavens as an exercise in realism by earthbound men, and also as a hymn of praise to the Father of all mankind.

EXHIBIT I

TEST BAN HOPES—LEGISLATORS AT BELGRADE
FAVOR TREATY

(By Roscoe Drummond)

BELGRADE.—If there are any U.S. Senators wavering in their opposition to the nuclear test ban on the ground that it is a meaningless gesture, it is too bad they are not in Belgrade sitting with the American congressional delegation at the 52d Conference of the Inter-Parliamentary Union.

Here are more than 1,400 elected lawmakers representing 59 national parliaments from every continent. To a man they are deeply convinced that the test ban treaty is welcome and worthwhile, a beginning toward a more peaceful world. They do not look upon the test ban as meaningless. They look upon it as a blessing.

It is evident to every Senator and Congressman attending this global gathering of parliamentarians that if the U.S. Senate turns its back on the test ban, world opinion will turn its back on the United States in agony and disappointment.

The one overriding sentiment which unites these diverse delegates from Senegal and Sierra Leone, from Israel and Iceland, from Poland, Ceylon, Egypt, and Chile, is a passionate desire for a peaceful world.

Representative KATHARINE ST. GEORGE, of New York, chairman of the American congressional delegation which includes leading Democrats and Republicans from both Houses, instantly caught the temper of the conference and became its spokesman in the first address of the general debate.

"As representatives of the peoples of the world," she said, "we know that the desire for peace is the longing and burning ambition of all and that we who are parliamentarians must do everything possible to express, proclaim, and fulfill this desire."

I am not suggesting that any Senator should vote for a treaty to please world opinion. I am reporting that the elected political leaders of 59 nations view the test ban as an instrument of hope and unanimously want to see it tried in good faith. The nation which refused to try it in good faith—or violated it—would plunge its prestige to the depths.

Naturally the Soviet-bloc delegates are busily trying to use this conference for political purposes which go beyond its jurisdiction. Their speeches have been bland but their tactic has come into the open.

The Soviet tactic is to use the tremendous appeal of the test ban to get the parliamentarians to endorse back-handedly a series of political and military agreements right out of the Moscow kit. The device is a superficially innocent resolution expressing satisfaction with the test ban.

In a plenary vote you couldn't beat back such a resolution if you tied Satan's tail to it. That is just about what the Soviets have done. They have imbedded in it a paragraph which has the conference endorsing a non-

aggression pact between NATO and the Warsaw countries and to create denuclearized zones in unspecified parts of the world, including central Europe.

These are the kind of deals which Mr. Khrushchev wanted to tie to the test ban itself. We refused. Unless the resolution can be amended in committee the U.S. congressional delegation (including such Senators as ABRAHAM RIBICOFF of Connecticut, EDWARD KENNEDY of Massachusetts, JAMES PEARSON of Kansas and such Representatives as GERALD FORD of Michigan, ROSS ADAIR of Indiana, will either have to give qualifying speeches and vote for it or find itself in minority of two in voting against it along with the West Germans.

In this first international conference since the signing of the test ban, the mood of the bloc delegates, as evidenced by their speeches, is amiable. There are no denunciations and few criticisms. They are courting a detente, a relaxation, and all they want are a few agreements which will help Soviet purposes and not do the free world any good.

Mr. MILLER. Mr. President will the Senator from South Dakota yield?

Mr. McGOVERN. I yield.

Mr. MILLER. Mr. President, I should like to ask the distinguished Senator from South Dakota a question. Earlier in his speech, he referred to a statement by the Senator from Louisiana [Mr. ELLENDER] that if the Senate were to fail to approve the test ban treaty, it would appear that either of two things would happen: Either the United States might drift into a nuclear war with the Soviet Union, or increased national defense expenditures would bankrupt our country. I believe the Senator from South Dakota has adopted that viewpoint as his own.

Mr. McGOVERN. That is correct.

Mr. MILLER. I should like to ask him whether he believes that the increased cost of national defense and its impact on the economy is a greater prospect for the United States than it is for the Soviet Union.

Mr. McGOVERN. I believe not. I believe, as a matter of fact, that the cost of the arms burden for the people of the Soviet Union is as great a burden on them, if not a greater one, than it is on us. But the point I have been stressing today is that we have a mutual interest in trying to get the world on a course which will relieve both our countries from this very oppressive and enormous burden, a burden that is making it exceedingly difficult to do some of the other things in our societies that would make for a better and a happier world. I agree that the arms race is as detrimental to the Soviet Union as it is to us.

Mr. MILLER. I understand and appreciate that the point I wish to make is that this alternative need be no more of a problem for the United States than for the Soviet Union. In fact, I would be inclined to agree with the Senator from South Dakota that, if anything, it would be a greater problem for the Soviet Union than it would be for the United States.

Mr. McGOVERN. I believe the Senator from Iowa is correct.

Mr. MILLER. With respect to the statement about drifting into a nuclear war, I hope the Senator from South Dakota will agree that certainly in the present state of affairs, and insofar as the foreseeable future is concerned, in view of

the assurances given by the President of the United States, this need be no more of a problem for us—and probably it would be less of a problem for us—than for the Soviet Union because—if I correctly understand the President's assurances—we intend to maintain our deterrent capability to such an extent that if the Soviet Union sees fit to drift into a nuclear war, it will be destroyed.

Mr. McGOVERN. I could not agree with the Senator more enthusiastically. Again he makes a point that I have been trying to stress today. In the event of a nuclear war, not only would most of our country be destroyed, but in the process the Soviet Union would be destroyed. Secretary McNamara has estimated that a nuclear exchange of something less than 60 minutes would leave 300 million people dead in Russia, the United States, and western Europe. It seems to me that point only reinforces the point that the Soviets have an interest in taking whatever steps they can to move the world away from that kind of catastrophe just as we have an interest.

Mr. MILLER. Precisely; I could not more thoroughly agree with what the Senator from South Dakota concludes, because I have come to the same conclusion.

But why would we be inevitably led to either of these two alternatives, which it appears the Soviet Union should shrink from even more than the United States, merely because this particular treaty might not be ratified? We are not bound to go along either of those two roads. It is my understanding that the President's commitment made in his American University commencement speech in June would still stand even if the treaty were not ratified. If I recall correctly, the President of the United States said, "We will not be the first to resume testing in the atmosphere."

Mr. McGOVERN. Correct.

Mr. MILLER. I assume that would continue to be our policy. I assume that it is a long standing policy of this administration, prior administrations, and other Congresses that if this particular treaty should not be ratified, we should continue to press for a comprehensive test ban treaty in Geneva.

Mr. McGOVERN. We have an announced policy at present of refraining from testing in the atmosphere so long as the Soviets and other countries refrain from such testing. But the treaty gives us an added bonus, in that we are seeking the signatures of countries all over the world. Already some 91 countries have added their signatures to the treaty. So we can avoid the proliferation of tests by powers not now members of the nuclear club. As the Senator points out, if the announced policy of banning a nuclear test is good judgment, why would it not be in our interest to formalize that policy in a treaty so that all the countries of the world could be brought under that agreement?

Mr. MILLER. The only reason would be, as set forth by some of the opponents to the ratification of the treaty, that this particular treaty would not be in the best interest of the United States.

I am sure the Senator from South Dakota and I could sit down and draft a better treaty than the one before the Senate. It would be aimed at stopping nuclear testing in the atmosphere, but it would be a better treaty, and it would remove some of the objections of some of the opponents. The point I wish to make is that we should not drive ourselves into the position of pointing the finger at anyone who opposes the treaty and saying, "Because you oppose this treaty, you therefore will have this country follow either of these two roads—drifting into nuclear war or bankrupting the United States."

I cannot imagine anything more unfair than to do that. I suggest that most of those who oppose the treaty would be the first to reject those alternatives and would say, "No; my alternative is a comprehensive test ban treaty, rather than the single approach of taking those two avenues into destruction."

Mr. McGOVERN. If we could obtain a comprehensive test ban agreement at this time, I would support that. But the Senator knows that we have not been able to negotiate that kind of agreement with the Soviet Union; negotiations since the end of World War II have faltered and failed. This represents a first and limited step in that direction. I hold to the doctrine that half a loaf is better than nothing at all.

Mr. MILLER. The Senator from Iowa does not know that to be the case. Neither the Senator from South Dakota nor the most wild proponent of the treaty knows that the treaty is a "half a loaf," that it is a "bird in the hand," or that it is indeed a first step. We hope and pray that it may be, but we do not know. I do not believe we ought to lead anyone to think that anyone knows—aside from the leaders in the Kremlin—whether indeed this is a first step.

Mr. McGOVERN. There is an area of uncertainty in all our knowledge. We do not know that we will survive walking out of the Senate Chamber today. A bolt of lightning may strike us all dead. But the presumption is that a step of the kind proposed, in which the Soviet Union, the United States, and the other nuclear powers sit down around the table and agree on a limited test ban on the testing of nuclear weapons, may open the way—and probably will open the way—for more favorable relations between our competing societies.

Mr. MILLER. I suggest that it would be more of a presumption that if we walk out of the Chamber that we will not be struck by lightning than it would be that if we enter into the treaty we would have better relations with the Soviet Union. I share the hope and prayer of the Senator from South Dakota that such would happen. But I am not persuaded in respect to the strong probability that he suggests. There is, indeed, a possibility. But I am unimpressed by the suggestions that this is the first step. It may be; it could be a step the other way, too. In that connection I hope the Senator from South Dakota will recall that several of the proponents of the treaty who are knowledgeable on this subject, not the least of whom is the Senator from

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Rhode Island [Mr. PASTORE], Chairman of the Joint Atomic Energy Committee of the Congress, indicated that under the treaty we can expect our national defense cost to increase rather than to decrease. If that is so, I am not saying that the fact that it might be a mutual disadvantage it is necessarily a reason to reject the treaty. If it will increase our cost, I can see where it would increase the costs of the Soviet Union. I do not believe that the proposal is one sided. I do not believe we ought to be led into voting for ratification of the treaty on the assumption that to do so would reduce our national defense costs. If anything, such action would increase them. The mere fact that we are reducing or eliminating testing in three environments—underwater, in outer space, and in the atmosphere—and limiting the testing to underground, does not mean that national defense costs will not increase. Underground testing is much more expensive. The amount of increased underground testing that we will have to engage in—which the President has told us we will do because he has given us the assurance that he will meet the safeguards of the Joint Chiefs of Staff—does not mean that such testing will not more than offset the reduced cost by eliminating testing in these other three environments. This, I think, might be considered a reason to vote against the treaty. Under the treaty there would be a step up in our defense costs.

Mr. McGOVERN. I believe the Senator would agree, in all fairness, with my remarks this morning—and I think he heard most of what I had to say—that I did not base my support for the treaty on a dollars-and-cents consideration. I mentioned this in connection with the statement made by the Senator from Louisiana as one of the supporting considerations.

The major factors on which the case for the treaty rests, as developed by me today and also by many other Senators who have spoken, do not relate to the dollars-and-cents consideration.

While the Senator is probably correct that we cannot look for any immediate reduction in defense outlays as a result of the ratification of the treaty, and while there might be some temporary increase, if the step should be successful—if the treaty should be honored for a period of time by the signatories—no doubt the Senator will agree that this may open the way for further points which can be negotiated between our countries, which would hold out the prospect for some reduction in the arms race.

I do not expect that in fiscal year 1965 or 1966 as a direct result of ratification of the treaty there will be any major cut in our defense budget. There may be other reasons why we ought to take a look at the size of our military budget, but that would not depend on the ratification or rejection of the treaty.

Mr. MILLER. I appreciate that statement by the Senator from South Dakota. I hope the Senator understands that with some of his arguments I would be the first to agree.

Mr. McGOVERN. I am aware of that. Mr. MILLER. As the Senator knows, I have not yet made up my mind as to how I shall vote—although I shall make up my mind soon.

Mr. McGOVERN. I am aware of that. I hope the Senator will decide, after careful consideration, to give support to the treaty.

Mr. MILLER. I hope I can. I pray that I can.

I want the Senator from South Dakota to know that if I should decide to vote for ratification of the treaty, I shall not be persuaded to do so by the reason of the prospect of the two alternative results to which he referred, and to which the Senator from Louisiana referred, if the treaty should not be ratified. I am persuaded that those are cynical, completely erroneous conclusions. It is a non sequitur to say that if the treaty fails we shall drive ourselves into a nuclear war or drift into a nuclear war, or go broke because of our national defense costs.

Mr. McGOVERN. Is the Senator impressed by the major points I made in the speech, which were, first, the radiation danger from continued testing; and, second, the unfortunate impact which the rejection of the treaty might have on the Communist world?

We know that at present there is a struggle in progress among the leaders of international communism, as to whether they can work out some kind of peaceful accommodation with us or whether they should follow the course recommended by the more militaristic leaders in the Communist bloc and assume that there is no possibility of negotiating anything.

Does not the Senator agree that those are factors which need to be taken into consideration before he makes his decision?

Mr. MILLER. The Senator from Iowa would be the first to agree that those factors should be taken into account. As I pointed out during a colloquy last week, while I grant that there is a favorable factor with respect to at least the temporary alleviation of nuclear fallout, I believe this has been overworked, over-emphasized, and overstressed, considering the best facts available to our Government. But there is an area of mutuality.

I recognize that the prospect of adverse world opinion because the treaty might not be ratified is a factor to be considered.

I regret that this is the situation in which we find ourselves. I regret that the treaty was negotiated in such a way that we are faced with that situation. I am sure that if the Senator from South Dakota and the Senator from Iowa had had an opportunity to negotiate the treaty we would have put into it a provision that not until the three signatories had signed and ratified the treaty would other nations be allowed to sign it, so that the U.S. Senate would not be faced with this dark cloud on the horizon to which the Senator from South Dakota has alluded. But it is there. We must deal with the facts as they exist. This is a factor.

I thank the Senator from South Dakota for his responses.

Mr. McGOVERN. I thank the Senator from Iowa.

Mr. FULBRIGHT and Mr. ROBERTSON addressed the Chair.

Mr. McGOVERN. The chairman of the committee has been on his feet for some time, so I will yield to him first.

Mr. FULBRIGHT. Mr. President, I have listened to the Senator's speech with a great deal of interest. The Senator has made a fine contribution to the debate. I thoroughly agree with what he had to say about fallout. This aspect has been neglected, partly because of a concentration on the military aspects of the treaty.

The Senator's analysis of reasons for the ratification of the treaty is absolutely sound, and I congratulate him for a well prepared speech.

Mr. McGOVERN. I thank the Senator from Arkansas. I now yield to the Senator from Virginia.

Mr. ROBERTSON. Mr. President, I heard with interest the reference by the Senator from South Dakota to the statement made by the distinguished Senator from Louisiana, who said that in his opinion if the treaty were defeated we would face the alternative of drifting into a nuclear war or going bankrupt, or words to that effect, because of the increase in defense spending.

The comments by the distinguished Senator from Iowa left me in some doubt as to the real views of the principal speaker. The Senator from Iowa said that statement was cynical and erroneous and a non sequitur. For the benefit of members of the press who do not understand Latin, I will say that "non sequitur" is a Latin phrase. "Non" is the Latin word for "no" or "not", and "sequitur", as we know, comes from the word "sequence" which means following. So a "non sequitur" simply does not follow. I do not know now which way the Senator from South Dakota is following.

Does the Senator believe, as I inferred, that if the Senate ratifies the treaty we can cut defense spending? Or does the Senator repudiate that view?

Mr. McGOVERN. In answer to the Senator's question—and also going back to the statement by the Senator from Iowa—it would be highly unfortunate to leave the impression that the Senator from Louisiana, whose remarks we are quoting today, would be guilty of a cynical statement in explaining his support for the treaty. The Senator from Louisiana spoke in good faith in offering his views on the treaty, I am sure, as is true of the Senator from Virginia and of the Senator from Iowa.

I made it quite clear in answering the Senator from Iowa that I am not basing my support for the treaty on a dollar-and-cents consideration. I would vote for the treaty even if I thought it might bring about some temporary increase in our defense spending. I do not really believe that is going to be the impact of the treaty if we ratify it. Even if it should be, the achievement of the more fundamental goals which I mentioned at considerable length in the course of my

speech would be worth the price of a temporary increase in our defense cost.

Mr. ROBERTSON. Does the distinguished Senator favor a reduction in defense spending?

Mr. McGOVERN. I do.

Mr. ROBERTSON. How much?

Mr. McGOVERN. I favor some reduction in defense spending, but I do not base that on the nuclear test ban treaty. I delivered a speech on the floor of the Senate on August 2, which was not dependent on the ratification of the treaty, in which I suggested that the time had come for us to take a look at the possibility of some reduction in our budget. I do not base that on the nuclear test ban treaty.

Mr. ROBERTSON. As I recall the figure, the distinguished Senator recommended a \$5 billion cut.

Mr. McGOVERN. A \$4 billion cut in the defense budget and a \$1 billion cut in the AEC budget. That was somewhat less than recommended by former President Eisenhower, but it would be a beginning in what I believe is a rational direction.

I wish to make it clear to the Senator that this has nothing to do with the nuclear test ban treaty. I am quite prepared to recognize, as the Senator from Iowa pointed out, that the treaty may or may not open the way for a reduction in defense spending. It might even cause a temporary increase. And that consideration did come into the debate.

Mr. ROBERTSON. I am happy that the Senator has made it crystal clear that his present position in favor of the treaty has nothing to do with his previous position that we should cut defense spending.

Mr. McGOVERN. I give the Senator that assurance.

Mr. ROBERTSON. However, there are a good many people throughout the Nation who think, as the Senator thinks, that this is the first step toward peace. Is not that true?

Mr. McGOVERN. I think that is true.

Mr. ROBERTSON. And a good many people, knowing of the preamble to the treaty, thinking that total disarmament means total peace seem to have the view that, being a step toward peace and the objective being total disarmament, this means a cut in defense spending. But the Senator from South Dakota repudiates that view.

Mr. McGOVERN. I take the view that we cannot use the test ban as the sole excuse for a cut in defense spending, but I hope it will create the kind of world in which additional steps can be taken so it will be possible to make that kind of cut. But I do not think it is the justification for a cut in military spending.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. McGOVERN. I yield.

Mr. MANSFIELD. If I understand the Senator from South Dakota correctly, he says that even if the treaty is ratified, as I hope it will be, there will be an increase in defense spending, rather than a stabilization or a decrease.

Mr. McGOVERN. I think that is a possibility.

Mr. MANSFIELD. Second, in response to the statements made by the Senator from South Dakota, I believe there is a good deal of coincidence in the remarks he made earlier about the quintuplets born in his State, who came into the world under very precarious conditions, being premature and underweight—and so far they seem to be doing well—and the test ban treaty which the Senate is now considering. I would hope we would think a little more about those who are coming into this world and a little less about those of us who are getting along in years and have had our opportunity in life, and who have not made too much of a contribution—and I am speaking about myself in that respect. But the youngsters are entitled to some consideration. What we do here will determine to a certain extent what kind of world they will live in and what kind of life they will lead.

Mr. McGOVERN. Mr. President, I thank the distinguished majority leader for his helpful statement. He is right in assuming that the birth of the Fischer quintuplets in my State has given me a new emotional interest in the success of the nuclear test ban. I share the concern of the entire Nation with the health of these children.

As I said earlier today on the floor of the Senate, there is no greater gift that we can offer these children and all the children of mankind than to move the world away from war toward a time of peace.

This treaty now pending will also help insure that the air which our children breathe is free from deadly radioactive poisoning.

I agree with the majority leader that we must think more about future generations and less about our old hatreds and divisions of the past.

Mr. President, I yield the floor.

Mr. ROBERTSON. Mr. President, those familiar with my voting record will, of course, know that throughout my service in the Congress, I have consistently voted for economy. Consequently, I experienced some slight embarrassment when, because of the illness of our esteemed and beloved colleague, Senator CHAVEZ, I was called upon in the middle of the summer of 1961 to serve as Chairman of the Subcommittee on Defense of the Senate Appropriations Committee and to present to the Senate in August of that year the biggest peacetime spending bill in the history of our Nation. In defense of that spending program, I stated that we were threatened by an implacable foe which denied God, repudiated the teachings of the Bible, and was restrained in its overweening ambition for world domination simply by our superiority in the field of nuclear warfare. I said, under those circumstances, we could not forego the advantage of superior physical force nor put a price tag upon our survival.

I concluded the presentation of that unprecedented peacetime spending bill with these words:

The enactment of the bill by the Senate will put Premier Khrushchev on notice that this Nation is determined to safeguard free-

dom in the world at whatever cost. Thrice within my own lifetime, despots have miscalculated the strength of that determination. Forty-four years ago another despot, in another place, misinterpreted the peaceful aspirations of the American people as a lack of determination to guard their liberties. That miscalculation finally led to our entry into World War I. On a grim day in April 1917, Woodrow Wilson, a great Virginian, came to these Chambers to place before the Congress and the world the American cause. He said:

"We shall fight for the things which we have always carried nearest our hearts—for democracy, for the right of those who submit to authority, to have a voice in their own governments, for the rights and liberties of small nations, for a universal dominion of right by such a concert of free peoples as shall bring peace and safety to all nations and make the world itself at last free. To such a task we can dedicate our lives and our fortunes, everything that we are and everything that we have, with the pride of those who know that the day has come when America is privileged to spend her blood and her might for the principles that gave her birth and happiness and the peace which she has treasured. God helping her, she can do no other."

Has anything occurred during the intervening 2 years to change the appraisal then made of the necessity for us to maintain physical superiority over the Soviet Union? The answer of all of our military experts is an emphatic "No." That must also be the answer of the civilian experts of the Defense Department, because the Secretary of Defense recommended to us increased military spending for fiscal 1963 and has just concluded testimony before our Senate Subcommittee on Defense of the Appropriations Committee in which he recommended still further increases in military spending for fiscal 1964. Consequently, we are now confronted in the Senate with a most anomalous situation—on the one hand, the ratification of a test ban treaty with the Soviet Union based upon the assumption that the leaders of the Politburo have experienced a change of heart and, on the other hand, the largest single peacetime appropriations bill in the history of our Nation based upon the assumption that there has been no change in the overall objective of communism to dominate the entire world, by force, if necessary.

Some apparently have forgotten the act of parody the Communists committed less than a year ago only 90 miles from our shore, when they installed atomic missiles in the once friendly island of Cuba and lied to us about it until confronted with indisputable facts. But that instance is still quite fresh in my mind because it became my duty as well as my pleasure to defend the wise and courageous actions of our Commander in Chief in ordering a blockade of Cuba, accompanied by a threat of invasion unless the Communists promptly removed from Cuba the atomic weapons which they had established there. The occasion was a meeting of the Interparliamentary Union—the oldest peace organization in the world—at Brasilia, the capital of Brazil. The time was October 24, 1962. In the absence of Chair-

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man GORE of the American group, as senior Vice Chairman, I was serving as Acting Chairman of our delegation at Brasilia.

As soon as we learned of the blockade of Cuba, I gained the floor and said:

I had hoped to talk today about some of the responsibilities and opportunities we have as legislators to strengthen representative political institutions. But the attention of all of us has been diverted by the gravest threat of nuclear war since the Communist invasion of the free Republic of Korea more than a decade ago.

Now—as then—it is international communism, founded in deceit and backed by ruthless power, which is responsible.

Two elements have been added, so that in the present crisis we are dealing with a threat of a new magnitude and a new dimension. Technology has rapidly given the world more awful weapons. And these weapons have now been introduced into a part of the world which had hitherto been spared their presence.

This lends a new urgency to that topic of our agenda which deals with disarmament. Yet at the same time, it casts something of an aura of unreality over the millions of words which have been said on the subject. A large number of those words unfortunately have been untruthful and deceptive. The representatives of international communism have been talking peace and preparing for war.

It is significant that there is no Cuban delegation among us today. There is no Cuban parliament. It will be recalled that when Mr. Castro was embattled in the Sierra Maestra, he promised his people free elections. But once he came to power, it was a different story. Elections, he said, were not necessary. The will of the Cuban people and the spirit of their revolution, he said at one of his mass meetings, could be amply expressed without elections, through public assemblies such as he was then addressing. In any event, he added, popular support of him and his revolution was such that there was really nothing to have an election about.

Mr. Castro was well aware, of course, that a freely elected Congress would no doubt hinder his already well-advanced plans to deliver his long-suffering country into the hands of the international Communist movement.

That delivery has long since been completed, and Mr. Castro has publicly boasted of it.

So long as this was all, it was a tragedy for the Cuban people and a cause of concern to all free nations, especially in the Western Hemisphere, but it was not a threat to world peace.

But international communism was not content with enslaving the Cuban people. No. It wanted also to use their island as a base for furthering its aggressive intentions against the remaining free nations of the Western Hemisphere, including the United States.

While the spokesmen for international communism repeatedly proclaimed their purely defensive intentions, they were in fact hurriedly installing a capacity to deliver nuclear warheads to the north as far as Canada and to the south as far as Brazil. There is no doubt about this. My government has incontrovertible proof. This is why the President of my country, as he himself explained so eloquently and forthrightly Monday night, has taken the measures of which we are all aware.

Now, we hear it said, Mr. President, that what the Soviet Union is doing in Cuba is no different from what the United States is doing in Turkey and in other free countries on the periphery of the Soviet bloc. This is silly. Let me, at this point read the

pertinent portions of a couple of paragraphs from the President's speech of Monday night:

"For many years, both the Soviet Union and the United States have deployed strategic nuclear weapons with great care, never upsetting the precarious status quo which insured that these weapons not be used in the absence of some vital challenge. Our own strategic missiles have never been transferred to the territory of any other nation under a cloak of secrecy and deception."

Then, referring to the buildup in Cuba the President said:

"But this secret, swift and extraordinary buildup of Communist missiles—in an area well-known to have a special and historical relationship to the United States and the nations of the Western Hemisphere, in violation of Soviet assurances, and in defiance of American and hemispheric policy—this sudden clandestine decision to station strategic weapons for the first time outside of Soviet soil—is a deliberately provocative and unjustified change in the status quo which cannot be accepted by this country, if our courage and our commitments are ever to be trusted again by either friend or foe."

No, Mr. President, if a parallel exists at all, it is not between Cuba and Turkey but between Cuba and a member of the Warsaw Pact; for example, Poland, whose representative we heard earlier. If the Government of Poland were to undergo a change, and if Western nuclear missiles were to be installed on Polish territory, that would represent a change in the deployment of such weapons comparable to what has occurred in Cuba. It would, I think, be a provocative change, and it would obviously heighten world tensions.

But this is a far cry from what the United States and its allies have done in Turkey, which was never an ally of the Soviet Union, but which on the contrary is an ally—and a staunch one—of the United States. Furthermore, when Western missiles were installed in Turkey, and also in Italy, it was publicly announced as a decision taken by the North Atlantic Treaty Organization.

Mr. President, let us hear no more of these fatuous comparisons which do not compare but serve only to confuse.

In conclusion, Mr. President, let me make these final points, briefly and clearly:

First, the United States has no quarrel with the people of Cuba. It has, on the contrary, the deepest sympathy for the agonies through which they are passing, and it looks forward to the day when they will once again take their rightful place in the family of free nations.

Second, the United States had no quarrel with the present Government of Cuba until it became clear beyond peradventure that this Government was betraying the promises of reform which bore it to power.

Third, the United States intends not only to protect its own vital interests but also to honor its international commitments, one of which is the commitment of hemispheric defense contained in the Rio Treaty of 1947. Only yesterday, the action of the United States was approved by 19 nations of this hemisphere, including Brazil.

Fourth and finally—and let there be no mistake about this—the people of the United States and their elected representatives are united on this question.

There is no division among us, regardless of political party affiliation. Nor should there be any division among free nations.

Peace is not divisible. With respect to the present crisis in Cuba, or wherever a new threat to world peace may subsequently be presented, it is our earnest hope that all freedom-loving nations will courageously stand together in defense of the fundamental principles of human rights.

After I had concluded that defense of a very wise and courageous policy of our

Commander in Chief and distinguished President of the United States, what was the deceitful answer of the Soviet delegation? It was a bitter criticism both of me and our Nation. For example, Mr. Spiridonov of the U.S.S.R. said:

Unfortunately, we have to state with deep concern that evil imperialist reactionary forces—

That is the United States—are trying, by atomic blackmail and provocations—

That is by us—to intimidate the nations and push them into the abyss of a thermonuclear war. Indeed, the leaders of the United States of America are threatening to take the initiative in a nuclear conflict to unleash a preventive war against peoples who have liquidated the system of exploitation in their countries and have chosen the way of life which is not to the liking of the ruling circles of the United States.

That viewpoint was echoed by Mr. Skoda of satellite Czechoslovakia, who said:

Recently, and again at present, we have been hearing war cries which call for an immediate attack on free Cuba. In the name of the Czechoslovakian people, we resolutely condemn the imperialist policy of violence and censure against free Cuba. The aggressive groups in the imperialist states never stop playing with the fire of nuclear war. All peace-loving people of the world live everlastingly under the threat of nuclear war.

Mr. STENNIS. Mr. President, will the Senator yield briefly to me at that point?

Mr. ROBERTSON. I am happy to yield to my distinguished friend from Mississippi.

Mr. STENNIS. I commend the Senator from Virginia. In addition to the general address he is making on the treaty, he is to be highly commended for bringing to the attention of the Senate a detailed report with reference to the meeting in Brasilia to which he has referred. That meeting occurred almost a year ago during the Cuban crisis. That meeting in Brasilia was not fully reported in the American press for the very good reason that it was driven off the pages by the Cuban crisis itself. Once before this year I called attention to the remarkable work which the Senator from Virginia did at the meeting in Brasilia as the chairman of the congressional delegation. I understood he upheld himself brilliantly in debate, that the substance of what he said was pertinent and convincing, and that he was successful in conveying his message to the delegation.

I bring this to the attention of the country and the Senate again and commend the Senator for his outstanding work. My reports were obtained from the other members of the U.S. delegation who were with the Senator from Virginia and were pleased and impressed with his work. His work at Brasilia has a bearing upon this debate. Without further interrupting him, I shall permit him to conclude his remarks, but shall ask him to yield to me further following his presentation.

Mr. ROBERTSON. Mr. President, I deeply appreciate the commendatory words of the distinguished Senator from

Mississippi. As I said only last Friday, I regard him as one of the leading military experts of the Senate. He has rendered outstanding service to our country by taking not merely 2 or 3 weeks of testimony, but a year of the testimony of military experts on the general subject of a treaty to ban atomic testing.

Everyone knows that we have always taken the position that we could not trust the Soviet Union. We are asked, "Why enter into a treaty unless we are going to get an advantage?" The Soviets ask, "Why keep a treaty if we can get an advantage by breaking it?"

