

kept resources of nature be if the people are not in a position to enjoy them firsthand?

In the early days of our Nation, he comments, men had to be more rugged physically. Today we have machines to do our work and to carry us around, so we have greater need for outdoor exercise.

And as he speaks he looks up wistfully from the chair in which he is seated in his spacious Washington, D.C., office and fixes his gaze on the large colored pictures on his wall showing the rugged Tetons of Wyoming and Rainbow Bridge in Utah. Obviously, he would feel more at home climbing the mountainous heights or tramping the trails in the open. His lean, muscular build shows that he is advocating that which he knows best.

True fitness results from a balanced approach, according to the Secretary, having to do with the body, the mind, and the soul. Also there is a negative aspect about it—the leaviness behind of those things which are harmful or destructive in order to gain the better overall positive purposes in life. "We are much better off with clean habits," he observes. And his serious concern for the welfare of youth shows up clearly as he goes on, "If young people start off right, they will have every chance of living a long and happy life."

The importance of personal living habits and right mental attitudes, with spiritual undergirding, comes out again as Secretary of the Interior Udall concludes, "The future greatness of our country rests ultimately on what kind of individuals we are and whether each person achieves his own standard of excellence."

Indeed, if the Secretary's ideals are fully developed, his "monuments" will be not only in the form of new national parks, preserved wilderness areas, and conserved natural resources, but also in the better health of our citizenry, the balanced growth of our young people, and a greater strength of our Nation as a whole.

#### VETERANS' ADMINISTRATION RECORDS CONCERNING GOV. GEORGE C. WALLACE OF ALABAMA

Mr. MORSE. Mr. President, in the Washington Post of yesterday, September 8, and the Washington Star of yesterday, September 8, appeared two editorials critical of the senior Senator from Oregon because he disclosed that the Governor of Alabama receives disability allowance for a service-connected psychoneurosis. I ask unanimous consent that the two editorials be printed at this point in the Record.

There being no objection, the editorials were ordered to be printed in the Record, as follows:

[From the Washington (D.C.) Post, Sept. 8, 1963]

##### THE GOVERNOR'S DISABILITY

Gov. George C. Wallace of Alabama should not be reproached or censured for a psychoneurotic disability incurred in the military service of his country. It is unfortunate that his medical record has been made a part of the political controversy in which the Governor has been involved. The files of the Veterans' Administration are not closed to Congress and probably should not be closed against legitimate congressional or public inquiry essential to protect the Government against fraud and irregularity. But it is regrettable that Senator Morse felt compelled to use for a political purpose a medical history that private doctor-patient ethics would keep confidential. It is one thing to be angry at Governor Wallace for what surely is a misguided policy. It is something else to reproach him for an in-

capacitating disability incurred in line of duty.

[From the Washington (D.C.) Evening Star, Sept. 8, 1963]

##### OFF LIMITS

By any standard, the exchange of insults between Senator Morse and Alabama's Governor Wallace has been an unedifying spectacle. And it goes from bad to worse.

We hold no brief for Governor Wallace. His erratic behavior in trying to force the closing of certain schools in his State is as reprehensible as it is senseless. Even so there are areas in which a man is not legitimately subject to attack.

One of these has to do with war-incurred disabilities. Senator Morse, asserting that the Governor had questioned his mental competence, returned the compliment by citing "official records" to show that Mr. Wallace has been "granted service-connected disability for psychoneurosis, for which an evaluation of 10 percent was assigned." This condition apparently resulted from flying combat bomber missions in World War II. Mr. Wallace was honorably discharged from the service and was awarded the Air Medal.

Senator Morse mentioned the Veterans' Administration, although he did not disclose the source of his information pertaining to the Wallace medical record. A VA spokesman said officials there were "puzzled" since Senator Morse had neither requested nor received their records. The spokesman added that a Member of Congress is one of the few persons entitled by law to receive such information, but that it is given with the understanding that it is "confidential."

Whatever the fact as to this, a man's record showing a service-connected disability ought to be off limits for all participants in any name-calling contest.

Mr. MORSE. For the benefit of the editors of the Washington Post and the Washington Star, may I refresh their recollections in regard to what their public duty is as journalists. When men are elected to high public office, their qualifications to hold their office becomes a subject which the public has a right to know about. The Senator from Oregon received most of his information about the Governor of Alabama from Alabama.

There is no question about the accuracy of the statement made in the Record by the Senator from Oregon in respect to the fact that the Governor of Alabama receives disability payments for a psychoneurotic condition. I think it is rather pertinent to have the public know when any public official is holding public office and is not mentally sound or has a past record of mental unsoundness—in this case psychoneurosis. It is regrettable that the Governor suffered that malady. The senior Senator from Oregon paid him high tribute for a brilliant and dedicated war record. But the fact is that the Governor became sick. The fact is that he is drawing pay for a psychoneurosis condition suffered during the war. Many of the people of Alabama are disturbed about the behavior of their Governor. I was supplied with some of the information I used from Alabama. In my judgment the Governor's psychoneurotic history should be public knowledge for the public to determine to what extent that condition apparently brings forth some of the Governor's conduct, such as the position he is taking in Alabama this sad day.

I wish to say to the editors of the Washington Post and the Washington

Star that whenever a public official, in the opinion of the senior Senator from Oregon, is disqualified in any way to hold a public trust, the senior Senator from Oregon, as long as he sits in this body, intends to make that information known to the public. In my judgment, that happens to be the duty that I owe my oath of office. It is a sad thing, but I cannot escape the conclusion that a good deal of the bigotry, racism and intolerance displayed by the Governor of Alabama probably was caused by the fact that he does have a record of suffering from a psychoneurosis.

Further may I say to the editors of the Washington Post and the Washington Star once a person is placed in a position of public trust he is not entitled to the protection of secrecy in respect to his qualifications to hold such a position of public trust. Any mental unsoundness involves a matter so vital to the welfare of the public that the public should not be kept in the dark about it as the editors of the Washington Post and Washington Star apparently seem to believe. The fact that a public official is a veteran gives him no more right to be protected from public knowledge of his limitations than anyone else.

Once a person enters the fish bowl of public service he is not entitled to nor has any right to expect that any of his defects or limitations which bear upon his ability to serve the public should be concealed from the public. The editors of the Washington Post and the Washington Star have permitted their prejudices to cause them to draw the distinction between the rights of privilege of a private citizen not holding a public trust and the rights of public officials.

#### INTERIM REPORT ON MILITARY IMPLICATIONS OF PROPOSED LIMITED TEST BAN TREATY

Mr. STENNIS. Mr. President, the Preparedness Investigating Subcommittee, of which I am chairman, has today filed with the Committee on Armed Services an interim report on the military implications of the proposed limited test ban treaty. The report is also being released to the press and the public.

The report is the product of an extensive and exhaustive inquiry by the subcommittee into the military and technical aspects of the various nuclear test ban proposals. During the inquiry, which commenced last September, testimony was received from 24 witnesses. Among them were many of the most informed and knowledgeable persons in the Nation in this field. A broad range of testimony was received from both scientific and military experts and from both proponents and opponents of the treaty.

The overall purpose of the inquiry was to develop as fully and factually as possible the available military and technical information bearing on the subject matter to insure that the Senate would have available to it essentially the same body of military and technical evidence as is available to the executive branch in its formulation of nuclear test ban policies. After the negotiation of the

Moscow treaty the subcommittee focused its attention on the potential impact of that treaty upon the future of our Military Establishment and strategic forces.

The interim report is directed specifically to the partial test ban agreement and the military advantages and disadvantages which flow or might flow from it. Political considerations and matters of foreign and international affairs, as such, are not within the scope of the report.

The report discusses, within the limits of security classification, the military, technical, and security problems which are associated with the treaty banning nuclear tests in the atmosphere, outer space, and underwater.

The report is signed by all members of the subcommittee except the Senator from Massachusetts [Mr. SALTONSTALL]. The Senators so signing the report are myself, as chairman, and the Senator from Missouri [Mr. SYMINGTON], the Senator from Washington [Mr. JACKSON], the Senator from South Carolina [Mr. THURMOND], the Senator from Maine [Mrs. SMITH], and the Senator from Arizona [Mr. GOLDWATER]. The Senator from Massachusetts [Mr. SALTONSTALL] who declined to sign the report, filed a dissenting view. Additional views were filed by the Senator from Missouri [Mr. SYMINGTON]. These are included with the report.

From the testimony which the subcommittee heard it was abundantly clear that the ratification of the treaty would result in some military and technical disadvantages and risks for this Nation. Indeed there was little controversy on this point. There was, however, considerable divergence of opinion among the witnesses as to the extent and effect of the risks and disadvantages and as to whether they are acceptable on balance. Some of the witnesses viewed the risks and disadvantages as being of a minor nature and as being fully acceptable from the standpoint of our Nation's security. Others assessed them as being of serious and major proportions.

Among the military disadvantages associated with the treaty discussed in the report are the following:

First. The United States probably will be unable to duplicate Soviet achievements in very high yield weapon technology.

Second. The United States will be unable to acquire necessary data on the effects of very high yield atmospheric explosions.

Third. The United States will be unable to acquire data on high altitude weapons effects.

Fourth. 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.

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

Sixth. 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.

Seventh. The treaty will provide the Soviet Union with an opportunity to equal U.S. accomplishments in submarine weapon technology.

Eighth. The treaty will deny to the United States a valuable source of information on Soviet nuclear weapons capabilities.

There were, of course, counterarguments. It was contended for example, that the Soviets would be equally inhibited. It was accurately asserted that progress could be made in some important areas without the benefit of atmospheric testing and that the test ban would not prevent qualitative improvements being made in our weapon systems either as a result of underground testing or by virtue of nonnuclear technology.

In addition, the testimony was unanimous that, except in the field of high yield weapons, the United States today holds a clear and commanding lead in nuclear weapons and weapon systems. This superiority is said to result from a larger and more diversified stockpile of nuclear weapons, by more numerous, varied and sophisticated delivery systems, and by a greater capacity to produce nuclear materials, weapons, and delivery systems. It was strongly urged by some witnesses that the treaty would tend to stabilize this superiority.

As against this, however, we learned from the evidence that 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; and that under the terms of the treaty it is entirely possible that they will achieve parity with us in low yield weapon technology. Thus the effect of the treaty is to legalize testing in the area where we deem the Soviets to be inferior—that, is low yield weapons—and deny to us the benefits of desirable testing in the higher yield areas where the Soviets are or may be superior.

After carefully weighing all of the evidence, the majority of 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. Any military and technical advantages which we will derive from the treaty do not, in the judgment of the majority, counterbalance or outweigh the military and technical disadvantages. It appears that the Soviets will not be inhibited to the same extent in those areas of nuclear weaponry where we now deem them to be inferior.

Admittedly, however, other factors, which are not within the scope of the subcommittee report, are pertinent to a final judgment on the treaty. Among these are matters relating to international affairs, foreign policy, and our relations with other countries. As the report states, when these are taken into consideration, each individual must reach his own judgment on the basis of personal philosophy, past experience,

current knowledge, and the relative weight which he assigns to the various factors involved.

Another matter discussed in the report are the "safeguards" upon which the Joint Chiefs of Staff conditioned their approval of the treaty, and which are designed to reduce to a minimum the adverse effect of the treaty upon our weapon programs. The subcommittee considers it to be vital that, if the treaty is ratified, these safeguards be implemented to the maximum extent. We have already asked for and received certain assurances from the administration with respect to these safeguards but have not received the detailed information which we feel should be furnished. If the treaty is ratified it is the intent of the subcommittee to monitor the implementation of the safeguards on a regular basis.

However, as is said in the report, even the most thorough implementation of the safeguards will not reduce the military and technical disadvantages of the treaty. No safeguard can provide the benefits of testing where testing is prohibited and none can assure that this Nation will acquire the highest quality weapon systems of which it is capable when the means for achieving that objective are denied.

In conclusion, Mr. President, I would like to read a few passages from the subcommittee report. They are:

In considering the impact and effect of the proposed test ban it is important to remember that for nearly two decades this Nation has been confronted by an adversary who has openly and repeatedly claimed that his dominant goal is to destroy the nations of the non-Communist world. Only because we have maintained clear military superiority and the ability to inflict unacceptable damage upon him has the would-be aggressor been deterred. The basis of our deterrence is military superiority which, in turn, is based on our nuclear weapon programs and nuclear retaliatory forces.

It is vital to our survival that no step be taken which in any manner would impair the integrity and credibility of our deterrence or degrade the ability of our military forces to protect our security if we should be challenged militarily by a hostile nuclear power.

Mr. President, I appreciate the indulgence of the Senate. After presentation of the report of the Committee on Foreign Relations, the members of the subcommittee of which I am chairman will from time to time have further remarks to make.

#### THE RAMPART CANYON DAM ON THE YUKON

Mr. GRUENING. Mr. President, last Saturday some 90 Alaska citizens, mostly from Anchorage and Fairbanks—the State's two largest cities—but with representation from other parts of our far-flung 49th State, assembled at Mount McKinley National Park to discuss ways and means of speeding the development of the State's virtually undeveloped hydroelectric resources through the river-basin development of the mighty Yukon at the Rampart Canyon damsite. This site lies about 100 miles northwest of Fairbanks in almost the geographical

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best way out would be to settle the issue once and for all, even though some loss of territory would be involved. The decision of the U.S. Government as announced on July 18 was thus a diplomatic or practical, and not a legal disposition of the problem. The present position of the Department of State is as follows:

"The United States has a proud record of complying with its international obligations and faithfully executing treaties to which it has agreed. Our disagreement with the Chamizal award, even though based on valid arguments held in good faith, seems inconsistent, after we had agreed in a treaty to accept the result 'without appeal' with our historical position and goals as a nation. There would be specific advantages in our relations with Mexico:

"A source of irritation which has troubled United States-Mexican relations for almost 100 years would be removed;

"Arbitration would be restored as a means of peaceful settlement of disputes between the United States and Mexico;

"The Chamizal as an emotional issue in Mexico, which distorts what otherwise might be a favorable view of the United States, would be removed. Settlement would eliminate use of the Chamizal as the basis for propagating the view, even through the education system, that the United States does not live up to its treaty commitments; and

"The Communists and other enemies of the United States in Mexico would be denied one of the propaganda weapons they are using to injure United States-Mexican relations.

"The settlement should also have significant advantages for El Paso:

"An international dispute which has seriously impeded the natural direction of growth of El Paso would be removed and harmonious relations between the sister cities of El Paso and Ciudad Juarez would be strengthened;

"The development of El Paso, especially traffic circulation and the provision of public utilities, would be materially improved with the incorporation into El Paso of the upper half of Cordova Island;

"The cloud on the title to the lands in the Chamizal tract remaining in the United States, which has plagued property owners for some 100 years, would be removed;

"The revenue base in El Paso would be considerably enhanced because a blighted area in El Paso would be improved and contribute its fair share to the cost of municipal government;

"Settlement of the dispute will at last permit execution of the international flood control measures essential for the proper protection of El Paso;

"The international bridges at El Paso could be replaced with structures in harmony with the needs of the over 600,000 people who live in the El Paso-Ciudad Juarez area; and

"The reestablishment of the Rio Grande as the boundary would facilitate border control, health control, and other inspection measures, as well as beautify the riverfront on both sides of the river."<sup>109</sup>

#### THE TERMS OF SETTLEMENT

The settlement on which the two Governments agreed has a double purpose: to end the dispute with Mexico and to establish a fixed river boundary between El Paso and Ciudad Juarez. The negotiators of the agreement have also had in mind the protection of existing property interests in the area. As a result, the settlement calls for the transfer to Mexico, and the exchange between Mexico and the United States, of several different parcels of land inside and just outside the Chamizal. Specifically, the agreement incorporates the following provisions:

1. The United States will transfer to Mexico a net amount of 437 acres of territory now under American jurisdiction, approximately the area that the Arbitration Commission awarded in 1911. Of this amount marked for Mexico, 366 acres will come from the disputed Chamizal zone and 71 acres from U.S. territory east of Cordova Island.

2. Cordova Island will be divided equally between the United States and Mexico. Each nation will have 193 acres. This transfer of territory to the United States is to equalize the transfer to Mexico of land necessary to establish the river as the boundary.

3. The Rio Grande will be relocated, beginning at a point marked "A" on the map included in this study. The new channel will be concrete lined, and will make possible an improvement of properties on both sides.

4. Both Governments will acquire title to all the land and improvements in the areas assigned to them, "free of any limitation on ownership or encumbrance of any kind including private titles." No payments will be made, as between the Governments, for the lands transferred.

5. The United States will receive compensation for the 382 structures in the Chamizal zone and to the east of Cordova Island that will be transferred to Mexico. However, payment will be made by a Mexican bank (Banco Nacional Hipotecario Urbano y de Obras Publicas) and not by the Mexican Government. The value of the improvements passing to Mexico has been set at \$4,675,000.

6. The two Governments will share equally the cost of relocating and constructing the new river channel, as well as the cost of building the new bridges. Each Government, however, will assume the expenses that will arise on its side of the river in the course of making these improvements.

7. After both Governments have approved the convention and passed the legislation necessary to implement the agreement, the Government of the United States will acquire by purchase or condemnation the properties to be transferred to Mexico. This process will take place within a period of time upon which the two Boundary Commissioners agree.

8. When all acquisitions and arrangements have been completed, the U.S. Boundary Commissioner will certify to this effect. Both Commissioners will then proceed to demarcate the new boundary. The record of their action will be submitted to both Governments for their approval.

9. The International Boundary Commission will be "charged with the relocation, improvement, and maintenance of the river channel, as well as the construction of the new bridges."

10. The nationality of present or former residents in the areas to be transferred will not be affected, nor will the jurisdiction of the Governments over legal proceedings or over the laws applicable to acts or conduct in the areas before the exchange, be altered.<sup>110</sup>

To clarify for the reader the transfers and exchanges involved in the settlement, the map on pages 26 and 27 has been divided into three sections. Section 1 includes all of the Chamizal lying south of the line of 1852. Of this area, 366 acres are to be cut to Mexico. About 1,750 persons live in the part to be transferred, most in the narrow western region. The land in this section assigned to Mexico contains about 233 single dwellings, many of them owner-occupied. Several factories and business establishments are in the zone and will be affected by the transfer. It is through this section that the streets of El Paso lead to the international bridges over the Rio Grande and directly into the center of Ciudad Juarez, Mexico. Almost

all of the people in the area are American citizens of Mexican descent. Because the tract is disputed territory, clear titles have not always been given to the landholders.

Section 2, which is to be transferred to the United States, consists entirely of undeveloped land. According to plans, about 50 acres will be used for various Federal installations, and, depending on the action of Congress, the remainder may be given to the city of El Paso for a recreational area and for other purposes relating to the general welfare, or sold for private enterprises.

In section 3, which will go to Mexico, there are about 248 dwellings. The population is about 1,775. A new elementary school is in this area, and most homes are more modern and of greater value than those in section 1.

Of the entire acreage to be transferred to Mexico, more than half consists of agricultural land and stockyards. All the area marked for the United States is in section 2 and all is now undeveloped.

#### QUESTIONS TO BE RESOLVED

The settlement involves various legal and political questions, some of which have not yet been resolved. For example, the U.S. Government does not admit, nor can it admit, that the Chamizal is Mexican territory in keeping with the arbitration award of 1911. Legally, the United States must insist on its ownership of the entire tract, for otherwise it could never acquire title to the properties involved in the settlement, especially through condemnation proceedings. Again, since all American titles to land and buildings will become void as soon as they are transferred to Mexico, it is necessary for the United States to own them up to the moment of transfer. Leading court decisions hold that when two states or nations agree on a boundary, even though it be a compromise line, the conclusive presumption is that such line has always been the true boundary. The courts have accordingly ruled that titles held under grants from one country to land placed by a compromise in another country are entirely void.<sup>111</sup> For these reasons, all property claims and all details involved in moving the river channel must be completed before the title to any tract is transferred to Mexico.

In its present form, the agreement between the Governments of the United States and Mexico is a memorandum based on diplomatic discussions and an exchange of notes. It is technically a *modus vivendi* that must be converted into a convention or treaty before the two Governments may formally approve it. But since the memorandum contains the essential details of the agreement, there is no reason to anticipate difficulty in negotiating the necessary convention.

The next step will require action by the legislative branches of both governments to confirm the convention and pass the measures necessary to put it into effect. First, the Senates of the two nations must approve the convention, then their Congresses must enact the proper enabling legislation and appropriate the funds necessary to carry out the terms of the convention.

The outlook in Mexico is favorable, since the majority of leaders in the country appear to regard the settlement as a diplomatic victory. According to the Mexican Constitution, treaties are confirmed by a simple majority of the Senate.<sup>112</sup> Because of the special position of leadership the President occupies in the Mexican political system, he should have no trouble under normal con-

<sup>109</sup> Department of State, "The Chamizal Settlement," July 1963, 5-6.

<sup>110</sup> Department of State, press release, July 18, 1963.

<sup>111</sup> *Henderson v. Poindexter's Lessee*, 12 Wheaton 530; *De la Croix v. Chamberlain*, 12 Wheaton 599.

<sup>112</sup> Constitution of Mexico, 1917, art. 76, par. I.

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ditions in securing this majority.<sup>113</sup> Although the Constitution of Mexico proscribes certain types of treaties,<sup>114</sup> boundary settlements are not specifically forbidden. Article 27, however, declares that "the national domain is inalienable and imprescriptible." Yet this restriction has not been applied in respect to rectifications along the boundary and settlement of water rights. The convention of February 10, 1933, for the rectification of the Rio Grande in the Valley of Juarez-El Paso, and the treaty of February 3, 1944, respecting the distribution of waters between Mexico and the United States, both of which Mexico has faithfully carried out, are precedents for the action of the Mexican President in the present case.<sup>115</sup> As head of the Partido Revolucionario Institucional (PRI), which controls both branches of the Congress,<sup>116</sup> President Lopez Mateos should have no problem in securing such legislative measures as may be necessary to carry out Mexico's part of the agreement, unless there is some unusual and unexpected development.

## THE PROSPECT IN WASHINGTON

The outcome in Washington is less certain. What action the Senate and Congress will take is anyone's guess at this moment. The proposed disposition of national territory—or territory that many persons in the United States consider to be national—could arouse deep feelings of opposition in Washington and throughout the country. The two U.S. Senators from Texas are sharply divided. RALPH W. YARBOROUGH, Democrat, approves the agreement in full and has pledged his support in its behalf. As a former resident of El Paso, Senator YARBOROUGH sees many benefits that the agreement will bestow on this border area. On the other hand, the Republican Senator from Texas, JOHN TOWER, strongly objects.<sup>117</sup>

The position of Senator Tower is interesting and important. He says that his opposition to the settlement is based primarily on the belief that a State of the Union must not be "dismembered" without its consent. He therefore insists that the people of Texas, acting through the legislature, must approve the settlement before he votes in favor of it.<sup>118</sup> Of course, the Senator is entirely within his rights in defining the conditions under which he will vote pro or con; legally, however, there is a question as to whether the people or the government of Texas has any control over the ultimate decision. When Texas was voted in the Union on March 1, 1845, the Congress at Washington agreed to annexation on this condition: "said State to be formed subject to the adjustment by this Federal Government of all questions of boundary that may arise with other governments."<sup>119</sup> In a recent opinion, the Attorney General of Texas has concluded that the approval of the people of Texas is not

necessary to legalize the transfer of the Chamizal territory to Mexico.<sup>120</sup>

Once the Senate of the United States has confirmed the convention, if it decides to do so by the necessary two-thirds vote, both Houses of Congress must pass legislation appropriating the funds necessary to buy the acreage that will go to Mexico and to effect the changes and improvements on the American side of the river. At this moment when other aspects of President Kennedy's legislative program are in doubt, it is not possible to make safe predictions.<sup>121</sup> The outcome respecting the Chamizal agreement would seem to depend in part on the right timing in submitting the issue to Congress for action.

In the event that opposition arises in the Senate and the two-thirds vote required to confirm the convention does not materialize, does that kill the Chamizal agreement? Not necessarily. Another approach is still available, although the treaty route appears to be better in the present case. The agreement may be approved by means of a joint resolution passed by a simple majority in both Houses of Congress. This method has been used on various occasions when action on treaties has been blocked by a Senate minority—for example, in the annexation of Texas in 1845 and Hawaii in 1895. The so-called Green-Sayre formula, according to which a subcommittee of the Senate's Committee on Foreign Relations acts closely with the executive department in working out the details of a foreign-policy project to be adopted by a joint resolution, may afford an effective method of overcoming obstructionism.<sup>122</sup> It must be borne in mind, however, that in keeping with article VI, paragraph 2 of the Constitution, a joint resolution, as a "law," must "be made in pursuance" of the Constitution, and it would be subject to stricter limitations than a treaty made "under the authority of the United States." Given this important constitutional distinction between laws and treaties, method remains as a possibility if the convention would be a safer procedure to use in transferring to a foreign country territory under the jurisdiction of a State in the Union.<sup>123</sup> Even so, the joint-resolution method remains as a possibility if the convention encounters strong minority opposition in the Senate.

## THE TASK AHEAD

After the hurdles in Washington and Mexico City have been overcome, much work lies ahead in El Paso. The Federal Government must buy or legally condemn all the properties in the area destined for Mexico, plus land on the north side of the river, estimated at 56 acres, needed for the right-of-way of the channel.

The channel of the river must be moved and rebuilt. Plans should be drawn up to develop, utilize, and serve the territory along the north bank of the river, and these plans must be put into effect. The issue concerning a suitable highway along the north bank of the river must be disposed of.<sup>124</sup> Some 3,725 persons must be moved out of the area affected and provided with housing, schools,

and other facilities elsewhere in El Paso. It is estimated that the cost to the Federal Government could finally amount to between \$30 and \$50 million. The city of El Paso and El Paso County must assume additional costs and responsibilities. At best, between 3 and 5 years may be required to complete the project in its various phases.<sup>125</sup>

Measured in any terms, the Chamizal settlement is a major undertaking, and it is of special significance to the inhabitants of the El Paso-Juarez area. From the local point of view, regardless of other considerations, the settlement offers an opportunity, long overdue, to eliminate a kind of "no man's land," much of it vacant and unimproved or occupied by substandard houses. The settlement opens the way for a beneficial program of rebuilding, unique because of its international aspects. It matches on the American side of the river the ambitious undertaking of Mexico in its Programa Nacional Fronterizo that is rapidly changing the face of Ciudad Juarez and other Mexican cities along the border. The social and economic interdependence of El Paso and Juarez has been firmly established during the many interesting years of their history as twin cities facing each other across the low banks of the Rio Grande. If finally put into effect, the accord that Presidents Kennedy and Lopez Mateos have reached should materially advance the well-being of both communities at the Pass of the North, reducing the physical barriers between them and stimulating the development of mutual interests, both economic and cultural.

## THE NUCLEAR TEST BAN TREATY

Mrs. SMITH. Mr. President, today marks the beginning of formal debate in the Senate over ratification of the limited test ban treaty by the terms of which further nuclear tests in the atmosphere, underwater, and in outer space are to be prohibited for such time as the treaty shall remain in force.

We have already experienced in this Chamber a great deal of comment concerning this proposed treaty most of which, I daresay, stressed the advantages to be gained through its ratification with very few remarks devoted to a consideration of the risks involved and the consequent disadvantages which might accrue to the United States. Certainly, these, too, must be harshly examined and evaluated in order to determine whether all these purported advantages do indeed, far outweigh the cumulative risks.

Without presuming to suggest or define the parameters within which the debate should be confined, I will, nevertheless pose certain questions which I feel must be satisfactorily resolved during the course of debate on this treaty. Otherwise, I shall personally feel that I possess insufficient information upon which to exercise an informed judgment when vote is taken.

I am not unmindful of the fact that one of the parties to this agreement is the same country which, in recent years, among other things, ruthlessly repressed the Hungarian uprising; erected a shameful wall of tyranny around Berlin; surreptitiously deployed ballistic missiles in Cuba and, after months of stealthy preparations, shattered a moratorium on nuclear testing which had

<sup>113</sup> William L. Tucker, "The Mexican Government Today" (Minneapolis, 1957), chs. 4 and 7.

<sup>114</sup> Constitution of Mexico, 1917, art. 15.

<sup>115</sup> Rodolfo Cruz Miramontes, "Derecho Internacional Fluvial" (Mexico, D.F., 1958), passim. Also see his discussion in "Lecturas Juridicas" (Universidad de Chihuahua, Escuela de Derecho, 1962), No. 10, 75 ff.

<sup>116</sup> Robert E. Scott, "Mexican Government in Transition" (Urbana, 1959), chs. 6, 7, and 8.

<sup>117</sup> El Paso Herald-Post, July 18, 1963; the El Paso Times, July 17, 1963. Senator GRUENING, of Alaska, praises the Kennedy settlement, CONGRESSIONAL RECORD, vol. 109, No. 110, July 22, 1963, 12375-12378.

<sup>118</sup> The Dallas Morning News and the El Paso Times, July 19, 1963.

<sup>119</sup> Joint resolution, Mar. 1, 1845, 5 Statutes, 797.

<sup>120</sup> The El Paso Times, July 17, 1963. The Attorney General has refused to file suit to test the validity of the Chamizal agreement. See El Paso Herald-Post, July 31, 1963. A suit is pending respecting the constitutionality of the transfer of territory from Texas. See the El Paso Times, Aug. 6, 1963.

<sup>121</sup> See U.S. News & World Report, Aug. 5, 1963, 44; the El Paso Times, Aug. 6, 1963.

<sup>122</sup> Elmer Pilschke, "Conduct of American Diplomacy" (Princeton, 1961), 400-403.

<sup>123</sup> C. Herman Pritchett, "The American Constitution" (New York, 1959), 333-336.

<sup>124</sup> The El Paso Times, July 24, 1963.

<sup>125</sup> El Paso Herald-Post, July 18, 1963.



been in effect for 34 months. It has also seen fit to abrogate virtually all the agreements and treaties it has ever entered into with other nations whenever it served its purpose to do so.

My questions, however, do not concern the good faith or trustworthiness of the Nation with which we are here dealing as the questionable reliability of the leaders of the Soviet Union in abiding by the letter and spirit of their obligations is already a disgraceful matter of common knowledge and public record.

I would point out, however, that in August of last year at Geneva, a proposal by the United States, which was very similar to the treaty now under debate, met with adamant intransigence on the part of the Soviet Union and I consider it more than mere passing—strange that suddenly the Soviet Union found this limited agreement to be so vital to her national interests that it was negotiated, initialed, and signed with remarkable expediency and haste. The poor draftsmanship of its provisions, and the utter lack of definition of its terms not only reflects this haste but defeats its very purpose through the varied interpretations to which it is subject.

The 1961-62 series of nuclear tests conducted by the Soviet Union were massive, sophisticated, and impressive. Ours, on the other hand, were too hastily contrived to give us all the data which we might otherwise have acquired had there been time for more orderly preparation. With this knowledge of relative testing in mind, I would then ask:

First. Has the Soviet Union, through its most recent atmospheric test series, now achieved a nuclear advantage over the United States of a military or scientific significance?

Second. 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?

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?

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?

Fifth. How is one to define or interpret that which shall constitute an underground test within the meaning of article I, section 1, subsection (a) of the treaty?

Sixth. Do we possess the capability to detect all nuclear detonations occurring in the three environments prohibited by the treaty?

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?

Eighth. Will we be able to differentiate a shallow underground explosion and an atmospheric burst detonated close to the surface of the earth?

Ninth. Can we, in fact, maintain an adequate readiness to test in those prohibited environments in the event the treaty should suddenly be abrogated?

Tenth. Will our scientific laboratories and the interest of our scientists deteriorate under a treaty which permits only underground testing?

Eleventh. Will we be restrained from ever determining feasibility, developing and deploying any defense whatever against ballistic missile attack?

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.

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?

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?

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?

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?

These, Mr. President, are the questions which, in my opinion, must be resolved in the course of this debate and I look forward with keen interest to their eventual resolution. Without satisfactory answers to them, it will be virtually impossible for any of us to measure and evaluate the gains versus the risks of entering into this limited test ban treaty.

I am also aware of the consequences which might flow from a failure to ratify this treaty. Some Members of this Chamber who had earlier expressed guarded reservations about it have already been labeled as "atom mongers" by the Russian-controlled press. Similarly, our national image in the world as a country desirous of peace with justice would undoubtedly be attacked and vilified by such propaganda were we to fail to ratify.

However, I shall continue to reserve judgment on this issue until such time as the evidence convinces me that the paramount issue of our national safety and security will not be put in jeopardy by ratification of this treaty.

#### BIRTHDAY ANNIVERSARY OF PRESIDENT DAVID O. MCKAY

Mr. MOSS. Mr. President, I wish to call the attention of my colleagues to a milestone in the life of the man who is

the first citizen of Utah and one of the most distinguished citizens of the Nation.

Yesterday was the 90th birthday of David O. McKay, president of the Church of Jesus Christ of Latter-day Saints, commonly known as the Mormon Church.

This brief tribute will be but a trickle in the flood of greetings and felicitations which are flowing to President McKay, for he has received expressions of love, devotion, and admiration from almost every region of the earth.

President McKay has been president of the Mormon Church since 1951. For 16 years before that he carried the heavy responsibility of counselor to preceding presidents. The church is guided by three leaders—a president and two counselors—so for some 28 years President McKay has served in the presidency.

The growth of the church has been phenomenal under his leadership. Nearly one-third of the world's 1,800,000 Latter-day Saints have been baptized since 1951. The number of stakes—a stake is a geographical unit in the church roughly equivalent to a diocese—has risen from 180 to 350, and the annual number of converts from 17,000 to more than 100,000 last year.

In addition to the large Mormon population in Utah, there are very sizable numbers in other States, principally Idaho, Arizona, California, Nevada, Wyoming, Washington, and Oregon.

But it is not of the church, it is of the man himself, that I wish today to direct my remarks.

David O. McKay stands out as a spiritual, community, and educational leader of the West and of the United States.

Last December, in Salt Lake City, nearly 500 business and civic leaders, whose religious affiliations include Judaism and a dozen Christian denominations, gathered at a testimonial banquet in his honor.

Joseph Rosenblatt, a Jew and president of one of Utah's largest industrial corporations, voiced the feeling of all when he asked at this dinner:

Does anyone know of any man who has lived with greater faith or purpose, and obedience to the exhortation of the Prophet Micah "to do justly, to love mercy, to walk humbly with God"?

David O. McKay was born in Huntsville, a small farming community near Ogden, Utah, September 8, 1873. He still maintains a farm in Huntsville, where he raises horses and often spends weekends.

After being graduated from the University of Utah in 1897, he plunged at once into the life of educational and religious activity which almost exclusively has consumed all of the energies of a long and active life.

In 1901 he married Emma Rae Riggs, who has been, and is today, his constant companion and aid. In addition to the arduous work of the church, they have reared a large family, whose filial devotion is one of their greatest blessings.

In 1902 he became principal of Weber College, in Ogden. That same year he was made a member of the General

Board of the Latter-day Saints Sunday schools. He held numerous positions in that organization, culminating in his appointment as general superintendent, which he held for many years—until 1934.

And his service has included the presidency of the European missions of the church and commissioner of the church board of education.

At the comparatively early age of 32 he became one of the 12 apostles of the Church of Jesus Christ of Latter-day Saints.

As apostle, counselor, and president, he has carried a heavy load of responsibility in business and community affairs. He has served on numerous corporation boards of directors. He has served on the governing boards of three Utah universities—the University of Utah at Salt Lake City, and Utah State University at Logan—both of which are State-supported institutions—and the Brigham Young University at Provo, which is the Latter-day Saints Church university.

One measure of the tremendously increasing administrative responsibilities which President McKay has had to carry as head of the church is in the figures I have quoted on the organization's growth.

Other measures of that responsibility are the tremendous growth of our Nation and the dynamic changes which have rushed headlong through the years he has spent on earth.

When David O. McKay was born, Ulysses S. Grant occupied the White House. The Pony Express had ceased operations only 14 years before. Only 4 years before, the golden spike which linked our Atlantic and Pacific coasts by rail had been driven at Promontory Summit, not far from his birthplace at Huntsville.

President McKay was born before Utah was admitted to the Union, before the Spanish-American War, before the Boer War, before the organization of the Ford Motor Co.

His life spans the development of aviation from the epic effort of the Wright Brothers to the 1400-mile-an-hour flights of the X-15. It spans an immense sweep of scientific achievement from the discovery of radium to the explosion of the hydrogen bomb.

He was a young man before the invention of the motion picture machine or the radio receiver. He was 47 before American women were given the right to vote.

In 1870, 86,000 persons were counted in Utah; the census of 1960 counted 890,000; and today there are 1 million.

The city of Ogden has grown during that period from 3,127 to 70,100. And the Salt Lake Valley which has become the center of the church, now holds some 400,000 people.

And the Mormon people, who took 40 years to build the Salt Lake Temple with granite hauled from the canyons by oxcart, now dedicate a new chapel every week. For the organization which President McKay heads is engaged in a vast building program of temples, stake houses, and educational and office structures, in Utah, throughout the United States, and in many foreign lands.

With all of these administrative burdens, President McKay has remained a great teacher. Thoughtful personal preparation has gone into every one of the thousands of sermons and addresses which he has delivered. And he is a truly eloquent speaker. Blessed with a strong, resonant voice, he presents his points with an excellence of phrasing that makes his public utterances as pleasant to the ear as they are nourishing to the spirit and instructive to the mind.

William Shakespeare wrote that these are the things that should accompany old age: "honor, love, obedience, troops of friends." And these David O. McKay enjoys in overflowing abundance.

He exemplifies a firm faith in the fundamental doctrines of his church.

And he is a thorough citizen of the 1960's. In July he visited with Astronaut White, discussing enthusiastically space technology and thresholds of exploration. Until a scant few years ago, he drove his own automobile on the numerous visits he pays to units of the church organization in the States surrounding Utah. He is a confirmed jet air traveler. Last year, he visited church groups in Scotland. And he has just returned from a flying trip to Wales, where he presented an organ to the Mormon Church membership for their chapel in the community of Merthyr Tydfil, where David O. McKay's mother was born.

Today, one of his proudest accomplishments is the genuine affection that now exists between the Mormons and so many people of other religions. This was not always so. The Mormons were driven to exile beyond the borders of the United States in 1847. But today, in large part due to David O. McKay and his life, with its devotion to principle, to faith, and to true fellowship, there exists not only tolerance, but concord and genuine respect for the Mormon people and their prophet president, David O. McKay.

**MR. CHURCH.** Mr. President, I wish to join in the very fine tribute that has been paid to David O. McKay by the junior Senator from Utah. I have had the pleasure of visiting with this man. I can say in all candor that I have never met nor conversed with a more remarkable man. His service over the years demonstrates that he is one of the great, good men of the world.

On the occasion of his 90th anniversary, I feel certain the people of Idaho join with the people of Utah in extending their heartfelt felicitations to David O. McKay.

**MR. MOSS.** I thank the senior Senator from Idaho. I am sure people everywhere feel this way about this great man, particularly the people of Idaho, who know him so well.

#### ROCHESTER'S LABOR NEWS URGES CONGRESSIONAL APPROVAL OF TEST BAN AGREEMENT AND STRONG CIVIL RIGHTS LEGISLATION

**MR. KEATING.** Mr. President, among the responsible voices raised in favor of

the limited nuclear test ban treaty and pending civil rights legislation have been those representing the American labor movement. As is so often the case when progressive, forward-looking measures are at stake, our unions have been in the forefront of the effort to secure congressional approval of these two vital items.

An interesting and forceful editorial in the Labor News of Rochester, N.Y., points up the close connection between these two matters. In order that more Members of Congress may have an opportunity to benefit from this excellent editorial and as an effort to increase support for the test ban agreement and meaningful civil rights legislation, I ask unanimous consent to have it printed at this point in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

#### THE CONNECTION

In two separate actions, the Rochester AFL-CIO Council this week took steps placing it in the mainstream of world events; events which are going to change the Nation we live in, and the world in which we live, and of which our Nation is a part.

In one, the labor council is asking Congress to include equal employment opportunity guarantees in the nature of a Fair Employment Practice (FEP) amendment to President Kennedy's omnibus civil rights bill—a bill threatened with death by filibuster and threatened with death by even fair-minded Senators because it may lose them future votes from segregationists.

In the other, the AFL-CIO Council here is asking our own State's two Senators to help the Senate ratify, and quickly, the nuclear bomb test ban treaty signed in Moscow 2 weeks ago, and thus put our Nation on record as supporting a retreat, even this small one, away from global insanity and global holocaust—because without such a treaty, the nations with bombs will be making bigger bombs, and the nations yet without bombs will be getting them; more triggers to pull, and more itchy fingers on the triggers.

At first glance, there seems to be no connection between these two actions. Both timely, both commendable, but what's the connection?

This. Simply and finally this. Unless this Nation of ours can emerge from under the darkness of racial discrimination against people with dark skins, and emerge completely, this Nation will no longer be in any position to teach freedom and democracy to a world which is two-thirds dark skinned.

Unless our civil rights struggle is ended, and ended once and for all in victory for human rights, and human dignity, and quickly, the black, brown, yellow, and other off-white peoples of the earth will turn away from us in loathing and distrust, and our efforts to teach them freedom and democracy will be like whistling in the dark, inside a hollow tube bent back against our own ears, and for no other ears.

Unless we, here, today, in this Nation can lead the free world and make it believe in us and what we preach, and make it want to join us in the struggle for human freedom and dignity everywhere in this small sphere constantly growing smaller, no amount of bombs will in the end help us, because bombs are much worse teachers than words, and words are not as good as actions.

No test ban treaty will in the end help us if we are alone in the world, and we will be alone in the world some day soon if the headlines showing Birmingham and Oxford and Jackson (and lately Brooklyn, and Philadelphia, and Detroit, and maybe

administrative officer of the Colorado Farm Bureau, he states:

We are very much opposed to the Proxmire dairy bill, S. 1915, which is to come up Tuesday. We hope, too, you will vote against the McCarthy amendment S. 1961. Either of these bills is worse than no legislation at all. I don't know how much you have to do to wake people up such as those who continually want to give away all the money in the U.S. Treasury.

Also, in a letter I received from Otie M. Reed, executive director of the National Creameries Association he stated their position on this bill in these words:

It is our considered opinion that S. 1915 will not achieve its avowed purpose. We believe this is a bad bill, and should be defeated.

I have even received correspondence from milk producers in the State from which the Senator who introduced this bill comes, voicing their opposition to this bill.

The American Farm Bureau Federation not only believes that S. 1915 will not solve the problem but will aggravate the situation, and in addition, maintain that it is the present marketing controls that have been the real culprit in creating the present surpluses.

It would seem, Mr. President, that the only result that is certain to be achieved by this legislation is that the cost of milk to the consumer will be increased. That is hardly a sound basis upon which to enact legislation.

The letters of the Wisconsin Dairies Cooperative and the American Farm Bureau Federation which I averred to earlier make many more excellent points concerning this bill, and for the benefit of other Senators, I ask unanimous consent that these letters be included in the RECORD at this point.

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

AMERICAN FARM BUREAU FEDERATION,  
August 30, 1963.

Hon. GORDON ALLOTT,  
U.S. Senate,  
Washington, D.C.

DEAR SENATOR ALLOTT: You very shortly will have before you for Senate consideration S. 1915, dealing with major changes in the Federal milk marketing order program. It is our understanding that amendments will be offered on the floor to add to this bill provisions for making compensatory (Brannan type) payments to dairymen, on a nationwide basis, both within and outside marketing order areas.

Farm Bureau vigorously opposes S. 1915. We also are opposed to any amendments that would add to S. 1915 provisions for compensatory payments. There are many reasons for our opposition, the most important of which are:

1. We believe that Congress should move toward the private, competitive enterprise marketing system in agricultural production and marketing, and away from unnecessary governmental regulation. This proposal would result in fluid milk producers being directly regulated under Federal milk orders for the first time. They would be subject to penalties for violations and would have to keep such records "as the Secretary may prescribe."

2. The implied assumption that each fluid

milk market is sufficient unto itself and completely independent of all similar markets is unrealistic and unsound. There is a great deal of overlapping of market supply and sales areas and intermarket movement of milk.

If a class I base plan were incorporated into a Federal order, adjacent markets with orders likely would be forced to adopt similar plans in self-defense. The end result could be a single, nationwide Federal milk order.

3. This plan could lead to severe restrictions on entry of new producers and some kind of trade barrier to keep out milk from other areas. We believe in reasonable competition in all areas of our economy, and in the right of new producers—particularly young people—to have an opportunity to engage in dairy farming if they so desire.

4. At first, many farmers might cut their milk production because they would receive the lowest class price for all milk delivered in excess of their individual allocations (quotas). If the farm price for fluid uses remained unchanged, the average farmer's gross income would drop when he cut his milk production. His "fixed" costs of production would continue whether or not he produced excess milk. This would cause a decline in his net income, resulting in pressure for higher class I prices that would reduce consumption, intensify competition from "new" or "outside" producers, and widen the spread between prices for fluid and manufacturing uses.

5. The Secretary of Agriculture would determine whether—and under what conditions—allocations would be transferable. If allocations were negotiable, this could stimulate corporation farming because of the advantage large corporations would have in terms of capital available for new investments, thus working to the detriment of family owned-and-operated farms. If allocations were not transferable under any conditions, current farming operations would be frozen. The situation would deteriorate further if one order market had a plan with negotiable bases and a nearby market had a plan with nontransferable bases.

6. If the allocation plan failed—as appears highly probable—pressure would mount for nationwide production controls—undesirable though those would be.

We believe the present dairy problem has been aggravated by proposals to institute compulsory or so-called voluntary quota programs. These proposals have caused many dairymen to maintain or expand production for base-building purposes.

Our dairy farmers expect their net incomes to increase and price-support purchases to decrease provided:

1. Talk about the possibility of dairy quota programs is terminated.

2. There is no increase in support levels.

3. Total consumption continues to increase in line with the upward trend that has prevailed since the end of World War II. Since the level of dairy price support was lowered to 75 percent of the parity equivalent on April 1, 1962, substantial improvement in the national supply-demand situation has resulted. During the current marketing year dairy production is down from a year earlier; and CCC purchases under the dairy price-support program of butter, cheese, and non-fat dry milk are all substantially down from the same period a year ago.

We, therefore, strongly urge you to vote against S. 1915 and amendments to add to it compensatory payments on a nationwide basis. No new dairy legislation would be far better for our dairy farmers, consumers, and taxpayers than passage of these proposals.

Sincerely yours,

CHARLES B. SHUMAN,  
President.

WISCONSIN DAIRIES COOPERATIVES,  
Union Center, Wis., August 30, 1963.

Hon. GORDON ALLOTT,  
Senate Office Building,  
Washington, D.C.

DEAR SENATOR ALLOTT: It has been brought to my attention that the Proxmire class I base bill (S. 1915) will be considered in the Senate September 3 or 4.

Although purported to be desirable from the standpoint of the fluid milk interests operating under Federal marketing orders, it actually is not in the long-term best interests of the dairy industry as a whole; nor the consuming public. This conclusion stems from the following facts:

1. The new subparagraph (H) of the bill says "Notwithstanding any other provision of this section,". This essentially means "in spite of" or "an obstacle to the implementation of paragraph 8c(5) (A) through (G), (H) will overrule in determining how the Agricultural Adjustment Act of 1937, as amended, will be administered and legally interpreted."

2. In effect (A) through (G) would be noneffective whenever a conflict arose in interpretation or administration of subparagraph (H). This means that 8c(5)(G) which provides: "No marketing agreement or order applicable to milk, and its products in any marketing area shall prohibit or in any manner limit, in the case of the products of milk, the marketing in that area of any milk or product thereof in any production area of the United States" will no longer limit the Secretary's powers to prevent him from establishing "trade barriers." (See pp. 18-21 of the Supreme Court decision *Lehigh Valley Cooperative Farmers, Inc., et al., Petitioners v. United States et al.* dated June 4, 1962). The above section and the subsequent interpretation thereof was largely the basis for eliminating the down allocation and compensatory payment provisions which were interpreted as restrictions to the free flow of milk and milk products.

3. Therefore bill S. 1915 would legalize restrictions via the class I base plan.

4. Such restriction to the movement of milk would have the following results:

(a) Would prevent the free flow of milk between production and consumption areas. It would prevent producers located in the various regions of the United States from competing for higher priced fluid markets on a free and equitable basis.

(b) It would allow class I prices to rise to exorbitant levels in high cost of production areas at the expense of consumers in these areas. In no case should the class I price in Federal orders differ more than the cost of transporting milk from alternative sources.

(c) It would provide a legal basis for allowing inequitable treatment of producers under a Federal order system which is national in scope.

(d) It would insulate fluid producers located in high cost of production areas from the competition of more efficient areas of production. In short it would legalize an economic trade barrier of the most flagrant type.

Fifth. Furthermore in spite of all the wrong it could do, the bill would be relatively ineffective in accomplishing its primary objective, namely that of cutting milk production in Federal order markets. There are no areas where the variable costs of producing milk are higher than the lowest class price. To put it another way: producers will not cut back production unless the marginal costs of production exceeds the lowest class price. In either of the above cases the producer would continue to produce milk as long as the lowest class price was sufficiently

high to help pay for his fixed cost of production such as machinery, equipment, buildings, interest on investment, etc. Any such bill, to cut production in Federal order markets, would have to incorporate an excess price, for below the level of price of the lowest class use.

Sixth. Page 2, lines 6 and 7, includes within the base "reserves of milk as may be found essential thereto." Many markets are on a 3- or 4-day bottling schedule. This means that as the bottling week shortens the necessary reserves in the market could be interpreted to mean as high as 50 percent above fluid milk requirements. With the technological advancements in transportation the interpretation of necessary reserves should include supplies available from alternative sources. The bill as written would not only protect the producers within each Federal order from outside competition, but would allow for protected increases in production far above the level of production presently in most orders.

Seventh. Page 3, line 11, states that bases are transferable. This particular provision would result in values being attached to bases with their subsequent sale to the highest bidders, or producers under orders which can do the best job of gaging the highest class I prices from their consumers.

In summary the bill entitled "S. 1915" would reverse the Supreme Court decision, disadvantage the consumer and in the long run the dairy producers including those producers the bill was designed to help.

Your thoughtful consideration and opposition to this bill would be greatly appreciated.

Very sincerely yours,  
WISCONSIN DAIRIES COOPERATIVE,  
ROBERT J. WILLIAMS,  
Public Relations and Procurement  
Director.

P.S.—This letter is in behalf of Wisconsin Dairies Cooperative which is the second largest in Wisconsin and Dairy Maid Products, Eau Claire, which is a federation of cooperatives with a total farmer membership of 21,000.

#### ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Is there further morning business? If not, morning business is closed.

#### 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 weapon tests in the atmosphere, outer space, and underwater.

The ACTING PRESIDENT pro tempore. The Senate is in executive session. The treaty is in the Committee of the Whole and is open to amendment.

Mr. FULBRIGHT. Mr. President—The ACTING PRESIDENT pro tempore. The Chair recognizes the Senator from Arkansas.

Mr. MANSFIELD. Mr. President, will the Senator from Arkansas yield, without losing his right to the floor?

Mr. FULBRIGHT. I yield.

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

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. FULBRIGHT. Mr. President, I consider it a high honor to have the privilege of presenting to the Senate, on behalf of the Committee on Foreign Relations, the Nuclear Test Ban Treaty.

This treaty, if it receives the approval of this body, may well prove to be a turning point in history of incalculable significance to the human race—and especially to all Americans, who, because of our strength, bear a special responsibility for the prevention of a nuclear war.

In a few words, this treaty makes sense under the conditions confronting the world today.

I shall try to develop, in my remarks, the reasons why it makes sense; but I urge Senators to give serious consideration to all aspects of this treaty and to develop, as fully as possible, every facet of the questions involved.

This treaty, I am confident, will stand up under the closest scrutiny. It was because of my conviction about the merits of the agreement, that I invited the members of the Armed Services Committee and the Joint Committee on Atomic Energy to sit with the Committee on Foreign Relations during the taking of testimony and to have a full opportunity to examine each and every witness on the same terms as those available to the members of the Committee on Foreign Relations.

I was pleased by the cooperation of the members of the committees. Their questions did much to develop many of the more esoteric and difficult aspects of the scientific and technical problems involved.

In short, I believe an exhaustive and complete examination of all relevant questions is contained in the 1,000 pages of public testimony, together with the many hundreds of pages of executive hearings.

In deciding whether to render its advice and consent to the nuclear test ban treaty, Mr. President, the Senate must consider two basic questions: first, is the treaty compatible with the military security of the United States? Second, does it advance the broad purposes of American foreign policy? On the basis of extensive committee hearings, I believe the answers to both of these questions are affirmative, and that the treaty is indeed both safe and wise.

In my remarks I should like to comment briefly on the military and technical factors in the treaty, and then to discuss some of its broad political implications. Military and technical considerations were examined in detail in the combined meetings of the Committees on Foreign Relations, Armed Services, and Atomic Energy, and are further elaborated in the report of the Committee on Foreign Relations. These factors have to do with the safety and prudence of our adherence to the treaty. Less attention has been given to the reason and purpose of the treaty, which have to do with its long-term implications for international relations.

At the outset, I should like to commend my colleagues on the three committees which heard testimony on the treaty for the responsible and bipartisan spirit of the proceedings. The hearings before the three committees and the subsequent deliberations of the Committee on Foreign Relations were characterized throughout by an awareness that this treaty, which in its broad outlines and intent were conceived by a Republican administration, and is now being implemented by a Democratic administration, is a matter of the national interest, transcending all considerations of personal and partisan advantage. It is particularly noteworthy and commendable that in the Foreign Relations Committee the motion to report the treaty favorably and without reservation was offered by the senior Republican in the Senate, the Senator from Vermont [Mr. AIKEN], and received the unanimous support of the Republican members of the committee.

Before examining the wisdom of our adherence to this treaty and the ways in which it can be expected to advance our overall national interests, we must assure ourselves that the proposed commitment is a safe one, one which will not derogate from the military superiority and strategic advantages which the United States now possesses.

It is the strongly held conviction of the officials who have the main responsibility for our national defense, both civilian and military, that the American nuclear force is, and under the treaty will remain, manifestly superior to that of any other nation. As the Secretary of Defense pointed out in his statement in support of the treaty, the U.S. nuclear force now contains, in addition to tactical, airborne, and other nuclear weapons, more than 500 missiles—Atlas, Titan, Minuteman, and Polaris—and it is planned to increase this number to over 1,700 by 1966. In addition, the United States has nuclear armed SAC bombers on air alert and over 500 SAC bombers on quick-reaction alert. By contrast, Secretary McNamara pointed out, the consensus is that the Soviets could place less than half as many bombers over North America on a first strike. It is estimated that the Soviets have only a fraction of the number of ICBM missiles that we have and that their submarine-launched ballistic missiles are short-range, require launching from the surface, and are generally not comparable with our own Polaris force. According to the best available estimates, our numerical superiority in ballistic missiles will increase both absolutely and relatively between now and 1966. In short, our nuclear superiority is both great and growing.

As to the effects of the treaty on this favorable military balance, the key fact is that whatever opportunities for progress in nuclear technology are opened or closed to the United States, the same opportunities will be opened or closed to the Soviet Union. In the judgment of the Secretary of Defense and most of his military and scientific advisers, the most probable ultimate result of unrestricted nuclear testing would be tech-



nical parity between the United States and the Soviet Union. By limiting the Soviets to underground testing, which is more difficult and more expensive than atmospheric testing and where the United States has substantially more experience, we can retard Soviet progress and prolong the duration of our technological superiority. In the words of Secretary McNamara:

This prolongation of our technological superiority will be a principal direct military effect of the treaty on the future military balance.