We are asked to sign a treaty with a nation that denies God and repudiates all the moral restraints under which we operate. When we enter into a treaty, we intend to keep it. When the Soviets enter into a treaty, they look for advantages from breaking it. Make no mistake about what Khrushchev thought about this treaty. He boasted to his friend Tito that it was a victory for the Communists. Yet we have signed it, and it provides for no inspection.

I point out the duplicity, as I saw it, that occurred less than a year ago, only 90 miles from our shore. As I have said, we are now asked to believe that the Soviets have had a change of heart. I do not believe any such thing. If they have, why do they continue the inhumane wall between East Berlin and West Berlin? If they have had a change of heart, why do they not carry out the solemn promises for free elections in East Germany, Hungary, Poland, and the other satellite countries, including the promises that those nations would receive freedom at the end of World War II? No, the Soviets are just as much bent upon world domination today as they have ever been.

It has been said by those who have heard that I said I was opposed to the treaty for military reasons, "We wish you could forget your animosity toward the Kennedy administration and support the treaty."

So I replied, "Animosity? I was in Brazil defending the administration. I thought it was wonderful." I said, "There is no politics in our survival. There is no politics in what we try to do on the floor of the Senate for the peace of our Nation when threatened by an implacable enemy that is waiting and seeking to blow out our brains. God forbid that anyone would play politics under those circumstances."

Before I have concluded, I shall answer those who may say, "He is a warmonger. There are large military installations in his home State, and he is afraid that if we enter into a peace movement, we will have disarmament, and that will close up this, that, and the other industry."

I made a plea—I shall read it to the Senate—only last October, in Brazil, for disarmament, but disarmament based upon full and free inspection.

I happen to know John McCloy, of New York. That is one reason why I voted for the Eisenhower program to establish an agency for disarmament. I do not trust the Soviet Union. I do not believe we

are going to get anywhere with such an agency. But I do trust John McCloy. He did wonderful work as Assistant Secretary of War in Charge of Manpower in World War II. I visited him when he was High Commissioner in Germany. I worked with him when he was Chairman of the International Bank for Reconstruction and Development. I conferred with him when he was chairman of the board of the Chase National Bank. He is an outstanding man, a great patriot.

I voted for the peace agency, although I did not have any confidence in it. Nevertheless, I thought, "Let us give it the benefit of the doubt." So I voted for it.

The day after John McCloy returned from Moscow, after spending 2 weeks urging Khrushchev to agree to something in behalf of peace, that he could bring back to encourage the American people, he told me in an interview at lunch, that lasted 2 hours, that Khrushchev said with respect to banning atomic weapons in Germany, "You know and I know that when war starts there with conventional weapons, if you are losing, you will use atomic weapons. If we are losing, we will use atomic weapons."

That settled the issue so far as defending Berlin or any other part of Europe with conventional weapons was concerned. Of course, in Europe the Soviets have us outnumbered in conventional forces by at least 4 to 1.

But this was the significant thing that Khrushchev told McCloy: "I will never agree to inspection. You would only come over and spy on what we were doing."

So I went to Brasilia, to attend the meeting of more than 60 nations. Our President blockaded Cuba, charging the Russians with skulduggery by placing missiles in Cuba capable, as he said, of shooting as far north as Canada and as far south as Brazil. What did we confront in the oldest peace organization in the world, at which some 60 nations were represented? A resolution by the Soviet delegate, bitterly condemning the United States for blockading Cuba and protecting our rights. What did I do? I defended the President's action. I was successful in having the British, Australian, and Canadian delegations change the resolution that condemned the United States to one which condemned any nation that threatened the peace of the world. This the Soviets did not want. But we succeeded in having that resolution adopted.

I shall quote again from statements by satellite nations in October of last year—

Mr. FULBRIGHT. Mr. President, will the Senator from Virginia yield?

Mr. ROBERTSON. Let me finish, please.

Mr. FULBRIGHT. Certainly. The Senator does not have to yield if he does not wish to do so.

Mr. ROBERTSON. I shall yield; but please do not interrupt me in the middle of a sentence.

I shall quote again from statements by satellite people, doublecrossing us in Brazil less than a year ago.

Now I am pleased to yield to the chairman of the Committee on Foreign Relations.

Mr. FULBRIGHT. The Senator has paid a high compliment to Mr. John J. McCloy, which left the impression that he has respect for Mr. McCloy's judgment. I call the Senator's attention to page 849 of the committee hearings, where a letter from Mr. McCloy appears. The last sentence of the letter reads:

But assuming these safeguards, I would fear more for the ultimate security of the country if this treaty were rejected at this time than if it were ratified.

Sincerely,

JOHN J. McCLOY.

I take that to mean that Mr. McCloy favors the ratification of the treaty.

I took that to mean that Mr. McCloy approved ratification of the treaty. In view of the Senator's respect for him, I thought that might have some effect on his decision.

Mr. ROBERTSON. That is correct. I knew Mr. McCloy had written to Senator HILL recommending he vote for the treaty. So I wrote to Mr. McCloy, as follows: "Here is a summary of the military testimony that you did not know. In view of present reports to the effect that you favor this treaty, I should like you to consider some of these statements by the military experts, with which I am sure you are not familiar."

I have not received any answer to that letter.

With all due deference to the distinguished chairman of the Foreign Relations Committee, let me say I know he has definitely played down the testimony of the military experts.

Mr. FULBRIGHT. Does the Senator say I have, or that Mr. McCloy has?

Mr. ROBERTSON. The Senator from Arkansas has played it down. When he was in Moscow, to witness the signing of this treaty, Under Secretary of State Ball sent to Secretary of State Rusk a cablegram in which he urged the Senator from Arkansas to arrange to start the treaty hearings before his committee before the Senator from Mississippi [Mr. STENNIS] could start the hearings before his subcommittee and there could take testimony on the viewpoint of the military—so that the favorable opinion of the treaty by the Senator from Arkansas and his committee could be presented to the public before it had the adverse reports by the military experts. Is that true or not?

Mr. FULBRIGHT. First, I say that it is most unusual for a subcommittee of the Armed Services Committee to take up a treaty and hold hearings on it. I know of no precedent whatever in the history of the Senate, since I have been a Senator, for a subcommittee of another committee to presume to take up a treaty, in the first place. So I see no conflict whatever there. The law shows very clearly which Senate committee has jurisdiction of a treaty.

Second, we took the testimony of all the important and accredited officials of the military. As has been stated in the Senate many times, we heard from all the Joint Chiefs of Staff—the chairman and the other four members. They

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testified both in public and in private session; and, as the Senator from Virginia well knows, they endorsed the treaty. So how could I "play down" their testimony? The only thing I can do is interpret what it means.

As for the fact that some former military men were not brought in by us, we did not believe it appropriate or necessary—and neither do I—to take the testimony of former military men who now have no responsibility for the security of this country.

We had all the testimony of the important present leaders of the military who have responsibility regarding the national security; and I believe that was quite proper. So I do not believe it can properly be said that we "played down" the views of the military. In fact, we sought them.

In my speech I devoted to the views of the military much more time than one normally would in connection with a treaty which involves both the overall political security and the military security of this country, and perhaps of the whole world.

Mr. ROBERTSON. All I can say is that it is my personal opinion that the distinguished chairman of the Foreign Relations Committee played down the military testimony. I state that as my personal view—that it was played down; that that fact has not been denied; and that the State Department wanted it played down, and sent to Secretary Rusk, in Moscow, a cablegram directing him to tell the Senator from Arkansas to start his committee's hearings before the Senator from Mississippi [Mr. STENNIS] could start his subcommittee's hearings.

Mr. FULBRIGHT. I received no such cablegram.

Mr. ROBERTSON. Does the Senator deny it was sent?

Mr. FULBRIGHT. I do not know.

Mr. ROBERTSON. If the Senator denies that it was sent, I will call on the man who has it, to read it to the Senator.

Mr. FULBRIGHT. I do not know whether one was sent; but if one was sent, certainly it was sent for a valid reason, because—as I have said—a subcommittee of the Armed Services Committee had no business holding hearings on this treaty.

Mr. ROBERTSON. Very well. But I say the cablegram was sent.

Mr. FULBRIGHT. I do not care whether it was sent or was not sent; that is utterly irrelevant.

Mr. ROBERTSON. Then let me say that today I received from a lawyer a letter in which he asks whether it is the normal procedure for the chairman of the Foreign Relations Committee to announce his support of the treaty before he heard one word from anyone about it—while he was in Moscow.

Mr. FULBRIGHT. I will say that is a lie.

Mr. ROBERTSON. Then I will write him that the Senator says it is a lie.

Mr. FULBRIGHT. The Senator can tell him it is a lie. The record shows what happened. Before then, I had seen this treaty. It was brought before our committee before it was even ini-

tiated. The Senator from Virginia says he has received a letter in which it is said that I announced my approval of the treaty before I had seen it; but such a statement is nonsense.

Mr. ROBERTSON. I will write to him that that is what the Senator from Arkansas says.

Mr. FULBRIGHT. The record shows what I said. Such a statement is not true. Not only did I see it, but a majority of the members of the committee saw the treaty before it was initialed. We were consulted at considerable length about it.

Mr. ROBERTSON. I did not say the Senator from Arkansas did not see the treaty. The letter states that the Senator announced his support of it before he started the hearings. Is that true or not?

Mr. FULBRIGHT. That is true. This is a good treaty.

Mr. ROBERTSON. Then the one who wrote the letter did not lie, did he?

Mr. FULBRIGHT. But the statement to which the Senator referred was that I had approved the treaty before I had even seen it.

Mr. ROBERTSON. The statement was that the Senator from Arkansas announced his support of the treaty before he heard any testimony on it.

Mr. FULBRIGHT. Oh, no; I had heard a great deal about the treaty. I heard from the Secretary of State; and we read the treaty, and discussed it at length.

Mr. ROBERTSON. I am not referring to statements from the State Department; I mean the testimony of witnesses before the committee. The Senator from Arkansas announced himself as favoring the treaty before he opened the committee's hearings, did he not?

Mr. FULBRIGHT. That is quit correct. The object of the treaty is so clear and so simple. Similar treaties have been under consideration since 1958. Former President Eisenhower had made a proposal similar to this one. It has been referred to in the press, and has been commented upon by nearly everyone of any significance in the political field and in the military field. In fact, I believe any reasonable man would be able to see that this treaty should be ratified.

Mr. ROBERTSON. The Senator says it is "so simple". But I understand that it was prepared by the Russians.

Mr. FULBRIGHT. By the Russians?

Mr. ROBERTSON. They included the provision which would prevent the United States from making tests. Good lawyers have said that means we could not prepare to use nuclear missiles either in our defense or in the defense of our NATO allies. So if the treaty is "so simple," how can the State Department and the distinguished Senator from Arkansas explain that interpretation away? He said that of course we could use such missiles in our defense. I agree we certainly could. If the Soviets started shooting at us, we would start shooting at them—in self-defense—with everything we have. But how about the position of our NATO allies? If the

United States ratifies the treaty, what would prevent the Russians from saying to our allies, "The United States has signed the treaty, and thereby agrees it will not use nuclear weapons in your defense. Now we want recognition of our legal title to all the property we stole after World War II, when we promised to free the countries the Nazis had overrun, but—instead—sent our army there and took possession. If you do not agree, we will seize Berlin." Of course, that would be blackmail. And then the Soviets would say, "And now—by the treaty—you have promised not to use nuclear weapons in either your defense or their defense." Then we would say, "Oh, that part of the treaty does not mean what it says."

Let me ask the distinguished gentleman from Arkansas a question: When nations are in disagreement over the meaning of the words of a treaty, who passes judgment on the meaning?

Mr. FULBRIGHT. That is a matter of international law. But in this field of international law as the Senator from Virginia well knows, there is a very little law—only the law of the jungle. So each nation usually does interpret it to suit itself.

Mr. ROBERTSON. I regret I cannot agree with the distinguished Senator, who is a good lawyer. I have been definitely informed—and I believe my informant is right—that then the treaty will go to the International Court, for interpretation. We have endorsed the Court, although we did not go into the League of Nations.

Mr. FULBRIGHT. We endorsed the Court, but then withdrew from it almost immediately, by means of the Connally reservation. I do not recall any suit we ever had before the Court, because we reserve to ourselves the right to be the sole judge of whether the Court has jurisdiction. This is one of the famous "reservations" that are said to do no harm to a treaty.

Mr. ROBERTSON. I know about the Connally reservation; but the fact remains that if we join with Russia in approving a treaty which states plainly that the United States shall not use atomic weapons in defense of its NATO allies, if our State Department or the Congress or some other U.S. authority says the treaty does not mean that, and that we can do it, Russia can then say to the International Court, "Please interpret those words." Then the Court would undoubtedly interpret them as they are written, not as we would like to have them interpreted. Who wrote the treaty that gave us one-half of Berlin 120 miles away from our part of Germany with no access to that part? Would the Senator have drawn a deed for any farmer in Arkansas which would give the farmer no access road to his property?

Mr. FULBRIGHT. I do not know to what treaty the Senator refers.

Mr. ROBERTSON. The treaty under which zones of occupation in Germany were allocated. Who wrote the treaty which gave us no access to West Berlin, 120 miles from our zone? The Senator

hesitates. I will answer. We were sucked in on that treaty.

Mr. FULBRIGHT. If my memory serves me correctly, no treaty was submitted to the Senate. That was an agreement by the military leaders who were responsible for our defense. It was participated in by those in command at the time. I am not sure that General Eisenhower had a part in that. I believe General Clay did. That was merely a military agreement. It was not a treaty that came to this body, if my memory serves me correctly. Perhaps the Senator knows better.

Mr. ROBERTSON. No. I did not mean to say "treaty." It was a binding agreement under which we were hooked. We agreed that we would take West Berlin, 120 miles away from our occupation zone, with no right to egress or ingress. The Senator knows that we had to fight our way through and spend millions of dollars on an airlift to support our troops in Berlin.

Mr. FULBRIGHT. Why does the Senator think we got hooked? Was it not the result of our own lack of foresight and wisdom in allowing that situation to develop? There was plenty of opportunity to have negotiated a treaty.

Mr. ROBERTSON. That is what I say. We are dealing with those who will take every advantage. They framed that treaty and hooked us. They will hook us again. I do not favor being hooked if I can help it.

I am going back to what I said last October in Brazil to some people that we are now going to trust.

Mr. Molnar, of satellite Hungary, said: It is entirely clear that small Cuba does not threaten and cannot threaten war to a giant like the United States of America. It is no less clear that the blockade ordered by the United States constitutes an act of war against small Cuba; international law does not recognize blockades other than as a measure of war taken in times of war against a belligerent party. There is not therefore and there cannot be any legal justification for this point. It is entirely clear that the United States of America has been led to take this step by a reactionary group that cannot bear (the fact) that the Cuban people should have emancipated themselves from the tutelage of American monopolies and should be moving toward socialism.

Mr. Zolkiewski, of satellite Poland, said:

The fact is that it is the United States which has resorted to force. But a representative (Mr. ROBERTSON) of this country has deemed it expedient to formulate here charges against the Soviet Union. No sophisticated reasoning will disprove the fact that the United States, a big power, has made use of force against a small but independent country, whose people can finally feel free. All honest men can only answer that by demanding that all disputable questions between States be resolved by way of negotiations and not by brutal force.

Mr. Vanilichi, of satellite Rumania, said:

As concerns the danger of international communism, of which Mr. ROBERTSON has talked to us, this danger exists only in the imagination of some persons. The Socialist countries have always conducted a policy of peace, because they are interested in maintaining the peace in order to build a better society and a better life for their people.

Those are direct quotations of what the Communists said about us when they were preparing in Cuba to blow our brains out. Suppose they had succeeded in establishing long-range missiles in Cuba and proceeded to blackmail both Latin America and ourselves. Would we fight? If so, what would become of the Capital City? A missile could reach it in 10 minutes from a base 90 miles from our shores. Fortunately, before the Russians could make the missiles operational, we discovered their presence.

That is the nation that we now say has had a change of heart. That is the nation about which we now say, "Let us trust it as the first step to peace."

There followed hours of similar denunciation of us before word reached the Soviet delegation and their satellites in remote Brasilia that their peerless leader had pulled the rug from under them by admitting to President Kennedy that he had lied about the installation of atomic missiles in Cuba. He promised promptly to withdraw them and all of the Russian forces which had been sent to Cuba and to give us the assurance of free inspection.

Mr. President, this happened, I repeat, less than a year ago. Yet now we are considering a nuclear test ban treaty with the Russians.

With all of these facts so fresh in my mind, and with knowledge of all of our top military secrets gained through handling the Defense budget for 2 successive years, I issued the following statement about that treaty for publication in the morning papers of September 8:

We have signed a treaty with a Godless nation, which freed from the moral restraints of the Bible, has on many times demonstrated that to it a treaty is a mere scrap of paper to be violated whenever violation will promote the interests of the Soviet Union. The Soviet Union has repeatedly violated nonaggression pacts, it has exercised its veto in United Nations 102 times, vetoing every proposal in behalf of peace that we have ever made and its most recent act of perfidy was perpetrated only 90 miles from our shore in the little island of Cuba. There, in violation of international law and of our Monroe Doctrine, the Soviet Union installed high-powered missiles capable of our utter destruction and callously lied to us about what it was doing until confronted with positive proof of the fact.

I was attending a meeting of the Inter-parliamentary Union, the oldest peace organization in the world in Brasilia, when President Kennedy issued the order to blockade Cuba. On the floor of that convention, I stoutly defended the President's action and for doing so was denounced by delegates from the Soviet Union and nearly all of its satellites who in addition to denouncing me also denounced our country in every term of villification that could be used under the existing rules of parliamentary procedure. Then, their Premier pulled the rug from under them by openly admitting that he had lied to us about the missiles and would promptly withdraw them. He also agreed that he would withdraw all Russian troops from Cuba and give us full and free right of inspection as an evidence of his good faith. Again, he violated that agreement. He did not withdraw Russian troops from Cuba, and all that we have concerning the withdrawal of the nuclear weapons is his word which to me is of no value whatever. I personally conferred with the admiral of the Navy who supervised withdrawal of the missiles. I

asked that admiral if he had been permitted to board the Russian ships taking the missiles out to ascertain whether what was being carried aboard the Russian ship was a missile or a dummy. The admiral replied that he was refused permission to board any Russian ship and that all that could be observed on board the ship was a covered object which the Russians said was a missile. Mark you, not only were we denied the right of inspection but the Russians would not even remove the covering over the so-called missiles being taken out of Cuba to prove that they were not again deceiving us.

It will, of course, be recalled that in our eagerness to promote peace, we entered into an agreement with Russia to ban all testing. When the Russians flagrantly violated that agreement, testing in the air missiles with the explosive power of over 50 million tons of TNT, and, in my opinion, gaining definite superiority over us in the development of heavy and long-range missiles, President Kennedy said that if the Russians fooled us a second time, it would be our fault and that we must never again enter into any agreement with the Russians which did not include the right of inspection. You can, therefore, imagine my surprise when I learned that our Secretary of State had signed a treaty in Moscow, prepared, of course, by the Russians, just like the treaty prepared by the Russians at the end of World War II, which fixed zones of occupation in Europe and assigned to us, France, and Great Britain, one-half of the capital city of Berlin situated 120 miles from the section of West Germany that we were to occupy and with no right to us of access to West Berlin, which included no right of inspection and which clearly provides that we can't use atomic weapons either in our defense or in defense of our NATO allies. The latter provision, the State Department is now trying to explain away by saying that the words used in the treaty do not mean what they say.

Virginians who have read the statement I first issued will recall that I said that the only condition under which I would vote for a treaty without the right of inspection would be assurance by our military experts that we would not get hurt. All testimony has been closed and that assurance has not been given. In a recent hearing before the Subcommittee on Defense of the Senate Appropriations Committee, I asked General LeMay the pointed question: "Can you give us assurance that we will not be hurt by agreeing to the test ban treaty?" and he promptly replied: "I cannot." Not one of our military experts has endorsed the treaty as being to our advantage from a military standpoint. Some like Admiral Burke, General Twining, Admiral Radford, General Power and General Schriever, who is in charge of missile development, have openly denounced it. Others like General Taylor have said that we endorse it with reservations and while we do not think we will get any military advantage we think the political advantage outweighs the military disadvantage.

During his recent visit to Yugoslavia, Khrushchev was under no delusions as to who would benefit by the treaty. He proudly proclaimed it to his ally, Tito, as "our victory." And indeed it was.

I look to our military experts for military advice but not for political advice because that is a field in which I have majored all of my life and in which they have had no experience whatever. Who is it that says that the political advantages outweigh the military disadvantages? It is the State Department that said we have gained political advantages by distributing all over the world \$102 billion in foreign aid. It is the State Department that said it is a political advantage to create 19 new nations in darkest Africa which have since been able, by voting with the Communist bloc, to take from the

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free nations of the world the control of the General Assembly of United Nations; it is the State Department that would relinquish our most valuable Air Force Base in the Azores in order to help a small group of African tribes take from Portugal an area that belongs to Portugal as fully as the area west of the Mississippi that we bought from Napoleon or in Alaska from a Russian czar.

So, when that State Department tells me that this test ban treaty is a step in the direction of peaceful co-existence, my answer is that if there be any peace in the program for us, it will be the peace of death.

The following Monday, the Preparedness Investigating Subcommittee of the Senate Committee on Armed Services, headed by the very able and distinguished junior Senator from Mississippi [Mr. STENNIS], made available to Members of the Senate what is called a committee print, which summarized the testimony of a large number of distinguished military experts and scientists of national reputation. That subcommittee is composed of six of the best informed Members of the Senate on military affairs.

Members of the Armed Services Committee have access to all military secrets—a privilege enjoyed by only a minority of the Senate. Consequently, the views of that committee on military matters are entitled to great consideration.

While two members of that subcommittee did not agree—and a third agreed on Friday he would vote for the treaty with misgivings—with the conclusion of the majority that the military disadvantages of the test ban treaty far outweighed the political advantages, all members were agreed that the factual statements in the committee report were correct.

Nothing could be more illustrative of the military implications involved in the treaty than the list published on page 6 of the subcommittee report concerning test objectives of our military and atomic energy scientists and indicating which of those objectives could be reached under the treaty and which could not. That list showed the following restrictions upon the proper development of our atomic weapons:

MILITARY IMPLICATIONS—NUCLEAR TEST BAN TREATY

TEST OBJECTIVES

Survivability and responsiveness of hardened site missile launch complexes to high yield nuclear explosions. Can be done under treaty, no.

Response of hardened underground structures to blast and cratering from high yield surface burst nuclear weapons. Can be done under treaty, no.

Determination of missile warhead and nose cone vulnerability to nuclear explosions during atmospheric reentry. Can be done under treaty, no.

Study of atmospheric and high altitude radar blackout phenomena. Can be done under treaty, no.

Study of communications blackout phenomena from high-yield nuclear explosions. Can be done under treaty, no.

Full-scale operational tests of ABM systems. Can be done under treaty, no.

Development of very high yield warheads, equal to or surpassing Soviet achievements. Can be done under treaty, no.

Determination of very high yield nuclear weapons effects. Can be done under treaty, no.

Determination of underwater nuclear weapon effects for improved antisubmarine warfare (ASW) systems. Can be done under treaty, no.

Full-scale performance and reliability tests of Minuteman and Titan missile systems. Can be done under treaty, no.

Yield verification tests of stockpiled weapons above approximately 1 megaton. Can be done under treaty, no.

Troop and crew training tactical exercises using nuclear weapons. Can be done under treaty, no.

It is no wonder, therefore, that not a single military expert has said that from a military standpoint, the test ban treaty will be an advantage to us. We know, of course, that there were no illusions on that subject by Khrushchev who recently boasted to his friend and Communist ally, Tito, that the treaty was a great victory for the Communist world.

So concerning the military aspects of the treaty, let us frankly face this issue: No military expert has endorsed the treaty from a purely military standpoint. Three of our very distinguished former Chiefs of Staff—free from political pressure—openly denounced it; namely, Admiral Radford, Admiral Burke, and General Twining.

During the past year, it has been my privilege to inspect two of the principal warning systems we have developed at the cost of billions of dollars across the northern portion of our hemisphere between us and Russia.

Both the distant early warning line and the ballistic missile early warning system are functioning at the highest possible level of efficiency, but neither of these warning systems can prevent a war.

Under the most optimistic conditions, all we can expect from these warning systems is about 15 minutes' advance notice that a nuclear war has started. Consequently, we find General Power, in charge of strategic bombers—which are being phased out but which up to this time have been the greatest single deterrent against the start of a nuclear war—urging the Senate not to tie its hands in the development of a more perfect missile system by signing the test ban treaty. And we find General Schriever, head of the missile development program of the Air Force, voicing similar objections.

After this senatorial group of military experts had heard weeks of testimony on missile development and the treaty, it said:

From the evidence we are compelled to conclude that serious—perhaps even formidable—military and technical disadvantages to the United States will flow from the ratification of the treaty. At the very least it will prevent the United States from providing our military forces with the highest quality of weapons of which our science and technology is capable.

Any military and technical advantages which we will derive from the treaty do not, in our judgment, counterbalance or outweigh the military and technical disadvantages. The Soviets will not be similarly inhibited in those areas of nuclear weaponry where we now deem them to be inferior.

Following the abrogation of the moratorium by the Soviet Union, the test and performance records altered drastically. In 1961 and 1962 the Soviet Union conducted in yields above 10 megatons twice the number of tests which had been conducted by the United States in that yield range throughout

the history of its nuclear test program. The total number of Soviet tests above 1 megaton was approximately four times that conducted by the United States in the same period (1961-62). In terms of yield-to-weight ratios, the Soviet Union, as a result of its aggressive test program and its concentration on very large yield weapons, has demonstrated clearly superior performance in all yield classes above approximately 15 megatons where the United States has had no testing experience since 1954. It is also worth noting that the scientific witnesses were unanimous in expressing uncertainty about the particular designs employed by the Soviets, to achieve the results observed in their very high yield experiments.

Below a few thousand pounds in weight and a few megatons in yield the evidence available to us indicates that the United States continues to hold a lead in weapon design and performance.

For a variety of reasons the United States has chosen to concentrate its development efforts on weapons yielding from a few megatons down to fractions of kilotons. Consequently, it probably continues to hold some advantage in design techniques over the Soviet Union in these areas and in the ability to maximize the yield which can be achieved at a given weight and size or, alternatively, to package a given yield in a device of minimum weight and size.

However, the rate of testing below 1 megaton indicates that the Soviet Union is attempting to challenge seriously the U.S. lead in the lower yield weapon categories. Prior to the 1958-61 moratorium the United States had conducted somewhat more than twice as many tests at yields below 1 megaton as had been detected in the Soviet Union. By the end of 1962 this ratio had dropped significantly. More important, the 1961-62 Soviet test series included more tests in this yield range than had been conducted in its entire program from 1949 through 1958. Even accounting for tests to assess the effects of explosions and tests to confirm the yield of stockpiled weapons, this constitutes impressive evidence that the Soviet Union has no intention of permitting U.S. superiority in weapon design and performance at yields below 1 megaton to go unchallenged. It is in this range of yields that the testing underground permitted by the treaty can be accomplished readily.

In assessing the merits of the treaty which is now before the Senate for ratification, it is important to understand the kinds and objectives of certain nuclear test programs which, in the opinion of the subcommittee and based on testimony received by it, would be desirable or necessary in any future U.S. nuclear test programs.

The military disadvantages associated with the treaty which were discussed in testimony before the subcommittee were as follows:

1. The United States probably will be unable to duplicate Soviet achievements in very high yield weapon technology. Though U.S. weapons laboratories are capable of developing and stockpiling designs yielding greater than 50 megatons without further experimentation, their weight and size would be incompatible with any existing or programmed missile delivery vehicle. It is well within the capabilities of U.S. weapons laboratories to equal and to surpass the Soviet achievements, but to do so would require a number of atmospheric nuclear tests.

2. The United States will be unable to acquire necessary data on the effects of very high yield atmospheric explosions. Without such knowledge it is unlikely that a realistic assessment can be made of the military value of such weapons, or that plans can be formulated to protect military weapons systems against their use. The data possessed by the United States on high yield weapons effects are inadequate to permit confident extrapolations to the higher yield categories.

3. The United States will be unable to acquire data on high altitude nuclear weapons effects. Such data are important to the design of antiballistic missile system warheads and radars. Again, this is an area in which Soviet experiments may have provided them with greater knowledge than that now available to the United States. Throughout our hearings there was considerable dispute on this point. The treaty proponents accurately observed that the ABM warheads could be developed through underground testing and that development of acquisition and tracking radars was an electronic problem not directly dependent upon nuclear tests. It is clear, however, that the characteristics or specifications upon which such warhead design and development should be based are not sufficiently known and cannot be determined with confidence without additional high altitude effects tests. As the Atomic Energy Commission observed:

"While our knowledge of * * * blackout phenomena provides some limited guidance in the determination of (ABM) warhead criteria * * * an optimized design could only be chosen after continued atmospheric testing. Whether or not significant gains will result, can be argued."

And again:

"The minimal (warhead) specifications * * * can be met within the framework of existing technology. (But, assuming that a minimum warhead will not be acceptable) testing both underground and in the atmosphere would be required to complete the development."

4. The United States will be unable to determine with confidence the performance and reliability of any ABM system developed without benefit of atmospheric operational system tests. An ABM system will be required to function in the nuclear environment created both by its own defensive warhead explosions and those of the attacking enemy. Under such circumstances it is important to be as certain as possible that no element of the system possesses unknown vulnerabilities to nuclear effects. All electronic components of the ground arrays and missiles must function, the missiles must be capable of operating in the presence of nuclear, thermal, and blast effects; the warheads must be resistant to nuclear radiations. It is apparent that unless a system of such complexity is tested in its operational environment, there will be a low level of confidence in its ability to perform the mission for which it was designed and produced. Many unknowns will arise in the course of the ABM development program which can only be explored and satisfied through the medium of atmospheric and high altitude nuclear testing.

5. The United States will be unable to verify the ability of its hardened underground second-strike missile systems to survive close-in high-yield nuclear explosions.

6. The United States will be unable to verify the ability of its missile reentry bodies under defensive nuclear attack to survive and to penetrate to the target without the opportunity to test nose cone and warhead designs in a nuclear environment under dynamic reentry conditions.

7. The treaty will provide the Soviet Union an opportunity to equal U.S. accomplishments in submegaton weapon technology. There can be no doubt that a treaty limiting testing to an underground environment will tend to favor experimentation at the lower end of the yield spectrum. Economic factors will play a part since costs rise significantly with relatively modest increases in yield for underground tests. There are also testing limitations arising from the type of strata, geological uncertainties, and engineering factors. Whether or not either the United States or the Soviet Union will choose to test underground at yields much greater than

approximately 1 megaton is not known. In any case, it appears that the race for nuclear technological superiority will be confined to that area where the United States is believed to now hold a margin of superiority. The result, with time, will probably be the achievement of parity by the Soviet Union in this area without any equivalent opportunity for the United States to attain equality in very high yield weapon technology.

8. The treaty will deny to the United States a valuable information of information on Soviet nuclear weapons capabilities. The results acquired from the analysis of radioactive debris generated by nuclear explosions has long been a basic source of intelligence on Soviet nuclear weapons programs. By driving Soviet testing underground, this intelligence will be denied the United States with the result that with the passage of time knowledge of the Soviet state of the art in weapons undergoing tests will be seriously degraded. The effect of the treaty will be to reinforce the difficulties already imposed on the United States by Soviet secrecy.

Looking at the matter from the military aspect and from the effect of the treaty upon our military preparedness and posture, we cannot escape being impressed with the testimony of Gen. Thomas S. Power, Commander in chief of the Strategic Air Command, and Gen. Bernard A. Schriever, Commander of the Air Force Systems Command, who addressed themselves to the problem exclusively from the military point of view. General Power, after stating that he did not think the treaty "is in the best interests of the United States," said:

"I feel that we have military superiority now, and I feel very strongly that this has resulted in a world that has been free from nuclear warfare. I have a lower confidence factor that we can and will maintain that military superiority under the test ban treaty * * *"

General Schriever told the subcommittee that there "are definite military disadvantages" to the treaty and that, as a military man, he felt he could protect the country better without the treaty than with it.

An official organ named Tass of the Soviet Union called the able and patriotic Senators who made that report "a motley team of ill-famed enemies of the treaty."

Mr. President, I am happy and proud to associate myself with that "motley team" because without impugning the sincerity of any Senator who does not agree with our conclusions, I am definitely of the opinion that as a result of this treaty, which apparently, will be ratified by the Senate, the Soviet Union will first gain equality with us in atomic weapons. Then, if it develops before we do a satisfactory and operational anti-missile missile, we and the free nations of the world will then be confronted with terrifying blackmail. In my opinion, there can be no doubt but that our leadership of the free world depends upon our recognized ability to defend it from Russian aggression, and we stand to lose that ability by ratifying the test ban treaty.

In taking this stand, I undoubtedly shall be called a warmonger, who prefers the continuation of large military installations in his home State to a program of peace. In refutation of that charge, I can cite a statement that I made at the meeting of the Interparliamentary Union last October in Brasilia before there was any proposal of the pending test ban treaty. On October 30,

last, in addressing the convention on the topic of "Methods and Prerequisites for General Disarmament: Measures for Less International Tension," I said:

In an age characterized by strife and discord, when many feel that we are suspended between two worlds—the one dead, the other not yet capable of being born—the delegation of the United States of America points with pardonable pride to the record of our country in behalf of peace.

We have participated in two world wars, both of which have been defensive wars for the preservation of personal freedom and a democratic way of life. In neither of those wars in which we were victorious, did we ask for the territory of any nation or for booty. On the contrary, at the end of World War II, we were so distressed over the misery and suffering that had resulted from that conflict that we promptly proceeded to aid in the rehabilitation, first of our allies, later of those who had fought against us, and still later, of needy nations elsewhere in the world. In that undertaking, we have expended more than \$100 billion. Never before in recorded history has any nation ever poured out its wealth in such a prodigal manner for the cause of the future peace of the world.

In addition to that program of rehabilitation on a worldwide basis, we have repeatedly, first, at the United Nations in New York, and later, at Geneva, Switzerland, made proposals for world peace which have been vetoed by the Soviet Union. Today, we stand on that record. Today, we still hope that a nuclear war that would destroy civilization as we have known it, can be avoided.

Mr. President, ever since the end of the last World War, as evidenced by our joining in sponsorship of the United Nations, we have been, and still are, ready to support a program of arms control based upon full and adequate measures of inspection. The objectives of such a program must be the maintenance of the security of all free nations and the preservation of their honor, dignity, and self-respect. Concessions inconsistent with these objectives will never be acceptable to us. On the contrary, we hope all free nations of the world will join with us in reaffirming the traditional attitude of our country expressed by Patrick Henry, of Virginia. Prior to the Declaration of Independence in 1776, he said:

Is peace so sweet or life so dear as to be purchased at the price of chains and slavery? Forbid it, Almighty God.

The Soviet Union often has said, and still says, that it wants a program of world disarmament, but without any right of inspection, which, in my opinion, will mean unilateral disarmament. Should we find peace in unilateral disarmament, it will be, as I said in a statement of last week, "the peace of death."

Knowing what I do about the military issues involved, I would violate the dictates of my conscience if I voted for the pending treaty.

Mr. STENNIS. Mr. President, will the Senator yield?

Mr. ROBERTSON. I yield to my distinguished friend from Mississippi.

Mr. STENNIS. I commend the Senator from Virginia for a very fine discussion, as well as a solid argument, with reference to the vital issues presented to the Senate on the question of whether or not it will advise and consent to the

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treaty. I believe his analysis is sound and is to the point.

I know something of the struggle the Senator from Virginia had in considering these facts and weighing the situation and determining what would be his final position with respect to the approval of the treaty. I know, too, of his genuine love for peace—not only love by word of mouth, but the love he has in his heart for peace and for mankind, as well as peace as we know it, in the sense of absence of war.

I commend him, too, for his fine knowledge of the military aspects of the question, gained partly through his services on the Appropriations Committee last year. The Senator from Virginia handled the largest peacetime appropriation bill in the history of this Nation. I know he had some struggles with it, because that bill represented the expenditure of funds for our worldwide, gigantic military program. He is among the foremost of those who would like to be able to reduce that program. I know if there were any basis whatsoever that he could see in the situation with reference to the treaty that he considered a sound basis, he would be prompted to follow it immediately, because of his interest in the physical soundness of the financial structure of this great Government. So his consideration of the facts is very impressive to me, as are his background of knowledge and his concern for the strength and welfare of the Nation.

In spite of the background that would favor adoption of the treaty, nevertheless, the hard facts of life drove him to the other conclusion.

The Senator made a fine presentation, in a judicial and calm manner. He has contributed greatly to the debate.

We can thank him again, too, for his contribution at Brasilia a little less than a year ago, during the critical time of the Cuban crisis, when we were so well and ably represented in the debate at that international forum.

Mr. ROBERTSON. I acknowledge with grateful appreciation the very fine tribute paid me, and only wish I were more worthy of it.

Mr. SIMPSON. Mr. President, will the Senator yield?

Mr. ROBERTSON. I yield to my friend the Senator from Wyoming.

Mr. SIMPSON. Does the Senator recollect the recent visit by the Senator from Virginia and me to the missile sites in certain States, including Nebraska and Wyoming?

Mr. ROBERTSON. I do. I did not mention the States, but I mentioned visiting the warning installations in the northern part of our hemisphere, which are designed to warn of the approach of bombers and missiles. Our most modern installation is the Minuteman, at Warren Air Force Base in Wyoming.

Mr. SIMPSON. Was the Senator advised of the necessity for testing in the environment of the air for the utilization of this important installation?

Mr. ROBERTSON. The trouble is that we have never tested those Minuteman installations. Everybody concerned would like to have the opportunity to see how they work. That is as

far as I can say. I cannot go any deeper than that, because next thing I know, I shall be getting into classified military information.

Mr. THURMOND. Mr. President, will the Senator yield?

Mr. ROBERTSON. I yield to the Senator from South Carolina.

Mr. THURMOND. I had read the ably prepared address of the Senator from Virginia before he delivered it today. It is an outstanding address. I hope every Member of the Senate will take occasion to read the penetrating remarks, which will throw great light on the subject. I commend the able and distinguished Senator from Virginia upon his magnificent address.

Mr. ROBERTSON. I appreciate that tribute, coming not only from an outstanding Senator, but from a major general of the Army, and commend him for what he has done on the Preparedness Subcommittee to give us the information I was able to use today in making up my mind as to whether I was for or against the treaty. I thank the Senator.

POSITIVE THOUGHTS ON THE TEST BAN TREATY

Mr. JAVITS. Mr. President, it is my turn to speak on the treaty. I consider it a great privilege to state in a definitive way my views on this subject. I am sure that it is expected that I shall support the treaty, and I will. I would not take the time of the Senate to labor the obvious, but I believe that in this debate, so far, there has been a great deal more consideration of the military and scientific aspects than there has been of the political and human side of this vital issue. Therefore, perhaps I can make a contribution to the thinking of the country if I develop my own views on the subject.

We have heard a great deal of discussion of what the treaty does not do but too little on what it does. In more recent days, the debate has been almost monopolized by discussion of such matters as safeguards, assurances, reassurances, conditions, reservations, understandings, and commitments.

The result has been to give many people—certainly many of my constituents who are writing letters to me—an impression that those who support the treaty had to be coaxed into it or do not have reasons they consider as hard and as realistic for supporting it as the reasons of those who oppose the treaty.

I do not believe this negative impression is valid. I do not believe we have to support this treaty because of what it does not do; or that we have to underplay what it can do. I think we who are for it must be prepared for judgments as sophisticated to justify for our Nation and the world, as those opposed are asking us to make.

So today, I intend to address myself to the nonmilitary aspects of this treaty—the political and human implications which, it seems to me, present the hard, overriding reasons for advising and consenting to this treaty.

I make one other general observation. In this discussion of assurances and commitments from the President on the treaty, I believe many have tended to forget

or obscure the American attitude toward the Presidency, whether or not of one's own party. We have had assurances and reassurances from the President as to what he will do and what he will not do and yet we are still being asked to add conditions and reservations which, in effect, say, "Mr. President, we cannot rely on your commitments to hold as the policy of our Government."

Now, it is entirely understandable and proper, in view of the Kremlin's record of duplicity in Cuba and in other parts of the world, that we should be most wary in approaching an agreement with the Soviet Union. But I cannot understand those who would demonstrate the same lack of faith in the foreign policy commitments of the President of the United States.

In foreign policy, this is exactly what the constitutional separation of powers and the tradition of the President's office require of us.

Let us remember that a resolution or understanding can be carried in the Senate by a majority vote; it does not require a two-thirds vote. Therefore, if we hang reservations and understandings on the resolution of ratification we shall be faced with a dreadful dilemma should the treaty be rejected because of what we attached to it by only a majority vote.

I believe the issue before the Senate is clear. I do not believe that the Senator from Arkansas [Mr. FULBRIGHT] is any longer worried about a two-thirds vote, but I believe he has every right to worry, and I believe the country has every right to worry, about majority votes, especially on some of the proposals that have been made, which state the obvious. I do not know whether they will be pressed. I assume they will, because they have been printed and have been widely referred to in the press. I refer to such proposals, for example, as the one being made by the distinguished Senator from Georgia [Mr. RUSSELL], who wants us to say that the President will submit to the Senate any proposed amendments to the treaty. The Senator from Connecticut [Mr. DONN] has four or five others.

I mention this to emphasize the point that a President who wants to put something over on us has many ways to do it, and we know it. A President can plunge us into war. A President can send troops anywhere in the world, because he is the Commander in Chief, and thus put us in a worse situation than that involved in trying to arrive at an executive agreement in lieu of a treaty, or in lieu of an amendment to a treaty, which would require approval of the Senate.

There are many ways of taking action. We have the right over money and over appointments. We have a channel to public opinion in the land. Beyond everything else, there is the great tradition of the Presidency. The great tradition of the Presidency is that in the foreign policy field—I will not discuss domestic policy at this time—there is no reason to deny to the assurances of the President the validity which we give to the office of President.

The issue of the test ban treaty is changing. No one now seriously doubts

that the treaty will be approved. However, there are some doubts as to whether people will be drawn into approving something in the form of an understanding in the resolution on the theory that "He means it anyway; so why not say it?"

There are hard reasons for not saying it in the resolution, as I shall develop in a moment. The important thing now is the tradition of the Presidency, the standing of the Presidency—not this President, necessarily, but the institution of the Presidency. I think it deserves the good faith which it seeks, in order to forward the policy of the United States.

There are solid and strong reasons for not including any of the reservations or understandings in the resolution of ratification, which far outweigh the passive argument, "It is there anyway; why not say it?"

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. FULBRIGHT. The Senator has stated very clearly, succinctly, and exactly the critical point in the debate. What he has just stated is very important, and I hope that all Members of the Senate will give close attention to it.

Mr. JAVITS. I am grateful to the Senator.

In discussing the political aspects of the test ban treaty, it is important to define what we mean by "political" so that the term will not be misunderstood in this context. It is important for the American people to understand that economic, social, public health, and moral aspects are inseparable from politics. Politics, as I use it here, means success of the United States in the aims and objectives of its foreign policy—just as politics at home means success in the aims and objectives of a party or candidate.

In the world it is the United States which is running, in a sense, for reelection, for continuance as leader of the free world. It is in that sense that I use the word "political."

I have five points in that regard, and I should like to lay them before the Senate and the country.

First, and perhaps the most important political aspect of the treaty, is the fact that it commits Chairman Khrushchev by a consummated act to the road upon which he and his regime choose to embark—what he calls peaceful coexistence, but what we call a resolution of a cold war without an atomic war.

This is very important. I say this as a lawyer. It is one thing for A to promise B that he will do something. It is quite a different thing for B to act on what A has promised. Then A is bound. That is Hornbook law. It is just as true in the affairs of men.

The treaty would thus have a strong impact on current and future political discussions within the Soviet Union. If, as many experts believe it is to the interest of the present Soviet leadership to keep demonstrating the possibility of making and keeping agreements with the West, and thus to confirm the desirability of some sort of coexistence on their

part, then to that extent it benefits our own situation, and that of the whole free world.

If we do not act, if we do not commit Mr. Khrushchev to what he says he wants to be committed to, then, in my opinion, we have lost the opportunity, and we may very seriously rue it.

In committing Khrushchev to this role, it ends for him the alternative of rejoining the Communist Chinese in a common front again with their insistent demand to keep the atomic war threat hanging over the world. Approval of the treaty is a defeat for the deliberate war as an instrument of national policy in the Communist bloc. This is the doctrine of the irreconcilables; and its logical conclusion is that they, like we, must live in the spirit of an armed camp, confronting each other with ultimatums that threaten hostilities on every occasion. The treaty is thus an attempt to improve the chances for peace, as an alternative to war.

In short, my first point is that we commit Mr. Khrushchev to a course of action by acting on the treaty. There is no other way to commit him effectively in his own eyes, internally to the Soviet Union, and to the struggle between the Soviets and the Communist Chinese, in the eyes of the whole world.

Second, among those who oppose the treaty, it is agreed that approval should be used as a bargaining element in the exercise of trying to wring concessions from the Soviet Union on Cuba, Berlin, and other cold war issues.

That is a very clear issue between us. Those who oppose the treaty say, "Do not make it." For example, the Senator from Arizona [Mr. GOLDWATER] has proposed a resolution to have the Soviets remove their troops from Cuba as a condition to our ratification of the treaty. Someone else might propose a resolution to level the Berlin wall. But the key to this argument, as I see it, is that the treaty is a bargaining element to wring major cold war concessions from the Soviet Union.

If that be done, it will have actually the reverse effect. In the first place, those efforts would be futile. We know very well that the Soviets have to look at this situation in terms of their own self-interest; and I say that in this treaty we stand alone. We know very well that the whole concept of the Baruch-Hancock principle is that we remain competitive if we are to get anywhere with the Soviet Union. So such efforts are bound to be futile. But more than that, if we take such a position, we will frighten the Soviet Union into an intensification of the arms race.

This intensification of the cold war is exactly what the Chinese Communists are urging. This is what is in essence implicit in the doctrine of using the treaty to force other concessions in the cold war. It puts us on the road to ultimatums to the Soviet Union, using the treaty as a bargaining element to make them concede to us what they consider to be substantive positions in the cold war. It is always our trouble in the cold war that we have vision on only one side. Let us remember that just as some

of our people are seeking reservations with respect to the withdrawal of Soviet troops from Cuba, the Soviets have exactly the same type of opposition in their camp—that is, the so-called Stalin party or the pro-Communist Chinese party. They are insisting that the Soviets pull their troops out of Cuba, for example, and the Communist Chinese are putting pressure on the Russians to demand from us the establishment of nuclear free zones in Europe, the removal of foreign military bases, and a paper agreement for a total ban on nuclear weapons and their complete destruction as the price of adherence to the treaty.

I invite Senators to listen to a partial text of a broadcast by the Communist Chinese on August 12, 1960, as it was monitored in the United States. This is what the Communist Chinese are saying:

Obviously, the tripartite treaty, viewed from any angle, is absolutely not a first step toward peace, as alleged, but rather a serious step to increase the war danger and a serious step on the part of the Soviet leaders in open capitulation to imperialism. What warrants attention is that a further political deal is in the making. The people of the world must maintain a heightened vigilance toward this. The tripartite treaty is a fraud and a very dangerous one at that.

The Chinese broadcast went on to say:

It is an urgent task for the peoples of the world at present to oppose this fraud, smash it, and forestall any new ones, and to hold higher the banner for a total ban on and thorough destruction of nuclear weapons.

As long as the present nuclear deadlock exists, we cannot expect the Soviet Union to surrender in this way without a fight; nor would they expect us to do so either, as we demonstrated so clearly in being willing to accept even nuclear confrontation rather than to leave Soviet missiles on Cuban soil.

Hence, to turn down this treaty on this ground is to gain nothing, while, at the very least, losing a chance to ameliorate the atomic arms race. That is point 2. We gain nothing by trying to make the treaty a key to the resolution of the cold war issues. We would only intensify the cold war, and it would be futile anyway, because the Soviets would ask us for much more than we are asking from them.

A third political advantage of the treaty is that it gives us an opportunity to identify and see lined up all the free world nations who are with us in the fundamental objective of finding a peaceful way to compete with the Soviet Union. Almost all of them, with the sole exception of France, have done so. By the latest count, 84 free world nations, among them 20 African countries, have signed the treaty in Washington. Altogether, 91 nations, including the three original signatories, have signed the treaty in Washington and with the other depositories.

So the third point is that we identify those upon whom we can rely, and we go forward in an effort to lessen the atomic peril and to promote disarmament, if that be possible.

Fourth, the treaty opens the way for other agreements in areas of mutual self-interest and on the same level of international importance. Such cooperative

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efforts, similar to the highly successful Antarctic Treaty, are possible, in my judgment, in such constructive fields as the peaceful uses of outer space, on greater cooperation in the acquisition of weather information, and by expanding our agreements made in connection with the International Geophysical Year.

This is quite apart from other aspects of the same type of treaty such as the posting of observers at possible places of attack, open skies, and so on. So the treaty gives us an opportunity to move out into the constructive uses of outer space, modeled upon the Antarctic Treaty, and the International Geophysical Year.

The fifth political advantage is that the treaty can encourage fruitful exploration in the field of trade. Every one of us who has visited the Soviet Union—I have been there, the chairman of the Committee on Foreign Relations [Mr. FULBRIGHT] has been there, and many other Members of the Senate have been there—knows that when we speak with any of the Soviet leaders whether it be Khrushchev or Mikoyan, they always talk about trade. They always ask, "Why will you not do business with us? Do you not know we are buying everything we need from West Germany, Holland, and Belgium?"

Of course they are. Control over strategic materials is not as good as we would like to have it, but it is pretty good. We are not talking about that factor; we are talking about what is on the nonstrategic list. In that respect, United States trade with the Soviet Union is practically nil. In money, as to both exports and imports, it amounts to about \$100 million a year. We could not make it lower than that if we tried. It is practically meaningless. But Soviet trade with the rest of the world is large. It is something in the area of \$3 billion, and that is not inappreciable. When exports and imports are added, it comes to about 3 percent of the aggregate trade of the whole world.

Many countries, such as West Germany, do a vast amount of business with the Soviet Union and its satellites. They like to keep quiet about it and not have it widely advertised. But it is a fact. It is such a real fact that the Germans are much less afraid about what will happen in Berlin than we are, because they know that the East Germans depend very heavily upon their trade with the West Germans and could not hurt them very badly if the trade lines were cut. That is a big leverage. In this respect, the whole free world, including our best allies, do a great amount of business with the Communist bloc; we do practically none.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. FULBRIGHT. I noticed in yesterday's newspaper a short statement to the effect that Canada was negotiating to sell \$500 million worth of wheat to the Soviet Union.

Mr. JAVITS. Exactly. I am coming to that. The Senator from Arkansas is most perceptive.

Chairman Khrushchev is most eager to increase trade, and I believe he has no illusions that he can euchre us out of the idea that we will not trade and will not let anyone else trade with Russia in strategic goods. That is practically shown by the fact that the German Bundestag turned down a pipe deal with the Russians by voting not to trade in strategic goods. The free world is well united on that score. Khrushchev has no illusions. Now, the Soviet Union has serious economic problems. The Senator from Arkansas has just pointed out that the Soviet Union is unable to raise enough food for its own people, and it is making large-scale wheat purchases in the free world. The \$500 million purchase from Canada is a great deal of money.

The essence of what I say is—not that we should trade with Khrushchev, not that we should open our doors wider, not that we should give him credits—that in exploring what can be done and what cannot be done, it is well to find out what Khrushchev is willing to do if he does find greater opportunities to expand his trade with the free world.

If we find that this is practical, we can protect ourselves against the risk of adverse effects on world trade by insisting, at one and the same time, that the Communist bloc accept and act according to the rules of the General Agreement on Tariffs and Trade which deal with dumping, with selling below cost, and with other unfair practices. The Russians are not now a party to it; and on occasion they hurt us—as, for example, in connection with tin, flax, and fuel oil; and as to them, they could, if they chose, hurt us again. So if we do explore that situation—which could be fruitful, and I am prepared at a later date to make a full-dress review of that situation, which I believe is needed, at the same time, it would promote greater unity among the free world nations in their trade policies with the Communist countries.

These are, to my mind, the five most positive political advantages. There are others—some of which have been advanced many times—but there are some who still insist they have not heard them, or who ignore them. So I would like to cite others which I deem significant, although thus far in this debate I have referred to those I consider to be extremely interesting or novel. But just to be sure that the recapitulation is complete, I shall restate them, so that the case will be complete. I state frankly that they are not mine.

Mr. MANSFIELD. Will the Senator from New York yield?

Mr. JAVITS. I yield to the majority leader—and ask unanimous consent in doing so, I shall not lose my right to the floor.

The PRESIDING OFFICER (Mr. CARLSON in the chair). Without objection, it is so ordered.

The treaty, as in Committee of the Whole, is open to amendment.

If there be no objection, the treaty will be considered as having passed through its various parliamentary stages,

up to and including presentation of the resolution of ratification, which will be read.

The legislative clerk read as follows:

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the treaty banning nuclear weapon tests in the atmosphere, in outer space, and underwater, signed at Moscow on August 5, 1963, on behalf of the United States of America, the United Kingdom of Great Britain and Northern Ireland, and the Union of Soviet Socialist Republics (Ex. M, 88th Cong., 1st sess.).

The PRESIDING OFFICER. The resolution of ratification is open to amendment.

The Chair recognizes the Senator from New York.

Mr. JAVITS. Mr. President, I am deeply gratified to have the treaty go through the first stages of its approval during my speech.

Mr. MANSFIELD. Mr. President, will the Senator yield further?

Mr. JAVITS. I am glad to yield.

Mr. MANSFIELD. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Montana will state it.

Mr. MANSFIELD. Is it the understanding of the Chair that what the Senate has done just now is to go through the regular procedural stages in the consideration of the treaty, and that the time for the offering of amendments to the treaty has now passed, and that the time in which reservations, understandings and the like can be offered has now arrived?

The PRESIDING OFFICER. That is correct. The Chair understands that amendments to the treaty are not in order at the present time, but that reservations can be submitted and can be acted upon by the Senate.

Mr. MANSFIELD. I thank the Chair.

Mr. JAVITS. Mr. President, if I may pursue that point, in order to protect other Members who are interested, that includes not only reservations, but also understandings and any other matters which relate to the resolution of ratification, as distinguished from the treaty?

Mr. MANSFIELD. Except amendments.

Mr. JAVITS. They relate to the treaty. I think the line of distinction is between what would go into the treaty and what goes into the resolution of ratification.

The PRESIDING OFFICER. The Senator from New York has stated the matter correctly.

Mr. FULBRIGHT. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Arkansas will state it.

Mr. FULBRIGHT. I understand that the Senate is now no longer in Committee of the Whole, and that the treaty is now before the Senate as such?

The PRESIDING OFFICER. Yes, the treaty is now before the Senate, and the question is on agreeing to the resolution of ratification.

Mr. JAVITS. Mr. President, I repeat that I am gratified that the first stage of the treaty has been dealt with during my speech.

I have recapitulated the five most positive political advantages which I see in the treaty. I am now about to recapitulate the agreements which have been made on the political side and on the human side in other quarters and in the Senate.

The treaty would remove the heaviest part of the burden of radioactive atmospheric contamination for the future. I know that many people are inclined to sneer at the fallout argument; but as Senator FULBRIGHT so well expressed it last Monday, "I have never heard any argument to the effect that fallout was good for people." Neither have I.

It would strongly inhibit the spread of nuclear know-how, and would therefore limit the number of States which could develop a weapon. In a world of precarious power balance, this is a most important fact.

It could improve the atmosphere of the world by fostering a sense of achievement, between the two superpowers, among nations which say, "A plague on both your houses."

It would line up the two great powers in a community of interest with virtually all the rest of the world, bringing hitherto unknown world pressure to bear on Red China and France, in the interest of the maintenance of peace and international cooperation. Most of the nations who have signed have audibly expressed relief that the Soviet Union, the United States and the United Kingdom have finally taken even so small a step toward lessening the dangers of atomic war.

We must not overlook the significance of the world's reaction to the treaty. This is, in effect, a worldwide vote against nuclear war, a voluntary ban on the proliferation of nuclear weapons, and a very definite advance of our policy in this respect.

It places upon the Soviet Union the spotlight of world publicity, under which any attempt to circumvent or abrogate the treaty will be an affront to all the signers of the treaty. It gives the U.S.S.R. a chance to show if it means business about its new policies, about which so many have expressed doubt.

I shall, of course, oppose reservations or conditions or understandings to the treaty. The President has made solemn commitments with respect to the use of nuclear weapons in atomic warfare for the defense of ourselves, the continuance of underground testing, the maintenance of other testing facilities in adequate readiness, and the keeping of our laboratories, research organizations and monitoring devices fully up to date. These and other assurances are internal to our Nation; they have been so solemnly undertaken that to restate them, even as "understandings," would only throw a cloud on the unconditional nature of the consent and approval by the Senate of the President's action and on the firmness of the commitments upon which we are acting. To interpolate yet other "understandings" would be to call reservations by a different name. Hence, I feel that "understandings" would only serve to confuse our friends and ourselves by casting a

"cloud on the title," so to speak, of this treaty.

I use that term advisedly, because I believe it most apposite—a "cloud on the title" of the treaty, which should speak clearly, and unequivocally.

Certainly I do not wish to see the "title" to the treaty clouded by the addition by the United States of a provision such as an "understanding" to the resolution of ratification, which would have to be sent to the United Kingdom, to have it interpret whether it was actually a reservation. If that were necessary, it could be done; but it is definitely unnecessary. On the contrary, it would tend to bring into question the sanctity and validity of commitments of the President of the United States which have been sent to us, and upon which we are acting.

I repeat that it would be a great mistake for us to say, "Well, we mean it, and the President means it, so let's say it." In this case it would work out very much to our disadvantage.

Mr. President, in concluding, let me state that I have no intention of exaggerating what this treaty will do. I am trying to emphasize the positive in what has become, in my opinion, very much a debate in the negative. Of course, the treaty will not mean that we can now proceed to a solution of the problems of the Berlin wall, of Cuba, Laos, Vietnam or Korea, or that it will affect the Communist Chinese threat to invade India or relieve the pressure on the Nationalist Chinese on Formosa, or that it will free the captive nations of Europe, or, conversely, "sell them down the river," or that it will serve as a panacea for the evils and tensions of the cold war.

But so much has been made of the comparative unimportance of the treaty—even its supporters claim no more for it than the "first small step," the "tiny ray of light," and so forth—that it is necessary to remind ourselves of the potential of even a small beginning.

Those who oppose this ratification do not believe that there is any reason for hope at all; and history may prove them right in this instance. But should we destroy this hope without allowing it a fair trial? Can we deny the right of mankind to hope that given even reasonable mutual self-interest, this treaty may lead to better things?

Did our forefathers receive guarantees that it was safe and profitable to colonize America? No—they hoped. Were our Founding Fathers complacently positive that they could successfully win independence from Great Britain? No—they hoped. Was Lincoln sure he could save the Union? No—he hoped. These were neither dreamers, nor sentimentalists, nor were they rash; and they backed their hopes with their lives and treasure.

As we appraise and test this treaty and examine it with the scrupulousness required of us by its historic importance and by our responsibility to the people, let us not forget the obligation which rests upon us. Just as I would not for one moment challenge the sincerity of the opponents to the treaty or fail to recognize the courage of their decision,

so I would not have challenged the integrity and patriotism of the proponents and the courage of their decision. Let us remember that the hopes of all mankind rest upon us in a particularly concentrated and dramatic way in respect to this treaty; and therefore, we carry an awesome responsibility.

Senators who vote for the treaty should not forget that we carry the awesome responsibility that it may go wrong and may hurt us. That is possible. It is a big responsibility which we carry. It is not only the opponents who carry the big responsibility. We carry it, too.

I believe if we rejected this treaty it would be a signal to all mankind that the road leads only sooner or later to an atomic Armageddon; while if we can in conscience and patriotism approve the treaty, we extend to all mankind the hope that at long last in the tragic history of earth, littered with so much death and destruction, we begin to see even in its barest outlines, the new road of the rule of law instead of the rule of force and of the capability of men to master the means for their own destruction.

As for myself, I am deeply grateful that I can accept this alternative and that from all indications the Senate, by the needed two-thirds majority can do so too, and bring the promise of a better day, foretold by all our great religions, and all our prophets before us—even one little bit closer.

Mr. FULBRIGHT. Mr. President, first, it is a big relief to have a Senator address himself to what I think are the most important aspects—the affirmative aspects—of the treaty, rather than the negative. The Senator has stated the political, humanitarian, and peaceful aspects. There has been a thorough discussion of the military aspects. The Senator from New York has rendered a distinguished service by discussing the treaty from the other point of view.

I particularly wish to reiterate my emphasis and agreement with him in regard to the importance of not cluttering the resolution of ratification with reservations or understandings.

It is not true that no matter how innocuous, on the one hand, or how domestic in its application, on the other—it may be, important but essentially domestic—the understanding would still become a part of the resolution of ratification and, under our practice, it would be sent to all signatories of the treaty?

Mr. JAVITS. I would say "yes" to that question unequivocally. I would add that in every case every signatory could for itself interpret whether what we said was internal, was not internal, was an understanding, a resolution, a reservation or not a reservation, and whether it would require renegotiation of the treaty; and that would be unilateral determination that we could do nothing about.