Among the military-technological questions considered in the hearings on the treaty, three particular problems were the focus of special concern and scrutiny: the problems of the antiballistic missile, the high yield nuclear bomb, and the ability to resume atmospheric testing quickly in the event of Soviet violation or withdrawal from the treaty.

Should the Russians develop and deploy an antiballistic missile system, the preservation of our deterrent power and the maintenance of the balance of power would require us either to perfect an antiballistic missile system of our own or to develop means of penetrating the Soviet antimissile system. In the judgment of leading nuclear weapons scientists, the development of a highly effective antimissile system would be exceedingly difficult and perhaps impossible, while the development of an effective penetration capability is entirely feasible and, in fact, relatively easy.

At that point I should like particularly to invite the attention of Senators to the testimony of Dr. York and Dr. Kistiakowsky on the question of the antiballistic missile.

To continue progress in both an antimissile system and in penetration capability depends hardly at all on the testing of nuclear warheads but almost entirely on the improvement of delivery systems and of techniques of detection, identification, discrimination, and interception. Such information as to effects as may be required can be largely obtained through extrapolations based on previous testing experience and, as Secretary McNamara put it, "through designing around our uncertainties."

This is the judgment of such eminent nuclear weapons scientists, among others, as I have mentioned, Dr. Herbert A. York, Director of Defense Research and Engineering in the Eisenhower administration and former director of the Lawrence Radiation Laboratory in Livermore; Dr. George B. Kistiakowsky, Special assistant for science and technology to President Eisenhower and now professor of physical chemistry at Harvard University—I stress the fact that those scientists were with the previous administration merely because it has been intimidated by some that they believe some of the witnesses might have been influenced by pressure from the present administration; but the gentlemen whom I am naming would not under any circumstances have been susceptible to pressure, and they are quite independent of any influence of that kind—Dr. Stanislaw M. Ulam, resident adviser at the Atomic Energy Commission's Los Alamos

Scientific Laboratory since 1943; Dr. Harold Brown, currently Director of Defense Research and Engineering in the Department of Defense; Dr. N. E. Bradbury, Director of the Los Alamos Scientific Laboratory; and Dr. Freeman J. Dyson, former chairman of the Federation of American Scientists and currently professor of theoretical physics at the Institute for Advanced Study in Princeton.

The consensus of expert opinion on the antiballistic missile problem is that it is highly unlikely that the Soviet Union will have the capacity in the foreseeable future to develop an antimissile system that we could not saturate; that even if they had the money and ability to develop such a system, we would be able to detect it early enough to take necessary countermeasures; and, most important of all, that the treaty will impose no significant obstacles to the development of our own antimissile and penetration capabilities, while such limited obstacles as it does impose will apply as much to the Soviet Union as to the United States.

The problem of the antiballistic missile, and indeed of the overall relationship between nuclear warheads and delivery systems, was admirably summarized by Dr. Bradbury, who said in his statement to the committee:

We tend to ignore the enormous role of the system in nuclear warfare and to concentrate on the more dramatic character of the nuclear warhead. The best nuclear warhead is no good in a crashing airplane, an intercontinental missile falling into the sea, or in a ballistic missile defense system which does not detect the target, discriminate among decoys, determine a trajectory, fire another missile, guide it to an intersection with the incoming one, and fire its warhead. In that sequence, the technical elegance of the warhead is almost the smallest problem. Or said another way, if a good and practical antiballistic missile system can be devised and built, it will have a warhead. This one can guarantee.

As to the problem of high-yield nuclear weapons, the big bombs of 50 to 100 megatons which of course could not be tested under the treaty, the judgment of our foremost nuclear scientists, including those whom I have mentioned, is virtually unanimous that such weapons are neither necessary nor even desirable for our nuclear deterrent force, and that in any case we can construct such bombs whenever we wish without atmospheric testing. On the basis of expert scientific advice, both the Eisenhower and Kennedy administrations have concluded that both for our attack capability and for the survival capability of our forces in the event of attack, large numbers of smaller missiles are much more desirable than smaller numbers of larger missiles. The Soviets are ahead of us, it is conceded, in the yield-to-weight ratios of very large weapons, but there is no question of our ability to design such bombs and the improvement of the accuracy and reliability of our present missiles is a much more effective approach than increasing their yield.

As Dr. Ulam wrote recently:

When it comes to the question of very large bombs of 50 or more megatons, which the Russians have tested, it is quite clear,

and therefore is no secret, that we could construct such bombs any time we want. As has been stated in the press, this country has tested bombs with yields of more than 10 megatons. When one considers the fact that such a bomb, if properly delivered, would ruin any city in the world, and if one remembers that two bombs of 10 megatons each have a much greater area of destruction than one 20-megaton bomb, it seems quite obvious that our arsenal contains large enough weapons. (Letter to the Washington Post, Aug. 16, 1963.)

Parenthetically, it seems to me that we have become so bemused in our public discussions with megatons and multimegatons that we have come to think of these weapons yields as rather neutral scientific phenomena, forgetting that we are talking about instruments of almost unimaginable destructiveness capable of killing tens of millions of people with a single explosion.

From my own experience in the hearing, listening to the distinguished scientists calmly describe such horrors objectively and dispassionately, all the testimony leaves me with the feeling that we surely are afflicted with what one might call "megaton madness," when we talk of even bigger bombs. Perhaps we would do well, in forming our scientific judgments of these weapons, to look again at the pictures of Hiroshima and Nagasaki, which were devastated by weapons of only 15 or 20 kilotons. Perhaps we would do well, when we speak of "small" bombs of 5 or 10 megatons, to remind ourselves that we are talking about weapons which, if used in warfare, would bring upon mankind a visitation of horror beyond anything ever approached or even conceived in all of the wars of human history.

To talk of winning such a conflict—

Said Dr. Kistiakowsky—

is to misuse the language; only a pyrrhic victory could be achieved in a nuclear war.

The third major technical problem of special concern during the hearings on the treaty was that of our capacity for prompt resumption of atmospheric testing in the event of Soviet violation or withdrawal from the treaty. Both Dr. Bradbury, Director of the Los Alamos Scientific Laboratory, and Dr. York, former Director of the Lawrence Radiation Laboratory in Livermore, told the committees that while it will not be feasible to keep the laboratories ready for an instantaneous resumption of atmospheric testing, it will be possible to keep the laboratories in first-class operating order, to resume testing within a period involving no unacceptable risks, and to maintain a vigorous and productive group of scientists engaged in weapons development.

In his statement before the committees, Secretary of Defense McNamara said:

We have the determination to retain a readiness to test in every relevant environment. This is a firm national policy. Its existence will not only render the risk of abrogation minimal, but will constitute a strong deterrent to abrogation.

There are, of course, other military-technological questions on which the three committees asked for and received

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detailed testimony. We were assured by administration witnesses that the Government intends to maintain a vigorous and effective program of underground testing and a continuing program of improving our ability to detect and identify clandestine tests. With regard to the feasibility of these and other safeguards, Dr. Kistiakowski stated 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." Citing the successful maintenance of weapons research and development during the 1958 moratorium on testing, Dr. Kistiakowski said:

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.

Senators will remember during that moratorium there was no testing at all. In addition to these technological questions, there arose during the hearings and the subsequent deliberations of the Committee on Foreign Relations a question as to whether the language of article I of the treaty prohibiting any nuclear test explosion, "or any other nuclear explosion," might have the effect of prohibiting the use of nuclear weapons in time of war.

The President, the Secretary of State, and the Secretary of Defense have all stated that the treaty will in no way restrict the use of nuclear weapons in time of war. A written opinion of the Legal Adviser to the Department of State, dated August 14, 1963, endorses this view in detail, explaining that the treaty has no relevance to a state of war and that the language in question was inserted solely to close a loophole through which nuclear explosions for military purposes might have been conducted under the pretense of being for peaceful purposes and not "nuclear weapon test explosions." The Soviet Government, in its reply of August 20 to a Chinese Communist note of August 15, made it quite clear that it regards the treaty as in no way curtailing the right to use nuclear weapons in time of war. There is in addition the generally accepted rule of international law with regard to the validity of treaties in time of war: "That provisions compatible with a state of hostilities, unless expressly terminated, will be enforced, and those incompatible rejected."—Justice Cardozo's opinion in *Teché* against Hughes, U.S. Court of Appeals of New York, 1920. It is a tragic certainty that in a third world war the nonuse of nuclear weapons would be regarded as incompatible with the state of hostilities.

There is no question whatever on that subject, as to the understanding of the parties to this agreement.

Lest there be any remaining doubt as to the right of the President to use nuclear weapons in time of war, the report of the Committee on Foreign Relations includes the following language of interpretation of the treaty:

The Senate should be assured that the committee, in recommending approval of this treaty, is entirely satisfied that the treaty

in no way impairs the authority and discretion of the Commander in Chief in time of crisis to employ whatever weapons he judges the situation may require, in accordance with our constitutional processes.

The treaty as it stands is a sound and constructive document. The attachment of any reservation, whether on matters covered by the treaty text itself or on any of a number of extraneous issues of the cold war, would be unwise and irresponsible. It would necessitate a renegotiation of the treaty not only with the United Kingdom and the Soviet Union, but also with the scores of other nations which have already acceded to the treaty. Such a renegotiation would take place in an atmosphere of doubt and mistrust as to American motives. The treaty as it stands contains reasonable and adequate safeguards for the vital interests of the United States. An attempt by reservations to reconfirm safeguards that are already provided for, or to introduce issues unrelated to the test ban itself, would probably result in the loss of the treaty, in a general worsening of the cold war, and in a breakdown of confidence in the United States that would make it exceedingly difficult to negotiate future agreements.

These, I believe, are the major reasons why it is safe and prudent for the Senate to render its advice and consent to this treaty without reservations. The military, technological, and legal considerations which I have discussed have to do mainly with safeguards in the event that the treaty is violated or otherwise breaks down. In the remainder of my remarks, I should like to suggest some positive reasons for our adherence to this treaty and to set forth some of the possibilities for advancing the aims of American policy and improving the world environment in the event that the treaty is respected by the signatories.

Mr. TALMADGE. Mr. President, will the Senator yield, or does he prefer to conclude his statement?

Mr. FULBRIGHT. I yield.

Mr. TALMADGE. Speaking of some of the problems about Soviet Union treaties, I think the American people wonder, in view of the past record of the Soviet Union of having violated some 50 out of 52 treaties that have been concluded, what assurances or guarantees we have of detection of clandestine violations by the Soviet Union.

Mr. FULBRIGHT. We have very great safeguards with respect to detection. Unfortunately, this is an area in which the testimony of those in charge of this program was taken in executive session; but that testimony is available to Members of the Senate. I recommend first that the Senator look into that testimony. I must generalize as to the development of the methods of detection with regard to violations.

A major effort in that direction has been underway for a number of years. Several new and promising methods have been put into effect. Methods of detection of nuclear weapon explosions have been developed, particularly with respect to explosions in the atmosphere, but also with respect to subterranean and underwater explosions, and finally with respect

to those carried out beyond the atmosphere, in outer space, by means of the newly developed satellites, some of which are already in operation.

I think it only wise to say in public that I was amazed, and I believe all the members of the committee who heard the testimony were amazed and quite satisfied with the progress that has been made in the field of detection.

Mr. TALMADGE. Will the Senator yield further at that point?

Mr. FULBRIGHT. Certainly.

Mr. TALMADGE. Is it the Senator's conclusion, then, in response to my question, based on the evidence of our scientists who testified in secret session, and the evidence of our military authorities who testified in secret session, that if the Soviet Union clandestinely violates this treaty, we shall have that information almost immediately?

Mr. FULBRIGHT. I think that is a correct way to summarize the situation. It is possible that very small explosions—Senators have heard of the question of thresholds that was discussed in previous discussions of proposals for limitation of tests—could go undetected, but they would be so small that they would be of relatively slight significance.

Mr. TALMADGE. I thank the Senator for clearing up that point. I think that is one of the problems that must perplex a great many people in America, and perhaps other countries. In the past, treaties that have been made by the Soviet Union have been violated whenever the Soviet Union thought it was in its own national interest. I believe the American people are assured that we, as we should, will carry out any treaty we make, and they therefore have some apprehension that this may be a one-sided treaty for the benefit of the Soviet Union and to the disadvantage of our country.

Mr. FULBRIGHT. On that point I should like to make a comment or two.

It is true that in a relatively short period—a rather turbulent period—the Soviet Union has violated a number of international treaties, including such important political agreements as the non-aggression pacts with Lithuania, entered into September 28, 1926, Latvia, on February 5, 1932, and Estonia, on May 4, 1932, the arrangements for access to Berlin, and the Potsdam Declaration relating to the establishment of a Central German Government.

However, to obtain a proper perspective, it should be noted that, to all appearances, the Soviet Union has satisfactorily observed a significant number of multilateral and bilateral agreements to which it has been a party. A list of 27 of these other agreements appears on page 967 of the printed hearings, which are on the desks of Senators.

I think one might say that what distinguishes those observed treaties from those which have been violated is the interest of the Soviet Union, as the Senator from Georgia has stated. It is for this reason that the committee was concerned in its hearings and has set forth in its report the considerations which, it appears, have led the Soviet Union to enter into this agreement. Insofar as

those considerations can be relied on to be continuing factors influencing Soviet policy, they provide some guarantee against future violations of the treaty.

First, it is apparent that the 1961-62 tests have led the Soviet scientists to believe that in many critical areas of nuclear weaponry they have achieved a rough technical parity with the United States. That is set out in our committee report, and it is quite clear in some of the testimony.

Some of the witnesses made the point—which I think is a good one—that the Cuban missile crisis is likely to remain in the minds of the Soviet leaders for some time. That was quite a shock. The statement of the Secretary of State in the hearings is highly important on that point.

The third factor is the well-known difficulties the Soviets are having today with the Chinese. I was interested in noting within the past few days that the Chinese are accusing the Soviet Union, through having signed this treaty, with recognizing Chiang Kai-shek's government on Taiwan. It is almost an exact duplicate of the point that has been made that we may recognize East Germany by our adhesion to the treaty.

In considering the question of Russian violation of treaties, it will be noticed that she has lived up to a number of them.

I do not think we can be so self-righteous as to say this country has never violated a treaty.

I did not follow it too closely, but I believe the Seneca Indians have been saying that this Government violated its treaty with the Seneca Indians in New York.

We have been a very fortunate country in many respects. We have been free to a greater degree than most countries—certainly more than the European countries—of attacks on our borders. So I do not think we ought to be too self-righteous on the question. I admit that the Russian record is not very good, particularly in an earlier period, not too many years ago, when the head of the Government was not Mr. Khrushchev. We made a treaty with Russia about 2 years ago relating to Antarctica. At that time people said that we could not trust the Russians. I do not recall anyone talking about the slightest violations by Russia of that treaty. I do not think there is much incentive to violate it.

I think the same situation applies here. In other words, there is a mutual interest. I am not saying that this treaty is exclusively in our interest. I do not believe the Russians would have signed it if they had not thought they had a common interest in the treaty.

A further protection, I remind the Senator, is the withdrawal clause. The withdrawal clause is so lenient that I do not think it would be necessary to abrogate the treaty illegally, when the withdrawal can be done legally very easily. The provision is very lenient. It was put in the treaty at the insistence of the military. But recognizing that in entering into this treaty there is a common interest in abiding by the treaty, therefore it

would be not only to our advantage, but to their advantage as well.

Mr. TALMADGE. As I understand, the withdrawal clause provides for 90 days' notice.

Mr. FULBRIGHT. That is correct.

Mr. TALMADGE. But in the event of Soviet Union testing in violation of the treaty, it would require no notice on our part for us to begin tests.

Mr. FULBRIGHT. That is my opinion. If they violate the treaty, all bets are off, so to speak.

Mr. TALMADGE. It would be void at that moment.

Mr. FULBRIGHT. Yes. It would no longer be in effect. We should be sure, however, that they had violated it. We should not act on a trivial basis or in a capricious manner. We ought to be sure that there has been a clear violation. I am sure the Senator would be satisfied if he read the record of the best authority in this field, the man who is in charge of the subject, with respect to our great development in the field of detection.

I believe it to be beneficial to both sides that there has been this development, and that the idea of secrecy is less important now.

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

Mr. FULBRIGHT. I yield.

Mr. MORSE. I am glad the Senator from Georgia has raised the last point with respect to abrogation. We are dealing with an important principle of international law. If there is a violation of the treaty by party A, party A abrogates the treaty, and thereby relieves party B of any responsibility under the treaty. The abrogation by party A is the same as though a match had been put to the treaty and burned it up, to use a figure of speech. I am glad the Senator from Georgia raised that point. I have read some comments which indicated that the editors who made the comments were not aware of the doctrine of abrogation. When there is abrogation, nothing is left.

Mr. FULBRIGHT. One other treaty that the Russians made recently was the treaty over Austria, which had been preceded by a long period of negotiations. However, at last the treaty was signed. So far as I know, that treaty has not been violated. No advantage has been taken under that treaty by the Russians.

Perhaps it is not very popular to say it, but if my memory serves me correctly, when we found it necessary to build the Panama Canal, we found ways of abrogating, indirectly perhaps, a treaty which we had made in 1848 guaranteeing the sovereignty of Colombia. We thought it necessary to do that.

Therefore, none of us is absolutely without fault. When I refer to "us," I mean any nation. None of us is without fault with regard to international agreements. I agree that the record of our country is far better than that of Russia, particularly in recent years. Perhaps we have not been quite so sorely tempted, however.

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

Mr. FULBRIGHT. I yield.

Mr. MILLER. Mr. President, first I should like to ask the Senator whether the Soviet Union has ratified the treaty.

Mr. FULBRIGHT. They have signed it. I do not know that they have ratified it as such. Of course they do not have the same procedures that we have. I do not know of any other country that has the procedures that we have. Whether or not the Supreme Soviet has actually acted, I do not know. I am not an authority on the constitutional processes of Russia. She is committed to the treaty.

Mr. MILLER. I am reading from the British Year Book of International Law, 1958, published by the Oxford Press, edited by Prof. C. H. M. Waldock, as follows:

Soviet documents of ratification, according to the Soviet view "reflect the general style of Soviet diplomacy" and consequently are characterized by their "brevity, clarity, simplicity, and exactness of formulation." They are issued by the ratifying constitutional organ, namely, the presidium of the Supreme Soviet. Without them, there is no ratification; Soviet practice and theory have never accepted either oral ratification or ratification through fulfillment.

It goes on to explain a few more items. The point I wish to make is that I have seen nothing reported to the effect that the presidium of the Supreme Soviet has ratified the treaty. That being the case, I am wondering whether we know the treaty will be ratified by the Russians. If we do not know whether the treaty will be ratified, or hope that it will be ratified by them, the question is, When will they do so?

Mr. FULBRIGHT. There is quite a difference in the relationship of the executive in the Soviet Union with the presidium of the Supreme Soviet, and what the situation is in their country. They have the party system, which determines the action to be taken. There is certainty of its ratification by the presidium of the Supreme Soviet. That is not always true under our system.

I do not believe that the fact that the Russians have not taken formal action is a valid reason for us to defer action on the treaty.

I think of the somewhat similar situation in Great Britain. I do not wish to go into a dissertation on the British Parliamentary system, with which I am a little more familiar than I am with the Russian system, but when the executive in Great Britain signs a treaty, unless a question is raised in Parliament, and there is a vote of no confidence, the treaty is considered to have been ratified. The British do not have the formal procedure that we have in this country. It is not possible under the British system for a Prime Minister to be Prime Minister unless he has control of the majority in Parliament. Once he loses it, he goes out of office. That is why our ratification is of special significance. As the Senator knows, the Supreme Soviet is not quite the kind of legislative body that the Senate is or that Parliament is.

Mr. MILLER. I quite realize that it is not democratic organization. How-

ever, I invite the Senator's attention to another statement in the book, at page 328, where it is stated:

Soviet theory does not view an international treaty which is subject to ratification as having any legal force until (a) the ratification process has been completed, or (b) completion of the exchange or deposit of the documents of ratification depending upon the stipulation concerning ratification in the treaty text.

I have already quoted from the book regarding the ratification process, which indicates that the Presidium of the Supreme Soviet will have to ratify the treaty before the Soviet Union will consider that it has been ratified.

Mr. FULBRIGHT. Since the Senator raised the question, my assistant, who keeps up with these matters, has handed me a note saying that the Presidium of the Supreme Soviet has approved the treaty, but it has not yet been deposited.

Mr. MILLER. Does the Senator know when the Supreme Soviet ratified the treaty?

Mr. FULBRIGHT. Approved it. The Senator from Alabama tells me it was within the past few days. I believe it is of no particular significance or importance. I believe that when they signed it, that was it. There is no doubt whatever as to what the Presidium of the Supreme Soviet does in a matter of this kind. That is not always the situation when a treaty comes before this body. I call to mind John Hays' famous remark about the fate of a treaty in this country.

Mr. MILLER. If I did not think it was an important question, I would not have asked it.

Mr. FULBRIGHT. I do not mean the way the Senator puts it. I do not mean that it is not important that the treaty be ratified by the Russians. I mean there is no doubt that it will be ratified. There is not the slightest question that the treaty executed by the existing Government in Russia will be approved by the Supreme Soviet. I did not mean that it was not important that it be ratified. There is not the slightest doubt that it will be.

Mr. MILLER. On that point, I recognize that we might expect it to ratify the treaty; but I think it would be helpful, at least to some of us, if the Senator from Arkansas would provide for the Record the exact date on which the Presidium of the Supreme Soviet ratified the treaty.

Mr. FULBRIGHT. I shall do so.

Mr. MILLER. Also, since I believe the treaty is barren on this point, I should like to ask whether the ratification process is intended to be consummated by an exchange or a deposit of the documents. As I understand, one of the two procedures is necessary for the treaty finally to become effective, so far as the Soviet Union is concerned.

About 10 days or 2 weeks ago, I read a report in the newspapers that the proposed treaty had been referred to a committee of the Presidium of the Supreme Soviet. I have not seen anything reported subsequent to that. I hope we might have such information.

As I understand, until the treaty has been consummated by a deposit or an exchange of the documents, it would be possible for the Soviets merely to withhold the filing of the documents. We do not know what the Soviets would do.

Mr. FULBRIGHT. What harm does the Senator think would come to us if the Soviets should withhold such filing?

Mr. MILLER. I assume the effect would be to leave us up in the air. It is similar to the practice in the real estate business. If one wishes to sell his house and offers it at a certain price, he ordinarily places a time limit within which a prospective purchaser must accept the offer.

We know we do not trust the Soviets. The treaty is not based on any trust or confidence in the Soviets. It would be entirely possible for the Soviet Union to sit on the treaty for 6 months or a year or 5 years.

Mr. FULBRIGHT. Does the Senator mean that under those circumstances the United States would be inhibited from testing or doing as we pleased?

Mr. MILLER. We would be so far as the other signatories of the treaty are concerned.

Mr. FULBRIGHT. Oh, no; not at all. Unless all three of the original signatories signed and deposited the treaty, it would not become effective. If the treaty were not signed and deposited in a reasonable period, it would fail; just as if the United States failed to ratify it within a reasonable time—a specific date was not set, because we could not comply with such a practice under our constitutional system—if we dallied around and waited until next spring, I think the Soviets might say, "Forget about it. Let us not have anything more to do with it."

Mr. MILLER. And the United States could be of the same mind?

Mr. FULBRIGHT. Most certainly. The treaty cannot become effective unless all three of the original parties approve it.

Mr. MILLER. Would it be the Senator's position that if the Presidium of the Supreme Soviet did not ratify, or if it did ratify and the documents were not deposited—which is necessary to consummation—

Mr. FULBRIGHT. The treaty would be "off."

Mr. MILLER. The United States could say that all bets were off?

Mr. FULBRIGHT. If the Soviets did not ratify it sooner than that—I used next spring as a way of putting it—I do not think we would wait around until next spring.

I shall obtain for the Senator the exact status of the treaty in the Soviet Union. I did not notice the report in the newspaper or anticipate such a question, but I am told that the treaty has already been approved by the Supreme Soviet, but has not been deposited.

The Senator from Alabama says that is what he read. I missed it. I did not anticipate a question on this subject.

Mr. MILLER. I certainly did not wish to ask a question that the Senator could not answer. I know the Senator will obtain the information.

Mr. FULBRIGHT. We will obtain the information. But I am sure that neither the Senator from Iowa nor any other Senator believes, after all that has happened, including the ceremonies last month, that there is even a remote chance that the treaty is in doubt, so far as the Soviet Union is concerned—provided the United States ratifies it—and I do not believe there is any question about the British believing it to be in doubt.

Mr. MILLER. Will the Senator also provide information regarding the next step? Assuming that the Presidium of the Supreme Soviet has ratified the treaty, will the next process be the depositing of the document? If so, where and when will the exchange of documents take place? If the Senator could obtain that information, it would be appreciated.

Mr. FULBRIGHT. It is my understanding that the United States will deposit the document with the two other principal signatories. In other words, we will deposit the document in London and Moscow; and each of those countries will deposit with the other two principal signatories. But I shall submit an official statement for the Record.

Mr. MILLER. That is what some of us would like to have done.

Mr. FULBRIGHT. That is my understanding of the way in which the formalities are to be carried out.

Mr. MILLER. I would appreciate having the Senator clear up something else that has puzzled me; that is, the difference between amendments, reservations, and understandings. It had been my understanding that an amendment to the treaty could be adopted by the Senate and that that would require a renegotiation of the treaty. Is my understanding correct?

Mr. FULBRIGHT. The Senator is quite correct.

Mr. MILLER. It was also my understanding that a reservation to the treaty would not require a renegotiation. Yet I believe statements have been made by the chairman of the Committee on Foreign Relations and others to the effect that reservations would require renegotiation. I would appreciate having the Senator clear up this point, because I recall the Connally reservation, which, to my knowledge, did not require a renegotiation of the treaty involving the World Court. Since the Senator from Arkansas has had vast experience in this field, I would appreciate having him enlighten us on the subject.

Mr. FULBRIGHT. The Connally reservation merely nullified the action formerly taken, because it reserved to the United States the unilateral, exclusive decision as to whether a subject came within the jurisdiction of the court. For all practical purposes, that was the end of any useful participation by the United States in the World Court. As the Senator from Iowa knows, the World Court has never functioned. That is a good example of how a reservation can completely destroy a treaty. The Connally reservation destroyed the action that was taken by the United States in joining the World Court.



Mr. MILLER. I was not raising the question as to whether the Connally reservation was a good one or a bad one. Although the World Court has had very little business to transact, it has not been entirely without activity.

The point I sought to make was that the mere fact that the U.S. Senate adopted what is known as the Connally reservation did not necessitate the renegotiation of the treaty with respect to the World Court. I am wondering whether there is any difference between that reservation and a reservation that might be proposed to the nuclear test ban treaty.

Mr. FULBRIGHT. The best authority I have available, which was prepared in anticipation of such a question on this precise point, and one of the principal authorities in the field, is Charles Cheney Hyde's book, *International Law*:

A reservation to a treaty is a formal statement made by a prospective party for the purpose of creating a different relationship between that party and the other parties or prospective parties than would result should the reserving state accept the arrangement without having made such a statement. A mere interpretative declaration made by a prospective party without such a design, and with a view merely to accentuate a common understanding, is not regarded as a reservation, unless another party or prospective party deems it to be productive of a different relationship between the state issuing the declaration and the other parties or prospective parties than would result were the declaration not made. In a word, whether an interpretative statement is to be regarded as a reservation and dealt with as such depends in practice upon the place which the states to which it is addressed are disposed to assign to it.