Mr. FULBRIGHT. I wish the Senator to expand that a little further because I think there is a great misunderstanding. A few days ago the Senator from Georgia used as a precedent what we did in relation to the atomic energy agreement. That was quite a different case. In that case there was good reason for a reserva-

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tion, because under that agreement, an amendment to the basic document would not necessarily have to be approved by our Government, that is, the Executive or the Senate. In other words, two-thirds of the Members could have put into effect an amendment and we would not have the opportunity to object. All we would be able to do would be to resign from the organization, which is too drastic a remedy.

I think there is a misunderstanding on the part of Senators. I have detected it in conversation with some who say, "What is the harm in adding an understanding that the treaty will come to the Senate?"

I emphasize what the Senator from New York has made very clear. I cannot emphasize it too much or agree with him too strongly. The Senator calls it casting a cloud on the title, which is a good analogy; I said "muddying the water." By that I mean we should not create confusion in the minds of the other signatories as to what we have done in relation to the treaty. If we include in the treaty any of the interpretations, understandings or reservations, as the Senator has already indicated, they are not self-explanatory, and each signatory would put its own interpretation on such reservations. Is that not so?

Mr. JAVITS. I thoroughly agree with the Senator. Since the Senator has invited me to amplify, I shall do so. I would add also the concern about testing the quality of the different assurances by the President. If we include one, it seems to me that we must include all.

We certainly would not say that one is more or less important than the others. Therefore, we must rely on the Presidency as an institution. I say that in all respect, and quite without regard to the incumbent. The Presidency as an institution stands so high in the hierarchy of our country that we have almost an obligation in this instance to give it the respect of good faith. Clearly, that is what is involved. The President's assurances are in writing. They were incorporated in a letter to us from the President. We must either take his assurances or reject them all, saying that we cannot rely on him and must write the provision in the document without cause. I cannot see any justification for that.

Mr. FULBRIGHT. Not only the President, but the Secretary of State said under oath that that was his view without question.

The Senator has been Attorney General of his State, and he is a distinguished lawyer. There are many treaties on the books which do not contain that kind of language. Would not the adoption of such language in the present case raise a kind of presumption in the minds of people that, for some reason unknown to me, the constitutional provision requiring ratification of treaties and amendments to treaties has somehow lapsed and that we must reinforce it by such a reservation?

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Mr. JAVITS. I believe that every resolution of ratification is what we lawyers call *sui generis*. Therefore, it would not necessarily involve and complicate any other future resolution of ratification. But it would establish a climate in respect of historical relations between the Senate and the President which I think would have an adverse effect upon those relations. Therefore, that would be an additional reason for being against it.

Mr. FULBRIGHT. It seems to me that what in a very homely sense is termed a reservation or understanding of that character is rather a treaty between the Senate and the President of the United States, rather than a reservation or understanding with regard to the treaty itself.

Mr. JAVITS. With foreign countries. It would seem that way.

Mr. FULBRIGHT. Yet that particular condition is already taken care of by the Constitution itself.

Mr. JAVITS. Exactly. We as adults all know—and we talked about that a few minutes ago—that if the President wishes to get around the relationship between himself and the Congress, he can do so.

The President is Commander in Chief and has many other powers. He is the principal foreign policy negotiator for the United States.

Equally, if the Congress wishes to get around its relationship with the President—if it wishes to cut down his authority—it can do so. We could not write a sufficient number of understandings into the treaty to deal with that situation, so why create a state of confusion? Why "mess it up"?

Mr. FULBRIGHT. The Senator is absolutely correct. Such action would create a situation which would, as he says, "mess it up." I hope the Senate will follow his advice.

Mr. JAVITS. I thank the Chairman of the committee. He has been very gracious. I am quite pleased in this matter to be in agreement with him.

(At this point Mrs. NEUBERGER took the chair as Presiding Officer.)

Mr. JAVITS. Madam President, a very distinguished organization called the Citizens Committee for a Nuclear Test Ban, the principal actor in which is our longtime friend James Wadsworth, former Representative of the United States at the United Nations, has obtained the support of college presidents, business leaders, scientists, and distinguished people in the arts for a fundamental statement of support. I ask unanimous consent that this statement, together with a list of its adherents, may be printed in the RECORD.

There being no objection, the statement and list were ordered to be printed in the RECORD, as follows:

PRESIDENTS OF 10 STATE UNIVERSITIES AND 24
OTHER ACADEMIC HEADS URGE RATIFICATION
OF TEST BAN TREATY

The presidents and deans of 34 major U.S. colleges and universities today urged ratification of the nuclear test ban treaty.

Academic institutions in 21 States and the District of Columbia are represented, from James S. Coles, president of Bowdoin College, Brunswick, Maine, to Thomas H. Hamilton, president, University of Hawaii.

Among the signers of the public statement are Nathan M. Pusey, Harvard University, Grayson Kirk, Columbia University, Sarah G. Blanding, Vassar College, Julius A. Stratton, Massachusetts Institute of Technology, Arthur S. Fleming, University of Oregon, and Kingman Brewster, Jr., Yale University.

The presidents of 10 State universities joined in the "call to our fellow countrymen to make known their support for the nuclear test ban treaty." The state universities are in Florida, Hawaii, Illinois, Iowa, Michigan, Minnesota, Missouri, North Carolina, Oregon, and Washington.

States with more than one academic institution represented include New York, five, (Cornell University, Columbia University, Columbia Teachers College, New York University, and Vassar College), Massachusetts, four (Clark University, Harvard University, Massachusetts Institute of Technology, and Smith College), Indiana, three (Ball State Teachers College, Notre Dame University, and Purdue University), and Pennsylvania, three (Bryn Mawr College, University of Pittsburgh, and Swarthmore College).

Other signers include the presidents of American University, Washington, D.C., Reed College, Portland, Oreg., Texas Southern University, Houston, Tex., and Washington and Lee University, Lexington, Va.

The complete statement follows:

"The national discussion and committee hearings on the nuclear test ban treaty have been thorough, patient, and many voiced in the American tradition.

"We believe that the demands for considered caution, expressed in debate and testimony, are warranted. Yet we must not allow ourselves to become so paralyzed by the fear of change and the specter of insecurity that we can never summon enough courage to put a brake on competitive arming and its dread consequence.

"Our Government has been seeking an agreement on the banning of nuclear tests since 1958. The treaty now before the Senate is admittedly only a beginning toward a peaceful world. But, in President Kennedy's words, we see 'a shaft of light out into the darkness.'

"Today we Americans, with other people of the earth, dare look forward to a slowing down in the tempo of the arms race, a lessening of the continued exposure of mankind to radioactive fallout, a limit to the spread of nuclear arms to nonnuclear powers, and a step—however small—toward national and world security.

"As educators, dedicated to the training of youth and the preservation of our Nation's heritage, we urge the Senate of the United States to ratify the nuclear test ban treaty overwhelmingly as in the best interests of the Nation and humanity. We call on our fellow countrymen in every State to make known their support by letter or wire to Washington.

"Join us in making your voice heard."

The statement was issued under the auspices of the Citizens Committee for a Nuclear Test Ban, 130 East 59th Street, New York City. Chairman of the committee is James W. Wadsworth, former U.S. Ambassador to the United Nations and former chief U.S. representatives in the test ban negotiations during the Eisenhower administration. Previous, similar statements, under the committee's auspices, were signed by groups of prominent scientists and businessmen.

PROMINENT SCIENTISTS URGE TEST BAN TREATY RATIFICATION

Fifty-two prominent scientists, including 19 Nobel Prize recipients, today (Friday) urged ratification of the nuclear test ban treaty.

The group includes 8 researchers at the Massachusetts Institute of Technology, 7 at Harvard University, 5 each at Cornell University and the University of California, and others at 19 universities, institutions, and corporations.

Among the signers are two former science advisers to President Eisenhower, James R. Killian and George B. Kistiakowsky, Harvard University chemist; and the heads of three academic institutions, George W. Beadle, president, University of Chicago; Detlev V. Bronk, president, Rockefeller Institute and former president of Johns Hopkins University; and Hudson Hoagland, director, Worcester Foundation for Experimental Biology.

The largest number, 24, are physicists, including I. J. Rabi, of Columbia University; Robert I. Bacher, of California Institute of Technology, Robert R. Wilson, of Cornell University of Nuclear Studies (and former head of the experimental nuclear physics division of the Los Alamos Laboratory); and others associated with the development of the atomic bomb. The second largest number, 10, are medical doctors, including Dr. Selman A. Waksman, of Rutgers University. The participants also include four geneticists, George W. Beadle, University of Chicago; Detlev V. Bronk, Rockefeller Institute; Herman J. Muller, Indiana University, and Edward L. Tatum, Rockefeller Institute.

Other signers are bacteriologists, biologists, and mathematicians.

The statement appears as a full-page advertisement in today's (Friday) New York Herald-Tribune and Washington Star, and in letters to U.S. Senators and others, under the auspices of the Citizens Committee for a Nuclear Test Ban, 130 East 59th Street, New York City. Chairman of the committee is James W. Wadsworth, former U.S. Ambassador to the United Nations and former chief U.S. representative in the test ban negotiations during the Eisenhower administration.

The full text of the statement follows: "Here you have a collection of some of the most independent minds in America today.

"They have widely divergent views on almost every conceivable subject.

"But all of them agree on the importance and urgency of supporting the nuclear test ban treaty.

"What is it that unites them on this issue? "These inescapable facts:

"1. The treaty will reduce the likelihood of nuclear war;

"2. The treaty will discourage the spread of nuclear weapons to nonnuclear powers;

"3. The treaty will create a better climate on both sides for a slowup of the arms race;

"4. The treaty will protect us and our children from exposure to additional doses of contamination from radioactive fallout.

"5. The risk of continued testing is greater than the risk of a test ban. The treaty will protect the national security of the United States. Furthermore, under the terms of the treaty, we can resume testing if we ever feel our national security is threatened.

"If these conclusions by the scientists make good sense to you, say so.

"Say it to your Senator. Say it by letter. Say it by wire.

"Say it now.

"While they are making up their minds." The full list of scientists follows:

Dr. Carl D. Anderson, California Institute of Technology.

Dr. Robert I. Bacher, California Institute of Technology.

Dr. K. T. Bainbridge, Harvard University.

Dr. George W. Beadle, University of Chicago.

Dr. Hans Bethe, Cornell University.

Dr. Detlev V. Bronk, Rockefeller Institute.

Dr. Owen Chamberlain, University of California at Berkeley.

Dr. Robert S. Cohen, Boston University.

Dr. Bernard D. Davis, Harvard University.

Dr. Edward A. Doisy, St. Louis University.

Dr. Jay L. Doob, University of Illinois.

Dr. Freeman Dyson, Institute for Advanced Study.

Dr. Joseph Erlanger, Washington University.

Dr. Bernard Feld, Massachusetts Institute of Technology.

Dr. James Franck, Duke University.

Dr. Donald Glaser, University of California at Berkeley.

Dr. Hudson Hoagland, Worcester Foundation for Experimental Biology.

Dr. Robert Hofstadter, Harvard University.

Dr. David Inglis, Argonne National Laboratories.

Dr. James R. Killian.

Dr. Augustus B. Kinzel, Union Carbide Corp.

Dr. George B. Kistiakowsky, Harvard University.

Dr. Arthur Kornberg, Stanford University.

Dr. Polykarp Kusch, Columbia University.

Dr. Fritz Lipmann, medicine and physiology, Rockefeller Institute.

Dr. M. Stanley Livingston, Massachusetts Institute of Technology.

Dr. Francis Low, Massachusetts Institute of Technology.

Dr. Salvador E. Luria, Massachusetts Institute of Technology.

Dr. J. Howard Means, Boston, Mass.

Dr. Matthew Meselson, Massachusetts Institute of Technology.

Dr. Phillip Morrison, Cornell University.

Dr. Phillip Morse, Massachusetts Institute of Technology.

Dr. Herman J. Muller, Indiana University.

Dr. Jay Orear, Cornell University.

Dr. Edward M. Purcell, Harvard University.

Dr. I. I. Rabi, Columbia University.

Dr. Eugene Rabinowitch, University of Illinois.

Dr. Dickinson W. Richards, Columbia University.

Dr. Bruno Rossi, Massachusetts Institute of Technology.

Dr. Edwin E. Salpeter, Cornell University.

Dr. Emilio Segre, University of California at Berkeley.

Dr. William B. Shockley, Clevite Corp.

Dr. Lyman Spitzer, Jr., Princeton University.

Dr. W. M. Stanley, University of California at Berkeley.

Dr. Robert Szent-Gyorgi, Institute of Muscle Research.

Dr. Edward L. Tatum, Rockefeller Institute.

Dr. Harold C. Urey, University of California.

Dr. Selman A. Waksman, Rutgers University.

Dr. George Wald, Harvard University.

Dr. James Watson, Harvard University.

Dr. George H. Whipple, University of Rochester.

Dr. Robert R. Wilson, Cornell University.

WHY THESE BUSINESS LEADERS WANT THE NUCLEAR TEST BAN

Winthrop Aldrich, director, Rockefeller Center.

G. T. Baker, former chairman, National Airlines.

Stephen D. Bechtel, chairman, Bechtel Corp.

Robert S. Benjamin, chairman, United Artists Corp.

William Benton, chairman, Encyclopedia Britannica, Inc.

John D. Biggers, chairman of finance committee, Libbey-Owens-Ford Glass Co.

Harold Boeschstein, president, Owens-Corning Fiberglas Corp.

Thomas D. Cabot, chairman, Cabot Corp.

William L. Clayton, founder, Anderson, Clayton & Co.

John T. Conner, president, Merck & Co.

John Cowles, president, Minneapolis Star & Tribune Co.

Howard S. Cullman, president, Cullman Bros.

Nathan Cummings, chairman, Consolidated Foods Corp.

Oscar de Lima, chairman, Roger Smith Hotels Corp.

Marriner Eccles, chairman, Utah Construction & Mining Co.

Charles Engelhard, chairman and president, Engelhard Industries, Inc.

Robert V. Fleming, advisory chairman of board, the Riggs National Bank.

Marion B. Folsom, director, Eastman Kodak Co.

Bowman Gray, chairman, R. J. Reynolds Tobacco Co.

Earle V. Grover, chairman, Apex Steel Corp., Ltd.

Robert Heller, president, Robert Heller Association.

Paul G. Hoffman, chairman, Hoffman Specialty Manufacturing Co.

Preston Hotchkiss, president, Fred H. Bixby Ranch Co.

Theodore V. Houser, former chairman, Sears, Roebuck & Co.

Wayne A. Johnston, president, Illinois Central Railroad.

Harrison Jones, retired chairman of board, the Coca-Cola Co.

Devereux C. Josephs, director, New York Life Insurance Co.

Donald P. Kircher, president, Singer Co.

Philip M. Klutznick, president, Klutznick Enterprises.

Sol Linowitz, chairman of the board, Xerox Corp.

Stanley Marcus, president, Neiman-Marcus Co.

Arnold H. Maremont, president, Maremont Corp.

Armand May, president, American Associated Cos.

S. M. McAshan, Jr., president, Anderson, Clayton & Co.

Thomas B. McCabe, chairman, Scott Paper Co.

Charles G. Mortimer, chairman, General Foods Corp.

Robert R. Nathan, president, Robert R. Nathan Association, Inc.

J. Wilson Newman, chairman, Dun & Bradstreet, Inc.

Herman C. Nolen, chairman, McKesson-Robbins, Inc.

William A. Patterson, president, United Air Lines.

Howard C. Petersen, president, Fidelity-Philadelphia Trust Co.

John A. Roosevelt, partner, Bache & Co.

Harry Scherman, chairman, Book-of-the-Month Club.

C. R. Smith, president, American Airlines, Inc.

John I. Snyder, Jr., president, U.S. Industries, Inc.

A. M. Sonnabend, chairman, Hotel Corp. of America.

Louis Stein, president, Food Fair Stores, Inc.

Herman Steinkraus, president (retired), Bridgeport Brass Co.; former president, Chamber of Commerce of United States.

Edgar B. Stern, Jr., president, Rohal Street Corp.

William C. Stolck, chairman, American Can Co.

James M. Symes, chairman, Pennsylvania Railroad.

Juan T. Trippe, president, Pan American Airways.

Sidney J. Weinberg, partner, Goldman, Sachs & Co.

available to most of the questions posed. There are only speculative answers, but answers with high probabilities, based on interpretation of available facts. Final resolution of most of the Senator's questions would come, I fear, only from data collected after a full-scale nuclear war between the United States and the Soviet Union.

With this as a background, I offer to the senior Senator from Maine my answers to her questions—answers which have led me to support ratification of the treaty without any reservations, mental or otherwise.

First. Has the Soviet Union, through its most recent atmosphere test series, now achieved a nuclear advantage over the United States of a military or scientific significance?

Madam President, I give an answer which can be found in the RECORD, from the testimony of the experts.

According to Secretary of Defense McNamara:

In the area of very large yield weapons the Soviets appear now to have some advantage in the area of nuclear technology. They have demonstrated a device of 60 megatons which we believe could be weaponized or turned into a weapon at about a hundred megatons.

As a weapon, the Secretary went on to say, the 100-megaton bomb, delivered by missile, could be detonated at altitudes of 100,000 feet or more above cities to cause significant thermal damage over hundreds of square miles. Or the 100-megaton weapon could be delivered against hard site command posts buried in rock thousands of feet below.

As for our use of such a weapon, the Secretary pointed out the Joint Chiefs have held the position that smaller but still vastly destructive weapons of the 10-megaton range are militarily more advantageous than the 100-megaton weapon the Soviets may develop.

The Secretary concluded by stating:

I point out, therefore, that no consensus has ever been formed with regard to the wisdom of a 100-megaton versus a 60-megaton bomb, for this country and I could not predict with any confidence whether we would make a significant improvement investment in the larger bomb even in the absence of the proposed treaty.

But I can state with full confidence that the absence from our arsenal of a bomb greater than the one we can build under the treaty will not impair the effectiveness of our strategic forces.

There is another aspect of the high yield discussion outside the 100-megaton weapon.

The Joint Chiefs stated the U.S.S.R. is ahead of the United States "in weapons effects knowledge derived from high yield nuclear explosions."

On that point however, Dr. Harold Brown, Director of the Defense Department's Office of Defense Research and Engineering, disagreed and testified:

My interpretation of all the data, and it is available to the Chiefs as well as to me, indicates that although they have done more high yield tests those were no effects tests.

Their geography, and the associated activity does not indicate to me that they are effects tests.

With respect to high altitude blackout, the Chiefs say the Soviets have some data that

we do not have. I would say yes, and we have some data that they may not have.

In executive hearings, Mr. John McCone, Director of the Central Intelligence Agency, testified directly on this point and I would suggest to the Senator from Maine [Mrs. SMITH] and all my colleagues who share her desire for further information on this matter, that they read Mr. McCone's presentation in support of this treaty.

Madam President, the entire transcript of Mr. McCone's testimony is available in the files of the committee, though the testimony is confidential, it is permissible for any Senator to go to the committee room and read the transcript.

The second question posed by the Senator from Maine [Mrs. SMITH] was: Are we reasonably confident and secure in the knowledge that our ballistic missile retaliatory second strike force will survive and operate in a nuclear environment?

Again I find an answer as best I can from the testimony given before our committee during the course of the hearings. I quote Secretary McNamara, who testified as follows:

We know, and the Soviets know, that in the event of a surprise Soviet first strike, at least a substantial proportion of our Minuteman missiles will survive. Also we and they know that the Polaris submarines at sea and many strategic aircraft will survive. We can say with assurance, therefore, that even after a Soviet strike the total surviving U.S. strategic nuclear force will be large enough to destroy the enemy.

With regard to operation of our warheads in a nuclear environment, much testimony was received. I would note one statement by Dr. Norris Bradbury, Director of the Los Alamos Scientific Laboratory, to the effect that through underground testing, we can investigate many of the effects of nuclear detonations on other nuclear warheads—information which is useful in connection with the study and design of system requirements for both offensive and defensive nuclear warheads and their delivery systems. Much knowledge already exists here, but much more can be found.

With this question, also I suggest a reading of Mr. McCone's testimony.

Third. In seeking to slow down the arms race as a purported advantage of this treaty, will we adopt nuclear parity as the basis for deterring thermonuclear war rather than nuclear superiority?

Answer. On the general theory of "parity," I would cite General LeMay, who said we could not accept parity but added:

No one is going to start a war unless they think they are going to win.

So I believe, however, that this is not the case, and even if it were, who is to determine whether you have parity or not?

In other words, parity or any state on either side of it, could not be determined by actual warfare.

As to the administration's attitude toward parity, I cite Secretary McNamara's statement:

For even if the Soviets fail to abide by this agreement and even under the doubtful contingency of Soviet testing in the prohibited environments without being detected,

the United States will maintain its ability to survive a surprise attack with sufficient power to destroy the Soviet Union.

That, I suggest, is a commitment to nuclear superiority and not nuclear parity.

Fourth. Will the treaty, as claimed, prevent the proliferation of nuclear weapons when France and Red China refused to be bound and when underground testing is sanctioned for all nations whether they sign or not?

Answer. I have been unable to find where Senator SMITH found that proponents of the treaty have claimed it would prevent proliferation of nuclear weapons. It is interesting to note that Dr. Edward Teller, in his appearance before the Committee on Foreign Relations, said:

The argument, the strongest argument, in my mind, for the treaty is to stop the spread of nuclear weapons. We have been worried about such a spread for many years, and rightfully so.

We know, today, that it is easy to make nuclear explosions, and that any country that can acquire nuclear materials can make an explosion within a year. Yet it has been claimed that this treaty will stop proliferation.

That claim, lodged in Dr. Teller's mind, is not to be found in the record of administration witnesses.

Who made such a claim?

In his letter to the Senate of August 8, 1963, President Kennedy wrote:

While it cannot wholly prevent the spread of nuclear arms to nations not now possessing them, it prohibits assistance to testing in these environments by others; it will be signed by many other potential testers; and it is thus an important opening wedge in our effort to "get the genie back in the bottle."

Dean Rusk, in his statement before the Committee on Foreign Relations said:

The treaty will help contain the spread of nuclear weapons. We cannot guarantee it. Most of the countries with the capacity and the incentive to develop nuclear weapons over the next decade or so have already announced that they will accept the self-denying ordinance of the treaty. These countries do not include, by the way, mainland China or France.

While this does not guarantee that they will never become nuclear powers, their renunciation of atmospheric testing will act as a deterrent by making it much more difficult and expensive for them to develop nuclear weapons.

Secretary McNamara said it in slightly stronger fashion when he said in answer to a question at the committee hearing:

The treaty does not cover the subject of proliferation. That is clear.

The record therefore is clear that among treaty proponents the understanding is that the treaty, though not preventing proliferation, will act as a deterrent to proliferation. For his own reasons, Dr. Teller apparently read into these statements a claim that the treaty would prevent proliferation, a claim which was easy to attack if one wanted to find some reason to attack the treaty. Senator SMITH's question follows this inaccurate line of thinking which apparently stemmed from Dr. Teller's testimony.

Fifth. How is one to define or interpret that which shall constitute an under-

David J. Winton, chairman, Winton Lumber Co.

Raymond H. Wittcoff, president, Trans-urban Investment Corp.

Successful businessmen—and the industrial leaders listed here are certainly that—are not given to wishful thinking.

Their call for a test ban treaty is based on the realities of our nuclear world:

1. Continued nuclear testing holds far greater risks for this country than a test ban.

2. Continued testing would increase the tempo of the arms race and encourage the spread of nuclear arms to nonnuclear powers. This would vastly increase the likelihood of war.

3. The test ban treaty will not threaten our national security. Under the treaty's terms we can resume testing on 3 months' notice if, for any reason, we feel our security is threatened.

4. The treaty will protect us and our children from exposure to further and perhaps lethal radioactive fallout.

5. The treaty will create a better climate on both sides for a slow-up in the arms race. It is a first and necessary step toward a rational, peaceful ordering of our world.

If these realities make good sense to you, say so. Say it to your Senators. Say it by letter, say it by wire.

Say it now.

While they're making up their minds.

Citizens Committee for a Nuclear Test Ban, 130 East 59th Street, New York, N.Y., James J. Wadsworth, chairman.

ONE HUNDRED AND THREE LEADERS IN SCIENCE, ART, MEDICINE, MUSIC, ARCHITECTURE, THEATER, MOTION PICTURES, ELEVEN OF THEM NOBEL LAUREATES, SUPPORT NUCLEAR TEST BAN

One hundred and three distinguished leaders in literature, science, art, medicine, architecture, music, theater, motion pictures, eleven of them Nobel Laureates, today expressed support of the nuclear test ban treaty as "a significant first step in arresting the present unlimited competition in nuclear arms."

"Failure to ratify the treaty reduces almost to zero whatever chances may now exist for preventing the spread of nuclear weapons to country after country, with a corresponding danger of a chain reaction effect as the nuclear fuse starts to ignite."

Mark Van Doren, distinguished American poet, author, critic, and teacher, in behalf of the signatories, made the statement public.

In addition to the 11 Nobel Laureates in physics, chemistry, medicine and literature, the signatories included 39 writers, 16 painters and sculptors, 11 musicians, 12 leaders in the theater and motion pictures, 10 architects, and 4 other scientists.

Nobel Laureates who signed the communication were:

Prof. Owen Chamberlain, 1959 Nobel Laureate, physics.

Dr. James Franck, 1925 Nobel Laureate, physics.

Dr. Arthur Kornberg, 1959 Nobel Laureate, medicine and physiology.

Dr. Fritz Lipmann, 1953 Nobel Laureate, medicine and physiology.

Dr. Hermann J. Muller, 1946 Nobel Laureate, medicine and physiology.

Dr. Emilio Segre, 1959 Nobel Laureate, physics (with Dr. Chamberlain).

John Steinbeck, 1962 Nobel Laureate, literature.

Dr. Edward L. Tatum, 1958 Nobel Laureate, medicine and physiology.

Dr. Harold C. Urey, 1934 Nobel Laureate, chemistry.

Dr. Selman A. Waksman, 1952 Nobel Laureate, medicine and physiology.

Dr. James D. Watson, 1962 Nobel Laureate, medicine and physiology.

Signatories to the statement are:

Ivan LeLorraine Albright, painter.

Steve Allen, radio and television.

Karen Arden, painter.

Claudio Arrau, pianist.

Boris Artyzbasheff, painter.

Tallulah Bankhead, actress.

Margaret Cushman Banning, novelist.

S. N. Behrman, playwright.

Pietro Belluschi, FAIA, architect.

Leonard Bernstein, conductor, New York Philharmonic Orchestra.

Dr. Kenneth E. Boulding, economist and social scientist.

Catherine Drinker Bowen, novelist.

Ray Bradbury, novelist and short-story writer.

Alexander Bralowsky, pianist.

Marcel Breuer, FAIA, architect.

Alexander Brook, painter.

Eugene Burdick, novelist.

Truman Capote, novelist and short-story writer.

Prof. Owen Chamberlain, 1959 Nobel Laureate, physics.

Paddy Chayefsky, playwright.

Aaron Copland, composer.

Malcolm Cowley, president, National Institute of Arts and Letters.

Cheryl Crawford, producer.

Russel Crouse, playwright.

Charles C. Cunningham, director, Wadsworth Athenaeum.

Marcia Davenport, writer.

Adolph Dehn, painter.

Rene d'Harnoncourt, director, Museum of Modern Art.

Lamar Dodd, painter.

Helen Gahagan Douglas, actress.

Melvyn Douglas, actor.

Samuel G. Engel, producer.

Ernest Fiene, painter.

Dr. James Franck, 1925 Nobel Laureate, physics.

Maxwell Geismar, writer.

Percival Goodman, FAIA, architect.

Walter Gropius, FAIA, architect.

Victor O. Gruen, architect.

Judy Holliday, actress.

Edward Hopper, painter.

Fannie Hurst, novelist.

John Huston, director.

James Jones, novelist.

Elia Kazan, director.

Alfred Kazin, writer.

William Melvin Kelley, novelist.

Dr. Arthur Kornberg, 1959 Nobel Laureate, medicine and physiology.

Olga (Mrs. Serge) Koussevitzky.

Stanley J. Kunitz, poet.

Dr. Fritz Lipmann, 1953 Nobel Laureate, medicine and physiology.

Richard Lippold, sculptor.

Archibald MacLeish, poet and playwright.

Carson McCullers, novelist.

Frederic March, actor.

Lenore Marshall, poet and novelist.

Ludwig Mies van der Rohe, architect.

Arthur Miller, playwright.

Pierre Monteux, conductor.

Marianne Moore, poet.

Robert Motherwell, painter.

Dr. Hermann J. Muller, 1946 Nobel Laureate, medicine and physiology.

Lewis Mumford, writer.

Robert Nathan, novelist.

S. J. Perelman, playwright.

Hobson Pittman, painter.

Ralph Pomerance, architect.

Samson Raphaelson, playwright.

Dr. Fritz Reiner, conductor, Chicago Symphony Orchestra.

Elmer Rice, playwright.

Dr. Leo Rosten, short story writer.

Robert Ryan, actor.

Maurice Samuel, writer.

Carl Sandburg, poet.

Dore Schary, playwright and producer.

James S. Schramm, president, American Federation of Arts.

Dr. Emilio Segre, 1959 Nobel Laureate, physics.

Irwin Shaw, playwright and novelist.

Sigmund Spaeth, musicologist.

Bella Spewack, playwright.

Sam Spewack, playwright.

Dr. Lyman Spitzer, Jr., physicist.

Edward Steichen, photographer and painter.

John Steinbeck, 1962 Nobel Laureate, literature.

Isaac Stern, violinist.

Rex Stout, novelist.

Joseph Szigetti, violinist.

Edgar Tafel, architect.

Dr. Edward L. Tatum, 1958 Nobel Laureate, medicine and physiology.

Alice Toklas, novelist.

Louis Untermeyer, poet.

Dr. Harold C. Urey, 1934 Nobel Laureate, chemistry.

Mark Van Doren, poet and short story writer.

Dr. Carl Van Vechten, novelist.

Gore Vidal, playwright.

Dr. Selman A. Waksman, 1952 Nobel Laureate, medicine and physiology.

Dr. J. C. Warner, president, Carnegie Institute of Technology.

Dr. James D. Watson, 1962 Nobel Laureate, medicine and physiology.

Prof. Victor F. Weisskopf, physicist.

Edmund Wilson, essayist.

Frederick J. Woodbridge, FAIA, architect.

William W. Wurster, FAIA, architect.

Bruno Zirato, orchestra manager.

William Zorach, sculptor.