Of course, the Senate may include in its resolution language expressing its understanding or interpretation. So long as this language does not substantively affect the terms of international obligation of the treaty or relates solely to domestic matters, there would be no legal effect on the treaty. Under existing practice, however, the Executive would communicate such understandings or interpretations to the other parties.

The difficulty here would be whether the other parties would accept our interpretation of this question as being precisely a domestic matter. If there were any difference of view between the Government of the Soviet Union and the Government of Great Britain as to the nature of the understanding, renegotiation might well be required. In other words, the other parties would have to accept our interpretation that the reservation did not affect the substance of the treaty.

The Senate may also include in its resolution language expressing its reservation. Normal reservation language would involve some change in the international obligations of the treaty and might affect its terms in such a significant manner as to require the Executive to communicate the terms of the reservation to the other parties to the treaty, thus enabling them to take such action as they felt appropriate, including reservations of their own, or even a refusal to proceed with the treaty.

Finally, the Senate may question the terms of the treaty itself. In this instance, there is no question that the treaty would need to be renegotiated.

The chief reason why I strongly recommended, in my previous remarks, against reservation, or even an understanding, unless it was so clearly a domestic matter that it could not conceivably lead the other parties to disavow the treaty, is that it would, at the very least cause great concern and confusion about our intentions. I would dislike to see that done. It is dangerous to put such things in the resolution of ratification. It was for that reason that the committee went to great length to include in its statement and committee report, which is quite distinct from the resolution of approval, what its understanding of the treaty is.

For example, as for the point about the use of nuclear weapons in time of war, we had not the slightest doubt about that, nor do we believe the Russians have. But we included it in the report.

Mr. MILLER. Is it the position of the Senator from Arkansas that a reservation of that sort would require renegotiation, and that it would be in the same status as an amendment?

Mr. FULBRIGHT. It would not be in the same status as an amendment. I think it would be unfortunate to include any provision which is well understood and could well lead to misunderstandings, not only on the part of the Russians, but also on the part of many of the other signatories. I do not know what the understanding is to which the Senator refers; there are a great many of them. But I believe its inclusion would be a subject for discussion, and result in possible confusion and misunderstanding. That would be most unfortunate; and I do not believe its inclusion would add a thing to the treaty, because I think its treatment of the subject is quite clear, and we made it as clear as words can make it in the report. During this debate I am sure members of the committee will say, "That is what we believed, or else we would not have approved the treaty."

Mr. MILLER. But the Senator from Arkansas is not suggesting, is he, that after the treaty has been negotiated, a reservation would be improper, so far as the Senate is concerned—that the mere negotiation of the treaty means the Senate would not be acting properly if it saw fit to adopt a reservation?

Mr. FULBRIGHT. Certainly not. The Senate has a perfect right to adopt reservations. I only say it would be very unwise for the Senate to do so. There would be nothing improper about it, but it would be very unwise. The procedure for the adoption of reservations is clearly laid out, but I think the adoption of reservations in this case would be very unwise, just as I think the Connally resolution—which I voted against—was very unwise.

Mr. MILLER. Does the Senator suggest that it would be unwise for the Senate ever to adopt reservations to a treaty?

Mr. FULBRIGHT. No, I did not say that. But I know of none that I believe

should be adopted. Perhaps the Senator from Iowa has in mind one that we have not thought of which may be both proper and wise. But certainly the treaty has been very carefully considered, as have also all the suggested possible reservations which have been brought to our attention.

As I earlier stated, the committee in response to a motion of the Senator from Vermont [Mr. ARKEN] voted in favor of having the committee report the treaty without reservation. We believe it is a very simple treaty, relatively speaking, and that there is no need for any reservation. That is all I am saying.

Mr. MILLER. I wish to make sure that I understand correctly the Senator's position. I understand that he is not saying it would be unwise to adopt any reservation whatever to the treaty, but that he is merely saying that those advanced thus far are, in his opinion, unwise. Do I correctly understand his statement?

Mr. FULBRIGHT. Those I have heard of, or which have been suggested, seem to me to be either irrelevant or extraneous. Certainly we should not include a reservation which would go beyond the concept of a test ban treaty. I believe such a reservation would be interpreted as an effort to kill the treaty; and it would jeopardize, I believe, final acceptance of a treaty, not only by the three original signatories, but also by the approximately 80 other countries that have acceded to the treaty to date.

If some unforeseen danger—one not yet developed during the very extensive hearings—were to be disclosed, that might be a different case. I suppose it is conceivable that there could be situations in which it would be wise to adopt a reservation. But I was trying to make the point that it would be unwise for us to attach to the treaty any of the reservations that, to my knowledge, have been suggested thus far.

Mr. MILLER. I see.

Does the Senator from Arkansas know whether the Soviets have yet made any reservations to the treaty?

Mr. FULBRIGHT. It is my understanding that they have not. I understand that they approve of this treaty. Of course, they do not follow the same procedures that we do. I do not think they have adopted any reservations.

Let me ask the Senator from Alabama, who read the account of their approval, whether they adopted any reservations to his knowledge.

Mr. SPARKMAN. Mr. President, if the Senator from Arkansas will yield to me, let me say I heard over the radio, and I was also told by someone who read it in a newspaper, that the ratification by the Presidium was without any reservations whatsoever.

Mr. President, while I am on my feet, I wish to suggest that there be printed at this point in the Record the memorandum relating to reservations, for I believe it will be helpful to many Senators.

Mr. FULBRIGHT. I think that would be a good idea. I did not read it all, and I believe it would be very informative.

Mr. President, I ask unanimous consent to have the memorandum printed at this point in the Record.

There being no objection, the memorandum was ordered to be printed in the Record, as follows:

RESERVATIONS, UNDERSTANDINGS, AND INTERPRETATIONS

A vote for a reservation to this treaty would be tantamount to a vote against the treaty. That should be clearly understood by each Member of this body and by every citizen. The highest officials of this Government believe that a reservation would kill the treaty. First, a reservation would require the approval of all 85 of the countries that to date have adhered to the treaty. This would also apply to any interpretation or understanding added to the resolution of ratification.

A reservation would also require renegotiation of the treaty. A Department of State memorandum on the question submitted last year to the United Nations contained this comment:

"It is understood by the U.S. Government that the term 'reservation' means, according to general international usage, a formal declaration by a state, when signing, ratifying, or adhering to a treaty, which modifies or limits the substantive effect of one or more of the treaty provisions as between the reserving state and each of the other states parties to the treaty."

Thus, a reservation would alter the contractual relationship defined by the provisions of the treaty and set the stage for a new round of negotiations with all that this would imply.

It is possible that an "understanding" or "interpretation" embodies, like a reservation, in the resolution of ratification would be similarly destructive. A committee staff memorandum on this question says: "Irrespective of what term is used to describe a condition imposed on a treaty . . . the view of the U.S. Government when it serves as a depositary is that the content or effect of the statement is of prime importance. If, despite the designation, the executive branch believes that the condition has the actual character and effect of a reservation, it would be so treated and thus would open the treaty to further negotiation."

Thus, a reservation would in all probability kill the treaty, while an understanding or interpretation could kill it. It must be remembered, first, that any one of the three would require the approval of all the other signatories; second, that none of the three is necessary; third, that any one of the three could encourage reservations and understandings from the other countries. The questions that have been raised which bear on the provisions of the treaty and their implications have been thoroughly explored by members of three Senate committees in an exhaustive series of hearings, and the bipartisan interpretation of these matters has in each case been clearly spelled out in the committee report.

As for reservations and understandings that do not relate to the substance of this treaty, they are in my view not only irrelevant but mischievous and, as such, deserve to be rejected overwhelmingly not only by those, like myself, who unreservedly favor the treaty, but those of my colleagues who have expressed opposition and misgivings about it. This treaty will not end the cold war or turn swords into plowshares, and it should not be evaluated in these terms. It is a step in the direction of sanity and away from the hazard of nuclear war.

If the Senate calls this treaty into question with a reservation or other qualification, it will invite the scorn of the civilized world; it will open the floodgates of Communist propaganda and give communism, a movement that has been largely emptied of its in-

ternational force and appeal in recent years, renewed vigor. More important, by injecting a new issue, the treaty would almost certainly be lost, the cold war made more intense, the confidence of the world in American reliability diminished, and the effort of several years to discourage the chance of nuclear war by reducing tensions, braking the arms race and inhibiting the proliferation of nuclear weapons rendered futile.

Mr. MILLER. I, too, believe it will be helpful. I also believe we should have in the Record some statement in with regard to the alleged ratification by the Soviets.

Mr. FULBRIGHT. Let me say that as a result of this exchange, the chief of the staff has telephoned the Department, and has been informed that the following is the correct statement:

The treaty has been unanimously endorsed by the Joint Foreign Affairs Committee of the Supreme Soviet, the Council of the Union, and the Council of Nationalities. It is now before the Presidium of the Supreme Soviet, which has the power to ratify.

It has not yet been acted upon. The confusion has resulted from the unanimous endorsement by the Joint Foreign Affairs Committee and the other two bodies—which is equivalent, I suppose, or somewhat similar to a report by the Senate Foreign Relations Committee reporting to the Senate. The information that the Presidium itself had acted was not correct.

I repeat that in all honesty I do not believe there is the slightest doubt but that they will approve it, because I do not believe that much dissent among the Presidium is to be expected or would be tolerated.

Mr. MILLER. I share with the distinguished Senator from Arkansas his understanding of how they operate. Nevertheless, I am not very trusting, and I believe it would be well for us to understand, before the Senate votes on the treaty, that it has not yet been ratified by the Soviet Union, and we do not know whether or when it will be. We may expect that it will be; but it has not happened yet.

I believe all of us would feel more comfortable about the treaty if we learned that the Presidium had ratified it, and that the document was on its way here for deposit.

I wish to ask a further question about understandings: Can the Senator enlighten us about the status of an understanding, as compared, let us say, to a reservation? I ask this question because I understand that the distinguished Senator from Connecticut [Mr. Dodd] will propose that the Senate adopt some understandings.

Mr. FULBRIGHT. We are having some difficulty with the semantics involved. I consider that our statements in the report constitute the understanding of the committee, and that if they are endorsed by the Senate, they will state the Senate's understanding of what the treaty means. That is quite different from being made a part of the resolution of ratification. We get into a very difficult gray area here; the question turns on the nature of the understanding. For example, the statement I read, which is from the best historical

authority on this matter, concludes that where the understanding relates to a purely domestic matter which has no relationship to the substance of the treaty, it could very well be that such an understanding would not involve the slightest danger of invalidating the treaty or causing its rejection. In this area it is almost impossible to draw a sharp line, and to say that an understanding of one kind would invalidate or lead to the rejection of the treaty or require renegotiation, while an understanding of another kind would not have any of those results. I believe we would have to have the substance of the proposal before us and would have to study it, before we could make any kind of reasonable judgment as to what effect the proposal would have on the treaty. I consider out statement in the report to be a statement of our understanding of what the treaty does not do.

I would call it an understanding but one not requiring the action of other parties to the treaty. It would not be a part of the resolution; yet it would be a part of the treaty's history. It would be a part of what we intended the treaty to mean. An understanding which was not put in the resolution but would actually change the substance of the treaty—whether called an understanding or not—could, if the substantive effect of the treaty would be changed, lead to rejection of the treaty by the other parties to the treaty.

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

Mr. FULBRIGHT. I yield.

Mr. ELLENDER. In that case would there be a difference between an understanding and a reservation?

Mr. FULBRIGHT. When a reservation or an understanding is included in a resolution of approval, there might be difficulty as to the words used and as to what effect those words would have. That is what I am trying to prevent. Unless there is something very seriously wrong with the treaty, new language ought not to be inserted. What the Senator from Louisiana says, when I say, and what every other Senator says about the meaning of the treaty has significance in determining the way in which the treaty is interpreted.

What the Senator has said about the passage of proposed legislation is true, but a treaty is a little more delicate subject than a bill relating to domestic questions, because we are dealing with foreign countries, many of which do not understand our system very well. They might misinterpret our statements as an effort to reject the treaty.

Mr. ELLENDER. Is it not a fact that there would be serious objection to a reservation imposing a condition that might not be acceptable?

Mr. FULBRIGHT. That would clearly be so.

Mr. ELLENDER. I understand that the distinguished Senator from Arizona [Mr. GOLDWATER] desires to include in the treaty a reservation that the treaty shall not become effective unless and until the Russians withdraw their missiles and troops from Cuba. A reservation of that kind would nullify the treaty, in my judgment.

Mr. FULBRIGHT. I agree with the Senator.

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

Mr. FULBRIGHT. I yield.

Mr. MILLER. Would it be the position of the Senator from Arkansas that, let us say for the sake of terminology, an understanding, if made a part of the resolution of ratification, would amount to a reservation, whereas if it were merely an understanding as a matter of, let us say, legislative history entered in the record but not made a part of the resolution of ratification, it would not be of the same stature?

Mr. FULBRIGHT. Again the distinction as to what it is called is not the important point. The question is what the treaty, in substance, provides. Irrespective of the term used, it depends on what the depositary includes with respect to the effect of the understanding upon the contents of the treaty itself.

If language indicating an understanding is proposed and inserted in the resolution of ratification, and it would tend to vary from the understanding or the interpretation of the original parties, it would be the same as a reservation. I do not think we can judge the question in the abstract.

For the information of the Senator, I should like to quote from a memorandum which I had printed in the Record:

It is possible that an "understanding" or "interpretation" embodied, like a reservation, in the resolution of ratification would be similarly destructive. A committee staff memorandum on this question says: "Irrespective of what term is used to describe a condition imposed on a treaty . . . the view of the U.S. Government when it serves as a depositary is that the content or effect of the statement is of prime importance. If, despite the designation, the executive branch believes that the condition has the actual character and effect of a reservation, it would be so treated and thus would open the treaty to further negotiation."

We come back to the question of what, in fact, we are proposing to do rather than what an action might be called.

Mr. MILLER. In other words, it is the content and not the label which is important.

Mr. FULBRIGHT. The Senator is correct.

Mr. MILLER. I thank the Senator.

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

Mr. FULBRIGHT. I yield.

Mr. ELLENDER. I should like to ask a question. Suppose Russia were to ratify the treaty and the Senate should insert a reservation such as the one I described in relation to Cuba. Would it not be possible for the Russians to come back and say, "We will agree with that provision in regard to Cuba if you withdraw your troops from Europe."

Mr. FULBRIGHT. Surely.

Mr. ELLENDER. The Russians might tell us, "You withdraw your troops from north Africa, Taiwan, and all over the world, or we will not accept the reservation."

Mr. FULBRIGHT. The Senator is correct. I think it is utterly unrealistic. It would be much better to vote against

the treaty than to approach it in that manner by bringing in extraneous and irrelevant matters.

Mr. ELLENDER. I agree with the Senator.

Mr. FULBRIGHT. It would be much more frank and honest to say, "I vote against the treaty."

The essential purpose of the nuclear test ban treaty is to bring an element of sanity and restraint into the relations of great nations which know, but do not always seem to feel and believe and act as though they know, that a decision made in anger or fear, or a simple mistake, could result in the grisly incineration of millions of good people who are helpless against nuclear bombs and the complete destruction of human society.

National security does not and cannot depend on military power alone. Since the end of World War II American military power has been vastly increased by the development of nuclear weapons and ballistic missiles. At the same time, as Dr. Herbert York pointed out in his statement in support of the treaty, our national security has been rapidly and inexorably diminishing. In the early 1950's the Soviet Union, had it been willing to pay the price of retaliation, could have inflicted some millions of casualties on the United States by an attack with bombers carrying atomic bombs. By the late 1950's the Soviets, at heavy retaliatory cost, could have attacked us with more and better bombers, inflicting some tens of millions of casualties. By the mid-1960's the Russians will be able to launch an attack on the United States using intercontinental missiles and bombers that would cause perhaps a hundred million casualties. The United States, of course, will be able to inflict at least equal, and probably much greater, losses in a retaliatory blow against the Soviet Union. As Dr. Herbert York said:

This steady decrease in national security was not the result of any inaction on our part, but simply the result of the systematic exploitation of the products of modern science and technology by the Soviet Union.

There is no technical solution to the paradox of growing military power and decreasing national security. A nation's security is a function of its overall position in the world—its political and economic strength as well as its military power, its diplomacy and foreign trade, its alliances and associations. Security in addition depends upon the general state of international relations, upon whether or not a nation has powerful enemies and upon the character and policies of its enemies. Security, in short, is not merely a military and technological commodity, but a combination of many elements, all of which must be taken into account in the shaping of national policy. Only if we regard national security as simply a matter of armaments and nothing more is it possible to credit the view of a noted witness that this treaty is "not directed against the arms race," but "against knowledge." The treaty before us represents a modest but realistic effort to increase our security by political means—by retarding the proliferation of nuclear weapons and by diminishing, however slightly, the ten-

sions and animosities of international relations.

It is a dangerous oversimplification to regard national security solely in terms of weapons systems and military technology. The uncritical acceptance of a simple equation between security and armaments can only lead us into an accelerating arms race, mounting international tensions, and diminishing security. It can lead us to give undue weight to the political views of highly specialized scientists, such as Dr. Teller, whose experience and knowledge have only very limited relevance to the complexities of international relations. War, said Clemenceau, in his famous maxim, is too serious a business to be left to the generals. Some of our most thoughtful scientists, such as Dr. York, believe that it is also too serious a business to be left to the nuclear physicists. There is an alarming similarity, as Walter Millis and James Real point out in a recently published book, "between the credence given to a modern physicist pontificating on strategy or politics and that accorded an Aztec priest predicting tribal disasters," "The Abolition of War," 1963, pages ix-x.

It is essential that we bear in mind, in our deliberations on this treaty and in all of our major policy decisions, that security has many dimensions besides military power. As Prof. Marshall Shulman pointed out in his statement in support of this treaty, it is quite possible for us to possess overwhelming military superiority and still be confronted with the erosion of our power and influence in the world if our alliance system is allowed to weaken, if confidence in our resolution is called into question, if our political and economic policies are ineffective, or if by ill-considered unilateral measures we provoke our adversaries into hostile countermeasures.

None of this is intended to suggest that a high level of military power is anything less than essential as a deterrent to Communist aggression. "But it is intended to suggest," in Professor Shulman's words, "that there may be a point beyond sufficiency at which purely military preoccupation may diminish rather than increase our security in the full sense of the word."

Armaments are a cause as well as a result of world tensions. This maxim, so frequently stated and so rarely acted upon, is at the heart of the nuclear test ban treaty. Its meaning was set forth in simple but eloquent language in Pope John's great encyclical, *Pacem in Terris*. The nuclear arms race, Pope John explained, is justified as essential for the maintenance of peace through a balance of armaments, but "one must bear in mind that, even though the monstrous power of modern weapons acts as a deterrent, it is to be feared that the mere continuance of nuclear tests, undertaken with war in mind, will have fatal consequences for life on earth."

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

Mr. FULBRIGHT. I yield.

Mr. HOLLAND. Does the Senator understand that the late Pope, by that

statement, indicated he was thinking in terms of fallout or radiation?

Mr. FULBRIGHT. I believe so. It was one of the things he had in mind, certainly.

Mr. HOLLAND. I have read rather carefully the report made by the committee which the distinguished Senator from Arkansas heads, and likewise the report made by the subcommittee of the Committee on Armed Services headed by the distinguished Senator from Mississippi [Mr. STENNIS].

I find almost no reference—certainly very small reference—to the question of danger to people in our time and in times to come from radiation or fallout, and the hazardous effects to be avoided by cutting down the degree of saturation in the atmosphere.

I wonder if it is not true that this is one area as to which the Soviets are as sure to have a desire to reduce or eliminate that danger as we have, or anybody else who has children, or grandchildren, or the hope for generations to follow, has? I wonder if enough attention has been given to that danger and to the chances of ameliorating it through the adoption of the nuclear test ban treaty?

Noting the comment made by the late Pope, I wonder if, after all, that is not one of the major considerations in this whole matter. Would the Senator care to comment?

Mr. FULBRIGHT. I think it is a major consideration. On page 21 of the report we made reference to this question. There was some testimony about it in the hearings.

The testimony was, speaking very generally, mostly on other things. Considering the limited testing which has been going on, there has not been, worldwide, at least, a very dangerous buildup of fallout or radiation. On the other hand, if we continue to test and if there is extensive testing, we do not know how dangerous this could be.

I agree with the Senator. I do not think this was stressed as much as it deserves to be stressed, particularly because the principal attack upon the treaty arose from the military angle. The response in the committee and of the witnesses is very often determined by the criticism. This related a great deal to the military situation.

That is one reason why so much attention has been given to this problem by the people of my State. I have given it more than I normally would, because of the danger, in my view, to the treaty which arises from the military. The military men are the principal critics of the treaty.

I think it is quite natural that military people, or those in any other profession, be very sensitive with respect to any inhibition upon the practice of their profession. I do not cast any reflections upon their patriotism, honesty, or anything else by that statement. I think it is a common factor.

Reduction of radioactive fallout is an affirmative consideration in favor of the treaty; and there was not much said about it, unfortunately. The Senator knows that witness after witness ap-

peared—many of equal stature, in my view, with Mr. Teller—but most of the news was devoted to Mr. Teller, because he was attacking the treaty. Very little was said about Dr. York or Dr. Kistiakowsky. What they said was not news, because they were for the treaty.

Reduction of radioactive fallout is an item to be considered in favor of the treaty. Unfortunately, perhaps, the committee did not go into it sufficiently. Certainly it was not treated as an item of great importance, as it should have been.

I think the Senator is correct in his observation.

Mr. HOLLAND. It seems to me that it is an important part of the entire approach to the treaty, and one of the most important objectives to be attained. Also, to follow up a point made by the distinguished Senator from Arkansas a short while ago in his colloquy with the distinguished Senator from Georgia, this is a field in which there must be mutuality.

Mr. FULBRIGHT. I agree with the Senator.

Mr. HOLLAND. I cannot conceive that any human being would not be concerned with the dire results of fallout or radiation on children, which I understand are much more severe with respect to children than to adults.

Mr. FULBRIGHT. Yes.

Mr. HOLLAND. And with respect to children of unborn generations to come.

Mr. FULBRIGHT. The Senator is correct.

Mr. HOLLAND. Since we are trying to develop points as to which there are mutual reasons for arguing for the adoption of the treaty by the three principal signatories, it occurred to me that this was a point which should be emphasized.

Mr. FULBRIGHT. I am glad the Senator has given emphasis to it on this occasion. I think the Senator is absolutely correct.

Some people say, "We wonder why the Soviets are willing to sign the treaty. It must be only to their advantage."

This is a good example of why it is mutually advantageous, rather than to the advantage of only one side.

Mr. HOLLAND. Does the Senator not think that the signing by more than 80 non-nuclear powers, who have no advantage to gain from this except greater security in life, evidences tremendous interest and a worldwide concern on the subject, which is something to be considered as the treaty is being debated?

Mr. FULBRIGHT. The Senator is absolutely correct. That goes a long way to explaining the very rapid acceptance by more than 80 nations of the treaty. The Senator is quite correct.

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

Mr. FULBRIGHT. I yield.

Mr. MANSFIELD. I commend the distinguished Senator from Florida for raising the questions of radioactive fallout about which so little has been said, though it is pregnant with meaning, as the Senator pointed out, not so much for this generation, but for the generation growing up and generations yet to come.

I hope that when any Member of this body considers the treaty he will consider it not from a political viewpoint only and not from a military viewpoint only, but in the overall picture, taking into consideration much of the potential thinking which was in the minds of people but not mentioned or raised to any great extent during the course of the hearings before the committee.

I am impressed that, in addition to the very fine speech which the distinguished chairman of the Foreign Relations Committee is giving, the distinguished senior Senator from Florida has seen fit to raise this most important question, and also to cite the fact that, as of this moment, 89 nations have ratified this treaty and have indicated their willingness to go along with it. I think the Senate owes the Senator a vote of thanks for raising the question.

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

Mr. FULBRIGHT. I yield.

Mr. HOLLAND. First, I want to thank the majority leader as well as to assure him that my own understanding of this problem is far from complete, but, as I have understood it through the years, there is no question at all over the fact that children with small thyroid glands are much more likely to be visited with disaster in that area of their body, which may lead to cancer of the thyroid, by reason of the pollution of the atmosphere by large quantities of radiation.

I am sure the distinguished Senator from Arkansas has gone into it more fully than I have. Am I correct in that statement?

Mr. FULBRIGHT. That is my understanding. We had testimony that, I think, related to iodine 103. There are a few elements that seem to collect by and through milk, which affects particularly children, because they are the greatest consumers, relatively speaking, of milk.

It will be recalled that a few weeks ago there was a very strong protest made from the health authorities in Utah, because of the rather close proximity there to the place of tests, and the contamination had concentrated there. There has been a greater concentration in the Northern Hemisphere as compared to the Southern Hemisphere.

It has been called to my attention that, at page 862 of the hearings, it will be seen that Dr. Kistiakowsky said:

The Soviets might embark upon development not of hundred, but thousand-megaton weapons. There are conceivable things. I am quite sure of that, and obviously other nations will also move into the nuclear arms race, and since for an inexperienced country it is so much easier to make tests above ground than underground, certainly the situation of wide-open testing will assist them in that desire, in fulfillment of that desire.

So, I would say the amount of radioactive fallout will keep increasing. It is now still a comparatively small fraction of the total radiation which we are exposed to and thus one could make the argument that the occasional malformed babies, occasional cases of leukemia, and so on are numerically than significant compared with normal occurrences, but, of course, that does not help the people who have that misfortune.



Increased fallout, well, obviously these frequencies of mishaps and tragedies will increase.

I don't know what the end of it is, sir.

We had other testimony. One, a biologist from Harvard, was quite positive on this point.

Mr. HOLLAND. If the Senator will allow me to interject one more thought, as a member of the Senate legislative Committee on Agriculture and Forestry, we have already received complaints from various sources, particularly from the good women of the country and women's organizations, with reference to this same subject, and particularly with reference to the contamination of children through milk, by reason of the fact that producing cows may be subjected to undue radiation from eating forage affected by fallout from atmospheric tests.

I know that here is a question which has disturbed many, many of our people. There cannot be any doubt of it, because we have had numerous complaints, and we have investigated them in a small way.

In concluding the point, I hope those who have come closer to grips with this whole problem, or series of problems, will not fail to give us all facts that can be produced for the Record with reference to this hazard to mankind that comes from undue saturation of the atmosphere with radioactive materials. It seems to me that this must be of concern to all people, whether we want to call it politics, whether we want to call it security, whether we want to call it mere humanitarianism, whether we want to call it self-interest, because almost all of us have children and hopes of grand-children and others to come along, so it becomes a very selfish problem for all of us. If the treaty tends to reduce that concern, I think that is a maximum objective in connection with the whole treaty.

Mr. FULBRIGHT. I appreciate what the Senator has said. I agree with him completely.

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

Mr. FULBRIGHT. I yield.

Mr. CARLSON. On the question which has been discussed, I agree with the distinguished Senator from Florida, and with the distinguished chairman of the committee that there was considerable testimony. There are many pages in the hearings and in the index with regard to fallout. In order to have the Record complete, though, I think I should read from page 214 of the hearings, in which Dr. Seaborg, in response to a question by the Senator from Georgia [Mr. RUSSELL], made the following responses:

Senator RUSSELL. Dr. Seaborg, I read in the paper, I believe the day before yesterday, that there is twice as much radiation in milk today as there was 3 years ago.

Is that approximately right?

Dr. SEABORG. That would depend on the section of the country that was being referred to. I would like to say that there are probably sections of the country where there is twice as much strontium 90 in milk now as there was 3 years ago; yes, sir, Senator.

Senator RUSSELL. Has that yet reached a point where it is sufficient to endanger the human family?

Dr. SEABORG. No, sir.

Senator RUSSELL. Is it a long way from it?

Dr. SEABORG. It is a considerable distance from it; yes, sir.

The Senator from Georgia made another short statement on the same subject.

I thought those quotations should be a part of the Record at this time, because I believe we all have a high regard for the distinguished scientist, Dr. Seaborg.

Mr. SPARKMAN. Mr. President, will the Senator yield in that connection?

Mr. FULBRIGHT. I yield.

Mr. SPARKMAN. The question of fallout radioactivity was of great interest to all members of the committee, because we realized its importance on generations yet unborn. However, there is something that ought to be kept in mind. It was brought out by my question to Dr. Seaborg and other witnesses who testified. There is not a great deal of fallout when only one nation is testing in the atmosphere or anywhere else, but with a combination of such nations—two at the present time, and perhaps in the next few years as many as five, and there is a possibility of expansion even beyond that number in years to come—a great mass of debris would be thrown out.

Furthermore, the debris does not merely float around where it is thrown out, and is not scattered uniformly about the earth, but it has a tendency to gather in pockets. There may not be enough in the atmosphere, if divided by the number of people in the world, to hurt an individual; but it is not found in that way. Instead, there are pockets of contamination in the Midwest, when there have been times, as the Senator from Florida has said, when the grass became so contaminated that it was assumed to be somewhat hazardous to be used for milk production.

There have been similar reports of contamination from Nevada. In Utah, only in recent weeks, pockets have been noticed there in which the contamination could easily, and perhaps rather quickly, reach a hazardous stage, if several different nations were testing and throwing out such debris all the time. I think we ought to keep in mind that such contamination is not of uniform distribution, but is subject to being thrown out into pockets.

Mr. FULBRIGHT. I appreciate the Senator's recalling that testimony.

The testimony of a biologist on the subject of health hazards of radiation from nuclear testing appears at page 949 of the hearings. I will not take the trouble to read it. I call attention to it for the benefit of Senators who may wish to look into this question.

The Senator from Alabama has summed up the situation. There has not been a great deal of testing. There was a short moratorium, and a short burst of great activity, following which there has been very little testing. So there has not been continuous, widespread testing as that which could result from nations

aspiring to develop their own nuclear capacity.

Mr. MILLER. Mr. President, will the Senator yield for a brief question?

Mr. FULBRIGHT. Let me first read a short quotation. Then I shall yield. I read from page 949 of the hearings.

This is Dr. Meselson, of Harvard University, testifying:

Bearing this in mind, 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. These defects include such things as muscular dystrophy, blindness, dwarfism, and other major deformities.

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

Mr. FULBRIGHT. I yield.

Mr. MILLER. I am just as concerned as anyone else about the potential fallout effects, not only on our present generation but on future generations also. However, I am amazed at the diverse testimony which has been given in this situation. The Senator from Arkansas has read a statement from a professor at Harvard University, indicating that there will be 50,000 genetic defects on the basis of the tests which have already taken place. Yet I believe this, too, should be made a part of the Record. On March 2, 1962, the President of the United States announced the resumption of nuclear testing. He said:

It has been estimated, in fact, that the exposure due to radioactivity from these tests will be less than one-fiftieth of the difference which can be experienced, due to variations in natural radioactivity, simply by living in different locations in this country. This will obviously be well within the guides for general population health and safety, as set by the Federal Radiation Council.

There seems to be quite a split in opinion between the President of the United States on the one hand and the statement quoted by the Senator from Arkansas, made by a professor at Harvard University. I hope that during the course of the debate we might get at a common understanding on this subject, because I believe there are extreme viewpoints and divergent opinions very far apart on both sides.

Mr. FULBRIGHT. I did not see any testimony to the effect that fallout was a good thing. I am sure the Senator does not mean to say that. He does not believe it is a good thing, does he?

Mr. MILLER. I do not; but when the President says the results of the tests he was directing to be resumed in 1962 will not show more than one-fiftieth of the amount of the variation between one part of the country and another, it is quite a statement and ought to be put in the Record, so that it may be taken into consideration in the light of what Professor Meselson has said.

Mr. FULBRIGHT. If something is not done about the continued acceleration of the tests, not only by the United States and the Soviet Union, but also others—and France is now making plans to conduct tests in the Pacific—the situation will become serious. In that connection, France has already aroused New

Zealand, Australia, and Peru. Of course, they have protested.

There are others also. I believe there are eight countries which, it is believed, at some time or other will have the capacity for conducting such tests. If this continues, it is agreed that at some point it will become dangerous.

I do not believe that any of these people say that what has already happened has resulted in a disastrous situation, but they would like to stop it.

Professor Meselson estimates that 50,000 have been affected by what has already been done. In a world of 3 billion or so, I suppose some people might think that that is not very important, especially to those who are not affected. As the Senator from Florida has pointed out, it is important to those who are affected, particularly those living near test areas; and those people have protested.

Mr. MILLER. I believe that 50,000 genetic defects would be tragic. I find it inconceivable that such a great difference should exist between what the professor at Harvard has said and what the President said in his statement only a little more than a year ago. I believe the President's statement ought to be in the Record.

I also invite attention to page 224 of the hearing. I should like to quote from that page, as follows:

Senator HICKENLOOPER. I want to ask you this, Doctor. Has science been able to pinpoint even one case where fallout can be scientifically attributed to radiation—that is, where one case of leukemia or bone cancer or things of that kind or mutation that can be scientifically attributed to fallout?

Dr. SEABORG. From worldwide fallout, that is?

Senator HICKENLOOPER. Yes, sir.

Dr. SEABORG. Excepting these one or two freak cases of local fallout, I think that the answer would be no. I know of no case where a particular case could be attributed to fallout.

I find that to be quite a statement to put in juxtaposition with the statement about the 50,000 defects that Professor Meselson has presented before the committee. I do not know whom to believe at this point.

Mr. FULBRIGHT. Dr. Seaborg speaks about worldwide fallout. What does the Senator believe the doctor meant by that? He is excluding any of the cases in which there is clearly and demonstratively a connection between fallout and deformity. There were the cases in Japan, the cases of the fishermen in the Pacific, and so on.

It is like arguing that no one has yet proved that smoking cigarettes causes lung cancer. However, there are a great many doctors who think so. I cannot say that I know positively of a case that has been caused directly by smoking. I am inclined to think that it does have a bad effect, although I am a mild smoker.

What the Senator has quoted should be taken in connection with Dr. Seaborg's testimony at page 219, where Dr. Seaborg referred to the fact that "strontium 90 comes down from the upper atmosphere, the stratosphere, and so forth, at a rate faster than corresponds to its half-life, that is, through rains,

and so forth. Then it comes down to earth, of course, which is a worse place for it to be than up in the stratosphere."

I believe that the overall conclusion to be drawn from Dr. Seaborg's testimony is that fallout is not a good thing, that it is not a good thing to put more strontium 90 into the atmosphere. What they are saying is that they cannot identify or trace a causal connection. If we should reach some unknown threshold, I suppose, it could become dangerous. I suspect it is very much like the argument that cigarette smoking causes cancer. I do not know how to resolve this kind of problem. I do not believe the Senator thinks that there is no health hazard involved.

Mr. MILLER. I wonder if it would be fair to state that up until now the amount of fallout from testing has been such as not to cause any particular alarm so far as genetic effects and other effects are concerned. At least, we have no scientific testimony on this point.

Mr. FULBRIGHT. Excluding the local areas close to the testing area. Dr. Seaborg spoke about worldwide effects. The people in Utah did not, like it. I have had no particular protest made to me by people in Arkansas, although as of a certain date we know that strontium 90 is higher in the Ozarks than in other areas.

Mr. MILLER. Perhaps it would be a fair statement to say that possible disasters or bad fallout effects are as much of a danger and would cause as much concern on the part of the people of the Soviet Union, as on the part of the people of the United States.

Mr. FULBRIGHT. I agree.

Mr. MILLER. As the Senator from Florida has pointed out, there is a mutuality; and if we are concerned about fallout, we need to be not one iota more concerned than the people of the Soviet Union. There is a quid pro quo. It is sometimes made to appear as though the United States were the only country that needed to worry about fallout. I think it well to point out that the people of the Soviet Union need to worry about it as much as we do. It is no more an argument for us than it is for them.

Mr. FULBRIGHT. The Senator is going pretty far. He is saying that if the Russians do not mind dying from this disease, why should we bother about it?

Mr. MILLER. It is not quite so simple.

Mr. FULBRIGHT. If the Soviets had a different attitude toward life than we do, there might be some difference in our views; but I do not think there is a difference in attitude. I do not believe it is a good argument to say that if the Russians do not mind dying from dwarfism or leukemia, we should not.

Mr. MILLER. That is not the argument.

Mr. FULBRIGHT. It sounded as though it were.

Mr. MILLER. If the Senator has doubts on that point, let me make it clear that the people of the Soviet Union are probably advised by their specialists—and they are as much aware of this danger point as we are—that it is dangerous to resume testing when the nuclear fallout reaches the danger point.

The Senator from Florida has stated that there is a mutuality, but we should emphasize that this argument holds true for the Soviets as well as for us. It ought to be made clear that when the United States resumed testing in 1962, the President gave the direction to do that and delivered a magnificent address to the American people disclosing his reasons for doing so. I am confident he would not have asked for the testing to be resumed if, based upon all the scientific advice that was available to him, he thought the testing would cause an undue amount of pollution of the air due to nuclear fallout from the testing.

We ought to keep that in mind, so that we will not overemphasize the fact that the nuclear fallout is of prime consideration, although the Senator from Florida has made a good point that it is a matter of mutuality, and we do not find many areas of mutuality at this time.

Mr. HOLLAND. Mr. President, will the Senator from Arkansas yield?

Mr. FULBRIGHT. I yield.

Mr. HOLLAND. I thank the Senator from Iowa for his comment. He has referred to one of the points I was trying to bring out; that is, that this is an area in which there should be a mutuality of approach. The Soviets are just as human as we are.

Second, perhaps they are a little more concerned just now about this point than we. This is conjecture, but we know they have conducted a number of atmospheric tests with so-called dirty bombs that were not so far from concentrations of their people as was our last group of atmospheric tests conducted in the remote recesses of the Pacific.

While I have no information on the subject, it seems to me that we at least have the assurance that here is an area of mutual concern to them and to us. We might even feel that the Soviets have a little more cause for concern right now than we do because of the 71 atmospheric tests conducted by them, in 1961-62, some of them having a high degree of concentration in the exploding of nuclear weapons and nuclear bombs vastly greater in power than any we have exploded.

So my point is borne out—I thank the distinguished Senator from Iowa for bringing it out—that here is an area of mutuality which would rarely occur in an international issue between the Soviet Union and the United States. I do not want the U.S. Senate to lose sight of that fact.

I thank the Senator from Arkansas for yielding, and the Senator from Iowa for raising the question.

Mr. FULBRIGHT. I thank the Senator from Florida.

I, too, commend him for making this point; it is an important one.

History may teach us little about the present arms race, which, because it involves nuclear weapons, has possibilities for catastrophe unparalleled in the past. But one lesson is clear. A continuing arms race, accompanied by mounting fears and tensions, has almost inevitably in the past led to war.

There is perhaps some instruction for us in the experience of Europe before

1914. None of the great powers of that era actually planned a major war, but each of the two major groupings, the Central Powers and the Entente Powers, was beset by fears of attack by the other. Fear grew into conviction as the two hostile alliances continued to arm against each other in a vain and desperate quest for security. Mutual fear generated the arms race, which in turn generated greater fear until almost by accident Europe was plunged into general war.

Europe emerged broken and devastated from the war of 1914 and from the Second World War which was spawned by the consequences of the First. But the nations survived. The simple, compelling fact of our own time is that the world's great nations, and many of its smaller ones, almost certainly could not survive as organized societies a third world war fought with nuclear weapons. It is this prospect, so obvious and yet so incomprehensible, that makes it essential for us to break out of the fatal cycle of fear and armaments and greater fear and finally war.

The nuclear test ban treaty will not break the cycle. It is far too modest an effort to have more than a marginal effect on the conflict between the Communist and the free world. But if it is faithfully observed, this treaty can in some small measure mitigate the fears and suspicions of the cold war and perhaps in time lead to further measures of limited accommodation. It is not likely—it is indeed all but inconceivable—that the conflict between communism and the free world can be resolved in our lifetime. But the final resolution of the conflict, however vigorously we may desire and pursue it, is not an urgent matter. The world has always been beset by conflicts—religious and dynastic, national and ideological—and few have been resolved by means other than the evolution of history.

What is urgent for both the Communists and the free world is the prevention of nuclear war. This single objective, the survival of the civilized societies of the earth, is the one elemental interest which all nations have in common, and none more so than the United States and the Soviet Union, which, being the principal possessors of nuclear weapons, would also be their principal targets.

Without in any way minimizing the seriousness of our conflict with the Soviet Union, we can and must recognize that this conflict is neither total nor absolute. There are areas of mutual interest between us, among which the prevention of nuclear war is preeminent. One of them we have just discussed; another is the prevention of nuclear war, which I believe is the preeminent one, because it would involve a far greater poisoning of the atmosphere. The nuclear test ban treaty is rooted in this single common interest. It is a tentative and cautious agreement aimed at attaining a measure of stability and moderation in the military confrontation between the two great powers.

Mr. COOPER. Mr. President, will the Senator from Arkansas yield?

Mr. FULBRIGHT. I yield.

Mr. COOPER. I must say at the outset that I intend to vote for the treaty.

Mr. FULBRIGHT. I never doubted that the Senator from Kentucky would do so.

Mr. COOPER. It was my desire to vote for it, but I wanted to be satisfied about its effect on our security. I attended the hearings and heard most of the testimony given in public and executive sessions before I firmly made up my mind to vote for the treaty.

I have been listening with interest to the Senator's excellent statement, but I would like for him to clarify a part of his remarks.

We all agree that there are risks in the treaty which cannot be wholly resolved. I believe the Senator would agree with my statement. Further the risks have been known since negotiations looking toward a treaty ban on nuclear weapons began under the administration of President Eisenhower.

We have always recognized the possibility of clandestine testing by the Soviet Union. It is also possible that the Soviet Union may be ahead in some forms of scientific development, as they are in high yield nuclear devices. But the preponderance of testimony, including that of the Joint Chiefs of Staff, is that we will be able to maintain our overall superiority.

But against these risks—risks which we must accept if we ratify the treaty—we must balance another risk—the risk that the proliferation of nuclear weapons—the unabated nuclear arms race—may lead inexorably to a nuclear war which would leave no victor.

But I have just noted that the Senator has stated that there is little in the treaty which gives hope of breaking out of the cycle of the arms race. This seems to contradict what I believe is a chief argument against which to balance the risks we must accept if we ratify the treaty.

Mr. FULBRIGHT. Against the arms race? I was referring to a modest contribution to the resolution of the cold war, which is quite a different matter.

Mr. COOPER. The Senator said:

It is this prospect, so obvious and yet so incomprehensible, that makes it essential for us to break out of the fatal cycle of fear and armaments and greater fear and finally war. The nuclear test ban treaty will not break the cycle.

Mr. FULBRIGHT. Of the conflict? I believe the conflict between ourselves and the Russians, particularly the ideological conflict, will continue.

I believe this treaty is a very modest step. What is really significant is, not the length of the step, but the direction in which it is taken. The treaty constitutes a change from a continued, ever-increasing buildup of nuclear weapons; and this point is very significant.

There is a difficulty in connection with the treaty, in that it is a very moderate inhibition upon the freedom of action of both sides. However, the really significant point, in my opinion, is that we have arrived at any agreement at all.

Mr. COOPER. I agree.

Mr. FULBRIGHT. Because we have been trying for a long time to arrive at an agreement. As the Senator from Kentucky knows, the previous administration made many such efforts, but they were always fruitless, and never resulted in an agreement on anything. Meantime our budget for these weapons grows larger and larger and I assume Russia's does, too.

The question may be asked: What does this treaty do? The testimony was that in the foreseeable future we must take other safeguards until other developments occur. Tests underground are much more expensive than tests in the atmosphere. I did not mean to leave the impression that the treaty is insignificant. It is only insignificant in the sense of procedures to resolve our basic differences. They must come through means other than military means.

Mr. COOPER. I understand, for I have read the advance copy of the Senator's speech. I agree with what he says, and also with the emphasis which must be given, in connection with the arms race, and our security.

I have listened to a great deal of the testimony, and I have read the great part of it. There does seem to be a kind of contradiction, for the Senator from Arkansas has said this ban will help inhibit the proliferation of nuclear weapons and will have an effect upon the nuclear arms race itself. But the administration asserts, and the scientists and the military assert that we will make redoubled efforts in the field of underground nuclear tests.

I believe this underground testing is necessary to assure our security, but it does raise the question whether this treaty will inhibit the nuclear arms race—at least between the United States and the Soviet Union.

Mr. FULBRIGHT. But my point is that even with the same effort, underground tests will cost more.

Mr. COOPER. That is correct. Nevertheless, everyone agrees that underground testing must go forward. But you have correctly stated that the treaty is a step which may lead to other agreements.

Mr. FULBRIGHT. Yes.

Mr. COOPER. President Kennedy has said that the treaty would open the way to further agreements, and former President Eisenhower said, in his letter to the committee, that the greatest advantage he saw from the treaty was that it might lead to enforceable agreements between the United States and the Soviets and to a reduction in the arms race.

Does not the Senator think, then, if this treaty is only the first step, that the real test of the treaty may be found in the attitude of the Soviet Union during the year or two which follow its ratification? And may not this period tell us whether the Soviet Union will be willing to make any just settlement of the issues that create the danger of war?

Mr. FULBRIGHT. Yes, indeed. And that is very important.

Mr. COOPER. Whether the Soviets show any inclination to take further steps, such as an enforceable agreement

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on underground tests or an agreement in regard to Berlin, or one in regard to Cuba, will test the attitudes of the Soviets and show whether they intend to take the further steps toward the settlement of the issues they have created.

Mr. FULBRIGHT. I agree. But we have to give them that opportunity, by our ratification of the treaty. If it is not ratified, we shall never know that.

Mr. COOPER. I believe that as we take this first step, with its known risks, the real test of Soviet intentions lies ahead.

Mr. FULBRIGHT. I appreciate the Senator's comments, and I am very pleased with his attitude—although, as I said at the beginning, I had no doubt that he would take this attitude, for he has had enough experience in this field to know its importance.

Mr. COOPER. I wish to ask a question about reservations and understandings. Is it not true that during the negotiations with the Soviet Union respecting the ban on nuclear testing, beginning under the administration of President Eisenhower, and continued under the administration of President Kennedy, the negotiations related almost solely to the subject of agreement upon nuclear weapons?

Mr. FULBRIGHT. That is correct.

Mr. COOPER. Is it not also true that when Premier Khrushchev suggested in a speech—whether he suggested it in negotiations, I have no way of knowing—that the treaty might be followed by a nonaggression pact, it was the position of Members of Congress, that we should not consider such an agreement at all, but that our efforts should be directed solely toward a test ban agreement?

Mr. FULBRIGHT. Yes, that was the position of our Government.

Mr. COOPER. It was our position, too, was it not?

Mr. FULBRIGHT. Yes.

Mr. COOPER. I believe the Senator will agree that to attempt now to attach to this treaty a reservation regarding other issues—those about which we feel very strongly and correctly, probably would mean—and I believe it actually would mean—the failure of the limited step embraced within this treaty.

Mr. FULBRIGHT. I agree with the Senator from Kentucky. He is absolutely correct. In my opinion, that would be a great mistake, and it would be very unwise to attempt it. Furthermore, I do not believe it would succeed. It would be a roundabout way of voting against the treaty or trying to destroy the treaty, in my opinion. That would be the intended result.

Mr. HOLLAND. Mr. President, will the Senator from Arkansas yield?

The PRESIDING OFFICER. (Mr. WALTERS in the chair). Does the Senator from Arkansas yield to the Senator from Florida?

Mr. FULBRIGHT. I am glad to yield.

Mr. HOLLAND. I note on pages 658 and 659 of the printed hearings of the committee so ably headed by the distinguished Senator, a report from the New York Times of August 21, covering the subject which the Senator from Arkan-

sas, the Senator from Iowa, other Senators, and I have been discussing—namely the question of danger to people from radioactive fallout.

I wonder if the Senator will permit me at this time to ask unanimous consent that the news item published in the New York Times to which I referred be printed in the RECORD at this point.

Mr. FULBRIGHT. Not at all. I shall be glad to have the item in the RECORD.

Mr. HOLLAND. Mr. President, I make that request.

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

NEVADA FALLOUT FOUND A HAZARD—CHILDREN POSSIBLY HARMED, CONGRESS PANEL IS TOLD

(By John W. Finney)

WASHINGTON, August 21.—Several thousand children in Nevada and Utah have probably received hazardous doses of fallout radiation from nuclear testing in Nevada over the last 12 years, according to a report today to the congressional Joint Atomic Energy Subcommittee.

The report was presented in behalf of the St. Louis Citizens Committee for Nuclear Information by Dr. Eric Reiss, associate professor of medicine at the Washington University School of Medicine.

The committee, composed chiefly of scientists, analyzed the fallout from about one-third of the 99 tests conducted at Nevada since 1951. It concluded that on several occasions the amount of radioactive iodine falling out in the region around the test site far exceeded the permissible radiation levels established by the Government.

As a result, according to the study, children drinking milk contaminated with the radioactive iodine probably received grossly excessive doses to their thyroid glands.

One reason for the high exposures is that the children were drinking milk from cows that foraged in highly contaminated pastures. There was no dilution of the iodine content, as normally occurs when the milk is drawn from a large milkshed.

In an interview, Dr. Reiss estimated that 3,000 children, mostly in Utah and Nevada, had received excessive doses of radiation. He predicted that this would result in 10 to 12 cases of thyroid cancer in the exposed children.

The report was highly critical of the Atomic Energy Commission's procedures for monitoring the health hazard posed by fallout from the Nevada tests.

It charged past and repeated Commission assertions that the hazard had been confined to the Nevada test site and that the Nevada tests had been carried out without any discernible threat to the safety of local populations.

An analysis of available evidence shows, the report said, that children in the States bordering the Nevada test site have probably been exposed to medically significant radiation.

The report criticized the Commission for its inadequate monitoring procedures, which failed to look for the amount of radioactive materials, particularly radioiodine, entering the food supply. With proper monitoring procedures, the report suggested, it would have been possible to take simple preventive measures, such as removal of local, contaminated milk supplies, that would have reduced the radiation exposure to children.

The Commission declined to comment on the report until its officials had an opportunity to read it.

By its timing and conclusions, the report is certain to enlarge the new fallout controversy developing over the health hazards posed by past tests in Nevada to children in

Nevada and Utah. Somewhat similar conclusions—that some of the tests resulted in unexpectedly high fallout of radioiodine near the test site—have been reached by a University of Utah group and by Dr. Harold A. Knapp, a former fallout expert with the AEC.

The controversy has already reached the presidential level. At his news conference yesterday President Kennedy promised a further study of the reports but he said that as of now he did not believe that the health of the children had been adversely affected.

The President cited the reports as further justification for the nuclear treaty barring atmospheric explosions. The St. Louis committee, however, said that the hazardous fallout had also come from underground testing. It noted that venting—in which the explosion breaks through the surface—had been reported for at least seven underground tests in Nevada.

The St. Louis committee report is the first to assert that radiation exposures have reached levels at which there is general medical agreement that physical damage would result.

#### DOSAGES ARE ESTIMATED

In the past, the argument has raged over the effects of radiation exposures measured in fractions of a roentgen—levels so low that it is difficult to establish that they have a harmful effect. However, the St. Louis study finds that in some cases Utah and Nevada children have received radiation exposures to their thyroid glands measured in 100 rads or more—levels in the range considered cancer producing by the Federal Radiation Council. (A rad is a unit measuring the biological effect of radiation.)

For example, the report said, on at least seven occasions since 1952 children in Washington County, Utah—150 miles east of the test site—have received thyroid doses ranging from 5 to 100 rads or higher. From explosions in 1953, it estimated, children in St. George and Hurricane—two towns in the county—received doses to their thyroids ranging from 100 to 700 rads.

For normal peacetime operations, the Federal Radiation Council has proposed an average exposure of 0.5 rad to the thyroid for the general population, with a maximum of 1.5 rad for any one individual. A radiation protection guide of 30 rads is proposed for atomic workers.

In sufficiently large doses, radioiodine can cause thyroid cancer. There is still considerable uncertainty over how large a dose is needed, but in a recent report the Federal Radiation Council pointed out that cancer of the thyroid had been observed in children after exposures as low as 150 rem. (A rem is the dosage of ionizing radiation that will cause the same amount of biological injury to human tissue as 1 roentgen of X-ray dosage.)

Radioiodine is a particular threat to children because their thyroid gland is smaller and more sensitive to radiation. Fallout iodine 131 enters the food chain by falling on grass. It is consumed by cows and passed on into the milk. It then tends to concentrate in the thyroid.

#### CONTROVERSY OUTLINED

As the President noted at his news conference, there is some scientific controversy over the validity of the recent reports about iodine fallout from the Nevada tests. The argument is largely over the methods of extrapolation used to reach the conclusions.

Mr. HOLLAND. Mr. President, I invite the attention of the Senator from Iowa [Mr. MILLER] and other Senators who are in the Chamber to several parts of that article:

First, as was correctly stated by the Senator from Iowa, there is no complete unanimity between the scientists on this



subject. The last paragraph of the news article, at the bottom of page 659, notes that fact.

Second, the news article covers the presentation of a report to the Joint Atomic Energy Subcommittee of the Congress by Dr. Eric Reiss, associate professor of medicine at the Washington University School of Medicine, on behalf of the St. Louis Citizens Committee for Nuclear Information. The article states that the committee is composed chiefly of scientists, and gives the data which they report, which I shall not quote in detail, as the article will appear in the Record.

However, I invite the attention of Senators to the next to the last paragraph on page 659, which I believe bears out the statement that I made to the Senator from Arkansas. It reads as follows:

Radiiodine is a particular threat to children because their thyroid gland is smaller and more sensitive to radiation. Fallout iodine 131 enters the food chain by falling on grass. It is consumed by cows and passed on into the milk. It then tends to concentrate in the thyroid.

Earlier in the article is an estimate by Dr. Reiss as to the number of children in Nevada and Utah, who he thought, could be expected to contract thyroid cancer because of the exposure to radiation to date. I would not want it to appear that either I or the doctor making the report are presenting that as a conclusive finding, but that is his prediction in the report. I thank the Senator for allowing me to have the article printed in the Record.

Mr. FULBRIGHT. I think that is very worthwhile.

Mr. MILLER. Mr. President, will the Senator yield so that I may ask to have printed in the Record another report?

Mr. FULBRIGHT. I yield.

Mr. MILLER. On page 24 of the Washington Sunday Star appears an item entitled "Strontium 90 Level in Milk Hits New High; No Peril Seen," in which it is pointed out that the Nation's milk supply during June of this year contained a record high national daily level of 32 picocuries of radioactive strontium 90 per liter, according to the Public Health Service.

At the same time, the article wisely points out, the Federal Radiation Council stated last May that fallout levels this year probably would be substantially increased over those of 1962, but would still be, in relative terms, far short of the figures which would have caused concern or justify counter measures.

The Public Health Service spokesman pointed out that the Public Health Service is watching with interest to see whether there will be a decline in the content during the remainder of the year, because apparently June was the high point of 1962.

Mr. FULBRIGHT. I think it would be fine to have that in the record.

Mr. MILLER. Mr. President, I ask unanimous consent to have printed at this point in the Record the article to which I referred.

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

#### STRONTIUM 90 LEVEL IN MILK HITS NEW HIGH; NO PERIL SEEN

The Nation's milk supply during June contained a record high national daily level of 32 picocuries of radioactive strontium 90 per liter, the Public Health Service reported yesterday.