TEXT OF STATEMENT

The call for a test ban treaty is based on the realities of our nuclear world. Such as:

1. Continued nuclear testing holds far greater risks for us than a test ban.

2. Continued testing would increase the tempo of the arms race and encourage the spread of nuclear arms to non-nuclear powers. This would vastly increase the likelihood of war.

3. The test ban treaty will not threaten our national security. Under the treaty's terms we can resume testing on a 3 months' notice if, for any reason, we feel our security is threatened.

4. The treaty will protect us and our children from exposure to further and perhaps lethal radio-active fallout.

5. The treaty will create a better climate on both sides for a slow-up in the arms race. It is a first and necessary step toward a rational, peaceful ordering of our world.

Mr. SPARKMAN. Madam President, on Monday last, during the morning hour, the distinguished senior Senator from Maine [Mrs. SMITH], placed before this body a series of questions relating to the nuclear test ban treaty. A member of the Armed Services Committee, the Senator from Maine directed her attention primarily on military security aspects of the treaty and in doing so did a capable job of focusing on questions that have troubled many Members.

Since the Senator from Maine did not direct her questions to any specific source, I have taken it upon myself to read through portions of the published and classified hearings recently concluded by the Committee on Foreign Relations as well as the committee's 30-page report in order to find some possible answers.

By posing her questions, our distinguished colleague has focused on one of the most difficult problems facing the Senate with regard to this treaty, for there are no single, factual answers

ous nuclear weapons laboratory research and development; the conduct of effective underground testing of nuclear weapons; the extension of the depth and breadth of the U.S. detection and identification system directed at clandestine experiments; and the real readiness for effective testing in the atmosphere should the treaty be suddenly abrogated; that all of these things are completely feasible both from a purely technical point of view and from the point of view of the management of the U.S. scientific effort.

To the extent that these things were possible under the terms of the 1958 moratorium, the Eisenhower administration found it quite feasible to carry them out. The weapons development program during that period turned to extensive theoretical research involving the wider use of modern high-speed computers than had ever been a part of the program before.

This resulted in, if anything, an improvement in the effectiveness of the nuclear weapons research effort. The laboratories remained healthy, and far from shrivelling and losing substance, they actually grew both in the quantity and the quality of the work done during the period of the moratorium than afterward.

There is no reason why this performance should not be repeated in the present context which is less restraining because of the continuing of underground testing.

In concluding my testimony I want to return to some general comments. Undoubtedly there are risks to our security involved in the ratification of the proposed treaty. But these risks, as other witnesses and I have stated, can be minimized, if we do not fall into a state of euphoria, using Secretary McNamara's word.

Eleventh. Will we be restrained from ever determining feasibility, developing and deploying any defense whatever against ballistic missile attack?

Answer: To this question Secretary McNamara answered, during the hearings:

There has been some disagreement, I think, as you know, in the Department, as to whether we should or should not deploy antiballistic missile systems.

The Chiefs, themselves, have been uncertain about that. And I know that in testimony before the committees that you have been a member of, you have heard both sides of the argument. And I think the point to emphasize at the moment is that I believe none of us who state that the system we presently have developed—that is to say the Nike Zeus—nor the system which is presently under development—the Nike X—is an effective system in the sense that they can be guaranteed to protect our metropolitan centers against substantial damage from a potential Soviet attack. We haven't reached the end of the developmental process by any means.

And it is to carry on that process that we have asked the Congress to appropriate \$450 million. I am optimistic that we will continue to make progress. Whether the progress will be enough to warrant the high expenditures associated with such deployment, I don't know. We estimate very roughly that to protect perhaps 20-odd metropolitan centers, containing some 35 percent of the population, perhaps, would cost on the order of \$14 billion.

As to the effects of the treaty on ABM development, the Joint Chiefs, as well as others stated:

In the antiballistic missile field, development of the U.S. system does not depend on atmospheric testing.

Twelfth. Will this treaty permit the Soviet Union to achieve equality in the

low yield tactical weapons where it is generally acknowledged that we have an advantage and yet, preclude us from ever achieving equality in the high yield weapon where the Soviet Union is unquestionably superior?

Answer. As I read an answer to an earlier question, it is clear that we have not in the past, and apparently do not have at present, a military requirement for a high yield weapon. As to the activity of the Soviets in the low yield tactical weapons, Secretary McNamara put it well, I believe, when he stated:

There is no question in my mind but that without a test ban the Soviet would be able to advance more rapidly and at a lesser cost in the field of tactical weapon technology than they will be under the test ban.

In other words, treaty or no treaty, the Soviets, if they desired, could cut our superiority in the low yield field—and in all probability, maintain their superiority in the very, very high yield area because it is an area in which we see no military advantage.

I would also suggest reading Mr. McCone's testimony on this point.

Thirteenth. To what extent can we satisfy, through underground testing, the military and scientific requirements which were to have been investigated by atmospheric tests planned for next year?

Answer. Concerning this question Dr. Harold Brown testified before the joint committees:

I cannot describe in individual detail the tests in open session, but I can tell you what kinds they were * * * the tests which are planned, if atmospheric testing is resumed, and for which preparations are being made, include tests on the effects of surface shots on hard sites.

They are large tests, hundreds of kilotons, and, of course, would be easily detectable.

They include tests on the effects of nuclear explosions in the atmosphere on blackout, and tests on the effects of nuclear explosions on reentry vehicles.

Some of this information can be obtained by underground tests but much of it cannot and the information can be gotten better from atmospheric tests. If the atmospheric tests are not conducted, we are going to go ahead and design our systems so that these uncertainties, which could be reduced with atmospheric tests, are compensated for by the design of the systems, and that is what we would have planned to do anyway.

That way we will have to compensate for slightly greater uncertainties. But there are some uncertainties that we cannot compensate for no matter how many atmospheric nuclear tests were done.

Fourteenth. What is the human tolerance for radioactivity and what is the truth about the danger of atmospheric contamination, even at previous rates of testing, in causing genetic damage and leukemia to the living and yet unborn?

Answer. There is, of course, no answer here; only estimates which vary and the conclusions which stem from them. As Dr. Seaborg testified:

I do not think there is a scientist who could tell you (how much contamination the atmosphere can take before we will reach a point of no return) with any authority, and I, although I said earlier that I felt that the fallout up until now had not led to a serious situation, I do feel that continued testing would lead to an amount of fallout that we certainly should avoid, and it is a statistical

matter, of course, and that the fallout that has been—that we have up until now—has certainly led to some adverse health effect, and presumably some genetic effects.

So it is just a matter of a balance of these rather small numbers of people affected against the necessity for testing in order to maintain our defenses strong.

Fifteenth. What will be the effect of ratification upon our Plowshare program—a project designed to deepen harbors, dig tunnels and canals, or otherwise cause beneficial changes to the topography through controlled and contained nuclear explosions?

Answers: Dr. Seaborg, in his testimony before the committees, replied as follows on the restraints imposed on the Plowshare program if the treaty is ratified:

Specifically, we feel that we could develop the devices themselves which clearly can be perfected by underground explosions, completely contained explosions, and we can also develop a good deal of the excavation technology through properly devised experiments in which these explosives were used for earthmoving purposes.

Also, some of the other experiments having to do with the development of oil resources and water resources and so forth can be carried out in completely contained underground explosions.

President Kennedy in his September 10, 1963, letter to Senators MANSFIELD and DIRKSEN, wrote:

The United States will diligently pursue its programs for the further development of nuclear explosives for peaceful purposes by underground tests within the terms of the treaty, and as and when such developments make possible constructive uses of atmospheric nuclear explosions for peaceful purposes, the United States will seek international agreement under the treaty to permit such explosions.

Sixteenth. Will the participation of East Germany in this treaty constitute even so much as a tacit, implied, or suggestive recognition of that Communist regime, as a sovereign national entity?

Answer: First, both the President and the Secretary of State have publicly stated on numerous occasions that this Government has no intention of recognizing the East German regime. Secretary Rusk also testified to this effect before the committees.

The Secretary's statement is amply fortified by an opinion of the legal adviser found on page 15 of the printed hearings. The committee report, discussing this matter, states that this opinion, together with these public statements of high officials offers reassurance "that the recognition question will not be affected * * * by the treaty. This, indeed, is the committee's understanding."

Thus, the understanding is clearly spelled out in the committee report. In addition, a letter from Senator FULBRIGHT to the Secretary of State, found on page 968 of the printed hearings asks, among other things, whether a legal question affecting recognition arises from the amending procedure of the treaty and whether the United States and West Germany are parties to any international conventions in which East Germany is also a party.

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ground test within the meaning of article 1, section 1, subsection (a) of the treaty?

Answer. Secretary Rusk testified, and it was made a part of the Committee on Foreign Relations report that "obviously this treaty permits a clear underground test where the explosion is underground, where the testing apparatus is based on that phenomenon, and I would think that we would not think it applied to a surface explosion which was christened by a few shovelfuls of dirt."

Secretary McNamara stated at the hearings in answer to this exact question that:

I think that it is clear the intent of the parties is to limit tests to the underground environment. And I think that by definition it would be the intent of the experiment to contain the force of the test under the surface * * * and furthermore, I am satisfied that in the event of a test of the type we have discussed—a weapon buried at a very low depth, as I say, covered by a layer of dust—is detonated under the guise of an underground test, we would probably be aware of that through our detection system, and I, for one, would consider it contrary to the intent of the treaty.

Focusing again on this same point, Dr. Harold Brown made the definition more precise when he stated:

I would view a test that put most of its energy into the atmosphere as an atmospheric test and it would be detected as such.

Sixth. Do we possess the capability to detect all nuclear detonations occurring in the three environments prohibited by the treaty?

Answer. The most reassuring answers to this question are to be found in the executive session testimony of Mr. McCone and Dr. Doyle Northrup of the Air Force Technical Applications Center, the agency specifically charged with our Government's monitoring program. I doubt if any responsible official would claim we could detect all nuclear explosions in the three prohibited environments.

Dr. Brown testified:

Underwater explosions of only a few pounds of TNT equivalent can often be detected with hydrophones thousands of miles away * * *. Detections of tests in shallow coastal waters and inland lakes could be done by seismic means, but small tests in inland waters could go unidentified—though they would be seismically detected, because underwater tests couple very well into the earth and produce signals of enhanced coupling which is the opposite of decoupling.

Our detection capacity for tests in deep space is at present rather small in terms of what we actually have deployed.

However, an effective ground-based detection system could be installed rapidly because the basic instrument development work has been largely done, that is, the equipment exists.

With the cooperation of the Western and neutral nations, a worldwide group-based system could be installed with the capability of detecting an unshielded 10-kiloton test at 1 million kilometers, and an unshielded 10-megaton test could be detected at 30 million kilometers, which I think Secretary McNamara mentioned is about 60 times the distance to the moon.

An earth satellite system for detection of deep space nuclear explosions is presently under development (first launch scheduled for September or October this year) and could be made fully operational within 3 years.

In the lower atmosphere, I can summarize the situation quite simply by saying small tests on or above the surface in the Soviet Union are likely to be detected if their yields are in the kiloton range.

Secretary McNamara, in discussing atmospheric tests admitted:

It is more difficult to detect and identify tests in certain bands of the atmosphere, particularly in this band I am discussing—say roughly from 6 to 20 miles—than it is to detect tests in the low atmosphere.

Dr. Brown amplified this, stating:

In the band from 6 to about 20 miles, the electromagnetic signal is suppressed somewhat, and therefore you do not have as many techniques, and therefore (detection) is somewhat more difficult. Debris sampling is also harder to do, but it is not impossible. So that even for tests at say 10 or 15 miles there is some chance of being able to collect debris.

At a later point in the hearing, speaking of this 6- to 20-mile band, Dr. Brown stated that with an explosion of a kiloton or more "an acoustic signal will probably be detectable from any test over the U.S.S.R."

Above the 20 mile atmospheric limit, Dr. Brown stated that detection was easier since "you start getting back a different kind of electromagnetic signal. You start getting effects on the ionosphere which cause phase shift and radio signals which you can send through that region. And, also, the higher it gets the easier it is to see visually, as a matter of fact."

I believe the record is clear that neither Secretary McNamara nor Dr. Brown tried to indicate that all nuclear explosions could be detected—in fact, I believe they went out of their way and rightly so to point out the detection risks. I repeat, however, that anyone wanting sincerely to consider a full answer to this question must first read the testimony of Mr. McCone and Dr. Northrup—testimony which I consider reassuring on this point.

Seventh. Can any significant advances in nuclear technology be achieved by clandestine testing in those three environments at yields which may possibly be below our ability to detect?

Answer: As the Committee on Foreign Relations' report pointed out:

The complex subject of clandestine testing * * * was exhaustively discussed in the prepared statements of Secretary of Defense McNamara and Dr. Brown, found respectively on page 97 and 528 of the printed hearings.

To this question posed by Senator SMITH, I offer this comment by the Joint Chiefs:

The dangers of detection and the cost and difficulty of testing in outer space would tend to impose severe restrictions upon such clandestine testing. Other clandestine tests in the atmosphere or underwater, depending upon their size, would involve a fairly high probability of detection by our conventional intelligence or our atomic energy detection system. Moreover, the Joint Chiefs of Staff consider the resulting progress which the Soviets might make clandestinely to be a relatively minor factor in relation to the overall present and probable balance of military strength if adequate safeguards are maintained.

Eighth. Will we be able to differentiate between a shallow underground ex-

plosion and an atmospheric burst detonated close to the surface of the earth?

Answer: Using the above mentioned definitions as to what constitutes an underground test, it is apparent that neither Secretary McNamara nor Dr. Brown would be willing to accept a shallow underground test—at least one which releases energy into the atmosphere—as anything but an atmospheric test—thus the need to differentiate between the two appears unnecessary. I have already quoted Dr. Brown's testimony at one point on our ability to detect such surface tests. I will quote from a portion of his prepared statement on this point where he stated:

A third type of clandestine tests which might be tried, is surface bursts or very near surface bursts. These are very detectable.

Ninth. Can we, in fact, maintain an adequate readiness to test in those prohibited environments in the event the treaty should suddenly be abrogated?

Answer: Questioned on this point during the Committee on Foreign Relations hearings, Dr. Seaborg testified:

Our plans are approximately as follows: The time at which we would be able to make our tests, of course, depends on the type of tests, and I mentioned the three types in my testimony, the proof tests, and the developmental tests and the effects tests.

We would propose to maintain a readiness that would make it possible for us, if we desired, to make a proof test in a period of perhaps a month and to make a development test in a period as short as perhaps 3 months, and an effects test in a period of an order of 3 to 6 months.

Now, this would be a readiness posture, and * * * these are the times that would be required or that we could have the capability of resuming tests of those various types if we desired.

It isn't at all clear that we would necessarily want to test that soon. After having tested some 18 years, and having made hundreds of tests, a matter of a few months one way or the other isn't that critical.

I would only remind Senator SMITH that as Chairman of the Atomic Energy Commission, it would be Dr. Seaborg's responsibility to supervise the maintenance of our testing capability.

Tenth: Will our scientific laboratories and the interest of our scientists deteriorate under a treaty which permits only underground testing?

Answer: Again in answer to almost an identical question at the hearings, Dr. Seaborg frankly testified:

I think that there will be a problem in keeping the laboratories going strong and keeping a sufficient number of scientists together but this will be helped under this test ban treaty because of the continuance of underground testing * * *. We didn't lose very many (scientists) before (during the moratorium) and at that time we were not carrying on underground testing.

Asked if the AEC could keep topflight scientists with the test ban treaty in effect, Dr. Seaborg replied:

Yes, I am confident of that.

Dr. George Kistiakowsky, former Chief Science Advisor to President Eisenhower in meeting this question stated:

I would like to say, however, that if the things particularly high-lighted by Senator JACKSON, namely the maintenance of a vigor-

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31, 1952; the Soviets followed on August 12, 1953, with a hydrogen bomb explosion.

3. When the Communists invaded South Korea in June 1950, the United States was caught off guard. Official intelligence estimates took the position that it wouldn't happen. On the basis of those estimates, U.S. military forces had been withdrawn from the area, making the attack possible.

When the Soviets launched Sputnik I in October 1957, the United States was caught by complete surprise. Official intelligence estimates had let us down again.

4. Along in 1958, official intelligence estimates said the Soviets had a multitude of ballistic missiles, and thus was born the "missile gap." It was such a scare that it became a major issue in the 1960 Presidential election. It then turned out that the whole estimate was phony; the estimates were wrong, and the "missile gap" was a fraud.

5. On September 19, 1962, an official intelligence estimate was issued which took the position that there were no Soviet missiles in Cuba, and that the Soviets would not put any missiles in Cuba. This one got disproved in a hurry. Now it is admitted that missiles were in Cuba when the estimate was written.

The official estimates now admit that the Soviets are ahead of us in some fields of nuclear technology. They also admit that we don't have much hard information on which to base our estimates. In the areas of technology where we have the most information, official estimates admit the Soviets are ahead; in areas of technology where we have the least information, official estimates assume that the United States is ahead.

Gen. Curtis LeMay, who knows something about our intelligence methods in this field, has little confidence in our intelligence estimates. He stated that if the treaty were not already signed, he would recommend don't sign it.

Gen. Thomas Power, who commands the Strategic Air Command, and is even closer to the problem, says the estimates are wrong, and that it's far too dangerous to sign the treaty. The Soviets might well have a clear superiority in technology now. Gen. Bernard Schriever, who commands our missile development, says he can't do his job properly if the treaty is ratified.

Dr. Teller, who has the best experience in the nuclear field, and, who has a history of making correct judgments, says the intelligence estimates are wrong.

What is the difference? If the treaty is ratified, and any significant part of the estimates is wrong again, the United States is finished. Russia will have us hands down in the nuclear field, and the only choice that would be left to us then is surrender or be wiped out.

Mr. AIKEN. Madam President, will the Senator yield?

Mr. SPARKMAN. I yield to the Senator from Vermont.

Mr. AIKEN. I have followed the colloquy which has been going on in recent moments, and found it interesting. Two or three points have been raised which are of more than ordinary interest to me.

The first related to the antiballistic missile system and the assertion that testing in the atmosphere would be necessary in order for us to develop an airtight antiballistic missile system. I listened for many hours to the testimony relating to antiballistic missile systems and to other nuclear weapons in the various committees of which I am a member. It is rather difficult to talk

about these things, because much of the testimony was classified, and we were abjured not to go into the details or the facts or to make them public.

I do not think I am betraying any confidence of the classifiers when I say that after listening to all the testimony I could come to no other conclusion than that neither Russia nor the United States has developed an airtight antiballistic missile system up to the present time. If we knew a ballistic missile were to pass at a certain place at a certain time, we have developed weapons which would stand a fair chance of destroying the missile before it reached its target, but the fact remains that we have not developed a foolproof or airtight defense system up to the present time. We do not believe any other country in the world has, either.

A question then arises. If we could continue atmospheric testing, would we then be able to develop a perfect antiballistic missile system which would be sure protection to us or to any other country which happened to possess it? In that respect, I invite the attention of the Senator from Alabama to the testimony of Dr. Foster, to be found on pages 619 and 620 of the hearings before the Committee on Foreign Relations. I was concerned about the question of whether we would show greater progress if we continued atmospheric testing. If the Senator does not mind, I should like to read into the Record at this point the short colloquy which took place, which begins near the bottom of page 619.

Mr. SPARKMAN. I shall be glad to have the Senator do so.

Mr. AIKEN. I read from the hearings:

Senator AIKEN. I do not know of anyone who advocates nuclear war. However, if the United States were to engage in nuclear warfare, would it be more advantageous for us to engage in it immediately or would we be in a comparatively stronger position after 5 years of testing and the development of more potent weapons, both offense and defense?

Dr. FOSTER. Well, Senator AIKEN, that is a, both a tactical military question and a question of relative rates of development of the Soviet Union and the United States, as I understand it; is that correct?

Senator AIKEN. When do you think we would be in a stronger position to engage in nuclear warfare?

Dr. FOSTER. Today or in the future? Senator AIKEN. To engage in it immediately or after the conduct of tests for another 5 or 10 years, assuming that any enemy would also be conducting tests. Do you think we could outrace them?

Dr. FOSTER. That, sir, is, I think, an issue that transcends the treaty. For 18 years the United States, aware and concerned for the potential and growth, actual growth, of armaments, particularly nuclear armaments, has developed in a restrained manner.

We have every year tried our best to reach an agreement with the Soviets and to limit this constant increase in the development of arms.

During that period of 18 years the Soviets have come from a position of relative hopelessness to one that was described by Dr. Bradbury as rough parity, and I do not want to argue whether they are ahead or behind.

The interesting, discouraging to me, the discouraging point, is that currently from their recent atmospheric series and from our recent atmospheric series, I see a very high

rate of progress in the Soviet Union compared to the United States. If this were to continue, and I will mark this, Mr. Chairman, as one of the advantages of the treaty, it would be to the detriment of the United States.

We have chosen to limit our efforts; these have been unilateral.

Senator AIKEN. And they have been making progress in the nuclear field much faster than we have?

Dr. FOSTER. Yes, sir.

Senator AIKEN. And there is no reason to believe that that rate would not continue?

Dr. FOSTER. That is right.

Senator AIKEN. Then if we were to engage in nuclear war at all, there would not be much time to lose.

Dr. FOSTER. That is correct.

Senator AIKEN. That is all.

Mr. MANSFIELD. Madam President, will the Senator yield?

Mr. SPARKMAN. I shall be glad to yield to the Senator as soon as the Senator from Vermont reaches a stopping point.

Mr. MANSFIELD. Did I correctly understand the Senator from Vermont to say that Dr. Foster, the head of the Lawrence Radiation Laboratory, at Livermore, Calif., said that if tests were continued in the atmosphere the Russians would continue to outdistance us?

Mr. AIKEN. He stated that they would gain at a much more rapid rate than we would.

Mr. MANSFIELD. And he said that was the reason why, although he is an opponent of the treaty, this was a good point in favor of the treaty?

Mr. AIKEN. Yes; he said he marked this as a point in favor of the treaty; that if we were to continue testing, the Soviets would make much more progress in that field than we would.

Mr. MANSFIELD. He is an opponent of the treaty?

Mr. AIKEN. Yes. He does not approve of the treaty, and I could not understand from his testimony why he should be an opponent, unless he is some sort of fatalist.

Mr. MANSFIELD. And he is the successor to Dr. Teller and Dr. Brown at Livermore?

Mr. AIKEN. That is correct. I believe he is one of the disciples of Dr. Teller.

I should like to finish one other point I wished to make with reference to Dr. Teller. Dr. Teller has been the chief opponent of the test ban treaty. He has been quoted more than any other member of the opposition. He is a very capable scientist. He is given much of the credit for the development of the nuclear bomb. He seems to have plans or desires for developing much more potent bombs or weapons, both offensive and defensive. Perhaps, if there were no restrictions of any kind, he might be able to do that.

But I am not sure that Dr. Teller is always right, because the other morning I heard on the radio a report of a speech which he made in Texas the night before, in which he said there was no time to lose in sharing our atomic and nuclear know-how with all our allies. We now have 20 or 30 allies throughout the world. If we count only the NATO allies, we have only a dozen. If Dr. Teller can tell me who our allies are

things that the subcommittee pointed out so well and so clearly be considered.

Mr. CHURCH. Madam President, will the Senator yield?

Mr. SPARKMAN. I yield to the Senator from Idaho.

Mr. CHURCH. Madam President, apropos to the discussion of the significance of high yield weapons, I wonder if the distinguished Senator from Alabama recalls that when Dr. Teller was before the Senate Committee on Foreign Relations, I asked him specifically if he felt that the Russian development of high yield weapons was an important factor with respect to the position that he took against the treaty.

In response to that question he said that he did not regard the high yield weapons that the Russians had developed as particularly significant, nor did he feel that they bore importantly upon security considerations. I think it is important that we put the question in perspective, because the one witness who was the most adamant in his opposition to the treaty did not attribute his position to the importance that he attached to the development of high yield weapons by the Soviet Union.

Mr. SPARKMAN. I am glad that the Senator reminded me of that point. Speaking about high yield weapons, at one place in his testimony Dr. Teller said:

But as of today I do not see any overwhelmingly strong reason to argue for the large bombs.

I think that is the point that the Senator from Idaho is making.

Mr. CHURCH. That is the point I am making. I think it is important. He brought out the point that it was not of great significance.

Mr. THURMOND. Madam President, will the Senator yield?

Mr. SPARKMAN. I yield.

Mr. THURMOND. I should like to read a quotation from Dr. Teller appearing on page 457 of the hearings:

Dr. TELLER. I have said explicitly that the Russians are ahead of us as far as I can see in one extremely important field, in nuclear—in missile defense, and I said that this specifically requires atmospheric testing if in this important field we should catch up. I did not say that the Russians are ahead of us in all categories. They may be ahead of us in quite a few fields. We do not have definite knowledge, but in the case of missile defense, the indications are particularly strong that they are ahead of us.

Mr. SPARKMAN. It is all right to quote Dr. Teller. Dr. Teller is one of our outstanding scientists. There is no question about that. What he says is entitled to great weight. But I call attention to the fact that some other eminent scientists were on the stand, one of whom was Dr. Harold Brown. I should like to ask the Senator from South Carolina to read the testimony of Dr. Harold Brown carefully.

Mr. THURMOND. I have read his testimony.

Mr. SPARKMAN. Dr. Brown said in so many words—

Mr. THURMOND. He used to work under Dr. Teller, I believe.

Mr. SPARKMAN. He said, "We just do not agree. I think he is wrong and he thinks I am wrong."

Dr. Kistiakowsky, who occupied the high position of science adviser to President Eisenhower, is still an adviser to the present President of the United States, and is professor of physical chemistry at Harvard University, said:

Before leaving the ABM problem, which seems to be, perhaps, the issue of greatest concern to those who question the wisdom of the treaty, I would like to make one other observation. I am not really intimately familiar with this important problem in all its technical details. Neither have been most of the other witnesses who have been heard. I would therefore urge that the committee give special weight to the testimony of Harold Brown, who, to my knowledge, is the only witness so far heard who can speak with real authority regarding the total ABM problem, and the related developments in offensive systems. He has access to all of the intelligence regarding Soviet activities and all of the expertise in the United States on our future capabilities that relate to the problem.

That is certainly a very strong endorsement of Dr. Brown and of Dr. Brown's statement.

Furthermore, there was printed a statement from Dr. Ulam with reference to this matter in which Dr. Ulam was directly opposed to Dr. Teller. They are two outstanding scientists who worked together in the development of the hydrogen bomb.

Mr. THURMOND. The Senator is no doubt familiar with the fact that in the fall of 1949, after the Soviets detonated an atomic bomb, the United States was considering whether to develop a thermonuclear weapon. The official intelligence agency, even after being fooled by the Soviets on the atomic bomb a few weeks earlier, said the Soviets could not develop the thermonuclear weapon until the late 1950's. All the scientists except one agreed with the estimate and opposed U.S. construction of a thermonuclear bomb. The one exception was Dr. Edward Teller, who, in October 1959, urged that if the United States did not hurry with the development of the hydrogen bomb the Soviets would get one first.

Fortunately, President Truman decided against the official estimate and with Dr. Teller's lone scientific opinion. The estimate was wrong. Dr. Teller was right. We exploded a thermonuclear bomb on October 31, 1952. The Soviets followed on August 12, 1953, with a hydrogen bomb explosion.

There is no question that Dr. Teller is regarded by the scientists of this country as the greatest living scientist in this field. If there is any one man's judgment we can accept—in this case, as stated, President Truman accepted his judgment over that of the others—it is Dr. Teller's. It developed in the previous instance that Dr. Teller was correct. We proceeded to develop the hydrogen bomb, fortunately. President Truman followed the advice of Dr. Teller.

Dr. Brown serves in the Pentagon. He is under Mr. McNamara. He is in the administration setup. Naturally, al-

though he wishes to do the proper thing, there is bound to be a certain amount of compulsion on the people who serve in the Pentagon. There is bound to be a certain amount of pressure on them.

I would prefer to take the judgment of Dr. Teller, who is a great scientist, the outstanding man in this field in the world today. That is acknowledged by other scientists. In my opinion, we would be much safer following his advice than the advice of some other scientist.

It is true that Dr. Brown worked for awhile under Dr. Teller, but everyone acknowledges that Dr. Teller is the outstanding scientist in this field.

Mr. SPARKMAN. I wonder if the Senator would mind telling me from whom he is quoting, about the 1949 incident.

Mr. THURMOND. I was stating what happened. I was quoting from a newsletter which I issued on August 31, 1963. I challenge the Senator to deny the accuracy of it.

Mr. SPARKMAN. I am not trying to deny it. I merely wished to know who was the author and what was the authority.

Mr. THURMOND. Madam President, I ask unanimous consent that my weekly newsletter referring to this matter may be printed in the RECORD at this point.

There being no objection, the newsletter was ordered to be printed in the RECORD, as follows:

[From the Shreveport (La.) Journal, Aug. 31, 1963]

U.S. SENATOR REPORTS: THE \$64 QUESTION
INTELLIGENCE ESTIMATES
(By STROM THURMOND)

WASHINGTON, D.C.—Testimony on the Moscow test ban treaty, both in public and secret sessions, reveals that there is one awesome question on which the whole issue precariously hangs. The question—Do we dare risk the entire national security of the United States on the validity of our official intelligence estimates?

All of the intelligence experts admit freely that our intelligence is poorest on what is happening in the Soviet Union and in Red China. By comparison, Cuba is an open book. Our official intelligence estimates do not have a history that exactly inspires confidence. Consider the record.

1. When the Soviets came up with the atomic bomb, it was a complete surprise to the United States. Official estimates took the position that the Soviets could not master the atomic bomb before the mid-1950's, but they tested on August 19, 1949.

2. In the fall of 1949, just after the Soviets detonated an atomic bomb, the United States was considering whether to develop a thermonuclear weapon. The official intelligence estimate, even after being fooled by the Soviets on the atomic bomb a few weeks earlier, said the Soviets could not develop the thermonuclear weapon until the late 1950's.

All the scientists, except one, agreed with the estimate, and opposed U.S. construction of a thermonuclear bomb. The one exception was Dr. Edward Teller, who, in October 1949, urged that if the United States didn't hurry with the development of the H-bomb, the Soviets would get one first.

Fortunately, President Truman decided against the official estimate and with Dr. Teller's lone scientific opinion. The estimate was wrong; Dr. Teller was right. We exploded a thermonuclear bomb on October

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going to be 10 years from now, or even 5 years from now, I would know better whether or not I felt it safe to share our nuclear know-how. I can think of one of our allies that would be delighted to share our secrets, and would probably start making missiles in no time at all.

I do not think he was making a sound recommendation when he said we should share our nuclear know-how with all our allies. I suspect his supporters would think that was a good recommendation, but one of the worst things we could do would be to proliferate our nuclear secrets or weapons around the world to those countries which we now regard as allies.

Someone hearing the same radio report I did might suggest that perhaps it would not be well to give those secrets to South Vietnam at the present time. Perhaps it would be good, but I do not think so.

So I do not know why one man, who was instrumental in developing the deadliest weapon the world has ever known, should be regarded as the last word in determining in what direction we should go and how we should go in that direction.

Mr. THURMOND. Madam President, will the Senator yield on that point?

Mr. SPARKMAN. I yield.

Mr. THURMOND. On September 13, I believe, the able and distinguished Senator from Vermont raised this point.

Mr. AIKEN. I raised the point about Dr. Foster.

Mr. THURMOND. About Dr. Foster.

Mr. AIKEN. I read from the report.

Mr. THURMOND. I believe the point was that the Russians had made relatively great gains in 1961 and 1962, and that this proves that continued unlimited testing would bring the Soviets to a parity or into the lead. That was the point that was raised.

In response to that, let me say, as Dr. Foster pointed out, that we have chosen to limit our efforts.

The Senator will find this on page 16109 of the CONGRESSIONAL RECORD for September 13, 1963:

We have chosen to limit our efforts; these have been unilateral.

Dr. Foster's fear that in the absence of a ban on testing the Soviets would continue to gain in technology was specifically conditioned on the possibility that the United States would continue to drag its feet in testing, while the Soviets went all out.

There is no question that if we go all out, we can beat the Soviets. We have beaten them. We have been ahead of them. So long as we test and go all out, we can stay ahead.

Dr. Foster's point has been that we have been dragging our feet. He says we have chosen to limit our efforts. If we do not limit our efforts, we can go ahead and stay ahead of the Soviets in practically every field; but because we did not carry out tests in 1961 and 1962 and they conducted tests in the atmosphere and conducted tests of high-yield weapons, as the Record in the Preparedness Investigation Subcommittee showed, the Soviets have gone ahead of us in

this field. The statement of the Joint Chiefs of Staff is there. Anyone can read it. The record of the Preparedness Investigating Subcommittee shows that the Soviets are ahead of us in this and some other crucial areas.

Senators who oppose the treaty are at a great disadvantage, in a way, because the material presented to our Preparedness Investigating Subcommittee is classified, and we cannot go into it, as members of the Foreign Relations Committee can come into the Chamber with a book of testimony and say, "This is what so and so said in support of the treaty." And, unfortunately, the information most detrimental to the administration's position is the most difficult to get the administration to declassify, while most everything that helps the administration's case is generally made public. If we could tell what the scientific and military leaders said against this treaty, I do not think there would be any doubt in the minds of many people.

Dr. Foster says that we are handicapped, and have not done all we could. His thinking is that if we are to follow that kind of course—of not going "all out" in testing to maintain or regain superiority—that is another story.

Mr. AIKEN. I think I heard all the testimony referred to, as a member of the Joint Committee on Atomic Energy. Much of it is, very properly, classified. I listened to Dr. Foster's testimony. It is true that he implied we had been restricted; we had been held back from going ahead and developing as fast as we could.

Mr. SPARKMAN. He said we had limited ourselves.

Mr. AIKEN. But he did not tell us who was responsible for the limitation and what they would do about it if we accepted his recommendations at this time. So far as I know, the same forces that restricted testing in the past 2 or 3 years are still in authority, and hope to be for some time yet. I do not know just what he would do about it.

The Congress has appropriated billions of dollars. For a number of years we have had the ablest scientists, including Dr. Teller, that money has been able to hire or that loyalty has been able to command.

If we have been required to drag our feet during the past, I do not know who is going to make us pick up our feet in the future. It is an interesting question. It is a question which we can argue extensively; and we shall probably be hearing many arguments on it in the months ahead.

Dr. Teller certainly cannot say that there was not money enough or scientists enough. Why did we drag our feet, if we did drag our feet? At least, we all know we have some pretty capable weapons on hand. The military authorities say we have enough to saturate any possible enemy.

Mr. SPARKMAN. And to retaliate.

Mr. AIKEN. And to retaliate. We are short of antiballistic missiles. We believe that no country in the world has air tight protection against missiles—perhaps against one missile, but when there may be 15 or 20 decoys coming from

one direction, and all looking alike on the radar screen, we still have no defense against a situation like that.

Mr. THURMOND. Madam President, will the Senator let me quote Dr. Foster on that point?

Mr. SPARKMAN. Briefly.

Mr. THURMOND. On the first point the Senator just mentioned, relating to money and laboratories, and why have we not gone ahead, I can tell the Senator why we have not gone ahead. The scientists have wanted to go ahead. The military people have wanted to go ahead. But because of foot dragging by their political superiors in the executive branch they were not allowed to go ahead.

The military authorities and the scientists desire to make progress in this field, but they must take their orders from those above.

Dr. Foster said with regard to this treaty:

You are taking a risk and you cannot calculate it regardless of these safeguards.

He was speaking on the basis of adoption of certain safeguards.

Mr. SPARKMAN. I wish to make one or two statements in order to clear up some things that have been said with respect to the dragging of our feet in testing. Let us remember that over the past several years testing was open. Before the voluntary moratorium, and after Russia broke the moratorium and testing was resumed, it was up to the United States as to what we could test, where we could test, and how we should test. I wish to make this statement very clear. In spite of what the Senator from South Carolina says, the hearings are literally brim full of evidence that the military—those who are in office now and those who preceded them and those who were in office at the time—deliberately reached the decision that we should not make high yield tests; not only that, but the scientists connected with our Government made the same decision. It was not something that was forced upon them through an executive order.

Mr. THURMOND. Madam President, will the Senator yield?

Mr. SPARKMAN. Just a moment. The Chairman of the Joint Chiefs of Staff appeared before our committee. We had the individual Chiefs of Staff. Various scientists came before the committee. The testimony of everyone touching this subject was to the effect that we made it as a deliberate decision that it was not needed for our security, if we preferred to follow the other course that I have mentioned so many times.

Mr. THURMOND. Madam President, will the Senator yield?

Mr. SPARKMAN. I have one other point to make, before I yield. It is said that in 1949 and 1950 Dr. Teller was the only one who believed in the hydrogen bomb. Dr. York, whose statement is carried in the hearings, was one of the partners with Dr. Teller in the development of the hydrogen bomb. Not only that, but Dr. York testified before the committee that he supported Dr. Teller. He recognized Dr. Teller as the great scientist that he is, and as being entitled

to all the credit that has been given him with reference to the hydrogen bomb.

He would not try to detract one bit. I think he is a great scientist. I enjoyed his testimony. But, as great a scientist as he was, he did not stand alone, like Horatius at the bridge. There were others with him who advocated the same thing that he did.

I sometimes think it would have been a happier world if we had never learned how to split the atom. Nevertheless, we did. When there resulted the terrible weapons that we devised, why should we not have gone on to the hydrogen bomb as well?

I should like to yield first to the Senator from Idaho [Mr. CHURCH]. Madam President, I ask unanimous consent to be permitted to yield to the Senator from Idaho without my losing the right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHURCH. Madam President, first I wish to say a word regarding the discussion that has been in progress concerning the development of an antiballistic missile defense. As the Senator from Alabama has pointed out, the weight of the testimony has been that we can go forward with perfecting such a system without need of further atmospheric testing.

The argument I would urge upon the Senate is that we ought to keep the question of the antiballistic missile defense system in proper perspective. I remember, during World War II, we used to have what was called the blockbuster bomb. Until the first atomic fireball inflicted 128,658 casualties in Hiroshima, the blockbuster was the biggest weapon we had. It would destroy about one city block; hence its name. It had the explosive power of 8 tons of TNT. The atomic bomb which fell on Hiroshima had an explosive power of 20,000 tons of TNT. We have since developed, and have stockpiled in our arsenal, warheads a thousand times more powerful than the first atomic bomb.

It has been estimated that the arsenals of the United States and the Soviet Union now have the equivalent of 60 billion tons of TNT, which is equal to a 20-ton bomb against the head of every man, woman, and child on this planet.

This is a different age, Madam President. It is so different from the Second World War, and the conventional weapons with which we fought that war, that I believe we must think in new terms about the question of national security in the nuclear age.

We speak here of national defense. That term has practically disappeared from the lexicon of contemporary military usage. There is no defense anymore, in terms of preserving our homeland and our people and our way of life, and everything that is worth preserving. Instead of defense, we have what we call a deterrent. Its purpose is not to defend, but to avenge. If it ever has to be used, the country is lost, the system has failed. It is against this background that we must consider the meaning of an antiballistic missile defense system.

I remember, in the Second World War, that if we knocked down 5 percent of the

attacking force of enemy bombers, we thought that was pretty good. If we got 8 or 10 percent, it was a day of signal success for one defending force. Yet, although 92 to 95 percent of our bombers used to get through, we still had to bomb and bomb week in and week out, month in and month out, year in and year out, before we were finally able to pummel the enemy down to defeat.

Today, Madam President, the nuclear firepower of one Polaris submarine is the equivalent of all the bombs that all our bombers dropped on the enemy in all the years of the Second World War.

It is in this perspective that we must judge the meaning of national defense in this nuclear age.

Dr. Teller was before us, and he said, in response to one of the questions put to him, that he could not conceive of any antiballistic missile defense system which would ever protect our cities.

At another place in his testimony, he referred to the Russian cities and industrial centers as the source of their national power and importance. Are not our cities and industrial centers the source of our national power and importance? It is against this that we must judge the significance of an antiballistic missile defense system in the nuclear age.

Suppose we were able to perfect such a defense system to the point where it struck down 25 percent, or 50 percent, or even 75 percent of the enemy's first-strike missiles, if such perfection can ever be attained in a defense system—and all history records that none has ever been attained to this day of that degree of excellence. But even if we were to perfect such a system, what meaning would it have if the 25 to 50 percent of the enemy missiles which penetrated through were sufficient to inflict total damage upon us?

Unless we begin to shake off the thinking of Napoleon's time, and begin to think of defense in terms of military strategy for the nuclear age, we are surely lost.

The Secretary of Defense addressed himself to this point, as did other military witnesses who came before the committee. All of them said that even in the absence of any kind of antiballistic missile system, we today had a weapons mix, including hardened bases and a Polaris fleet, that would enable us to strike back and inflict mortal destruction upon any enemy that engaged in a first strike against us. This capacity is the basis for deterrence. So long as we continue to possess a weapons mix with this retaliatory power, we can hope that the deterrent theory will work. But I think all these factors must be held in mind if we are to place the question of the development of the optimum antiballistic missile defense system in the perspective of the age in which we live.

Mr. SPARKMAN. Madam President, I yield further to the Senator from South Carolina.

Mr. THURMOND. Madam President, I ask the distinguished Senator from Alabama to check with the Pentagon to see if there is not pending for approval a military requirement unanimously approved by the Joint Chiefs of Staff for

a high-yield warhead, one for manned bombers and also one for missiles, but that the requirement has not yet been approved at the civilian level. Then he will be able to determine who is holding up this program. The military people want to go ahead. They want to test the high-yield weapons.

Mr. SPARKMAN. There is a difference between the statement made by the Senator from South Carolina and the question of testing at high altitudes or for high yield. This is a question that the distinguished Senator from Ohio [Mr. LAUSCHE] put to General Taylor, Chairman of the Joint Chiefs of Staff:

Senator LAUSCHE. Does that warrant the conclusion that you would be in a better position to judge what we should do if we had enjoyed what you call a 60-megaton test?

General TAYLOR. I attach very little to this, frankly, Senator. The whole very high yield weapons field is one which has very little, if any, military significance.

If I had the time to go through the record of the hearings, I could pick out time after time when we were told by witnesses who appeared before us—military and scientific—that it was a deliberate decision on our part, because we did not feel that we needed high-yield weapons as a part of our military arsenal. That is what General Taylor, Chairman of the Joint Chiefs of Staff, said at that point in the hearings.

Mr. THURMOND. That might have been the case some time ago.

Mr. SPARKMAN. This was in August. I read this from the hearings before the Committee on Foreign Relations on the treaty, held in August, last month, 3 weeks ago.

Mr. THURMOND. I merely asked the distinguished Senator from Alabama to inquire of the Air Force whether there is not now pending, and has been pending, a request unanimously approved by the Joint Chiefs of Staff that there exists a military requirement for a high-yield warhead; but that the requirement has not been approved at the civilian level.

Mr. SPARKMAN. I have no idea where the Senator from South Carolina is obtaining his information; but our committee did its best to go the best sources. We called upon the Chairman of the Joint Chiefs of Staff, and then we called upon each member of the Joint Chiefs of Staff. I do not see why we should go to some subordinate officer and ask him what his thought is on that point, or what his attitude would be, or what he thinks ought to be done. We had before us the men who, under the law of the land—the law enacted by Congress—are supposed to formulate military policy and military strategy.

Here was the spokesman, the Chairman of the Joint Chiefs of Staff, saying that he attaches no military significance or little military significance to very-high-yield weapons.

We were advised, time after time, by the military authorities who are charged by law with the responsibility of advising us with reference to military strategy, the military measures to take in order to assure the security of the United States. That was what they said to us. I think we have a right to rely on it.

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give Senators a lift to read Dr. Northrup's testimony?

Mr. CARLSON. I agree completely. It was a revelation to me as to what was planned for the future.

Mr. SPARKMAN. When we talk about blackout, I am sure the Senator agrees with me that when we become pessimistic and think we have not been making headway with blackout, we find that there is no cause for pessimism.

The case has been strongly made. I believe it would be a terrible backward step, not only for the Senate, not only for the United States, but also for the world, and not only for this generation, but perhaps for many generations to come, and perhaps even for all generations to come. There might not be too many generations more to come. There may not be, unless we find some way to curb the terrible armaments race.

It may be that nations survive by strength, but not by military strength alone. Strength is to be measured in many different ways. It has been said that the treaty is a small step. It is, but it is an important step, a significant step.

I earnestly hope that the Senate will approve the treaty.

Mr. HUMPHREY. Madam President, will the Senator yield?

Mr. SPARKMAN. I yield.

Mr. HUMPHREY. I wish to read into the Record, with the Senator's permission, testimony from pages 354 and 355 of the hearings, particularly the colloquy under the heading "Chiefs' Agreement With General Taylor's Statement." Senator KUCHEL is doing the questioning at this point:

Senator KUCHEL. General LeMay, in the statement which General Taylor read to this committee several days ago, he said in part, and I quote:

"The broader advantages of the test ban treaty have led the Joint Chiefs of Staff to conclude that it is compatible with the security interests of the United States and to support its ratification."

Is that a correct statement of the position of the Joint Chiefs?

General LEMAY. I believe so; yes, sir.

Senator KUCHEL. It is fair to say that every member of the Joint Chiefs does support the ratification of the treaty?

General LEMAY. That is correct.

Then the Senator from California went on to ask whether any pressure had been brought to bear by the administration; namely, by the President, or the Secretary of Defense, on the chiefs of our military services.

The Senator from California said:

But for the record, for the benefit of the people of the country, it is then true without qualification that in acting simply and solely to determine the best interests of the people of the United States, it is true that every member of the Joint Chiefs of Staff supports the ratification of the treaty.

General LEMAY. I would like to amplify a little bit on your question, Senator.

First of all, as to the brainwashing. I would resent very much any attempt to put pressure on me to come up with an answer either way on this treaty. I recognize that I have not only a responsibility to the President and the administration but that I have one to the Congress and to the people of the United States also.

So, I say again that here has been no pressure applied to me in this matter, and

I have come up with the best possible answer that I could give based on all of the knowledge that I have in the military profession in nuclear science, and with all of the input that I could get from everyone who could talk intelligently on this subject.

On page 355, General Wheeler said:

Senator, my position as regards pressure is exactly that of General LeMay. I, too, would resent any pressure being put upon me.

He further said:

All of us have reservations in this area. I think the reservations are well spelled out in the paper which we presented to the Congress. In the purest sense of the term any agreement or treaty which limits the manner in which we develop our weapons systems represents a military disadvantage.

On the other hand, there can also be military advantages, and certainly there can be political advantages, to the overall good of the country. I think General LeMay is correct in saying that each of us probably assessed the various risks and the various advantages with a slightly different weight.

However, the net result you can read. We all agreed that in toto the treaty is acceptable.

Then we come to Admiral McDonald:

Admiral McDONALD. I have nothing to add to what General LeMay and General Wheeler have stated other than to say for myself that no pressure whatsoever was put upon me.

General Shoup, Commandant of the U.S. Marine Corps, also responded.

General Shoup made it quite clear. He said:

NO "PRESSURE" FELT

General SHOUP. I agree with that statement. I would like to—I suppose this is the time, if I came back here to say something this is the time to say it.

I hold a very unique position amongst the other service chiefs inasmuch as the likely value of my views and counsel has been limited by legislation to the matters in which I declare the interests of the Marine Corps are directly involved.

In this particular item I did not take the position of direct concern. However, I did avail myself of the opportunity and privilege of being present during all the discussions.

In addition I was called for by the Commander in Chief and the Secretary of Defense in person and in private and I presume that if pressure was being used I would have found it out.

There was no such indication whatsoever.

I would like to make one other statement. That I believe that there is a possibility of getting our orientation too closely frozen to this business of a nuclear exchange.

Obviously, we want to avoid nuclear blackmail, and it is by these safeguards that are stated here that is intended to be provided for.

FIFTH SAFEGUARD TO FIGHT COMMUNISM

Nevertheless, I would like to point out that I believe one of the main purposes of our Government is to prevent the spread of communism and the Communist system.

Then I would like to call to your attention the fact that communism has not yet been spread by the use of nuclear weapons, and I think a fifth safeguard is an essential one at this time and that is our efforts should be tripled against the spread of communism by methods other than the use or the threat of nuclear weapons.

Senator KUCHEL. Thank you, sir. Both you and Admiral McDonald do then support the ratification of the treaty?

General SHOUP. I do.

Admiral McDONALD. I do.

Madam President, if we are to talk about retired military officers—and retired military officers have a fine and unique role in American life—I should like to cite a statement by a retired military officer who was not only a five-star general, but also was a commander in chief of the U.S. Armed Forces—General Eisenhower. General Eisenhower was commander in chief when General Twining was chairman of the Joint Chiefs of Staff. General Eisenhower supports the treaty.

If we are to look for retired military officers, I think we can find some quite responsible ones in American society who support the treaty. General Eisenhower supports it. General White, of the Air Force, supports it. The Joint Chiefs of Staff, who have access to intelligence information in the year 1963—not 1953 or 1958—support it.

Mr. SPARKMAN. In connection with the statement by the Senator from Minnesota, not only does General Eisenhower support the treaty now, but when he was commander in chief he proposed almost the identical treaty.

Mr. HUMPHREY. Exactly.

Mr. SPARKMAN. He supported it strongly then.

Mr. THURMOND. Madam President, will the Senator yield on that point?

Mr. SPARKMAN. I yield.

Mr. THURMOND. Was not that before the Russians conducted the big high-yield tests in 1961 and 1962?

Mr. SPARKMAN. Yes. But even following those tests, our military officials, who have the responsibility for advising us, and our scientists deliberately decided that we did not want to go to the high-yield tests.

There is another point I have not mentioned. I am sure it has been mentioned in the course of the debate. The Senator from Minnesota read from the testimony of certain members of the Joint Chiefs of Staff. The Senator will remember that General Taylor, as well as various other members of the Joint Chiefs of Staff, told the committee that they were consulted frequently in the course of making ready for the treaty; that is, they were consulted on matters involving the treaty. We were told that they actually helped prepare the directive under which Mr. Harriman went to Moscow.

Mr. HUMPHREY. General Taylor told us that he was in daily communication by cable.

Mr. SPARKMAN. I believe General Shoup testified—I do not think the Senator read this part—that he was kept informed of every single word that went into the treaty, and that he endorsed every one of them. The Joint Chiefs of Staff told us that they were kept in daily touch. General Taylor was advised daily. He saw all the dispatches, and he in turn passed the word on to the staff chiefs. They knew at all times what was taking place. The treaty was endorsed throughout the proceedings.

I have never seen a treaty so thoroughly considered by all those concerned and taking part in it as this particular treaty.

Mrs. SMITH. Mr. President, will the Senator yield?

The PRESIDING OFFICER. (Mr. PELL in the Chair). Does the Senator from Alabama yield to the Senator from Maine?

Mr. SPARKMAN. I yield.

Mrs. SMITH. I thank the distinguished Senator from Alabama for his response to my question. I have listened to a part of his statement, and shall read the rest of it and give it my most earnest attention and study.

Mr. SPARKMAN. I am grateful to the Senator from Maine. I feel that the whole Senate should be grateful to the Senator from Maine, because she has put her finger on some of the most compelling and pertinent questions with which Senators were faced. Some of the questions propounded by the Senator from Maine were asked in almost the exact form as the questions propounded here. I believe every single one of them was asked of the military representatives, scientists, and various other persons who came before the committee. I have not picked out all the answers, but I have tried to select what I thought was the predominant opinion expressed by those who were in a position to know in giving answers to Senators.

As I said a few minutes ago, it is, of course, recognized that when this proposal is considered from one standpoint or another, disadvantages are found. I like the concluding paragraph of the report that was made by the Preparedness Investigating Subcommittee, of which I believe the Senator from Maine is a member. It reads:

Although we have concluded that there will be a net military disadvantage to us if the treaty is ratified, we recognize the existence of other factors which, while not within the scope of this report, are pertinent to a final judgment on the treaty.

The report then continues with a fine discussion of the subject. I agree with the statement in full. We do not live in a little world, where we can choose our individual environments. We must take everything into consideration. We cannot live in a purely military world. Political factors are illustrated many times over in places where we have military obligations today. They are mixed and intermixed, so that we are almost unable to disentangle political from military factors. The political and military factors are mixed. As the Senator from Minnesota said a while ago, we are living in 1963, at a time when both sides are heavily burdened with thermonuclear weapons; when the world could be destroyed and civilization could be destroyed if something went wrong. We cannot totally disregard any particular side or facet or factor. We must consider them all. That is what I have tried to do. That is what I believe the witnesses generally have tried to do.

Mrs. SMITH. Mr. President, it is a privilege to be a member of the Preparedness Investigating Subcommittee. Although I have not come to a decision on the treaty, I did sign what I considered to be a fine report. I have appreciated serving under the chairmanship of the distinguished Senator from Mississippi,

who rendered outstanding service. The committee heard many witnesses whom the Committee on Foreign Relations heard.

While I am studying the response of the distinguished Senator from Alabama, I have more questions that I wish to ask, if I may, and if he will be patient with me.

Although I am not a lawyer and have had no legal training, there are certain ambiguities in the nuclear test ban treaty that raise questions. The wording of the treaty raises these questions, and I hope that before the debate has been concluded, legal answers will be supplied to these questions.

Mr. President, I ask unanimous consent that the questions be printed at the conclusion of the statement being made by the distinguished Senator from Alabama.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. SPARKMAN. I thank the Senator from Maine. I have watched the subcommittee under the chairmanship of the able Senator from Mississippi [Mr. STENNIS], and I know that he would perform only a first-rate service. I discussed the matter with him before our committee ever started hearings on the treaty. I have a very high regard for the subcommittee's report; and I have been glad to quote the last paragraph therein, which I think is a very significant statement by the subcommittee.

Mr. THURMOND. Let me say that while the distinguished Senator from Alabama was going over his points, I assumed that he was going to answer each one of the points raised by the distinguished Senator from Maine. He started with a few, but he did not take up all of them. Is he putting the rest of them in the RECORD?

Mr. SPARKMAN. Does the Senator have a copy of my remarks?

Mr. THURMOND. I do not yet have a copy.

Mr. SPARKMAN. I now hand the Senator one.

Mr. THURMOND. I was going to take them one by one and ask questions on them.

Mr. SPARKMAN. I would not mind going through all the points, but I felt it would be an imposition on the numerous Senators who have been waiting for an opportunity to speak. I thought the Senator from South Carolina had a copy of my speech.

EXHIBIT 1

STATEMENT BY SENATOR SMITH SOME QUESTIONS RAISED BY THE WORDING OF THE NUCLEAR TEST BAN TREATY

I

Under the wording of the first paragraph of article I of the treaty each of the parties to the treaty undertakes to prohibit, to prevent, and not to carry out any nuclear explosion, "at any place under its jurisdiction or control:

"(a) in the atmosphere; beyond its limits, including outer space; or underwater, including territorial waters or high seas; or."

Questions raised:

1. Could a party to the treaty carry out a nuclear explosion in the atmosphere above an uninhabited island not claimed by it and

justify its action upon the ground that the explosion did not occur at a place under its jurisdiction or control?

2. What nuclear explosions in outer space are banned by this paragraph in view of the fact that outer space, and particularly the more remote regions thereof, is not considered to be within the jurisdiction or control of any nation? If Russia explodes a nuclear device in outer space and we claim that such action is prohibited by this paragraph, are we placed in a position where we must simultaneously admit that Russia has jurisdiction over or controls the particular region of outer space in which the explosion occurs?

3. Would a nuclear explosion underwater in the middle of the Pacific Ocean be barred by this paragraph in view of the fact that the high seas are not considered by nations to be within the control or jurisdiction of any particular nation?

4. Does the ban on "any other nuclear explosion" prevent us from operating atomic energy plants for the production of electricity, the steamship *Savannah*, or any atomic submarine, all of which are operated by means of controlled atomic explosions? atomic explosions?

5. Will we be branded as a violator of the treaty if we have an accidental explosion at one of our atomic energy plants?

II

If section I of article I means what it appears to say, and relates only to nuclear explosions carried out by a party at a place under its jurisdiction or control, it becomes necessary to look elsewhere in the treaty for language prohibiting a party from carrying out explosions at places not under its jurisdiction or control.

Paragraph 2 of article I of the treaty does not contain the limiting language "at any place under its jurisdiction or control" and would therefore have much wider application than paragraph 1 of that article, if it is the intention of the parties that it should apply to direct acts of the parties as distinguished from indirect acts of the parties. The explanation of paragraph 2 contained in the letter to the President from the Acting Secretary of State, dated August 8, 1963, and containing an explanation of the treaty, indicates that paragraph 2 was designed to be applicable to indirect action but does not state flatly that it does not apply to direct acts (see Executive M, 88th Cong., 1st sess., p. 6).

Questions raised:

1. Does paragraph 2 apply to direct acts of the parties or only to indirect acts of the parties? For example, does it apply to a nuclear explosion by Russia in the atmosphere above Russian soil or is it intended to apply only to such a situation as a nuclear explosion by the Communist Chinese regime in the atmosphere above China which is caused, encouraged, or participated in by Russia?

2. If paragraph 2 does apply to direct acts of the parties, how do you resolve the conflict between its provisions, which are not limited by the phrase "at any place under its jurisdiction or control", and the provisions of paragraph 1, which are limited by such phrase?

III

Article IV of the treaty provides that a party desiring to withdraw from the treaty must give notice 3 months in advance.

Question raised:

If the U.S. decides to withdraw from the treaty because it has irrefutable evidence that Russia has violated it, would we not be compelled to wait 3 months before resuming nuclear testing unless we were willing to risk being branded as treaty violators?

(At this point Mr. PELL took the chair as Presiding Officer.)

Mr. DOUGLAS. Mr. President, the test ban treaty imposes a solemn respon-

ago the Canadians sold hundreds of millions of bushels of wheat to China. They sold it for dollars—for gold—not for Chinese yen. And they are not selling it now to Russia for Russian rubles. They are not giving it away, either.

China received the wheat; Canada received the dollars. Canada emptied her surplus bins. Last year the Canadian Government asked the Canadian wheat farmers to produce as much wheat as they possible could. At the same time our Government was asking the American wheat farmer in a referendum to accept drastic cutbacks in acreage and production.

The American wheat farmer turned the proposal down. We must respect that decision. I will not be a party to penalizing that farmer or in any way criticizing him or chastising him. He was given one choice and he turned it down. I think it is about time our Government gives our farmers another choice—to let the American wheat farmer do business instead of keeping him under controls, regulations, supply management, and restrictions which he does not like, and instead of having our granaries overflowing, at a cost to the taxpayers of hundreds of millions of dollars a year for storage; and also for millions of bushels of wheat that are damaged due to rodents, vermin, or weather. It is time for us to examine the validity of an export policy—by Congress and by the executive branch—which makes it exceedingly difficult, if not impossible, to export grains to the Soviet Union and its satellites, which are willing to pay for it with hard currency, at a time when we have a shortage in our gold reserves; at a time when we have a deficit in the balance of payments; at a time when severe economic problems face our wheat farmers in the coming year. The present occupant of the chair [Mr. McGovern] knows, because he is from South Dakota, that the price of wheat could drop to \$1 or \$1.25 a bushel next year—when we face a bumper wheat crop.

Mr. President, I do not criticize Canada. Canada is one of the great free nations of the world. Canadians are as loyal to the principles of democracy as any country in the world. The Canadians were our allies in two world wars. The Canadians have stood by us in every area, national and international. The new Government in Canada is friendly to our Government. But, today it sold \$500 million of its wheat on terms of 25-percent down and the balance to be paid off in three equal installments at 6-month intervals. This is short-term credit.

We should take a look and see what is wrong with our trade policy. I protest this Government's action—or its inaction—in failing to bring these policies up to date. I call upon our Government—the President, the Secretary of Agriculture, the Secretary of State, the Secretary of Commerce, and the Congress itself—to reexamine our trade policy and explore the possibilities of expanding foreign trade in food products in the Soviet sphere.

Mr. President, I ask unanimous consent that a news article entitled "Canada Planning To Sell Russia \$500 Million Worth of Wheat," written by Phillip Shabecoff and published in the New York Times, September 14, 1963, be printed at this point in the Record.

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

CANADA PLANNING TO SELL RUSSIA \$500 MILLION WORTH OF WHEAT
(By Phillip Shabecoff)

The Canadian Government is expected to announce today or tomorrow a wheat sale to the Soviet Union that may run as high as 250 to 300 million bushels, trade sources here said yesterday.

These sources said this would be the largest single wheat sale ever transacted. Its value would be at least \$500 million.

Earlier yesterday, the Canadian Wheat Board acted to suspend all operations in oversea sales of wheat after October 20, indicating that a massive sale would be forthcoming.

Exporters here said that Russia, normally an exporter of wheat, was being forced to import wheat this year because of a severe crop failure caused by drought.

The Soviet Union has denied any extensive crop failure. However, it had already purchased 1 million tons of wheat from Australia before it opened negotiations with the Canadian Government.

One trade observer said yesterday that "at this point Russia will take wheat from any place she can get it, including the United States."

The Soviet Union reportedly has already chartered ships to carry wheat from both Canadian coasts starting in October. Tramp steamer rates have been rising in expectation of heavy shipments.

Earlier this summer Canada completed a 187-million-bushel sale to Communist China for delivery over the next 3 years. Canada also has contracted for heavy exports to Poland. The total Canadian wheat crop for 1963 has been estimated at about 700 million bushels.