This was nearly double the national level of 17 picocuries recorded in June 1962, the highest for any month last year. A spokesman for the Service pointed out that the figures bore out estimates made earlier this year by the Federal Radiation Council.

A picocuri, newly adopted term replacing micromicrocurie, is one-millionth of a curie. A curie is the equivalent of the radioactivity produced by one gram of radium. A liter is slightly more than a quart.

#### DUE TO TESTING

The Council said last May that the fallout levels this year would probably be substantially increased over those in 1962 but would "still be, in relative terms, far short of figures which would cause concern or justify countermeasures." Excessive amounts of strontium 90 in food could cause bone cancer in humans who consume it.

The report said the increase would result largely from nuclear weapons testing in 1961 and 1962, most of it by Russia.

The highest average daily level ever recorded at an individual sampling station was at Minot, N. Dak., during June, at 62 picocuries per liter of milk. The June 1962, daily average there was 30, so there was slightly more than a doubling.

The May level was 56. For the year ended with June, the total was 10,962, making Minot third high among the 62 sampling stations on a 12-month basis.

The second highest level for an individual station during June was 59 at Rapid City, S. Dak., more than double the 27 recorded there in May. The 12-month total was 7,672.

#### HIGHEST AVERAGES

However, Little Rock, Ark., and New Orleans, La., continued to rank No. 1 and No. 2 in the Nation in total picocuries from 1 liter of milk daily for the 12 months ended with June.

Little Rock had a daily average for June of 52 and 12-month total of 13,058. New Orleans had a daily level of 42 and a year's of 12,418. The May daily average was 51 at Little Rock and 40 at New Orleans.

In general, average daily levels went up during June in the Atlantic seaboard States from North Carolina northward to Canada. Charleston, S.C., reported an average daily level of 28 during both May and June, and there were decreases in June in Georgia, Florida, Alabama, and Mississippi.

#### WATCH FOR DECREASES

The levels increased in June from most sampling stations in the Central, Midwestern, and Rocky Mountain States.

But the Pacific coast States of California, Oregon, and Washington and Alaska had decreases during June. Honolulu, the sampling station in Hawaii, reported a level of 10 during both months.

A Health Service spokesman said the Service is watching with great interest to see whether there will be a national lowering of the strontium 90 count in subsequent months, since June was the peak 1962 month.

Mr. FULBRIGHT. One of the great difficulties of devising and agreeing on rational measures to prevent nuclear war is what Raymond Aron has called atomic incredulity, the fact that the consequences of such a war are almost beyond human comprehension. This atomic incredulity is apparent in our diplomacy and strategic thought, in our political discussions and our daily life. We speak with grave concern and feeling of

a traffic fatality or a mine disaster or of the risks faced by an astronaut circling the earth, but we speak almost dispassionately of megaton weapons, of big bombs and small bombs, and of showing the Russians that we are not afraid of war, as if these were rather ordinary subjects of discussion without any relationship to the destruction of our civilization and the death of hundreds of millions of people.

There is a kind of madness in the dialog of the nuclear age, an incredulous response to terrors beyond our experience and imagination. There are few examples in history of nations acting rationally to prevent evils which they can foresee but have not actually experienced. Somehow, we must find a way, and encourage our adversaries to find a way, of bringing reason and conviction into our efforts to prevent nuclear war. Experience in this case is clearly not the best teacher, because few would survive to profit from the lesson.

The United States and Russia, with their vast territory and resources, do not need nuclear weapons to be the foremost nations of the world. Indeed, without nuclear weapons and ballistic missiles, Russia and the United States would be not only the strongest and richest nations of the world, as they are, but also the most secure and invulnerable to attack.

Of course, I mean if no country had them. I do not mean if they alone had them.

By their acquisition of nuclear weapons, the two great powers have destroyed the traditional advantages which wealth and size had placed at their disposal. Their security now is a tenuous thing, depending solely on their power to deter attack and, ultimately, on sheer faith that each will respond with reason and restraint to the deterrent power of the other.

There is in addition the prospect of proliferation. At some point in the future, Communist China and then many smaller Nations are likely to acquire nuclear weapons and the means of delivering them. The acquisition of nuclear weapons by small nations will act as a great equalizer, giving them power out of all proportion to their size and resources and further undermining the advantages of size and wealth enjoyed by great nations like the United States and the Soviet Union. The short-range effect of the acquisition of nuclear weapons by the two great powers was to increase their military stature. The probable long-range effect will be that the great powers, having undermined the traditional sources of power in which their advantage was overwhelming, will have to compete on terms approaching equality with nations that could never before have challenged them.

The significance of these considerations is summarized by Edmund Stillman and William Pfaff in their admirable book, "The New Politics." "America and Russia," they write, "would have dominated the world at the war's end, atomic weapons or no. Had they been wise, they would have come to agreement early to avoid the spread of these

weapons; but they did not. Their penalty is to see the beginning of a time in which the very category of great power is negated by events," Edmund Stillman and William Pfaff, "The New Politics" 1961, page 138.

For these reasons, the United States and the Soviet Union share an overriding common interest in the imposition, however belated, of some limitations and safeguards on nuclear weapons. Looked at in this way, the test ban treaty, by decelerating the arms race and reducing the pace of proliferation, will help the two great powers to recover some of the traditional advantages of great size and wealth. These advantages, so recklessly and unknowingly cast away by the scientific genius of the great powers themselves, can never be fully recovered. But it is clearly in our interests to attempt to mitigate the trend toward nuclear proliferation—a trend which, if realized, will place vast powers of destruction in the hands of small as well as great nations, of those who are reckless as well as those who are responsible, of those who have little to lose as well as those who have everything to lose.

There is no longer any validity in the Clausewitz doctrine of war as "a carrying out of policy with other means." Nuclear weapons have rendered it totally obsolete because the instrument of policy is now totally disproportionate to the end in view. Nuclear weapons have deprived force of its utility as an instrument of national policy, leaving the nuclear powers with vastly greater but far less useful power than they had before.

So long as there is reason—not virtue, but simply reason—in the foreign policy of the great nations, nuclear weapons are not so much an instrument as an inhibition of policy.

By all available evidence, the Russians are no less aware of this than we. The memory of their 20 million dead in World War II is still fresh in the minds of most Russians. In a speech on July 19, Khrushchev castigated the Chinese Communists as "those who want to start a war against everybody." "Do these men know," he asked, "that if all the nuclear warheads were touched off, the world would be in such a state that the survivors would envy the dead?"

It is the vulnerability of the Soviet Union to nuclear war, clearly understood by the Soviet leaders, that has led them to proclaim the doctrine of "peaceful coexistence." Inhibited by the threat of nuclear annihilation, they seek to realize their ambitions by more traditional methods of diplomacy.

Now—

In the phrase of Stillman and Pfaff—it is war that they seek to wage by politics.<sup>1</sup>

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

Mr. FULBRIGHT. I am glad to yield.

Mr. CHURCH. I have listened with great interest to the excellent address by the distinguished chairman of the Committee on Foreign Relations this after-

noon. I am particularly interested in what he has just said, because it seems to me that this treaty may well indicate that both the Government of the United States and the Government of the Soviet Union have at last realized it may be better to try to halt the nuclear arms race than to try to win it.

As the Senator has well observed, there is no way to win—not for the United States, not for the Russians, and not for Western civilization. Something must be done to harness the nuclear monster we have loosed upon the world, or the armaments race will ultimately end in a fiery oblivion for all of us.

It seems to me—and I ask the Senator if he agrees—that the treaty, far from being of limited, minimal importance, as has often been suggested in recent days, may in fact be of great symbolic importance, as representing the turning point—when the two nuclear giants began to grope their way back toward a more rational relationship with one another. Only in this direction is there any hope for us, or for the Russians, or for the Western World.

Mr. FULBRIGHT. The Senator has put it very well. There is a sort of inherent contradiction, if I may use that term. In and of itself, the treaty would not actually do much, but the significant fact is that an agreement is reached at all. The substantive provisions would not really inhibit either of the powers very much, because, as the testimony shows, underground testing can proceed, and there can be development of the system.

What the Senator says is extremely important. I think this is by far the most important document since those relating to the United Nations after World War II and relating to NATO, because it symbolizes a change in direction. We do not know what may happen. No one can foretell. We may later wish to withdraw. Who knows what may occur? We have that right, under the treaty. It may not develop in that manner.

On the other hand, it is an important treaty because it demonstrates the fact that these two great powers have found enough common interest in the matter to reach an agreement. That is quite significant.

Mr. CHURCH. Does the Senator also agree that perhaps this realization on both sides could not have occurred if there had not been a nuclear showdown between the two nations?

Mr. FULBRIGHT. The Senator refers to Cuba?

Mr. CHURCH. Yes. I often think that had it not been for the Cuban crisis this treaty would not be before us today, because the resolve of the President of the United States, at that time, to risk nuclear war to uphold our vital interests must have made it apparent, as Khrushchev himself conceded in his exchanges with the Chinese Communists, that the American "paper tiger" had nuclear teeth.

Mr. FULBRIGHT. I agree with the Senator. As the Senator knows, the Secretary of State agrees with him. He is quite correct. Cuba was an important

and significant contribution to the circumstances which led to the agreement.

Mr. CHURCH. Oftentimes in the course of the hearings, as the chairman knows, questions were raised which seemed to indicate suspicion or lack of understanding as to why Mr. Khrushchev, having twice rejected a somewhat similar treaty, finally accepted this one.

Does not the chairman feel that the Cuban crisis, which brought both countries to the brink of the abyss, must have chastened those men who tried to untie the knot of war even as it tightened around both sides? Does not the Senator feel that those tense terrible days made it somewhat logical to expect, afterwards, that the time was ripe for a treaty—that Khrushchev himself had been forced to reconsider his situation; and the President anticipated as much in the remarkable address he made at American University, in which he again invited the Soviet Union to make a start toward harnessing the unrestricted arms race through a partial test ban treaty of the kind before us?

Mr. FULBRIGHT. The Senator is correct, in my view. I appreciate very much his emphasizing this point. I have no doubt in my own mind that this contributed greatly to the reconsideration by the Russians of their decision regarding the test ban treaty. I am delighted that this has resulted. It was a dangerous period. If things had continued the way they were going there would have been great danger.

Mr. CHURCH. I agree wholeheartedly. I commend the chairman of the committee for the fine address he is making to the Senate.

Mr. FULBRIGHT. I thank the Senator from Idaho.

In the pursuit of its ambitions, whether by militant or peaceful means, the Soviet Union, like any other nation, is subject to the unending pressures for change imposed by time and circumstance.

Man—

It has been said—

the supreme pragmatist, is a revisionist by nature (Eric Hansen, "Revisionism: Genesis and Prognosis," unpublished paper.)

Those who attribute to the Soviet leaders a permanent and unalterable determination to destroy the free societies of the West are crediting the Soviet Union with an unshakeable constancy of will that, so far as I know, no nation has ever before achieved.

The attribution of an unalterable will and constancy to Soviet policy has been a serious handicap to our own policy. It has restricted our ability to gain insights into the realities of Soviet society and Soviet foreign policy. It has denied us valuable opportunities to take advantage of changing conditions in the Communist world and to encourage changes which would reduce the Communist threat to the free world. We have greatly overestimated the ability of the Soviets to pursue malevolent aims without regard to time or circumstance and, in so doing, we have underestimated our own ability to influence Soviet behavior.

<sup>1</sup> Stillman and Pfaff, "The New Politics," p. 142.

A stigma of heresy has been attached to suggestions by American policy-makers that Soviet policy can change or that it is sometimes altered in response to our own. But it is a fact that in the wake of the failure of the aggressive policies of the Stalin period, the Soviet leaders have gradually shifted to a policy of peaceful, or competitive, co-existence with the West. This policy of "war by means of politics" confronts us with certain subtle dangers but also with certain opportunities if we are wise enough to take advantage of them.

The abrupt change in the Soviet position which made possible the signing of the nuclear test ban treaty appears to have been motivated by the general failure of competitive coexistence as practiced in the past few years and by a number of specific problems, both foreign and domestic. The most conspicuous of these is the public eruption of the dispute with Communist China. In addition, the Soviet leaders have been troubled by economic difficulties at home, particularly in agriculture, by the increasingly insistent demands of the Russian people for more and better food, clothing, and housing, and by difficulties between the regime and Soviet intellectuals and artists; by increasing centrifugal tendencies in Eastern Europe, aggravated by the dismaying contrast with an increasingly prosperous and powerful Western Europe; and by the negligible rewards of Soviet diplomacy and economic aid in Asia and Africa.

The most crucial failure of Soviet policy has been in its dealings with the West. Contrary to Soviet expectations of a few years ago, it has proven impossible to extract concessions from the West on Berlin and Central Europe by nuclear diplomacy. Thwarted in Europe, Khrushchev embarked last year on the extremely dangerous adventure of placing missiles in Cuba, hoping to force a solution in Berlin and an unfreezing of Central Europe. The debacle in Cuba led the Soviet leaders to a major reappraisal of their policies.

That reappraisal has apparently resulted in a decision to seek a relaxation of tensions with the West. The nuclear test ban treaty is clearly calculated to serve that purpose. From the Soviet point of view, a limited detente with the West at this time appears to offer certain clear advantages, of which three seem of major importance. First and foremost is the genuine fear of nuclear war which the Soviets share with the West, all the more since the United States demonstrated in the Cuban crisis that it was prepared to use nuclear weapons to defend its vital interests. Secondly, in the mounting conflict with the Chinese, the Soviet Union could claim a success for its policies and, more important, could use the worldwide popularity of the test ban to strengthen its position both in the Communist bloc and in the non-Communist underdeveloped countries, thereby further isolating the Chinese. Thirdly, Khrushchev appears to be interested in measures which will permit a levelling off, and perhaps a reduction, of weapons expenditures so as to be able to divert scarce resources for

meeting some of the demands of the Russian people for a better life.

In a recent article Prof. Zbigniew Brzezinski, Director of Columbia University's Research Institute on Communist Affairs, interpreted the Soviet adherence to the test ban treaty as follows:

Khrushchev's acceptance of an "atmosphere-only" test ban strongly suggests a major Soviet reassessment of the world situation and an implicit acknowledgment that Soviet policies of the last few years have failed. The Soviet leaders have evidently concluded that the general world situation is again in a "quiescent" stage. Instead of dissipating Soviet resources in useless revolutionary efforts, or missile adventures of the Cuban variety, they will probably concentrate on consolidating their present position.<sup>2</sup>

If the test ban is conceived by the Soviets as an interlude in which to consolidate their position, strengthen their power base, and then renew their aggressive policies against the West, is it wise for us to grant them this interlude? It is indeed wise, for two main reasons: first, because it will provide the West with an identical opportunity to strengthen the power base of the free world, and secondly, because it will generate conditions in which the Soviet and Communist bloc peoples will be emboldened to step up their demands for peace and a better life, conditions which the Soviet leadership will find it exceedingly difficult to alter.

From the point of view of the West, an interlude of relaxed world tensions will provide a splendid opportunity to strengthen the free world—if only we will use it. There has been a great deal of discussion of the military safeguards which must accompany this treaty. Equally important are the nonmilitary safeguards which we must take to strengthen ourselves in a period of relaxed tensions. First of all, we must use the opportunity to bring greater unity and prosperity to the Atlantic community—by seeking means of resolving our differences over the control of nuclear weapons and by negotiating extensive tariff reductions under the terms of the Trade Expansion Act of 1962. Secondly, we must reinvigorate our efforts to strengthen the free nations of Asia, Africa, and Latin America by providing a more discriminating and intelligent program of economic assistance and by encouraging cooperative free world aid programs through such agencies as the International Development Association. Finally, we can use a period of relaxed tensions to focus energy and resources on our long-neglected needs here at home—on the expansion and improvement of our public education, on generating greater economic growth and full employment, on the conservation of our resources and the renewal of our cities.

If we adopt these "nonmilitary safeguards" with vigor and determination, I think it can be confidently predicted that the free world will be the major beneficiary of a period of relaxed world tension, with a power base so strengthened that the margin of free world superiority

<sup>2</sup> Zbigniew Brzezinski, "After the Test Ban," New Republic, Aug. 31, 1963, p. 18.

over the Communist bloc will be substantially widened.

The second great advantage to the West of a period of relaxed tensions is that it will release long-suppressed pressures for peace and the satisfaction of civilian needs within the Soviet bloc. Public opinion, even in a dictatorship like the Soviet Union, is an enormously powerful force, which no government can safely defy for too long or in too many ways. Russian public opinion is overwhelmingly opposed to war and overwhelmingly in favor of higher wages, better food and clothing and housing, and all the good things of life in a modern industrial society. The Russian people may well turn out to be a powerful ally of the free nations, who also want peace and prosperity. It is entirely possible that a thaw in Soviet-American relations, even though conceived by the Soviet leadership as a temporary pause, could lead gradually to an entirely new relationship. Pressed by the demands of an increasingly assertive public opinion, the Soviet leaders may find new reasons to continue a policy of peace and accommodation with the West. Step by step their revolutionary zeal may diminish, as they find that a peaceful and affluent national existence is not really so tragic a fate as they had imagined.

No one knows for certain whether Soviet society will actually evolve along these lines, but the trend of Soviet history suggests that it is by no means impossible.

Indeed, the most striking characteristic of recent Soviet foreign policy—

Said Professor Shulman in his statement on the treaty,

has been the way in which policies undertaken for short-term, expeditious purposes have tended to elongate in time, and become embedded in doctrine and political strategy.

It is possible, I believe, for the West to encourage a hopeful direction in Soviet policy. We can seek to strengthen Russian public opinion as a brake against dangerous policies by conveying accurate information about Western life and Western aims and about the heavy price that both sides are paying for the cold war. We can make it clear to the Russians that they have nothing to fear from the West, that so long as they respect the rights and independence of other nations, they themselves can have a secure and untroubled national existence under institutions of their own choice, which, though repugnant to the West, will never of themselves be the occasion or cause of conflict.

The purpose of the nuclear test ban treaty is not to end the cold war but to modify it, not to resolve the conflict between communism and freedom—a goal which is almost certainly beyond the reach of the present generation—but only to remove some of the terror and passion from it. The treaty is only a modest first step in that direction. It is not the length of the step but its direction which is important. If the treaty works as we hope it will, we must in the years to come seek ways of modifying the nationalist and ideological passions that fill men's minds with too much zeal and blind

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them to the simple human preference for life and peace.

It is an open question whether we will be able to civilize national and ideological animosities as we have civilized personal rivalries and political, religious, and economic differences within our own society. As Aldous Huxley has written:

There may be arguments about the best way of raising wheat in a cold climate or of reafforesting a denuded mountain. But such arguments never lead to organized slaughter. Organized slaughter is the result of arguments about such questions as the following: Which is the best nation? The best religion? The best political theory? The best form of government? Why are other people so stupid and wicked? Why can't they see how good and intelligent we are? Why do they resist our beneficent efforts to bring them under our control and make them like ourselves?

Men will undoubtedly continue to contest these questions for centuries to come. The major question of our time—and it is a question that is implicit in this test ban treaty—is whether we can find some way to conduct these national contests without resorting to weapons that will resolve them once and for all by wiping out the contestants. A generation ago we were speaking of "making the world safe for democracy." Having failed of this in two world wars, we must now seek ways of making the world reasonably safe for the continuing contest between those who favor democracy and those who oppose it. It is a modest aspiration, but it is a sane and realistic one for a generation which, having failed of grander things, must now look to its own survival.

Extreme nationalism and dogmatic ideology are luxuries that the human race can no longer afford. It must turn its energies now to the politics of survival. If we do so, we may find in time that we can do better than just to survive. We may find that the simple human preference for life and peace has an inspirational force of its own, less intoxicating perhaps than the sacred abstractions of nation and ideology, but far more relevant to the requirements of human happiness and fulfillment.

There are, to be sure, risks in such an approach. There is an element of trust in it, and we can be betrayed. But human life is fraught with risks and the behavior of the sane man is not the avoidance of all possible danger, but the weighing of greater against lesser risks and of risks against opportunities.

There are risks in this nuclear test ban treaty, but they are lesser rather than greater risks and the political opportunities outweigh the military risks. As George Kennan has written:

Whoever is not prepared to make sacrifices and to accept risks in the military field should not lay claim to any serious desire to see world problems settled by any means short of war.

I hope the Senate will consent to the ratification of this treaty. If it does so, it will be taking a risk, but it will also

be creating an opportunity. And if the treaty is faithfully executed and contributes in some small measure to the lessening of the danger of war, it will open the way to new risks and still greater opportunities. I believe that these too should be pursued, with reason and restraint, with due regard for the pitfalls involved, but with no less regard for the promise of a safer and more civilized world. In the course of this pursuit, both we and our adversaries may find it possible one day to break through the barriers of nationalism and ideology and to approach each other in something of the spirit of Pope John's words to Khrushchev's son-in-law:

They tell me you are an atheist. But you will not refuse an old man's blessing for your children.

I ask unanimous consent to insert in the RECORD at this point, following my remarks, a letter which I received from Mr. Lewis W. Douglas, former Ambassador to Great Britain, and former Director of the Budget, in which he supports the treaty.

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

NEW YORK, N.Y.,  
 September 6, 1963.

DEAR MR. CHAIRMAN: In accordance with the suggestion that I communicate to you my views about the limited nuclear test ban treaty which has been negotiated by the executive branch of our Government, and which has been submitted to the Senate of the United States for its advice and consent, I am writing you this brief letter.

The testimony contained in the hearings before your committee has been carefully reviewed. Especial attention has been given to the expressions of doubt made by witnesses regarding the provisions of the treaty which has been under consideration by your committee and which has been reported by your committee to the Senate.

According to the testimony of the Secretary of State, the Secretary of Defense, their competent advisers, and other competent witnesses, the risks that may be implicit in ratification of the limited test ban treaty can be substantially reduced to a minimal level. Accordingly, the positive aspects of ratification of the treaty are extremely significant and important to the security and future of our own country, to the security and future of the signatory powers, and to the security and future of those who accede to its provisions. Among other things, it tends markedly to limit—if not completely to eradicate—the spread of the development of nuclear lethal weapons to many nations that do not, at the moment, possess them. This is a substantial and notable restraint on the nuclear armament race and in itself is of inestimable benefit to our national interests and to our future. Moreover, the limited nuclear test ban treaty is the first time in a very substantial period that the national interests of both the Soviet on the one hand and the United States on the other have been sufficiently identical to result in an agreement covering a matter of great importance to the signatories and to the entire population of the world.

That an accommodation in this particular and important respect has been reached among two of the most important Western Powers and the Soviet suggests that step by step and seriatim, one by one, some of the other important issues on which, so far, no agreement has been reached, with the passage of time and the exercise of patience combined with eternal vigilance, can be duly resolved to the satisfaction of our national

interest and to the benefit of the civilized world.

It cannot be asserted positively that these advantages over the span of years will, in fact, accrue to us. Nor can it be asserted positively that they will not over a span of years be fully or partially achieved. Only the future can draw aside the veil of obscurity in this regard.

There is, quite obviously, the risk that the Soviet may not observe faithfully the provisions of the treaty and may secretly, if this be remotely possible, resume testing in the prohibited environments. There is the hazard, also, that developments beyond the orbit of the Soviet's influence may force either the Soviet on its part, or our own country for our part to give notice of intended abrogation of the provisions of the treaty. Accordingly, however, great may be the prospective advantages to our country that are implicit in ratification of the terms of the treaty, no one can say that there do not remain risks implicit in a formal accession to and affirmation of its provisions.

The testimony of the Secretary of State and the Secretary of Defense and their competent advisers justifies, however, the confidence that this particular risk, among others, can be reduced to a minimum point, by continued testing underground, by the maintenance of laboratories at a high state of scientific competence and efficiency, and by the preparation of procedures that can be immediately employed for a resumption of tests in outer space, in the atmosphere, and underwater—should this eventuality, unhappily, become necessary.

But these risks implicit in ratification should be weighed against the risks that almost inevitably result from failure to ratify, or from the attachment of reservations which nullify the terms of the treaty. Failure to ratify the treaty or nullification of its provisions could be construed, and doubtless would be construed, by other nations as an affirmation by the United States of the position which is being so vigorously advanced by Peiping. This view, in effect, is that war is inevitable between the Communist world and our own world, and that coexistence—no matter under what terms it may be defined—is impossible of achievement.

This inference, which would naturally be drawn from any failure on our part to ratify the limited nuclear test ban treaty, would provide the Soviet with no alternative course except that of embracing implicitly or otherwise the views which are so vehemently argued by the authorities in Peiping. The full consequences of driving the Soviet into this intransigent and fateful position by failure to ratify the treaty need no elaboration by thoughtful men. It is almost impossible to calculate what might be the final consequences of such an irresponsible act for our country, for the part of the world with which we are reasonably compatible, and indeed, possibly for all mankind.

Among other things, one of the consequences might well be the extinguishment of the last ray of light that might otherwise illuminate the future of a large part of the human race, for it might lead the human race closer to disaster, whether as a result of a more intense nuclear arms race and fall-out, whether by taking us further down the road toward nuclear war—or by both.

No matter what one may calculate to be the motives of the Soviet, the prospects for humanity implicit in a more rigorous nuclear arms race, should the treaty be rejected by the Senate, are so grim as to make the risks of ratification fall into their proper prospective and assume comparatively minuscule proportions of magnitude.

Those in positions of final accountability who would reject the provisions of this treaty should weigh carefully the responsibility which they must accept of visiting upon us

\*Aldous Huxley, "The Politics of Ecology" (1953), p. 6.

George F. Kennan, "Disengagement Revisited," Foreign Affairs, Jan. 1959, p. 199.



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and mankind the possible—if not probable—direful consequences that are implicit in failure to ratify the treaty now under consideration.

Accordingly, I am confident the hope of thoughtful and expectant people throughout the world and of those experienced in the field of international affairs, including dealings with the Soviet, is that the Senate without reservation or qualification will promptly and overwhelmingly place its stamp of approval on the limited nuclear test ban treaty which is presently before it for its advice and consent.

Very truly yours,

L. W. DOUGLAS.

Mr. SALTONSTALL. Mr. President, first I commend the chairman of the Foreign Relations Committee, the distinguished Senator from Arkansas, on the very full and complete argument he has made in behalf of consenting to the treaty.

Mr. FULBRIGHT. I thank the Senator for his kind remarks.

Mr. SALTONSTALL. I approach the subject from a slightly different point of view, that of the military.

As a member of the Preparedness Subcommittee, I listened to much closed-door testimony on the nuclear test ban treaty. As a member of the Armed Services Committee I was also invited to sit with the Foreign Relations Committee and the Joint Committee on Atomic Energy at their hearings, most of which were public.

After careful consideration of all the testimony to which I listened, I have reached the conclusion that I will vote to consent to the nuclear test ban treaty. There is always a risk in any action and the question before the Senate is to determine which is the lesser risk—to consent to the treaty, or to refuse that consent. We must bear in mind also the fact that more than 80 nations of the world have already agreed to participate in the treaty as it is written. If the United States fails to ratify this treaty—a proposal which, in substance this country itself offered in 1959 and again in 1962—when can we expect or hope to get another agreement from the Soviets? The ratification of this treaty does not mean that we can trust the Soviets any more than we could before. The ratification does not mean that preparations for our own security can be lessened to any degree. But, if we fail to ratify this treaty now it will be a blow to the many nations in the world who are looking to us for leadership and who are looking to us to do our part to get a greater opportunity for peace in the world.

The signing of this treaty by the three foremost nuclear powers at Moscow on August 5th of this year evoked a barrage of comment—some of which was optimistic, and some which loudly condemned it as a Communist trap by which we in the United States if we became a party to this treaty would jeopardize our national security. Probably the truth is somewhere between these two extremes. Certainly neither the President of the United States nor the Senate of the United States will consent to any international pact which is inimical to our national security. Nor, as the President stated so fully, can we harbor thoughts that the benefits from this treaty will be

great. Certainly members of the administration and every Senator have tried to make a thorough, searching and penetrating examination of each specific provision and the overall consequences of the treaty if it is ratified.