The head of the international department of a leading wheat exporting concern asserted that the huge Russian wheat purchases coupled with the poor Western European wheat crop this year add up to "a fundamental change in the world wheat situation this year." He said the wheat requirements of normally exporting areas would create "tremendous opportunities for North American wheat."

"Two weeks ago American wheat was a dead issue," the executive said. "Today it is a red-hot item."

Grain futures traded in Chicago have made substantial gains in the last week.

Walter C. Klein, president of the Bunge Corp., an international export grain concern, said last night that "in our opinion the ultimate implications of the large unexpected demand for wheat behind the Iron Curtain will be very favorable in terms of reducing the free world's burdensome wheat surplus—including that of the United States. This coming, by coincidence, at a time when Western Europe is in trouble with their own wheat crop will enable the United States to sell to the Western World quantities not visualized just a few weeks ago."

Most of the major wheat exporting companies contacted last night expressed a strong interest in selling to the Soviet Union. However, they consider the attitude of the Kennedy administration toward such sales as problematical.

Under the U.S. export control program, such sales must be made under a Government license. This license has been very difficult to obtain in the past.

One trade official speculated that Secretary of Agriculture Orville L. Freeman may have discussed sales of American wheat when he met with Premier Khrushchev on his recent trip to Russia.

Reports from Washington, however, indicated yesterday that Secretary Freeman did not talk about American wheat sales while in Russia.

Mr. PELL subsequently said: Mr. President, I wish to add my word of support for the thoughts expressed by the Senator from Minnesota concerning the sale of grain to Russia.

DREW PEARSON AND THE COMMUNIST LINE

As in legislation session, Mr. THURMOND. Mr. President, if there is one thing for which I have a distinct distaste it is reading Drew Pearson's column. The principal reason why I do not waste time reading it is that I have never come to appreciate fiction over fact, and as is generally recognized, Mr. Pearson and his associate, Jack Anderson, deal predominately in fiction and twisted facts rather than facts and truth.

Some who read Mr. Pearson's column on the funny page in the Washington Post do call various of his columns to my attention, especially when they parrot the Khrushchev line, as many of Mr. Pearson's columns do. In a recent series of columns, written from the Soviet Union, Communist satellite countries, and from Turkey, Mr. Pearson has again shown himself to be Mr. Khrushchev's "Goebbels." This may be a harsh statement to make, Mr. President, but I believe that a perusal of these columns will convince any objective reader that the "Communist line" on the wonderful life under communism, Mr. Khrushchev's fervent desire for peace, and the advantages of accommodation with communism constitutes the major thrust of these columns.

Even Mr. Pearson recalls in one of these columns that on an earlier visit by him with Mr. Khrushchev, at his Black Sea resort in 1960, he reported back to America that we in this country had a wonderful opportunity to make peace with his friend, Mr. Khrushchev. Mr. Pearson contends that the proposed test ban treaty confirms his earlier position, but he overlooks the intervening acts of perfidy by Mr. Khrushchev—in Berlin, Cuba, and southeast Asia—as he usually does.

Mr. President, I ask unanimous consent that the following Pearson columns be printed at the conclusion of these remarks:

"Soviet To Reduce Arms, K. Says," August 21, 1963.

"K. Stresses Question of Germany," August 22, 1963.

"Leave the Chinese to Us, K. Says," August 23, 1963.

"'Socialist Life' Keeps K. Young," August 24, 1963.

"Record Cited in Support of Russian Regard for Treaties," August 31, 1963.

"Farm Cooperatives Succeed in Rumania, September 2, 1963.

"Rumania Is Opposed by State Department," September 4, 1963.

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sibility upon all Senators. If Russia has been able to develop an antiballistic missile during the 2 years in which she broke the informal moratorium, she would be able to launch a devastating attack upon us and largely parry our counterattack. We would then lose our deterrent and expose ourselves to terrible devastation.

These are questions which have deeply disturbed me during this last week. I do not know whether these suspicions are true. They may be or they may not be.

On the other hand, the case for ratification is strong since rejection would greatly damage our international position and acceptance would greatly reduce radioactive fallout and offer some opportunity for cautious yet constructive steps toward peace.

To my mind, with some genuine doubts, on balance the treaty is in the interest of the United States. Therefore, I will vote for it. Certainly it is now Russia's turn to demonstrate good faith, while we should not let down our guard.

THE AMERICAN REVOLUTION OF 1963—AN NBC DOCUMENTARY

As in legislative session,

Mr. HICKENLOOPER. I have a copy of a letter, Mr. President, from Robert M. L. Johnson, the mayor of Cedar Rapids, Iowa, which is my hometown. The letter was written on September 12, 1963, to Mr. Robert Kintner, president of the National Broadcasting Co., 30 Rockefeller Plaza, New York City.

I ask unanimous consent that the letter be printed in the RECORD as a part of my remarks.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

CITY OF CEDAR RAPIDS,

Cedar Rapids, Iowa, September 12, 1963.

Mr. ROBERT KINTNER,
President, National Broadcasting Co.,
New York, N.Y.

DEAR MR. KINTNER: A few observations concerning the 3-hour documentary presented by your network on September 2, 1963, "The American Revolution of 1963."

At one point in the program Dr. Wendell Cotton, a Negro orthodontist from Los Angeles, Calif., reviewed his experiences and stated that while driving from Chicago to California he was refused motel accommodations in Cedar Rapids, Iowa. There was no further explanation, to my knowledge, regarding this incident. I have just completed a telephone call to Dr. Cotton in which we reviewed the incident referred to in your network program, and I was somewhat shocked when Dr. Cotton told me the incident happened in 1947—16 years ago.

Furthermore, Dr. Cotton told me the incident did not happen in Cedar Rapids but rather on the outskirts of the city. Dr. Cotton also told me that a gentleman who heard the discussion at the motel offered to take him back to Cedar Rapids and to a friend's house where he could spend the night with his good wife and 6 weeks old baby.

Dr. Cotton told me that he did accept that offer and that he did spend the night in a Cedar Rapids home.

Whether or not your research people had all of these facts I do not know but as mayor of this city I can say without reservation that the impression left by your network across the Nation is one of discrimination prevalent in Iowa, despite the fact that Iowa is recognized as having one of the best public accommodations laws in the Nation.

In my opinion, the NBC report was unfair, prejudiced and did not accurately portray "The American Revolution of 1963." I might add here that I am a former radio-television newscaster and newspaper reporter.

I will be most appreciative of any response explaining NBC's editorial judgment that you may be inclined to forward to me.

Yours for good government,
ROBERT M. L. JOHNSON,
Mayor.

Mr. HICKENLOOPER. Mr. President, in deference to the Senator from Pennsylvania, who is waiting to speak, I shall not read the entire letter, but I do wish to call the attention of the Senate to some of the unfortunate distortions that occur from time to time in what otherwise should be completely objective news media.

On September 2, 1963, the National Broadcasting Co. televised a 3-hour documentary called "The American Revolution of 1963."

As Mayor Johnson points out:

At one point in the program, Dr. Wendell Cotton, a Negro orthodontist from Los Angeles, reviewed his experiences and stated that while driving from Chicago to California he was refused motel accommodations in Cedar Rapids, Iowa. There was no further explanation.

Mr. Johnson further writes:

I have just completed a telephone call to Dr. Cotton in which we reviewed the incident referred to in your network program, and I was somewhat shocked when Dr. Cotton told me the incident happened in 1947—16 years ago.

Furthermore, Dr. Cotton told me the incident did not happen in Cedar Rapids but rather on the outskirts of the city. Dr. Cotton also told me that a gentleman who heard the discussion at the motel offered to take him back to Cedar Rapids and to a friend's house where he could spend the night with his good wife and 6-week-old baby.

Mr. Johnson goes on to say that he believes it is stretching somewhat the timely comment on a subject of this kind by including in a documentary that is supposed to be up to date, and is presented as present fact, something that happened 16 years ago, but without any explanation to the public that it was an antiquated and ancient incident which apparently was reasonably happily resolved at that time. However, it was not so presented in the documentary.

Mr. President, this is not the first time that so-called documentaries have used propaganda, distorted the facts involved, or failed to give full representation or disclosure of the facts, in order to promote certain issues those in charge wish to present to the public.

SALE OF WHEAT BY CANADA TO THE SOVIET UNION

As in legislative session,

Mr. HUMPHREY. Mr. President, at 11 o'clock this morning the Canadian Minister of Trade and Commerce announced an agreement to sell a record amount of wheat to the Soviet Union. The agreement calls for delivery to Russia of 239 million bushels of Canadian wheat and wheat equivalent of flour by July 31, 1964. This sales agreement, including a smaller one of 11 million bush-

els announced earlier this month, represents a forthcoming movement of Canadian wheat to the Soviet Union totaling \$500 million. The terms of payment are favorable—25 percent down, with the balance in three equal 6-month installments.

The Canadian wheat sale has considerable meaning to Canada, in terms of her farmers, her overflowing storage facilities, and her foreign exchange earnings. A press dispatch from Ottawa quoted Mitchell Sharp, the Trade Minister, as saying that the new wheat purchase by the Soviet Union is equal to two-thirds of total Canadian wheat and flour shipments made in the entire 1962-63 crop year. He said it will bring Canadian wheat exports in the 1963-64 crop year ending next July 31 to a record 550 million bushels—nearly all of it sold for dollars—as compared with the existing record of 408 million bushels in the 1928-29 crop year. Also, and this is certainly most significant, this year's exports are expected to bring Canada foreign exchange earnings of more than a billion dollars. While the United States is expected to export 650 to 700 million bushels of wheat in fiscal year 1964, only 200 to 250 million bushels of this will be sold for dollars.

I bring this transaction to the attention of the Senate because it directly points up an important direction in world wheat trade in which the United States is not a part. Wheat and other grains are moving in tremendous quantities from the West to the East, but we in the United States—despite our tremendous productive capacity and our big reserves and our competitive prices—are being bypassed. The reason we are being bypassed is our export policy—a policy that is antiquated, a policy that is not in the best interests of this country, a policy which, if pursued, will deny us an opportunity to use our productive capacity either for the good of ourselves or for the good of anybody else.

The time is long overdue for a complete reexamination of our outdated export policy. It is not suitable for present conditions and must be changed if we are to share properly in world markets.

Mr. President, wheat is not what I would call a military item. It just so happens when the Secretary of Agriculture visited the Soviet Union recently, he had intended to visit what are known as the new lands, the areas that in recent years have been put under the plow, for the purpose of producing wheat.

His itinerary was charged by the Soviet Government. I gather the reason is quite clear now—a reason the Weather Bureau of our Government might well have reported to the Congress or to the executive branch, and most likely did.

(At this point Mr. McGovern took the chair as Presiding Officer.)

Mr. HUMPHREY. Mr. President, the Soviet Union has experienced a crop failure. Poland is experiencing one. A drought has gripped the entire area. What the leaders of these countries had hoped to be a bumper crop became a poor crop. Today the Soviet Union finds itself, as China did 2 years ago, in desperate need of cereals. Two years

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I hope the Senate will overwhelmingly ratify the treaty.

Mr. THURMOND. Mr. President, will the Senator yield?

Mr. SMATHERS. I am happy to yield to the able Senator from South Carolina.

Mr. THURMOND. The able Senator in his address spoke of being able to detect explosions if they should occur. I am sure the able Senator knows that the art of concealment always runs ahead of the art of detection.

Mr. SMATHERS. I do not know that.

Mr. THURMOND. I mean, the art of detection always runs ahead of—

Mr. SMATHERS. I believe the Senator stated it the way he intended to state it the first time.

Mr. THURMOND. I said it correctly the first time; the art of concealment always runs ahead of the art of detection.

Mr. SMATHERS. I have heard that, but I do not know that to be true.

Mr. THURMOND. That is the information which was brought out in the hearings. That makes it difficult in a great many cases to detect an explosion. It has been found that the party who wishes to explode can conceal for some time and possibly get away with it, before the explosion can be detected.

Mr. SMATHERS. I have great respect and a very warm affection for the able Senator, whose patriotism is of the highest. I know he has conscientious concerns and worries about the treaty, but I do not accept that particular statement. I cannot accept that particular statement in the light of the weight of the testimony of the witnesses who came before the committee, who said that they believe the only way there could be an explosion without it being detected, unless it were underground, would be to have an explosion so far out that it would be beyond the moon, if it were not an explosion of such small consequence and such low yield that it would not really be of any benefit to the Soviet Union to test.

That was the testimony as I remembered it. That was the statement of Secretary of Defense McNamara. So I cannot accept the postulate the Senator first made.

Mr. THURMOND. For example, if an explosion occurred on the boundary line between Russia and China, over in the middle of the country, we are told by some of the military people—I remember General Power in particular—that it would be very difficult, if not impossible, to detect where the explosion occurred. I do not mean to imply that we would not be able to detect an explosion. Our seismic instruments probably would be able to pick up an explosion, but it would be impossible to tell where it occurred unless we had on-site inspection and were nearer the situs.

Mr. SMATHERS. In response to that statement by the Senator from South Carolina, I will say that if there were an explosion on the Russian side of the line certainly it would be against our interest and we could withdraw. If it were on the China side, we would have to make a determination, as provided in the treaty,

as to whether it was against our interest. If it was, we would say, "We had better take a look at this situation and withdraw from the treaty." That is one good thing about the treaty—whenever we determine such explosions are against our interest, we can withdraw. Certainly if it happened in the Soviet Union, we would know with certainty that we could withdraw from the treaty and begin testing, ourselves immediately. If it happened on the China side of the line, we could do the same thing, under the protections of the treaty, if it were against our interest, and if there were collusion, and there probably would have to be under the circumstances, we would withdraw and begin our own testing. This was the testimony, as I recollect it, given by most of the expert witnesses on this question.

I might also point out to the able and distinguished Senator that the President of the United States has given the assurance that our facilities for detection of possible violating of the Treaty will be expanded and improved as required to increase our assurance against clandestine violations by others.

Mr. THURMOND. If we were not allowed to go into those countries to determine just where the explosions took place, or we could not detect the explosions well, if at all, how would we be able to tell the location? For example, what would keep Russia from shifting her scientists, equipment, and personnel to the Chinese side and continue to carry on nuclear work?

Mr. SMATHERS. I do not believe that would really make a great deal of difference. As I understood the testimony, under the treaty, if there were an explosion in the atmosphere, of sufficient size to warn us immediately, and our seismic instruments and other scientific tests showed us that they were testing in earnest again, we would know immediately that we would start testing immediately. If it were in China, we could give the 90 days' notice if we believed such testing was against our supreme interest. Certainly, if China started testing, that would have to be our conclusion.

I refer to page 18 of the report on the question of detection, which reads as follows:

And the committee was impressed by this comment of the Joint Chiefs of Staff: "The dangers of detection and the cost of difficulty of testing in outer space would tend to impose severe restrictions upon such clandestine testing. Other clandestine tests in the atmosphere or underwater, depending upon their size, would involve a fairly high probability of detection by our conventional intelligence or our atomic energy detection system. Moreover, the Joint Chiefs of Staff consider the resulting progress which the Soviets might make clandestinely to be a relatively minor factor in relation to the overall present and probable balance of military strength if adequate safeguards are maintained."

Mr. SPARKMAN. Mr. President, will the Senator yield just briefly at that point?

Mr. SMATHERS. I yield.

Mr. SPARKMAN. Earlier today I suggested to Senators that it would be a

very fine thing and very encouraging for each Senator to go downstairs to the Foreign Relations Committee Room and get out the testimony of Dr. Northrup on detection. Does not the Senator from Florida agree with me in that statement?

Mr. SMATHERS. I agree with the Senator from Alabama. In my more formal remarks, I said there was much more testimony, which is of a secret nature, that would give Senators more assurance and confidence in this Nation's ability to detect any sort of meaningful explosion on the part of the Soviet Union or Red China.

Mr. THURMOND. Whose testimony was that?

Mr. SMATHERS. Dr. Northrup's.

Mr. THURMOND. I also point out that it might be helpful to the Senator if he could read the full testimony of General Power, the most vital parts of which are classified. The Senator knows the responsible position General Power holds. He has studied this question thoroughly, and he is one of the country's great experts on this subject.

Mr. SMATHERS. I agree with the Senator that he is an outstanding military man and citizen but there are more than military considerations involved.

Mr. THURMOND. He is very much concerned about this matter. If an explosion occurred in the atmosphere near the line, it is felt that it would be impossible to tell in which country it had occurred, and it would be necessary to have onsite inspection or have some other way to determine it. If those countries did not permit entrance for the purpose of inspection, Russia could assert that it had happened in China, and it could very well have happened in China. Suppose Russia had shifted her operations there. There would be nothing to prevent her from doing it.

I earlier brought out information relating to the so-called rift between Russia and China. I am sure the Senator does not have too much confidence that there is a deep and lasting rift, because the Soviets have assured Red China that this treaty is in the best interest of world communism.

It is in the interest of both countries, the U.S.S.R. and Communist China.

I believe the Senator was present in the Chamber when I referred to an Associated Press article which reads:

The Soviet Union told Red China the limited nuclear test ban was a positive gain for communism because it would perpetuate the liquidation of the onetime American nuclear monopoly, and freeze each side's nuclear power.

It is felt by a great many of our military experts that if the situation were frozen as it is now, after the most successful series of tests by the Communists in 1961 and 1962, the great military advantage would, in some critical areas, be on the side of the Communists.

The Preparedness Investigating Subcommittee, after holding hearings for almost a year, and having heard the military and scientific witnesses who appeared before the Foreign Relations Committee, in addition to others such as General Power, General Twining,

Admiral Burke, and other key military men—concluded that if the treaty were ratified, the United States probably would be unable to duplicate Soviet achievements in very high yield weapon technology. That is because the Soviets have conducted tests with high yield explosions and have gained knowledge from them. It is felt that what the Soviets desire now, after gaining this knowledge, is time. They are trying to buy time by entering into this treaty, so they can manufacture weapons with their slower production facilities as a result of having gained this knowledge, and then they will be in a very powerful position.

So if the treaty should be approved by the Senate, the Soviets would have that knowledge, and we would not be allowed to test in the atmosphere. The Soviets are ahead of us, as the scientific and military experts have said, in high-yield weapons, and have a great advantage. I am not now considering the political aspects; I am considering the military advantages.

I was wondering how the Senator felt we could ever overcome the advantage that the Soviets have gained in very high-yield technology from these tests, because the only way such knowledge can be gained is by testing in the atmosphere. It is generally agreed that that is the only way.

It has been stated that it could be partially gained by testing underground. We could not gain complete knowledge that way, and in this competition we cannot settle with being half safe or half sure. The only way to test any weapon with any degree of confidence is to test it in the environment in which it will have to function, in which it would have to operate in a showdown campaign.

I was wondering how the Senator felt we could equal or regain knowledge the Soviets have acquired in this particular field.

Mr. SMATHERS. First I should like to answer another question; then I will answer the question the Senator has just asked. We were discussing the question of the Chinese testing, and the question whether that testing took place on the border. That is a question which was asked by Senator RUSSELL of Secretary McNamara when he appeared before the committee. Senator RUSSELL said:

Senator RUSSELL. We, in common with mankind everywhere, are yearning to avoid these dangers of a nuclear war, but we don't want to get carried away by the objective and leave ourselves in a helpless position, as you so well point out in your able presentation.

REACTION TO POSSIBLE CHINESE TESTING

What would we do if the Chinese started testing, and we discussed the matter with Mr. Khrushchev, and he said, "Yes, that contemptible scoundrel Mao Tse-tung has gone on testing there. You can't trust him on anything. We have tried our best to deter him, but he is continuing to test in the atmosphere and elsewhere."

Just how far would we let that situation go before we would resume testing?

That is the situation to which the Senator from South Carolina had reference. Let me quote Secretary McNamara on this point:

Secretary McNAMARA. Senator RUSSELL, that would clearly fall under article IV of the

treaty, and we would certainly have the right to test under those circumstances.

I am certain that if there was any indication whatsoever that our national security was adversely affected by such Chinese action we would act to test.

It was that kind of testimony which convinced the majority of the members of the Joint Committee on Atomic Energy—and I see in the Chamber the former chairman of that committee, the Senator from New Mexico [Mr. ANDERSON]—and the majority of the Committee on Armed Services, and certainly the majority of the members of the Foreign Relations Committee, that we were not jeopardizing our Nation's security. The testimony was that we would test if it was determined that the Chinese were testing and it was adverse to our national interest. We have a right under the treaty to get out at any time that we believe there is something going on against our supreme interest. The minute that we know that testing is going on and the treaty has been broken by one of the parties to it, the other party is immediately released to do what it wants to do. We have already gone on record—the President of the United States, the Chairman of the Atomic Energy Commission, and all the others—that we are going to keep ourselves prepared to test even faster than we did after the resumption of tests by the Soviet Union in 1961.

That pretty well answers the first question of the Senator. I continue to read:

Senator RUSSELL. Despite any protestations on the part of the Russians that they had no part of it and didn't even know what the effects of the test were?

Secretary McNAMARA. Yes, sir, I am confident of our actions under those circumstances.

There it is.

With respect to the other question of the Senator—

Mr. THURMOND. Will the Senator yield?

Mr. SMATHERS. I yield.

Mr. THURMOND. Red China now is not a party to the treaty.

Mr. SMATHERS. That is correct, but should they test in the atmosphere—and we consider such testing adverse to our supreme interest—we can, by giving 90 days' notice, release ourselves from the provisions of the treaty.

Mr. THURMOND. The Senator was saying that if Red China tested in the atmosphere, we would breach the treaty.

Mr. SMATHERS. We can under the provisions of the treaty with 90 days' notice to the signatories release ourselves from the treaty when such treaty is adverse to our supreme interest.

Mr. THURMOND. We would have the right. However, would we?

Mr. SMATHERS. This is what Secretary McNamara said. It is in the RECORD—

Mr. THURMOND. That is a new thought that has arisen in connection with the treaty, that if Red China tests in the atmosphere we will abrogate the treaty.

Mr. SMATHERS. At any time that any nation anywhere on the face of the globe tests, and we believe it is against

our supreme interest, we can get out. That is one of the values of the treaty. It is that simple. That is what we are talking about. It is not much of a step forward. We are only beginning to move over. As the able chairman said, it is taking a different direction. This does not amount to a great deal in some respects, because we can start testing at any time that someone else starts to test in the atmosphere and we think it is against our supreme interest. If Israeli started to test or if Egypt started, or if anyone else started, and we thought it was against our interest, we would start testing immediately if they were signatories. If not upon 90 days' notice.

Mr. THURMOND. As a matter of fact, we would not have to have any reason to abrogate if we determined that it was in our national interest to do so. We could withdraw from the treaty.

Mr. SMATHERS. Yes.

Mr. THURMOND. Would we do so if Red China tested? Would we withdraw?

Mr. SMATHERS. I believe we would withdraw.

Mr. THURMOND. Suppose China did test in good faith, and the testing had no connection with Russia?

Mr. SMATHERS. Secretary McNamara said we would do it if it were against our supreme interest. I am satisfied we would. Obviously, Red China, ideologically motivated as it is, with its goal, constitutes the same threat to freedom.

Mr. THURMOND. I am of the opinion that the Russians would not hesitate to shift their scientists and their equipment across the line and have the tests carried on in Red China, and then claim that Red China was doing it, and not they.

Mr. SMATHERS. If there is testing, that is what may happen. If it does happen, we are out.

Mr. THURMOND. We could abrogate, but suppose they go along for 2 years, using the knowledge they have gained from the high-yield tests in 1961 and 1962, and have their weapons; and then suppose we abrogate, and they have already had their breathing spell and have kept us from testing, and have been able to build their weapons. We would have been testing underground, which would not equal atmospheric testing.

Mr. SMATHERS. I am sure the Senator from South Carolina recognizes that one of the foremost scientists who opposes the treaty is Dr. Edward Teller, the father of the hydrogen bomb. I have stated in the formal part of my speech that even though he is opposed to the treaty, on this particular point he did not believe that there was great progress to be made with respect to the future of this high-yield, many-megaton bomb, and that in many respects he did not believe it gave the Russians any particular advantage.

I am sure some military men believe—and I heard the Senator argue this point—that if the big bomb were exploded, it might knock out the radar defense system. However, it would not knock out the Polaris missile. It does not stop the Polaris submarines. There

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August 24. Among those who serve on the President's Committee are men like Dean Harvey Brooks, of the Division of Engineering and Applied Sciences, of Harvard University; Dr. Edwin R. Gilliland, professor of chemical engineering, Massachusetts Institute of Technology; James E. Fisk, president of the Bell Telephone Co.; Dr. Bronk, president of Rockefeller Institute. Twenty-five or more of the greatest scientists in the United States, the best scientific brains we have, comprise the President's Science Advisory Committee.

Mr. SMATHERS. That is why so many Senators who listened to the testimony have made judgments as to whom they will believe. It is a difficult judgment to make. One finally takes as we say in law—the weight of the evidence. The Senator from South Carolina sites 1 authority; we site 10. So it goes. The Senator from South Carolina may choose to believe his one authority; but other Senators may choose to believe many others. It was because of the testimony of such distinguished scientists and technicians in the field of missiles that most members of the Foreign Relations Committee were convinced. That is why they voted, 16 to 1, in favor of the treaty.

Mr. HUMPHREY. The point I wish to make about the August 24 statement, which later today I shall enter into the RECORD, is that Dr. Teller had been invited to present his views before his distinguished colleagues, not before Senators, not before those of us who are not scientists, but before the men who have been responsible for the defense of the free world, in the field of science and technology, before men who have been responsible for the intricate electronic companion system of rocketry.

Dr. Teller was asked to come in and have a full discussion on his views with the Science Advisory Committee. I did not sit in judgment, and neither did the Senator from Florida [Mr. SMATHERS]; neither did Dr. Teller's colleagues in the fields of science, engineering, physics, chemistry, and nuclear physics. All the men who had had practical experience in designing atomic energy projects, warheads, rockets, and missiles came to a different conclusion from that reached by Dr. Teller. I do not say Dr. Teller is necessarily wrong, because I do not know that. All I know is that men who know something about nuclear science, men who know something about engineering, men who have given their lifetime in this area, came to this conclusion, after they had heard Dr. Teller testify in the same way that one would testify before a panel of his peers:

It is our judgment that the present advanced state of U.S. nuclear technology, and the present advanced state of U.S. nuclear technology and associated weapons systems, make it possible to accept restrictions on this treaty with confidence in our continuing security. Although certain technical possibilities will have to be foreclosed, these limitations also apply to other nations. In fact, more extensive limitations to a comprehensive treaty with adequate safeguards could provide ever greater confidence in our continuing welfare and security. The treaty would provide relief from radioactive fallout, and contribute significantly to the task of preventing the spread of nuclear weapons to

other countries, thus constituting an important step toward a safe and secure peace in the world.

They decided in favor of the treaty. Mr. SMATHERS. What date is that? Mr. HUMPHREY. August 24. On August 23, Dr. Teller spent a good deal of the day in full discussion of his views, just as he presented them to the committees of Congress.

I must say that if I were to have a decision made about a point in surgery or in medicine, I should prefer to have a doctor who wished to argue his point on the proposed surgical or medical treatment go before a panel of other doctors and argue with them as to their professional judgments, so that later I could have the benefit of the weight of the judgment of the panel of doctors, rather than have the doctor whose views differed from theirs come before a group or a committee of Members of Congress and argue about a medical case or a case involving surgery.

Dr. Teller is not to be derogated, of course; but that is not the point. The point is that we have to make a decision, and we cannot expect unanimity on these matters. No doubt all these men are equally patriotic.

Mr. SMATHERS. I very much appreciate the statement made by the able and distinguished Senator from Minnesota. He has made very well the point I was trying to make in my colloquy with the able Senator from South Carolina [Mr. THURMOND].

Our decision on the question of voting for or against approval of the treaty is, of course, based on the judgment which all of us must make. When there is a difference of belief among the scientists and among the experts, we must decide which ones we choose to believe.

I respect the Senator from South Carolina for whatever judgment he has arrived at; but I maintain that the great weight of authority and evidence is in favor of our approval of and is in accord with the view that the treaty is in our national interest.

Of course some risks are involved. But if, following our approval of the treaty and its ratification, our country can work out and achieve an arms control system which will be practical and sensible, if we can, somehow, maintain the peace, and if we can, somehow, avoid a nuclear war, certainly this step is worth taking.

Of course, I could proceed to answer questions all day long. The Senator from South Carolina could cite the experts whose testimony he thinks the best, and I could cite 20 experts whose views coincide with my own. I have great affection and great respect for the Senator from South Carolina; but I am sure I would never be able to convince him to accept my point of view in regard to this treaty.

Mr. THURMOND. Mr. President, the able Senator from Florida has tried many cases in a court of law, and I am sure he knows that the judge or jury does not consider primarily the number of witnesses on either side.

Mr. SMATHERS. I agree.

Mr. THURMOND. The quality of the witnesses, is the primary consideration.

I point out that testimony, not the number of such distinguished men as Dr. Teller, Mr. Foster, Admiral Burke, Admiral Radford, General Power, General Schriever, General Twining, and others have testified that, in their judgment, the treaty is not in the best interests of this country.

Mr. SMATHERS. But I am sure the able Senator does not believe that President Eisenhower is opposed to the best interests of our country, any more than he would believe that President Kennedy is or President Truman is. I am also sure the Senator does not believe the Joint Chiefs of Staff are any less qualified than is General Power. I am sure the Senator does not believe that General Wheeler or Admiral McDonald, or the Chairman of the Joint Chiefs of Staff do not know what they are talking about. All of them favor the treaty.

It is obvious that the minds of men who long have been in the military service—and I pay tribute to the able Senator from South Carolina, who is a distinguished major general in the U.S. Army Reserve—are oriented along military lines. So it is more difficult for them to see the political possibilities and the ideological possibilities of achieving peace. Of course, I would not go so far as to say that any military man wants such a war; I am sure those in the military service do not.

But the fact of the matter is that—practically speaking—large armaments and large military expenditures do not hurt the military men. Instead our military program gives them their rank and their stature. So, although we weigh the testimony of military men, I believe it sometimes more important to weigh the testimony of the scientists and others because their careers are not so directly affected by our decisions. I would not in the slightest derogate—to borrow a word used by the able Senator from Minnesota [Mr. HUMPHREY]—the patriotism and the ability of any military man. But I believe we should consider the views of other witnesses, too, should weigh all the evidence, and then should arrive at our decision.

I am sure I cannot convince the able Senator from South Carolina—who has produced a great array of witnesses—to accept my view. But I must say, with the highest respect for him, that he has not made the slightest dent in my convictions about what is right with respect to this treaty.

Mr. THURMOND. I am wondering whether the distinguished Senator realizes that General Twining has been working as the chairman of a Twining Committee, which has been studying these matters, and that he has been briefed on all the latest intelligence along this line. He testified before our subcommittee, but his testimony is classified, and I cannot discuss it. He came to the very firm, definite, and unequivocal conclusion that the treaty is not in our best interests.