Any examination must start with the premise that we cannot rely on the Soviets to keep their obligations beyond those which are for their own good and benefit. So we must be prepared to go forward with all of our national security programs. Every one of the Joint Chiefs of Staff and military leaders who testified before both committees emphasized this, as did the civilian witnesses.

No one in the free world can positively know the reason why the Soviets have suddenly decided to sign such a test ban treaty when they had previously twice rejected it. This is a question that I have been asked time and time again and my answer is that we do not know. It may be their differences with China, or it may be because they want to get ahead more with their economic development. And it may be that their present willingness to sign is because through their recent series of atmospheric tests they have gained valuable information on the effects of weapons that they have or can have, and that therefore the nuclear power balance is more in their favor. Whatever made them decide to sign does not matter if we view the treaty solely in the terms of our own national self-interest, as we must. Therefore, I think we must view this problem not only in the terms of our willingness to accept and assume certain calculated, inherent risks, but also in our determination to minimize such of these risks as we can by taking those actions which we may lawfully take and still abide by the treaty in letter and in spirit.

The desirability of this treaty, speaking solely from a military point of view, must be weighed against the need of the United States to conduct, first, further atmosphere tests in order to resolve uncertainties in that vulnerability of our hardened missile launch sites and control centers, second, the ability of our warheads to penetrate an enemy defense and, third, our ability to develop and deploy a reasonably effective anti-ballistic missile defense system of our own.

The best available assessment of the relative positions of the United States and the Soviets in the field of military nuclear technology indicates to us that the Soviets possess an advantage over us in the very high yield weapon, in the information concerning its explosive effects, and, conceivably they have some advantage in the anti-ballistic missile defensive system. In my opinion, however, neither the Soviets nor ourselves have now or can develop in the near future an anti-ballistic missile defensive system that is effective.

We feel reasonably certain that super bombs—of 60 to 100 megatons—cannot be delivered over intercontinental distances by ballistic missile at the present time but only by strategic bombers. This calculation of course may have to be altered in the years to come. However, we want to remember that we do not possess very high yield weapons be-

cause it is the considered judgment of this administration and of the previous administration that we do not want them and do not need them to have an effective nuclear arsenal. However, testimony was presented to us that we can, through underground testing, develop weapons yielding 50 to 60 megatons for aircraft delivery and a 35-megaton warhead for ballistic missile delivery. Therefore, this treaty will not preclude us from closing, to a degree at least, the Soviet advantage in the high yield weapon. It will impede us, but not preclude us.

The second military consideration—missile launch site vulnerability—concerns nuclear weapons effects. Our chief military leaders have all testified that they have a high degree of confidence that our ballistic missiles systems will survive in a nuclear environment. Large yield atmospheric tests would undoubtedly give us greater confidence or make clear areas where some further hardening of our missile sites should be undertaken. However, we want to remember that some of these uncertainties can be eliminated by a better worked-out design, more dispersal and larger quantities of deployed missiles so that even under the most pessimistic circumstances a substantial nuclear force will survive for a devastating second strike.

Third, the testimony showed us that the warhead for an antiballistic missile can be readily developed through underground testing, but the problems of defense against oncoming warheads are most critical in the missile system itself. The critical antimissile problems are reaction time, performance of the missile and the ability of the radars to discriminate between the warhead and decoys and to resist the blackout effects from radiation emitted by a nuclear explosion. The treaty, we are told, would only hinder the investigation into the resistance of the radars to the effects of blackout, something which our scientists hope and believe they can eventually design around. We cannot, of course, really know the effectiveness of an ABM system. In the absence of proof tests in the atmosphere to stimulate operational conditions. However, the same restrictions and limitations apply equally to any signatory to the treaty, and I repeat, the testimony of our scientists was unanimous to the effect that the development of an effective ABM system is still a long way off.

Fourth, the ability of our warheads to penetrate a nuclear defense is directly concerned with the effects of blast and radiation created by an antiballistic missile explosion over the target. The radiation effects cannot be fully tested underground. But, as testified, like all offensive action, the key lies in saturating the defenses, and that we believe we are able and will be able to do in the years ahead. The Secretary of Defense testified that penetration aids, warhead hardening, and quantities of missiles, several of which are directed at the same target, will assure penetration and ultimate devastation of the target areas.

From a military standpoint then, the variety of our nuclear retaliatory or

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second-strike forces—Atlas, Titan, Minuteman, and Polaris missiles, land and carrier based, strategic and tactical bombers—provides us with an overwhelming nuclear superiority which will continue to constitute an adequate deterrent to thermonuclear war with or without this treaty. Therefore its ratification is a lesser risk than a stimulated arms race.

On the question of possible cheating, we cannot delude ourselves into believing that we can detect every single test the Soviets might conduct. There can certainly be a legitimate concern over clandestine cheating, but there is a question of whether it would add much in view of the fact that underground testing is permitted. Any cheating through atmospheric tests would have to be with very small yields, and tests of high yields in outer space would be far more expensive than the results would seem to warrant. Responsible officials testified that clandestine testing in their opinion cannot upset the power relationship.

I was most impressed by the joint statement of the Joint Chiefs of Staff which was presented before both committees by Gen. Maxwell Taylor, the chairman. He emphasized, as did each of the Chiefs of Staff in their individual testimonies, that there were certainly some military disadvantages, but that in their opinion, these disadvantages can be minimized, and in some cases eliminated, by adopting the four safeguards which the Joint Chiefs so strenuously recommend to us in emphasizing their unanimous support of the treaty.

These four safeguards are:

First, we must aggressively conduct underground testing to the full extent of the capabilities of our laboratories and scientists to benefit from them. We must not let this program lag through lack of money or lack of execution on a stop and start, off again, on again basis.

Second, we must maintain our nuclear laboratories at their optimum capabilities so that the impetus of the work of those laboratories will continue to hold the interest, energies, and imagination of our nuclear scientists.

Third, we must be ready to test in the atmosphere on the shortest possible notice to guard against a sudden breach of the treaty and open resumption of testing by another signatory.

Fourth, we must take whatever steps we can to improve our detection system so that we will have convincing evidence whether or not the treaty is being violated. This is mighty important in helping us to decide whether we should exercise our own right to withdraw from the treaty if our supreme interest—as stated in the words of the treaty—is being jeopardized.

There is no question that we could do more in the military application of our nuclear technology without a treaty, but that does not say that the signing of the treaty is incompatible with our national security.

We also want to remember that many of the advantages that have stimulated emotional feeling in favor of this treaty are not at all that they seem. The message of the President of the United States

on August 8 made this clear. We believe the treaty will inhibit and impede the nuclear arms race, but it will not prohibit it. The threat of a nuclear war remains to plague us—as it has since the brains and energies of our scientists unleashed the destructive force of the split and the fused atom. Our stockpile of nuclear weapons we know is not affected, nor is the production of more bombs and warheads prohibited. This treaty will not prevent the proliferation of nuclear weapons to other countries which do not now possess them, but it gives us confidence that this proliferation will not be widespread because of the promise of some 80 nations to abide by it.

In any event the treaty will stop the pollution of the air we breathe and the food we eat from radioactive fallout. While the degree of genetic damage and the danger of cancer resulting from doses of radioactivity have never been definitely established, medical opinion is unanimous in the belief that any amount is harmful. This was brought out in the questions asked by and the answers given to the chairman of the committee. This is another worthwhile humanitarian benefit to be derived from this treaty. While the treaty does not accomplish all that many of our citizens emotionally hope it may accomplish, it is a step, a small step to be sure, for mankind throughout the world to somehow work its way out of the problems created by nuclear weapons.

Scientists testifying before us raised several questions on the wording of the treaty which must be clarified by definition. What, for instance, constitutes an underground nuclear explosion within the meaning of article I, section 1(b)? As one who listened to the testimony, I suggest that it shall be defined as one which occurs below the surface of the earth at such a depth as may be necessary to contain completely the fireball associated with such an explosion.

Second, the phrase "or any other nuclear explosion" in article I, section 2 shall be construed as not to prohibit the use of nuclear weapons by the United States whenever we deem such use to be necessary for our own national security or when we believe it is necessary to fulfill our commitments to any of our allies in the event of an armed aggression. Furthermore, the provision of article IV requiring 3 months advance notice of intention to withdraw as a party to the treaty does not apply in any case of an armed aggression.

Third, questions were raised at the hearings as to whether nuclear explosives could be used for peaceful purposes—in our terminology, Plowshare. I came away from the hearings with the feeling that the Plowshare program was important not only to us but to the economic improvement of the world and, therefore, certainly when we consent to this treaty, we should make it clear to the executive department of our Government that this must be worked out. We were assured by responsible witnesses that it could be and would be done.

There is no provision in this treaty which will require officials of the administration to implement the four safe-

guards recommended by the Joint Chiefs of Staff. But I am confident that any administration will do so and keep Congress informed, because in the final analysis Congress is responsible for the authorization and appropriation of the funds needed to maintain our security and the needs of our military establishments at all times.

We recognize, of course, that other countries have not signed the treaty and have stated that they will not do so, principally France and Communist China. We further realize that the possibility of nuclear devastation is not now and never will be eliminated by the treaty. We are also fully cognizant that the Soviets will only live up to its terms when it is to their advantage to do so. However we know that we will live up to it, and as the leader of the free nations our influence in living up to it will have a tremendous effect upon other countries that may want to breach it.

We know that this will not lessen the efforts of the Soviets to establish communist governments in other countries of the world, nor will it solve any other problems that we have now or may have in the future with Cuba. But we do know that the ratification of this treaty by three of the most powerful nations in the world is a step forward toward greater understanding of a more peaceful world, and thus a step forward toward our own security. With a constantly watchful administration and with a Congress that is sensitive to its responsibilities for our security, I hope that the ratification of this treaty will be a substantially lesser risk and that we may go forward with it. I shall, therefore, as one U.S. Senator, vote to consent to it.

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

Mr. SALTONSTALL. I yield.

Mr. FULBRIGHT. The Senator has made a forceful statement. Coming from the ranking Republican member of the Committee on Armed Services, it should set at rest any of the doubts that have been voiced in one circle or another as to the significance of the treaty. It is a great service to make such a helpful speech to this body.

Mr. SALTONSTALL. I thank the Senator from Arkansas. Like him, I hope the Senate will consent to the treaty.

Mr. KEATING. Mr. President, will the Senator from Massachusetts yield?

Mr. SALTONSTALL. I yield to the Senator from New York.

Mr. KEATING. I join with the distinguished chairman of the committee in commending the distinguished Senator from Massachusetts for his thoughtful and careful analysis of the problem before the Senate and the forceful presentation of his viewpoint in favor of our granting consent to the treaty.

I was interested particularly in that part of the Senator's address in which he referred to what was understood by the committee. As I view it, we shall be faced with both reservations and understandings. A reservation, as I understand the term, if adopted would require a renegotiation of the treaty. An understanding would not. However, even an

understanding might have an adverse effect or an opposite effect from what was intended. In other words an understanding might have the effect of creating doubt about the plain wording of the treaty and the reasoning of the committee which considered the treaty, which we would not at all wish to create.

I do not know precisely what will be offered; but, as I view the Senator's approach to the problem, we would gain nothing. Nothing would be gained, from any point of view, by adopting as formal understandings points which have already been made clear in the committee hearings, and which are contained in the report of the committee. Am I correct?

Mr. SALTONSTALL. I believe the Senator from New York is correct. Certain definitions must be worked out within the administration; but I do not believe there need be any formal interpretation or reservation. I believe the constant attention Congress gives to this problem and to working it out with the administration will answer any doubt that may arise.

I believe the most important point I have heard discussed is the meaning of the word "underground." The Senator from New York has in mind the definition of the word "underground" and the extent to which the treaty would permit us to continue the Plowshare program, if for example, we wanted to build another Panama Canal, and problems of that character. All those are administrative problems to which Congress is very sensitive, because it must appropriate the money; and the administration must work with Congress. So I do not believe there is any need for a formal reservation or interpretation.

Mr. KEATING. As I understand, the executive branch has furnished to the committee certain communications to indicate what its understanding is. Am I correct?

Mr. SALTONSTALL. I have listened to definitions given in testimony before the Preparedness Investigating Subcommittee of the term "underground explosion." I have heard Secretary of State Rusk and several others define it; but so far as I know, there is no formal, written declaration of its meaning.

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

The PRESIDING OFFICER. (Mr. INOUYE in the chair). Does the Senator from Massachusetts yield to the Senator from Arkansas?

Mr. SALTONSTALL. I am glad to yield.

Mr. FULBRIGHT. We do have some expressions from the State Department, particularly from the Secretary of State and others there, in regard to the question the Senator has raised. I am very glad he has raised it, because a discussion of these problems helps us to arrive at the correct definition.

The problem is troublesome in the case of venting, the determination of the amount of an underground explosion to be allowed to be vented above the ground and spread into another country. So long as it does not go into another coun-

try, we can use the "Flowshare." The limitation is whether the vents into the air are sufficient to affect anything outside our own jurisdiction.

I believe this debate is helpful to our reaching an understanding of the meaning of the treaty.

Mr. KEATING. I have read in the press—which is the extent of my knowledge of this matter—that some understandings may be offered—that is, offered formally, for adoption or rejection. I was trying to get to the bottom of what might be involved there.

In his statement, I believe former President Eisenhower raised the point that in the event of attack or aggression against our country or an ally of ours, nothing should interfere with our being able to take proper steps to defend ourselves. As I understand, he has made clear that he did not intend that to be stated in the form of a formal reservation, which would require renegotiation of the treaty with some 89 nations; he intended it more in the nature of a basic understanding.

Since I believe all—including the Soviets—are agreed on this point, offhand I see no necessity for the adoption of this statement as a formal understanding.

On the other hand, it seems to me that it would be rather unfortunate if such an understanding were proposed, and then were rejected. That might be construed as a rejection of such an understanding. I wonder what the Senator from Massachusetts, and the distinguished chairman of the committee, and other members of the committee feel should be done if we are confronted with such a situation.

My offhand reaction is that there is no necessity to encumber the treaty with language of that kind, for if such a proposal were made and then were voted down, the question is whether that would be regarded as an indication that we are not in agreement.

Mr. SALTONSTALL. It is my understanding—and I should be glad to get confirmation of this from the chairman of the Foreign Relations Committee—that all the responsible witnesses, both the military and the civilian, testified that if our national security were to be threatened in any way by an aggressive attack, we could retaliate immediately.

Mr. KEATING. That is also my understanding.

Mr. FULBRIGHT. The Senator is quite correct. In preparing the committee report, we had this point in mind, and expressly covered it. This is set forth in the official report of the committee, which is to be construed part of the history of this treaty; and I believe it would be.

I agree with the Senator from New York that it would be unfortunate to attach formally to the resolution of ratification either an understanding or any other provision unless it were really vital in connection with the discovery of some point we have not thus far discovered. I cannot speak for President Eisenhower; but from what I have read in the past and from what the Senator from New

York and other Senators have said, I am quite sure it has been correctly stated that he did not intend it as a reservation. That is why we treat it with such care in the committee report. We hoped to satisfy everyone on this point. It is the universal understanding. The Russian Communists have made the same point in response to a Chinese assertion regarding this matter.

We in the United States might understand the meaning of such a reservation; but, even so, some of the 80 other countries might regard it as an attempt by us to renege or to qualify our endorsement of our participation. I think it would be very difficult to find a reservation which would be acceptable.

Mr. SALTONSTALL. Furthermore I believe it important to bear in mind the fact that any administration which implements the treaty will always be subject to questioning by Congress. It seems to me any problem that may arise will be solved better by a sensitive Congress rather than by a formal reservation.

Mr. AIKEN. However, I note that all of this debate has not brought out the real danger of a reservation or a statement of understanding. Let me state the real danger. Let us use, as an example, the assertion that the United States should reserve the right to use nuclear weapons in the event of war. Very well; suppose we adopted a reservation to the United States of the right to use nuclear weapons in the event of war. Then we would be admitting that the treaty did not permit the use of nuclear weapons in the event of war. That would be an outright admission, whereas such a statement of understanding would only cast doubt upon the right of the United States to use nuclear weapons in the event of war.

But it is understood by all the parties concerned, and it is also international law, that any country has a right to use any weapons it has in the event of war. Furthermore, I cannot conceive that any President who might be in office at the time would be so depraved as to refuse to use any weapons under his command in the event of attack.

But the danger of a reservation—which is slightly less than the danger inherent in a statement of understanding—is that by adopting it, we admit that the treaty does not do what we know it is intended to do.

Mr. SALTONSTALL. The Senator is very helpful.

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

Mr. SALTONSTALL. I yield.

Mr. KEATING. I, too, think that the statements were very helpful. My understanding is that a reservation is of greater importance than a statement of understanding.

Mr. AIKEN. In the present case it would be an admission that the treaty would not permit the use of nuclear weapons in the event of war. I am speaking of that particular reservation.

Mr. KEATING. Yes. It seems to me that the same might be true of other statements of understanding. I am

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speaking without knowing specifically what reservation or understanding may be before the Senate, but I apprehend that the Senate will be faced with the problem at some time during the debate. There will probably be statements of understanding offered with respect to which, on their merits, there might be unanimous accord. Senators will be faced with the problem of deciding what to do in relation to such statements of understanding. Again, speaking generally, it seems to me that the Senator from Vermont has correctly set forth that it would be unfortunate for Senators who are in favor of the treaty to support statements of understanding on issues which are now perfectly clear from the committee report.

I ask the chairman of the committee whether he, as an expert on international law, believes a statement of understanding really would add anything to the committee report itself. I assume that the statements in the committee report are statements of understanding and the basis upon which the committee recommended to the Senate that consent be given.

Mr. FULBRIGHT. That is my understanding. Shortly before the Senator came to the Chamber there was an exchange in relation to that question. Whether a statement is called an understanding or a reservation does not entirely determine its character. It is what one actually intends to do. If the statement changes any substantive provision of the treaty, even though it might be called an understanding, it would still be of such a nature as to require renegotiation, and perhaps it would jeopardize the treaty.

I agree with what I believe the Senator is saying. Whatever we may say about the treaty, either in the report or as a part of the legislative history, it would be extremely risky to put it in the resolution of ratification of the treaty. I have not heard any statement that I would agree to as being necessary, proper, or wise to have inserted in the resolution of ratification. What the Senator from New York thinks it means; what the Senator from Massachusetts thinks it means, and interpretations received in the discussion for the purpose of forming a basis upon which to accept the treaty, are matters that are not only proper but desirable. But I think there is a great difference. I read some excerpts from one of the great authorities on international law, Mr. Chares. He finally came down to the distinction. An amendment would clearly require renegotiation. He pointed out the distinction between understandings, interpretations, and reservations. Those terms will not control. It is what we actually attempt to do that is meaningful.

Mr. KEATING. Who would make that decision?

Mr. FULBRIGHT. Eventually each nation will decide for itself. If we insert in the treaty some provision that we think is innocuous, other nations might do likewise. It would open up the treaty. Our Government would communicate the reservation to the other original signatories, and if they should say, "We do

not understand the treaty in that way; that is not what we agreed to," that would be the end of the treaty.

Unless we think a reservation would be really vital to our security, I believe it would be a great mistake to put in understandings, as I believe we have been using the term, although they should be developed in the debate.

Mr. KEATING. In general, I certainly share that view. Unless something develops—

Mr. FULBRIGHT. Like the Senator from New York, I do not know what may develop. But those that I have read about do not seem to me to be of a nature to be attached to the treaty.

Mr. KEATING. What I am about to say is said with the utmost respect for the sincerity of Senators who are in favor of the treaty as it is, those who are opposed, and those on both sides who seek to attach understanding or reservations. Obviously one method of blocking the treaty would be to attach some condition, understanding, or whatever it may be called, which, in an ordinary legislative situation, we would call a crippling amendment. Such action could kill the treaty, as it has killed lesser bills.

Mr. FULBRIGHT. The Senator is correct.

Mr. KEATING. While that may not be the motive of Senators who seek to add reservations, I think we must be on guard. If we desire to take this rather modest step forward, we must be on guard against that type action as well as on guard when the vote comes on the treaty itself.

Mr. FULBRIGHT. I could not agree with the Senator more. He is absolutely correct.

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

Mr. FULBRIGHT. I do not have the floor. The Senator from Massachusetts has the floor.

Mr. SALTONSTALL. The Senator from Michigan wishes to ask me a question; and, frankly, I must catch an airplane. Will the Senator kindly defer his statement?

Mr. COOPER. I am glad to do so.

Mr. SALTONSTALL. I yield to the Senator from Michigan.

Mr. HART. I thank the Senator from Massachusetts for his kindness. I may be introducing something that is irrelevant to the question of the Senator from New York and others. But as we approach the close of the first full day's discussion of the treaty, I should like to ask the Senator from Massachusetts a question which bears on the theme which runs repeatedly through the mail I am receiving, and, I suggest, the mail that a good many of our colleagues are receiving. We receive the impression that the treaty is good if it is bad for the other fellow; it is a bad treaty if it is good for the other fellow. It is the notion that two parties to the contract before the Senate cannot be subjected to the same test that we as lawyers apply to determine whether a contract relating to civil relations is good.

Has not the rule always been that a contract is a good contract when the

interests of both parties are served and when their interest supports the honoring of the contract? Would it not be a stupid nation that would insist that all treaties to which it would become a party must be those which would always weigh only in its favor? Is that not a fallacy? The flood of mail would argue to us that if there is anything good for the other party to the treaty, namely, the Soviet Union, we should vote against it because it follows that it would be bad for us.

Mr. SALTONSTALL. I believe the Senator from Michigan has the same view as I entertain. We must look at the proposal from the point of view of what is best for us, and assume that the Soviets would not have signed the treaty unless they believed it was best for them. So long as it helps our security, so long as it makes one little step toward greater opportunity for peace in the world, we must accept it with our eyes open to the possibility that the Soviets or any other nation may disregard it at any time if they think it is to their advantage to do so. But so long as the Soviet Union will stay with it, and we know that we want to stay with it, it is one little step forward to a more peaceful world. That is my attitude toward the treaty.

Mr. HART. That has been my attitude throughout. I thought it would be well on this very first day to nail down perhaps an oversimplified response to the repeated suggestion I have mentioned, and to suggest that there is relevancy in the example of the contract between two citizens.

Mr. SALTONSTALL. The Senator is correct.

Mr. HART. A contract makes sense when it serves the advantage of both parties to the contract. It is a good contract. I think sometimes treaties have a contractual nature and are subject to many of the tests that apply to civil contracts.

Mr. SALTONSTALL. I agree with the Senator.

Mr. President, I yield the floor.

#### FOR THE DEPARTMENTS OF LABOR AND HEALTH, EDUCATION, AND WELFARE 150 JOBS AT \$30,000

As in legislative session,

Mr. WILLIAMS of Delaware. Mr. President, on August 7 the Senate passed H.R. 5888 making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies for the fiscal year ending June 30, 1964.

On page 25 of that bill the Senate adopted an amendment, which is numbered 25.

Since the passage of the bill I have discovered—and I have checked this with the Department and have found my understanding to be correct—that the amendment, as it would be interpreted, would give the Secretary of Health, Education, and Welfare the authority to appoint 150 employees at \$30,000 per year. That certainly was not my intention when the Senate approved this amendment, nor was it my understanding. I have checked with several other Mem-



feelings of dread, hatred, and despair in the hearts of hundreds of millions of people. These are not the emotions on which to build a stable peace.

Some of the arguments put forward for the treaty are speculative at best. We are highly skeptical of the line that the treaty marks the advent of a new era in international relations, in which the United States and the Soviet Union will get along famously. All the evidence indicates that it will be decades and generations before we will be able to regard the Soviet Union as a reasonably trustworthy nation.

But a test ban would have one positive result that has been strangely ignored during most of the current debate. It would end radioactive fallout throughout the world. That is, it would stop the addition of any more fallout to that which is still coming down from the tests in previous years.

Perhaps the fallout question has been bypassed because of fundamental ignorance about it. Even the scientists disagree as to how much genetic damage will be done to coming generations by strontium 90 and carbon 14 filtering down from the big mushroom clouds.

But one thing which cannot be denied is the rapid increase of strontium 90 in milk and in the bones of children. And no scientists anywhere say that this is a good thing. They all say it is bad. How bad it is, no one knows.

Some experts say that more than a million children will eventually be born deformed or defective because of the radioactive fallout that has been released to date. The estimate could be wildly wrong. Let us hope so. But when dealing with unknown hazards, it is always wise to assume the worst.

In balance, the risks in not signing the treaty outweigh the risks in signing it.

[From the Boston Globe, Aug. 7, 1963]

IF THEY FAIL TO RATIFY . . . ?

(By Laurence Barrett)

WASHINGTON.—So far, the argument over the limited nuclear test ban treaty has skirted perhaps the most important issue: What the consequences would be if the Senate fails to ratify.

President Kennedy says this would be a "great mistake." Mr. Harriman says it would cost this country its position of world leadership. These are understatements. It is not too much to predict that rejection of this treaty will sentence the world to continued imprisonment in the dungeon that is the arms race for a long, long time.

Both in the administration and in Congress there is considerable optimism that the necessary two-thirds vote in the Senate will be achieved. Yet there is an undercurrent of opposition, rather muted for the moment, and lacking in focus. If a rallying point emerges, the treaty could be in trouble. Rejection is not the only avenue of defeat. An attempt could be made to append "reservations" or even formal amendments. These could have the same effect as a negative vote.

One wonders whether those who for various motives are searching so hard for minute flaws in the treaty have honestly considered the larger question of what failure to ratify would mean.

If the United States is unwilling to take this very little step toward arms control, then its stated position since the end of World War II in favor of controlling the atom is a fraud. And the more recent American posture in favor of arms reduction and ultimate disarmament is doubly fraudulent.

It must be remembered that the treaty under consideration is essentially an American treaty, which both the Eisenhower and Kennedy administrations put forward for the world to see and desire. Were we seek-

ing to deceive the world? Were we safe in the knowledge that the Russians would spurn any agreement, merely teasing humanity?

The treaty to ban tests in the atmosphere, outer space, and underwater is the most modest advance possible that can still provide meaningful progress. If we fear this, then longer strides toward peace will frighten us senseless.

Would the Russians negotiate with us seriously again on anything else? It is difficult to see why they should. They could simply bask in their greatest propaganda victory of the cold war.

The arguments against the treaty vary from sober considerations of the military and technical implications to hysterical screams about what monsters the Russians are. The Senate must think about the former and try to be immune from the latter.

The Republican congressional leadership now gropes for some rational basis on which to question the treaty. It posed this choice last week: "Which will do most to preserve peace in the world, ratification of a limited treaty placing selective restraints on the development of nuclear weapons or a maximum up-to-the-minute defense capability so destructive as to prohibit attack? (This is the same Republican leadership that thinks the defense budget could be cut easily by a few billions.)

Actually, this seemingly logical question contains holes. The treaty does not prevent, or even seriously inhibit, continued weapons development. But there is a bigger hole. The question implies that an absolute deterrent exists, or is readily obtainable. This is a delusion. There exists only the means for mutual destruction.

No new weapon is immune to a still newer defense. No defense remains impermeable for long. The choice really is between an ever-quickenening contest for more devastating weapons and a glimmer of hope that the race may slow to a more rational pace.

[From the Christian Science Monitor, Aug. 29, 1963]

EISENHOWER AND THE TEST BAN

The Eisenhower proposal that the Senate write a reservation into the test-ban treaty before signing it is a useful cautionary signal. The suggested provision would protect the United States position on the use of nuclear weapons to repel aggression. While the treaty does not concern what weapons would be used by either side in the event of war, there are good reasons for keeping the record of negotiations very clear.

General Eisenhower is specially aware of this. In 1959 he participated with Premier Khrushchev in talks aimed at lessening tensions. Later Moscow referred time and again to these as creating a "spirit of Camp David," which the Soviets accused the United States of violating in subsequent moves for its own security. It would do the cause of world peace no service to have such a performance repeated.

But a writing of real reservations into the treaty could open up a Pandora's box of debate not only between Moscow and Washington but even within the Senate. It would open the United States up to suspicions among some signatories to the pact that the Americans were trying to sabotage it. The pact is not so ironclad a document as to merit renegotiation simply to make plain the United States interpretation of its effect on inherent right of self-defense.

As Chairman FULBRIGHT of the Senate's Foreign Relations Committee pointed out, this right is already recognized in the United Nations Charter. The Senator said he did not believe that Mr. Eisenhower's doubts require a basic change in the document

waiting to be signed and should not technically be described as a reservation.

It would seem therefore that the Senate could reasonably accompany ratification with a declaration to cover the sense of the Eisenhower signal. The more important aspect of the Eisenhower statement is after all that a leading figure of the Republican Party is giving the pact his support, though necessarily qualified.

[From the Haverhill Gazette, Aug. 1, 1963]

NUCLEAR TEST TREATY

Reports from Washington indicate that more and more Senators are going to base their final decisions on a nuclear test ban treaty on the feelings of the residents of their home States.

If that is the case, we hope neither Massachusetts Senator will have any doubt about the feelings of the residents of this State. The Senators should be made aware that Bay Staters are in favor of the test ban treaty.

We can expect, of course, that Senator EDWARD M. KENNEDY will vote in favor of the treaty so strongly recommended by his brother, the President. We have seen nothing to indicate Senator LEVERETT SALTONSTALL will oppose the treaty, even though some of his Republican colleagues are beginning to put forth reasons for possible votes against the treaty.

Nevertheless, both Senators should know that there is strong support in this State for the treaty and for the hopes for peace that were voiced by the President when the agreement was announced.

Ratification of the treaty by the Senate is essential to a continuation of the trend toward reason shown by the heads of the American, British, and Russian Governments in their handling of nuclear armaments.

Granted, we cannot trust the Communists and we must remain constantly vigilant in spite of any treaties and agreements that are signed. It is still logical, however, that we can never emerge from the shadow of nuclear holocaust unless a start is made on eventual abolition of these terrible weapons. And where else can we start?

Granted, too, that France and Red China scorn the agreement and have announced they will have no part of it. The fact remains both countries have far to go in their development of nuclear weapons—France has exploded a few and Red China has not yet exploded any—and the officials of those lands have not experienced the awesome power of true super weapons in the modern sense.

We must support an agreement which could be the start of a reasonable approach to international relationships. Treaties have been broken throughout history and will continue to be broken, but the time must come when men either learn to live together or bring about complete destruction.

[From the Haverhill Gazette, Aug. 9, 1963]

DECADE OF HYDROGEN BOMB RIVALRY COULD END WITH BAN RATIFICATION

(By Richard Spong)

The agreement to ban atomic tests, if ratified, will mark the end of a decade of hydrogen bomb rivalry. Having destroyed the atomic monopoly of the United States in September 1949; the Soviet Union announced to a dubious world on August 8, 1953, that it had achieved the hydrogen bomb.

The word came at the end of a long speech by Georgi M. Melnikov, then Soviet Premier, to the Supreme Soviet, Russia's Parliament. He spoke of the solace the United States—the trans-Atlantic enemies of peace—had enjoyed in a monopoly of a still

September 9

more powerful weapon than the atom bomb, the hydrogen bomb. This was no longer true, he went on: "The Government deems it necessary to report to the Supreme Soviet that the United States has no monopoly in the production of the hydrogen bomb either. Convincing facts are shattering the wagging of tongues about the weakness of the Soviet Union."

American and British scientists were skeptical. It was pointed out that evidence of a Russian H-bomb explosion would inevitably be carried through the atmosphere to the U.S. detection devices that had recorded three Russian atomic blasts between 1949 and 1951.

The doubt was short-lived. The Soviet Government on August 20 announced that it had tested a hydrogen bomb within the past few days. The announcement was confirmed by the U.S. Atomic Energy Commission. The AEC said that on August 12 it had detected an explosion in the Soviet Union that involved both fission (uranium-plutonium) and thermonuclear (hydrogen) reactions similar to those in U.S. tests of H-bombs. The AEC announcement, incidentally, disclosed for the first time an American hydrogen-bomb test as early as 1951.

Great Britain, as the result of a certain amount of backing and filling, did not explode its first hydrogen bomb until May 15, 1957. France is reported to be at least 3 years away from completing work on an H-bomb, but President Kennedy obviously meant France on July 26 when he spoke of the "four current nuclear powers." Several other nations are believed nearly capable of setting off an atomic explosion, but they would still be several years away from a hydrogen bomb.

Senator HUBERT H. HUMPHREY, Democrat, of Minnesota, chairman of a Senate Disarmament Subcommittee, said early in 1962 that Communist China might explode an atomic device "anytime within this year." Under Secretary of State W. Averell Harriman brought back from Moscow a more optimistic view. On July 29 he told reporters that Soviet Premier Khrushchev was not overly concerned about Red China's nuclear capabilities in the foreseeable future. Harriman added that since 1960 the Soviet Union had discontinued all technical assistance to the Chinese nuclear development program.

[From the Daily Evening Item, Lynn, Mass., Aug. 16, 1963]

#### RUSK ALLAYS FEAR OF TREATY TRICKERY

In the light of public discussion of the nuclear test ban treaty, one fact stands out. Many Americans now believe there is no longer a basis for abnormal fear that the Russians may have tricked our negotiators into signing something that contains a hidden time bomb.

Analysis of his testimony before the U.S. Senate committees shows that Secretary of State Dean Rusk has given unqualified assurance that the test ban treaty contains no "side arrangements, understandings or conditions of any kind."

Rusk also has declared without reservation that if the United States does detect infractions of the treaty by the Russians, this country has the capability—and the intent—to quickly resume bomb tests.

These statements by a man of Rusk's ability, experience, and integrity should go a long way toward calming any jitters the public may have had.

Everyone knows it's hard to do business with someone you can't trust. But all signs indicate that our representatives have been on constant guard against any fast shuffle during the treaty negotiations.

Why should anyone have been so suspicious of a hidden gimmick in the treaty?

For one reason, because of the "managed" news in the recent Cuban affair. Many Americans have felt they not only were kept uninformed in that case, but were actually misled as to the facts.

They have been wondering if they might not run into more of the same treatment in the test ban treaty. Secretary Rusk's frankness has dispelled that suspicion.

So now we can concentrate on keeping up our guard and watching like a hawk to make sure the Russians keep their word, as given in the treaty.

Our guess is the Senate and the country will decide the risk is worth taking when you consider the alternative.

Mr. KENNEDY. Mr. President, I have also received communications from leading scientists and physicians in the Commonwealth of Massachusetts, all of whom underscore the urgency of this test ban from the scientific and medical viewpoint. I ask unanimous consent that these letters appear at this point in my remarks.

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

MASSACHUSETTS INSTITUTE  
OF TECHNOLOGY,  
LABORATORY FOR NUCLEAR SCIENCE,  
Cambridge, Mass., June 28, 1963.

HON. EDWARD M. KENNEDY,  
U.S. Senate  
Washington, D.C.

MY DEAR SENATOR KENNEDY: I respectfully urge you to use your influence in support of the administration's efforts to reach an early agreement with the U.S.S.R. on a permanent cessation of atomic testing.

In my opinion mankind as a whole has never faced a problem of such urgency and overwhelming importance as the problem of insuring that nuclear power will not be used for its destruction. I am convinced that a test ban treaty is the first necessary step toward the solution of this problem. I am also convinced that the risks to our national security of a continued arms race far outweigh whatever risks may be present in a test ban agreement, even though such an agreement may not provide absolute insurance against the possibility that a few small underground explosions remain undetected. Moreover, whatever small chances of violation may now exist, they will further decrease as the detection techniques continue to improve. Thus, one should hope that the technical problems of control no longer constitute a roadblock to the negotiations of a test ban treaty.

Sincerely yours,

BRUNO ROSSI,  
Professor of Physics.

MASSACHUSETTS  
INSTITUTE OF TECHNOLOGY,  
LABORATORY FOR NUCLEAR SCIENCE,  
Cambridge, Mass., August 9, 1963.

HON. EDWARD M. KENNEDY,  
U.S. Senate  
Washington, D.C.

MY DEAR SENATOR KENNEDY: Thank you very much for your kind reply to my letter concerning the negotiations for a test ban treaty.

I am sure you were as gratified as I was by the successful conclusion of these negotiations. The agreement signed in Moscow, although limited in scope, represents a step of great importance because it will stop further radioactive contamination of the atmosphere, it will help check the spread of atomic armaments to other nations and it will create a more favorable climate for possible further negotiations. Since these benefits are as vital to the Russians as they are to us, I am confident that the U.S.S.R. has entered into

this agreement with the serious desire to see it fulfilled.

I earnestly hope that the U.S. Senate will ratify the agreement promptly and with considerably more than the required two-thirds majority of votes. Such an action is undoubtedly in the best interest of our country and I am sure that it will be enthusiastically approved by the vast majority of our fellow citizens.

Sincerely yours,

BRUNO ROSSI.

HARVARD UNIVERSITY,  
DEPARTMENT OF MEDICINE,  
Boston, Mass., July 8, 1963.

The Honorable EDWARD E. KENNEDY,  
U.S. Senate,  
Washington, D.C.

DEAR SENATOR KENNEDY: I am enclosing a copy of a letter I have sent today to the President. I earnestly hope that President Kennedy will have your enthusiastic support in what seems to me to be the most pressing issue before us at the present time.

Very truly yours,

HOWARD H. HIATT, M.D.

JULY 8, 1963.

THE PRESIDENT,  
The White House,  
Washington, D.C.

DEAR MR. PRESIDENT: I cannot adequately express my exhilaration at the news of recent days that a test ban may really be in sight. Your willingness to educate and lead our people in an area where education and leadership are sorely needed is gratifying indeed. It does appear as though the Soviet Union may be receptive at this time, and I should like to express my gratitude at your willingness to take the initiative. We can only hope that the efforts of our negotiators in Moscow will be characterized by flexibility on our part as well as that of the Soviet Union, and that this may be the beginning of a meaningful program of disarmament.

Respectfully yours,

HOWARD H. HIATT, M.D.

TUFTS UNIVERSITY,  
SCHOOL OF MEDICINE,  
Boston, Mass., July 3, 1963.

The Honorable EDWARD KENNEDY,  
Senate Office Building,  
Washington, D.C.

DEAR SENATOR KENNEDY: In view of the coming negotiations for a possible nuclear test ban treaty, I should like to voice my opinion that such a treaty would be of utmost importance to us in that it would stop future fallout, the hazards of which, both biological and genetic, I am fully aware as a physiologist. Further, it would tend to lessen the pressures of a spiraling arms race, reduce the spread of nuclear weapons to other nations and be the basis for possible future negotiations toward disarmament. I do not believe that a test ban agreement would in any way endanger American security. On the contrary I feel that continued testing would, by increasing the accumulation of nuclear weapons and by the entrance of other nations into the nuclear arms race, tremendously increase the chances of a nuclear holocaust.

Again, I should like to urge that all efforts be made toward a test ban agreement.

Sincerely,

ATTILIO CANZANELLI, M.D.,  
Professor of Physiology.

PHYSICS RESEARCH DIVISION,  
GEOPHYSICS CORPORATION OF AMERICA,  
Bedford, Mass., August 5, 1963.  
The Honorable THEODORE KENNEDY,  
The U.S. Senate,  
Washington, D.C.

DEAR SENATOR KENNEDY: I am very pleased that at last we have been able to negotiate a test ban agreement in some form. I believe

it will be very helpful to our political image if the Senate can ratify this agreement by the largest possible majority.

As a professional physicist working primarily in defense problems for over 20 years, I believe that the abandonment of testing can avoid pollution of the atmosphere, without necessarily harming our defense effort in any way. This requires of course that research and development in all of these matters continue without testing, and that the morale be not permitted to deteriorate. In short, I have faith in the capacity of the Defense and State Departments to outmaneuver the Russians even though the rules of the game may be moving toward peace.

Yours very truly,

ROBERT O'B. CARPENTER,  
Manager, Optical Physics Department.

P.S.—Of course I speak only as an individual.

BOSTON UNIVERSITY SCHOOL OF  
MEDICINE, DEPARTMENT OF PHARMACOL-  
OLOGY AND EXPERIMENTAL  
THERAPEUTICS,

Boston, Mass., August 1, 1963.

The Honorable EDWARD M. KENNEDY,  
U.S. Senate,  
Washington, D.C.

DEAR SENATOR KENNEDY: I am most pleased by the chain of events that have recently lead up to the test ban treaty; however, I am a little disturbed that there is a possibility that the Senate will not ratify this treaty.

I hope that you will support with enthusiasm ratification of this treaty.

Sincerely yours,

CONAN KORNETSKY, Ph. D.  
Research Professor of Pharmacology  
and Psychiatry.

PETER BENT BRIGHAM HOSPITAL,  
Boston, Mass., July 26, 1963.

HON. EDWARD M. KENNEDY,  
U.S. Senate,  
Washington, D.C.

DEAR SENATOR KENNEDY: I am writing to express my enthusiastic support of the preliminary test ban negotiations and my hope that it will be ratified in the Senate. This seems the first original and imaginative step in foreign policy that this administration has taken.

Sincerely,

SANFORD GIFFORD, M.D.

THE WORCESTER FOUNDATION FOR  
EXPERIMENTAL BIOLOGY,  
Shrewsbury, Mass., August 8, 1963.

HON. EDWARD M. KENNEDY,  
U.S. Senate,  
Washington, D.C.

DEAR SENATOR KENNEDY: On June 27 you kindly replied to a letter from me in regard to the hope that nuclear test ban negotiations could be continued. I am sure you plan to ratify the action that was taken by the President, but I am writing again in the hope that you will be able to use as much influence as you can to see that the bill receives the necessary two-thirds vote.

You needn't bother to acknowledge this letter.

Sincerely yours,

BRUCE CRAWFORD,  
Business Manager.

Mr. KENNEDY. Mr. President, in summary, the Senate must decide whether it is wise to continue to pile up weapons and counterweapons, each more powerful than the last in a cycle of technology which has no end. Ten years ago we were told that the ICBM was the ultimate weapon. Now we hear about the antiballistic missile. Modern technology being what it is, there is no ultimate

weapon, and each advance increases both the risk of war and its destruction.

Should we not instead choose the other course—starting now to strive, cautiously and patiently, to come to agreement by which nuclear arms can be controlled. We have a chance now to take the first step that we have been hoping for for 6 years. A limited test ban is better than an all-out arms race, and the time to make the choice is now.

Mr. President, 85 nations have signed this agreement to date. Once before in our history an international agreement was made, designed to preserve the peace. Nation after nation joined in, but the United States, whose President had labored so hard to create the agreement, stayed aloof by action of the Senate. Had the United States joined the League of Nations 44 years ago, a war which took 60 million lives might have been avoided.

Let history be our teacher and the cherishment of the people our guide, and I am sure this small but historic treaty will receive the endorsement it deserves from the Senate.

Mr. MANSFIELD. Mr. President, I wish to take the time, on the first day of debate on the test ban treaty, to commend the distinguished chairman of the Foreign Relations Committee, the Senator from Arkansas [Mr. FULBRIGHT], the distinguished senior Senator from Massachusetts [Mr. SALTONSTALL], the distinguished junior Senator from Massachusetts [Mr. KENNEDY], and the Senator from Maine [Mrs. SMITH] for the speeches they have made today. They have all made a distinct contribution to a better understanding of this most important treaty, about which there is wide disagreement, and about which much more will be said in the days ahead.

I believe also that the questions raised on the floor by the distinguished senior Senator from Florida [Mr. HOLLAND], the distinguished Senator from Georgia [Mr. TALMADGE], the able Senator from Louisiana [Mr. ELLENDER], the able Senator from Michigan [Mr. HART], the able Senator from New York [Mr. KEATING], the distinguished Senator from Kansas [Mr. CARLSON], the able Senator from Vermont [Mr. AIKEN], the distinguished Senator from Kentucky [Mr. COOPER], the able Senator from Iowa [Mr. MILLER], the able Senator from Idaho [Mr. CHURCH], and other Senators, have all helped to bring about some clearing of the skies, so to speak, some breakthrough on the moot points with respect to the treaty now before us.

While I am disappointed that there will be amendments, understandings, and reservations offered to the treaty, nevertheless I respect the right of any Senator to offer such motions. I think they are a sign of deep concern. They should be heard and considered most seriously by the Senate. I look upon Senators who offer these particular motions as men of responsibility, who are deeply troubled by the problems which confront them in their consideration of the treaty, just as those of us are who favor the treaty. By that I mean, of course, that in this day and age nothing is certain, everything changes, and the

problems and complexities of the world which confront us today create situations which our minds find hard to grasp and our intellects not sufficiently strong enough to grapple with them.

I am delighted with the progress of the debate today. I hope we shall be able to continue on a similar or even stronger level in the days ahead. As stated previously, there will be no attempt to rush the debate; but I would hope that any Senator who wishes to speak on this most vital subject will not take that statement as a means by which to dilly and dally and let things slide, but will make his speech as soon as possible, so that the treaty can be cleared as thoroughly as possible.

#### ORDER FOR ADJOURNMENT UNTIL NOON TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the business for today has been completed, the Senate adjourn until 12 o'clock noon tomorrow.

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

#### NEEDED: A "DO SOMETHING" CONGRESS

As in legislative session,

Mr. CLARK. Mr. President, the New York Times magazine in yesterday's edition contains a most interesting article entitled "To Make It a 'Do Something' Congress." The byline reads:

As operated now, Congress blocks more laws than it passes and trivia rather than substance dominates debate, says an observer, who offers some suggestions for improvement.

The observer is Sam Zagoria, assistant to Senator CLIFFORD CASE, of New Jersey. As we all know, the distinguished senior Senator from New Jersey has been most active in the area of congressional reform. He and I have cosponsored resolutions which we have separately introduced. My resolution is intended to create a joint congressional committee to investigate and report to the Senate and House of Representatives ways and means of rendering Congress a more effective legislative body.

Senator CASE proposes in his resolution a joint commission which would have certain outside members.

I am happy to say that the Subcommittee on Standing Rules of the Senate Committee on Rules and Administration has reported favorably to the full committee my proposal for a joint committee. Unfortunately, however, the subcommittee has excluded from the coverage of the proposed joint committee a consideration of the rules of either the House or the Senate, and this exclusion would seem practically to tear the heart out of the validity of the proposal. However, I have not abandoned hope that perhaps in the full committee, or even on the floor of the Senate, the integrity of the original resolution may be restored.

Mr. President, I ask unanimous consent to have printed at this point in the Record the article written by Mr. Za-

goria. I commend it to all Senators as an able, carefully reasoned argument in support of that congressional reform which I believe to be essential to the proper functioning of Congress in the years.

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

[From the New York Times Magazine, Sept. 8, 1963]

**TO MAKE IT A DO-SOMETHING CONGRESS—AS OPERATED NOW, CONGRESS BLOCKS MORE LAWS THAN IT PASSES AND TRIVIA RATHER THAN SUBSTANCE DOMINATES DEBATE, SAYS AN OBSERVER, WHO OFFERS SOME SUGGESTIONS FOR IMPROVEMENT**

(By Sam Zagoria)

(Sam Zagoria, a former Washington reporter and Nieman Fellow, is now administrative assistant to Senator CLIFFORD CASE, Republican, of New Jersey.)

WASHINGTON.—As the 88th Congress tolled past Labor Day, go-home day of other years, Capitol Hill observers wondered why Congress is convening longer and accomplishing less. Press comments on its performance were filled with such phrases as "legislative meandering," "massive logjam of legislation," "greatest do-nothing Congress in a generation."

Technically, the 88th was supposed to close shop and head homeward on July 31—the adjournment date set by the Congressional Reorganization Act of 1946—but by that date only three major bills had been enacted into law, a record more appropriate for the Washington Senators baseball team. In fact, in the boxscore of the Congressional Quarterly, an independent, experienced appraiser, at the end of the 88th's first 7 months, more than a third—38 percent—of the President's legislative proposals had received no action at all in either the House or the Senate.

But while leaders of the 88th banter cheerily on the likelihood of a Thanksgiving or Christmas adjournment, none feels the need to explain the delay in getting down to business or why so little business has been actually transacted. True, Congress is now occupied with the test ban treaty and civil rights, but behind them is a backlog of long-waiting legislation.

Why has this Congress accomplished so little? Let us join some of the millions of tourists from the 50 States and many foreign nations who each year ascend majestic Capitol Hill to watch Congress conduct the legislative business of the Nation. Most visitors, particularly those from abroad, approach a session of Congress, acclaimed one of the greatest legislative bodies in the history of the world, with awe and respect.

And what do they see?

If they came this summer there was a good chance that they would see chambers of empty of all save fellow tourists. The House and the Senate were frequently out of session. This lackadaisical pace was hard to understand when, according to its own timetable, Congress should have been nearing a climax.

But, assuming our tourists are lucky and Congress is in session, then what do our guests see?

On the floor of the Senate is a handful of Senators and aids. A brief discussion of the bill at hand is interrupted by discourses on subjects about as close to each other as the North and South Poles. A discussion of civil rights disorders, the threat of a nationwide strike or the nuclear test ban treaty can be put on the shelf while a discussion of the future of the boiled peanut ensues. "Do the Senate rules permit such illogical conduct?" an astonished observer wonders. The answer is an unconditional "Yes."

On the floor of the House there may be discussion of prospects for action on a tax cut or tax reform bill or both. "But if this is brought to the floor under a closed rule, no amendments will be possible," points out one legislator. The observer in the gallery is puzzled. A closed rule means that the House Rules Committee has ordered that no changes can be made in the bill on the floor; only a vote on the entire measure is possible. But if each Congressman has equal power in the House and the duty to perfect and improve legislation, how can he do his job properly under a closed rule? That is a question which the Rules Committee has been successfully sidestepping since before most of us gave up playing hide-and-seek (a game incidentally not unknown to the chairman of this committee when distasteful legislation comes up).

But we have been talking only about discussion of important legislation—action is another subject altogether. Congressional sessions in recent years have shown some similarity to a Greek tragedy. First comes the triumphal heroic call to arms in the President's state of the Union message. We must, we can, we will, he trumpets to the Nation. The chorus is lifted—there will be help for education, a cure for unemployment, a remedy for rights denied, peace, prosperity, and purpose. The backup messages and draft bills flow in mighty rhetoric from the White House up Pennsylvania Avenue to the lofty Capitol. Once there, the message is conscientiously published in the anesthetizing type of the CONGRESSIONAL RECORD. Read in this document hardly anything seems urgent or exciting, but the public still thinks progress is being made.

Then the curtain falls—a silence as complete as if the messages had been sent to Siberia. Instead, Committees meet or do not meet; they take up legislation or do not take up legislation—all as the chairman decides. They convene hearings whose subject, length, and even witnesses are decided on largely as the chairman ordains. The urgent matters that the President of the United States, elected by voters of the whole Nation, cited for action are not assured of even a hearing much less a vote. Instead Congress rattles on, debating boiled peanuts, kite flying in Washington, and a potpourri of minor bills while the fires of civil rights burn on, the hunger for higher education gnaws, and time intensifies other needs.

The Greek chorus mourns, amending "Never on Sunday" to include most of the week.

The heart of the problem is the rules and procedures of Congress, many unchanged since the formation of Congress.

As the rules stand, they set up no procedure for the scheduling of legislation or for assuring a President of consideration for his legislative proposals. Nor has the congressional leadership drawn up a timetable of its own, partly because committee chairmen are unwilling to have a time limit put on their efforts. Without committee action, the leadership has nothing to put before the full House or Senate.

There is not even a firm requirement that the committees meet at all. They decide for themselves whether to meet at stated intervals or at the call of the chairman; but even a regularly scheduled meeting can be put over by the chairman. Some committees, such as Senate Judiciary, have on occasion not held meetings for months—as when Senator EASTLAND, the chairman, saw a civil rights bill in the offing.

When a measure finally gets out of committee and onto the floor, there is still no guarantee of quick action. The full House and Senate meet at the discretion of the leadership. They have to meet at least every 3 days, but this can be a formality. Members of both Chambers are supposed to be available for all sessions except when they

have been granted a leave of absence, but this is not enforced. As a practical matter, the House rarely schedules a controversial or important measure on days other than Tuesday through Thursday; otherwise there might not be enough Members on hand for the leaders to raise a quorum or mobilize votes for a party's position.

There are yet other ways by which legislation is delayed or diluted. The Senate's rule of unlimited debate makes possible the filibuster to talk a bill to death; while the House has a rule of germaneness, requiring that talk be to the point of the pending matter, the Senate does not. A tabling motion—to put an amendment or a bill aside—can, in effect, kill a measure without its substance ever coming to a vote. An unrelated "rider"—an amendment having nothing to do with a bill's main purpose—can be used to weaken or bury it.

Partly because of these rules and procedures, the role of Congress in the Federal Government has been slowly changing. Our forefather's conception of a system of active government braked by a structure of checks and balances has been eroding into an unbalanced arrangement where the executive and judicial branches are the activists and the legislative branch only slows action.

This is not to argue that a President's legislative program—any President's—should be enacted from apple subsidies to zeppelin construction; but it is to say that the present method of helter-skelter legislating, with no rhyme nor rationale to the scheduling other than the whim of committee chairmen, is not an effective way to carry out the Nation's business.

What can be done about this? Congress could authorize a commission to study its rules and procedures and make recommendations for improvement. This is how we were able to achieve limited, but significant, progress on modernization and streamlining almost two decades ago. Legislation has been introduced by Senator CLIFFORD P. CASE, Republican, of New Jersey, and several colleagues for appointment of a commission, consisting of Members of Congress and outside experts, to make such a study. His view is that the workings of Congress should not be considered the exclusive preserve of its present Members, and that the public at large has a substantial stake and much objectivity in appraising the rules.

A similar bill, but one limiting the commission to Members of Congress, has been introduced by Democratic Senator JOSEPH CLARK, of Pennsylvania, and several House and Senate colleagues. His view is that Members of Congress are more likely to approve a commission limited to colleagues in the manner of the 1946 reform. CASE and CLARK have each sponsored the other's bill, recognizing that they will be lucky to achieve either this year.

A Senate Rules Subcommittee has now merged the two bills into one providing for a joint commission consisting of 6 Members of the Senate and 6 from the House to study 10 problem areas and additional topics aimed at improving the organization and operation of Congress. The next step is for the full Senate Rules Committee to take up this and three related resolutions.

One item high on the list of the Case-Clark proposals is a review of congressional scheduling. Perhaps there should be a leadership timetable for committee hearings and floor action requiring that some major problems be taken up before the summer wanes. Other ideas are for committees to meet on certain days of the week and the full House and Senate on other specified days; this would break the pattern of Tuesday-to-Thursday weeks and foil those Members who put outside activities, such as law practice, ahead of legislative duties. A program followed in some State legislatures for 2-year sessions, with the first year devoted to ap-



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TRANSMISSION SLIP		DATE 20 Sep 65
TO: Mr. Elder <i>pk</i>		
ROOM NO.	BUILDING	<i>W2</i>
REMARKS:  Attached are three excerpts from the <u>Congressional Record</u> of Monday, 9 September, containing the first day's debate in the Senate of the nuclear test ban treaty.  <div style="border: 1px solid black; height: 60px; width: 250px; margin: 10px auto;"></div> Assistant Legislative Counsel <i>for</i>		
FROM: <i>Col. S. L. O. file</i>		
ROOM NO.	BUILDING	EXTENSION

Approved For Release 2004/03/11 : CIA-RDP65B00383R000100210002-8