I am sure, of course, that the Senator knows the members of the Joint Chiefs of Staff were ordered to take into consideration not only the military advantages, but also the political advantages, which

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are 16 missiles in 16 tubes in those submarines. Those will work. I do not share the great concern of the able Senator from South Carolina on this point.

Mr. THURMOND. Unless we test, how do we know that it will not knock out the electronic systems of the missiles on board the POLARIS submarines? Also, there is the point I raised earlier today, about the Soviet ABM capability to knock down POLARIS missiles, which, by the way, are fired one at a time and not in salvo.

Mr. SMATHERS. If the Soviets can find out where these POLARIS submarines are operating, they would have to blow up the warhead, including themselves, to do that. If a submarine lies 50 miles off the shore in the Black Sea, they must use a small weapon to hit that submarine, without destroying themselves. This is the advantage of the maneuverability and the manner in which the POLARIS submarines can operate. That is what makes them one of the great weapons of all time.

Mr. THURMOND. If a bomb of 50 to 100 megatons were dropped and if it destroyed the electronic system by fusing the wires—

Mr. SMATHERS. The Senator has reference to fixed site missiles.

Mr. THURMOND. In the earth. The electric current operates them. If such a bomb should be dropped in certain parts of the world, how do we know it would not affect the missiles, unless we conduct tests to find out?

Mr. SMATHERS. Probably they can conduct such tests. The testimony of Dr. Harold Brown, one of the most respected scientists, is that it is possible to conduct underground tests and learn from them almost as much—I am paraphrasing the testimony—as one could from tests in the atmosphere. With respect to the antiballistic missile system, it did not involve so much a question of the warhead as it involved the deliverability system, the system of discrimination.

That is the real problem—the anti-ballistic-missile system. It is not the nuclear warhead end of it, but how is it delivered? How is it made to discriminate? How will it actually operate?

As the testimony is, except for one or two of the military men, the preponderance of the testimony was that our system of anti-ballistic-missile development was as good as theirs. I know the Senator from South Carolina does not hold to that view entirely, but I do. From the evidence I have heard—and the Senator from South Carolina has a right to believe the witnesses whom he wishes to believe, and I have a right to believe those whom I wish to believe. I believe the Joint Chiefs of Staff and other competent witnesses. I accept the word of Dr. Harold Brown. I am willing to accept the word of former President Dwight David Eisenhower, who, I think, knew something about this subject. I am willing to accept the word of the President of the United States, the Secretary of State, and the Secretary of Defense. We must believe someone in this matter. So far as Senators are concerned, it is a question of who to believe.

I believe the weight of the testimony is well in favor of the treaty and that its ratification is in our national interest.

Mr. THURMOND. What about General Power, General Schriever, Admiral Radford, Admiral Burke, Dr. Teller, Dr. Foster, and so forth?

Mr. SMATHERS. I respect General Power, but I also respect the Joint Chiefs of Staff. I respect highly the Commandant of the Marine Corps, David Shoup, who has received the Congressional Medal of Honor, the highest award that can be given to any man in the U.S. Armed Forces. He sat before us and said, in effect, that he was happy when the United States initiated the treaty and that we ought to enter into it.

There is no greater patriot than General Wheeler, Chief of Staff of the Army, or Admiral MacDonald, Chief of Naval Operations. The committee heard all of them. It is a case of which ones Senators wish to believe.

The Senator from South Carolina has chosen to believe some highly respected men; I have chosen, as have most other Senators, to believe other men. This is what we all have a right to do. I do not question the Senator's patriotism; he does not question mine. I think this is a matter of judgment.

In addition to the military facets of the test ban treaty, there are other important reasons why the United States should approve the test ban treaty.

Mr. THURMOND. Of course, we respect General Shoup for having received the Congressional Medal of Honor; but there is a great difference between physical bravery and the possession of nuclear knowledge. Dr. Teller warned that a "disparity of knowledge today is a disparity of power tomorrow."

Dr. Teller said further:

A test ban treaty with the Soviet Union would prevent vital improvements of our atomic explosives as well as foreclose the development of antimissiles and systems like Nike-Zeus and Nike-X. It would not keep the Russians from cheating. Such a treaty, in sum, would endanger our security and help the Soviet Union in its plan to conquer the world.

I am sure the Senator from Florida has great respect for Dr. Teller.

Mr. SMATHERS. I have the highest respect for him. Because of that, I wish to read what Dr. Teller said in answer to a question asked of him by the chairman of the Joint Committee on Atomic Energy, which appears in the hearing on page 471.

Senator ANDERSON. I appreciate that statement because I fully agree with you. I have grave doubts as to how important these large-scale weapons are. You were director of that laboratory and its guiding spirit for a long time. If this country had had to have a large-scale explosive you would have built one, wouldn't you?

Dr. TELLER. If I had thought so at that time that it was necessary I would have built one.

Obviously, the presumption is that Dr. Teller did not think such an explosive was necessary. Senator ANDERSON, because he respects Dr. Teller highly, but does not agree with him in this particular instance, said:

You surely would.

Dr. TELLER. But it is entirely possible that 4 years from now I will appear before this committee and Senator Church will confront me with another situation where on the basis of changed information I will have changed my mind.

We all respect Dr. Teller; but Dr. Teller said he did not believe we should give too much weight to the fact that the Soviet Union might be ahead of us in the development of high-yield bombs—100-megaton nuclear warheads.

Mr. HUMPHREY. Mr. President, will the Senator yield?

Mr. SMATHERS. I yield.

Mr. HUMPHREY. Does the Senator recall another occasion, when Dr. Harold Brown appeared before the committee and was asked whether he had access to all information, technical and intelligence, and that Dr. Brown said, "Yes"? I asked the question of Dr. Brown.

With all regard and respect for Dr. Teller—and I emphasize that he has made a great contribution to science in this country and is a great scientist himself—I asked Dr. Brown if Dr. Teller had access to all the information, both scientific or technical and what we call intelligence, and the obvious answer, of course, was "No." We must take that fact into consideration. This is not to derogate the scientific competence of a man like Dr. Teller; it is merely that in forming his judgments, he did not draw from as wide a base of information.

A little later in the hearings, the great Dr. Kistiakowsky, who is acknowledged throughout the world as one of the truly outstanding scientists, and who was President Eisenhower's scientific adviser, was asked about the testimony of Dr. Teller and Dr. Brown. That testimony was recited today, so I do not need to quote it word for word. But the Senator from Florida may recall that Dr. Kistiakowsky said, in effect, "If you want to know about antiballistic missiles and talk to the man who knows the most about them and is in possession of information about them, that man is Dr. Brown."

Another man who is quite competent in this area is Dr. York. He gave rather revealing testimony when he said he knew of no way to build a defense against a missile; that what we ought to do is to build an offensive capacity; what he called penetration aids and penetration capacity.

So when we get into testimony, I say most respectfully to the Senator from Florida, as he himself has said so well, that while we can find a scientist here and there who may disagree with men like Dr. Brown, Dr. Bradbury, Dr. Kistiakowsky, Dr. York, and the military experts, we must take into consideration, it seems to me, in arriving at a judgment in this highly complicated important matter, the weight of the testimony. How much testimony is on this side? How much is on the other side? It is not that Dr. Brown is more intelligent than Dr. Teller, or vice versa. It is a question of updating the information or of weighing the testimony.

The President's Science Advisory Committee released a statement some time ago. I have a copy of it before me, dated

repeatedly in the debate on the test ban treaty is that the Soviets do not keep their obligations or fulfill their obligations under treaties. Without trying to go into this subject in detail, I remind my colleagues that in 1959 the executive branch of our Government signed and in 1960, the Senate subsequently ratified a treaty dealing with the Antarctic. There were 12 signatories to that treaty including the Soviet Union.

Despite some doubts voiced at the time of ratification by both proponents and opponents of this treaty, it was approved and has been operative for over 3 years.

Its relevance to the present debate was highlighted just the other day when it was announced that we planned to make an inspection of facilities constructed and maintained in the Antarctic by other nations—including the Soviet Union.

Though announcement of this proposed inspection appears to have qualities referred to by some as "managed news," an inquiry into the facts of the matter will disclose that the timing was only provident.

Arrangements for the inspection started a year ago and the other signatory nations were informed of our plans last spring. I use the words "informed of our inspection" rather than "requested to permit it," for the treaty gives the right of inspection to one signatory without consent of those to be inspected.

It is rather significant that at the time the treaty was ratified some of us noted this inspection feature, and that inspection seemed desirable in our national interest. That is exactly what we are doing now.

I have been informed that the Soviets offered no objection to our inspection procedure and that, depending on weather conditions, it will take place sometime between November and February.

The Senate has been told more than once during this debate that the Soviets cannot be trusted to keep obligations undertaken by treaties they sign.

I point out that they apparently are adhering to the 1960 Antarctic treaty.

This may be only one of a few examples that we can point to, but it is a present treaty; it is one that was signed in recent years, as was the treaty on Austria. I believe they will adhere to the test ban treaty.

It will be the task of our Nation to persuade them—by keeping open the diplomatic channels of negotiation while maintaining our strong defense posture—that to do anything less would not be in their interests.

As every Senator knows, treaties are generally adhered to because treaties serve the interest of nations. When a treaty serves the interest of many nations, or when there is a mutuality of interest, treaties are generally effective.

RATIFICATION—SENSE OR SENTIMENTALITY?

Mrs. NEUBERGER. Mr. President, we have been told that Senate ratification of the test ban treaty will be more a tribute to the political potency of the "mothers' vote" than a rational reflection of our national self-interest.

The assumption, of course, is that women—and in particular mothers—are

notoriously sentimental, and that their sentimentality has clouded their enthusiasm for an unchecked, proliferating nuclear arms race.

Mr. President, there is, indeed, a "mothers' vote" for the test ban treaty and against continued atmospheric pollution. But it is not a sentimental vote. It is a vote that flows from the rational concern of any mother for the welfare of her children and her natural and acute sensitivity to the survival of future generations in recognizable form.

I say "rational concern" because the accumulated scientific evidence on the genetic and somatic effects of nuclear radiation establishes beyond any reasonable doubt that fallout from atmospheric testing presents a significant hazard to human life.

Surprisingly, no one, not even the most avid exponent of continued testing suggests that fallout is harmless. Those scientists, who oppose the treaty simply consider the hazards of fallout relatively "acceptable."

But, there is surprisingly little conflict among scientific witnesses on the absolute hazards of fallout radiation. No one today seriously doubts that radiation from the Hiroshima and Nagasaki bombs caused cancer, and particularly leukemia, in heavily exposed individuals. Nor is there any doubt that genetic mutations, including muscular dystrophy, blindness, dwarfism, and other major deformities, flourish among the children of irradiated Hiroshima and Nagasaki survivors.

Excessive radiation has taken its toll in this country too. American radiologists have been shown to experience excessive death rates from leukemia. Uranium miners, subjected to airborne radiation in the mines, suffer a significantly higher death rate from cancer of the lung. Chromosome X-rays of atomic workers at Oak Ridge, who had experienced radiation accidents, disclose "an irregular pattern of deformity."

No one disputes the cause and effect relationship of radiation and injury in these cases, but fallout, as one scientific witness put it, is in a different ball park. Why? Because the radiation levels from fallout fall far below the dosages to which these radiation victims were subjected.

Yet few scientists are prepared to argue that there exists a level below which no damage is done by radiation—a threshold of safety. There appears to be a consensus that any quantum of radiation added to our atmosphere will cause a proportionate number of genetic mutations and a proportionate increase in the incidence of radiation-connected diseases, such as leukemia.

It is argued, however, that the absolute numbers of fallout radiation victims are an "insignificant" or "negligible" percentage of the world's population.

What are these absolute numbers? The estimates vary, but they are none the less meaningful. Somewhere between 50,000 and 200,000 children will be born in the world with "gross" birth defects, directly attributable to fallout from atomic testing. These are conservative estimates. Some authorities have predicted that "the total estimated serious

genetic defects will be 17 million with about 150,000 expected to occur in the first generation." In addition, an estimated 400 children in the United States alone will die of leukemia this year as a result of atomic testing.

These estimates do not account for areas in which scientists' suspicions have not yet hardened into estimates. The effects of radioactive carbon from bomb tests, for example, cannot yet be gaged. "Such defects," a Harvard biologist told the committee, "may be at least 10 times more numerous than those from fallout."

Nor do the estimates account for local hotspots as in Utah and Nevada, where radioactive iodine 131 from the Nevada test site appeared in far greater quantities than had been previously suspected. In my own city of Portland, Oreg., strontium 90 levels in milk for May and June exceeded the "permissible" level set by the International Commission on Radiological Protection.

At this moment the results of these phenomena are beyond estimation. Nor can we estimate the toll of future tests—bigger tests; more frequent tests; tests, not only by the United States, the U.S.S.R., Great Britain, and France, but tests by Red China, perhaps Israel, Egypt, Czechoslovakia, Canada, West Germany, Japan, Switzerland, Sweden, India, and other nations, caught up in the race to join the nuclear club.

While discussing the treaty with my friend, former Representative Joseph Casey, he recalled an article by the late Senator Brian McMahon from which I quote:

We are all of us fond of repeating that war is not inevitable. We act almost as if we believe that merely wishing will make it so. We almost appear to think that verbal incantations will somehow repeal the inexorable laws of an accelerating arms race. Five thousand years of history, which teaches over and over and over that arms races always lead to war—under today's conditions, to atomic war. Unless we act boldly and immediately to wrench history from its present course, war is inevitable. It is still within our power to confute this somber prophesy, but we must act valiantly and we must act now.

This continuing arms race and continued testing are what I fear.

The President and the responsible advocates of the partial nuclear test ban treaty have been properly cautious in delineating its significance. It is not a blueprint for disarmament. It in no way obviates the necessity for maintaining a superior military structure. It may or may not effect any long-range diminution of international tension. It may or may not establish a pattern for the nonmilitary solution of international problems.

Yet if the only tangible benefit to be derived from the test ban would be the capping of future atmospheric pollution it will still be a major achievement in the history of human affairs.

Admiral Rickover once recounted an incident in which his concept of the significance of radiation conflicted rather sharply with those of a superior officer. "One day one of my superiors asked that I reduce the amount of radiation shielding on our nuclear ships. He

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consequences of the test ban, I do not place very great importance on the lead which the Russians enjoy in this particular field."

The Joint Chiefs of Staff testified that they "have not regarded as important the attainment of weapons in the 100-megaton range * * *. They feel that the types and numbers of megaton-yield weapons available to us now or in the future could give us an adequate capability in the high-yield weapon range."

And the Chairman of the Joint Chiefs of Staff, in response to a direct question on this point, replied:

"I attach very little importance to this, frankly, Senator. The whole very high yield weapons field is one which has very little, if any, military significance."

When this country has to rely upon military advice, I should think we would have good reason to respect the views of the Chairman of the Joint Chiefs of Staff and all of the Chiefs; and the considered judgment of the Chiefs of this particular point has been read into the Record.

With respect to the anti-ballistic-missile missile the overwhelming body of evidence indicates that our knowledge in this field is equal to that of the Soviets, or superior.

When we get down to the credibility of witnesses, I do not believe anyone can deny that Dr. Brown, who now has the responsibility for defense research in this area, for the development of our weapons in the antiballistic missile field, should be looked upon as credible and reputable and as an honorable witness. His testimony is in the Record.

Mr. SMATHERS. Mr. President, I should like to add also with respect to the high-yield bombs, that even Dr. Teller, the scientist who opposes the treaty, said he did not attach any particular significance or importance to the fact that the Soviet Union at this time was admittedly ahead of us in the matter of development and production of high-yield bombs.

Mr. HUMPHREY. Mr. President, I ask unanimous consent to have printed in the Record at this point an editorial entitled "J.F.K.'s Reassuring Letter," published in the Minneapolis Tribune. The editorial relates to the communication of the President to the majority leader and the minority leader, and expresses the view of one of our leading newspapers in the Midwest.

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

J.F.K.'S REASSURING LETTER

Mr. Kennedy's "unqualified and unequivocal assurances" with respect to the nuclear test ban treaty should go a long way toward allaying any doubts and fears that might have turned some still undecided Senators against it.

The treaty's ratification by the constitutional majority of two-thirds has not recently been in serious doubt. But the letter which the President addressed to Senate Majority Leader MIKE MANSFIELD and Senate Minority Leader EVERETT M. DIRKSEN is likely to result in a more emphatic endorsement by the Upper House. Fully as important, it promises to minimize the chance that the Senate, by adopting reservations to the treaty, might drain it of much of its substance and purpose.

The American people should be reassured, too, by Mr. Kennedy's letter. It has been spelled out for them, in unmistakable terms, that underground nuclear testing (permitted by the treaty) will be "vigorously and diligently carried forward." All necessary steps will be taken to safeguard our national security if the treaty should be violated or abrogated. Furthermore, Mr. Kennedy makes it plain that the treaty does not in any way limit the authority of the President to use nuclear weapons for the defense of the United States and its allies.

This last assurance was directed to a point raised by Mr. Eisenhower. Another was apparently addressed to Senator BARRY GOLDWATER's proposed reservation which would render the treaty inoperative as long as Russian troops remained in Cuba. The United States will take all necessary action in response, said the President, if Cuba should be used to circumvent the treaty.

We think that Mr. Kennedy should be commended for his clear and forthright effort to dispel any doubts that were sincerely held within the Senate. Reservations to the treaty, on our part, could only be an invitation to the Russians to adopt comparable limitations and might well end in stalemate.

The Kennedy letter should help to set the stage for an emphatic endorsement of the treaty next week. Senator DIRKSEN's support of it, too, is an important weight on the side of ratification and the realization of a long sought goal. This is not a partisan issue and the American people, we feel sure, would not want it to be one.

Mr. HUMPHREY. Mr. President, I ask unanimous consent to have printed in the Record an article on the Harris poll, which was published in the Washington Post on Sunday. It indicates that the latest poll shows a significant increase in public support for the test ban. It shows unqualified approval of 81 percent, up from 52 percent in July; qualified approval, 11 percent, down from 29 percent in July. The total qualified and unqualified approval is 92 percent. Opposed is 8 percent, down from 19 percent in July.

I have the feeling that as the public comes to understand the significance of the treaty, it is probable that the American public will demonstrate a great sense of judgment, possibly even better than that of the Senate.

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

PUBLIC MORE THAN 4 TO 1 FOR TREATY, MANY SWITCHING TO IT SINCE JULY
(By Louis Harris)

If the American people had to vote in the Senate this week on ratification of the nuclear test ban agreement, they would vote better than 4 to 1 in approval, according to a special nationwide survey completed this past week. Public fears of the effect of fallout and radiation from continued testing and the cautious hope that the agreement marks a first step toward peace contribute heavily to people's views.

Actually, there have been some interesting shifts in public opinion on the test ban question since the negotiations were begun early in July. As the Senate has moved closer to a decision on the treaty, there has been a sharp increase in the number of people who now give unqualified support to the ban and a comparable fall-off in the number who are outrightly opposed or still have reservations.

Here are the current feelings toward the treaty among Americans who expressed their

opinion in a poll taken last week—compared with the outcome before negotiations began in July:

Attitudes toward test ban agreement

	Percent	
	September	July
Unqualified approval.....	81	52
Qualified approval.....	11	29
Opposed.....	8	19

Even if people giving only qualified approval are combined with those opposed, there are only 19 percent who could not go along with ratification of the agreement now before the U.S. Senate.

If the overall shift has been decidedly toward unqualified approval of the test ban agreement, then there are just as dramatic changes in the reasons that lie back of people's opinions. When asked why they feel the way they do, here is the lineup of the reasons given:

Reasons for favoring or opposing test ban agreement

	Percent	
	September	July
Unqualified approval.....	81	52
Cut fallout.....	21	12
Must end tests.....	16	18
End risk of atom war.....	15	12
Stop world suicide.....	13	6
Step to world peace.....	9	0
Halt cost of testing.....	5	4
Qualified approval.....	11	29
If Russia keeps word.....	8	12
Only with inspection.....	2	12
If on our terms.....	1	5
Opposed.....	8	19
Russia will break it.....	4	17
Hurts U.S. defense.....	4	2

In the 2 months of public discussion of the test ban, public awareness on the fallout issue has risen. In Lowell, Mass., for example, a 42-year-old machine tool operator put it this way: "Everyone should agree to this on account of the fallout. This is bad for your system. It can hurt your health." In Gary, Ind., a 27-year-old steelworker had this to say: "It should cut down on the danger to people's health."

A sizable segment of the public also sees the test ban as a first step on the road to peace. However, most agree with this elderly widow in Alhambra, Calif., in her caution, when she said: "I grant it doesn't really do much, but it's at least a step, a possible move for something better." Or as a 28-year-old St. Louis accountant put it: "It's a first step in the relaxation of the cold war, but I'm still terribly leery of the Communists."

Much of the opposition was summed up by a business executive in Rochester, N.Y., who said: "It puts us at a military disadvantage. We've been hoodwinked by the Russians before. It cuts down our experimentation for an antimissile missile weapon." Or, in the words of a motel owner in Inverness, Fla.: "It hurts national defense. We'll keep our word. Russia will break its word."

In short, in the view of a large majority of the American people, the test ban treaty is considered a first, cautious step worth taking, but few are ready to believe the millennium of peace is anywhere in sight.

ANTARCTIC TREATY INSPECTION

Mr. HUMPHREY. Mr. President, one of the issues which has been brought up

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maimed, or worse, on the tortuous and frustrating hills and valleys along the legislative highway.

The legislative process reminds me of our old Pennsylvania Dutch saying: "We get too soon old and too late smart."

Mr. President, if we do not want to lose more Members, we had better get smart.

Mr. President, as in legislative session, I submit, on behalf of myself and the senior Senator from Pennsylvania [Mr. CLARK], a resolution extending condolences to the family of the Honorable LEON H. GAVIN, late a Representative from the State of Pennsylvania.

The resolution reads in part as follows:

Resolved, That a committee of two Senators be appointed by the Presiding Officer to join the committee appointed on the part of the House of Representatives to attend the funeral of the deceased Representative.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

Shortly, Mr. President, a motion will be made to have the Senate adjourn as a further mark of respect to the memory of the deceased.

The PRESIDING OFFICER. The Chair lays before the Senate a message from the House, which will be read.

The Chief Clerk read the message, as follows:

IN THE HOUSE OF REPRESENTATIVES, U.S.,

September 16, 1963.

Resolved, That the House has heard with profound sorrow of the death of the Honorable LEON H. GAVIN, a Representative from the State of Pennsylvania.

Resolved, That a committee of thirty-five Members of the House, with such Members of the Senate as may be joined, be appointed to attend the funeral.

Resolved, That the Sergeant at Arms of the House be authorized and directed to take such steps as may be necessary for carrying out the provisions of these resolutions and that the necessary expenses in connection therewith be paid out of the contingent fund of the House.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

Resolved, That as a further mark of respect the House do now adjourn.

The PRESIDING OFFICER. The question now is on agreeing to the resolution of the Senator from Pennsylvania, which will be read.

The resolution (S. Res. 199) was read by the Chief Clerk, and was considered and unanimously agreed to, as follows:

Resolved, That the Senate has heard with profound sorrow the announcement of the death of Honorable LEON H. GAVIN, late a Representative from the State of Pennsylvania.

Resolved, That a committee of two Senators be appointed by the Presiding Officer to join the committee appointed on the part of the House of Representatives to attend the funeral of the deceased Representative.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

The PRESIDING OFFICER. Under the second resolving clause, the Chair appoints the two Senators from Pennsylvania [Mr. CLARK and Mr. SCOTT] the committee on the part of the Senate.

ADJOURNMENT TO 10 A.M. TOMORROW

Mr. HUMPHREY. Mr. President, if there is no further business to be transacted, I move, as a further mark of respect and honor to the memory of the late Representative LEON H. GAVIN, of Pennsylvania, that the Senate adjourn, in accordance with the order previously entered, until 10 o'clock tomorrow morning.

The motion was unanimously agreed to; and (at 6 o'clock and 51 minutes p.m.) the Senate adjourned, in executive session, under the order previously entered, until tomorrow, Tuesday, September 17, 1963, at 10 o'clock a.m.

NOMINATION

Executive nomination received by the Senate September 16, 1963:

U.S. DISTRICT JUDGE

Bernard T. Moynahan, Jr., of Kentucky to be U.S. district judge for the eastern district of Kentucky, vice H. Church Ford, retired.

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said I was using civilian radiation safety standards but in military units, casualties of 20 to 30 percent were sometimes accepted. I told him that I was sorry that I could not do what he asked. I couldn't ignore the fact that where radiation is involved we are dealing not just with the health of the men abroad one ship, but with the genetic future of mankind."

If there is, indeed, a "mother's vote" on the nuclear test ban, then it is a vote cast, as Admiral Rickover once cast his vote, for "the genetic future of mankind."

ORDER OF BUSINESS

Mr. KUCHEL. Mr. President, will the Senator yield?

Mr. HUMPHREY. I yield.

Mr. KUCHEL. On the off chance that this question has not been asked earlier today, and simply for the information of the Senate, is it the intention of the leadership to have the Senate convene at 10 o'clock each morning this week?

Mr. HUMPHREY. That is the present intention.

Mr. KUCHEL. Is it the hope of the leadership that a vote might take place on some of the preliminary proposals this week?

Mr. HUMPHREY. The indication that I have received from the majority leader is that there may be votes on some of the proposed amendments or reservations that have been suggested by certain Senators. I am hopeful that the Senate will be able to complete action on the treaty this week. There has been exhaustive and full debate on the treaty. No effort will be made, of course, to cut off any Senator, or in any way deny any Senator the opportunity to discuss the treaty to the fullest extent possible. It is important business. I am sure the Senator from California would agree with me that when Senators have concern or doubt about items in the treaty, they should be privileged to express that doubt. So the date of the vote is secondary in importance to the unqualified right of a full discussion of the treaty and all its ramifications.

Mr. KUCHEL. Of course it is secondary. The able Senator from Minnesota, the acting majority leader, is completely correct. I asked the question so that Senators might be guided from the standpoint of committee activities and other senatorial business.

Mr. HUMPHREY. I believe that every Senator should make plans to be present all week. If Senators have other plans, they ought to begin to make other arrangements. I say this because, as the Senator knows, meetings are scheduled which concern some of my Democratic colleagues from the Western States; and I have heard about other meetings. But I do not think we can really say categorically when the amendments and reservations that have been discussed will be voted upon. So every Senator ought to be present.

Adequate notice will be given of the time of the final vote. Certain Senators are attending an international conference. I hope they will return be-

fore the final vote on the treaty takes place; but at least notice of 24 hours will be given before that vote takes place.

Mr. KUCHEL. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. KUCHEL. At what stage of the rules are we now with respect to the consideration of the treaty?

The PRESIDING OFFICER. The resolution of ratification is open to amendment by reservation or understanding.

Mr. KUCHEL. Do I correctly understand that it is now in order to offer amendments to the resolution of ratification and to vote upon them?

The PRESIDING OFFICER. The understanding of the Senator is correct.

DEATH OF REPRESENTATIVE LEON H. GAVIN, OF PENNSYLVANIA

As in legislative session,

Mr. SCOTT. Mr. President, today we in Pennsylvania are mourning the death of the beloved dean of the Pennsylvania Republican delegation, Representative LEON H. GAVIN, of the 23d District. LEON and I served together in Congress for some 20 years. I had a deep affection for him as a person and a high regard for him as a legislator.

I am deeply saddened to learn of his death. He has been an outstanding Representative.

He and I came to Congress at almost the same time. Personally, he was a man of great warmth and compassion. On the floor of the House he was a fighter for the interests of his constituents—a fighter every bit as tough and determined as he was during the First World War, in the 51st Infantry.

Not only has Pennsylvania's 23d Congressional District lost a wonderful Representative, but the Nation has lost a fine legislator.

Mr. President, quite recently we in Pennsylvania also lost the Honorable Francis E. Walter, of the 15th District. Here in the Senate, we have lost our amiable friend, the late Senator Estes Kefauver, of Tennessee. In addition to these two Members from Pennsylvania, the House has lost through death, this year, the Honorable Clyde Doyle, of California, and the Honorable Hjalmar Nygaard, of North Dakota.

Two Senators are presently in hospitals.

The five Members of the Senate and of the House who have died so far this session exceed by one the number who died in 1962, and this is the same number as those who died throughout the full year 1961.

Dr. George W. Calver, physician to the Congress, has frequently commented on the deadly effect of protracted sessions of Congress.

Early in this session I spoke several times of the lack of forward planning and of the time lost in the early part of each session—time which, in my judgment, could be better utilized.

While the Senate's delays can be attributed in part to the archaic rules and procedures under which we operate, and

which I am seeking to have the Senate amend, I think that much of the physical strain and risk to the health of our membership can be attributed to the erratic ups and downs of our program of legislation.

The President's program has been before us for 8 months, but it now seems likely that we shall be here until Christmas, although with the prospect of passing very little major legislation. Not much rest or relaxation can be salvaged this year. Is not this the time for somewhat better planning, in the interest of both the country and Congress, for the coming second session, in January?

No one can say with certainty what losses of Members through death or illness may occur during the remainder of this session. But there is every likelihood of a filibuster before we adjourn, and it may cause the death of some Members who are in the Senate today. Neither can we say for sure what the rigors of the next session may bring. But perhaps some casualties at the next session could be avoided if it were properly and efficiently planned.

Therefore, I urge that the leadership of the Senate and House, with the cooperation of the Executive, now put next year's program in a framework planned as carefully as possible to avoid the frustrations and the casualties which otherwise could be expected with reasonable certainty.

A large part of the President's program for legislation in the 88th Congress is already before us. Hearings have been held on a number of major bills.

Careful planning would enable the committees to hold hearings on a large number of less controversial measures as soon as the second session convenes, because we shall not then be delayed by the problem of the reorganization of committees. Major legislation could also be planned for certain periods during the session.

Of course, I am aware that interruptions are caused by emergencies, procedural delays, frequent holidays, and a general reluctance to get down to business. But the next session can, if its leaders and if the Executive are of a mind to get results on a planned basis, comply with the provisions of the Legislative Reorganization Act and adjourn by July 31.

If an analysis of the program convinces congressional leaders that this target date is not possible, provision should be made for a summer vacation, to permit Members to rest and relax with their families and to see a little of their children and grandchildren, and to permit a change of pace and a lowering of blood pressure.

The 1st session of the 88th Congress has been a killer—and, in my opinion, needlessly.

The second session will be a killer, too, unless there is an improvement in our own housekeeping and our own planning.

We obey traffic regulations, in order not to be killed or injured. But there are no congressional safety signs or rules of the road to serve as precautionary provisions to keep Members from being