in the world. So far as I can see, with respect to human rights, there is no difference between a military dictatorship, Fascist in nature, and a Communist dictatorship. There are no human rights under any dictatorship. The policy of our Government to continue to support military dictatorships is costing us heavily in prestige around the world, because the policy proves us to be hypocritical. We cannot prate about supporting freedom and at the same time pour millions of dollars into any area of the world to support a military dictatorship.

That leads me to make a brief comment about South Vietnam. I am not at all impressed by the articles appearing in the newspapers today about the improvement in rapport between the Government of the United States and the Government of South Vietnam. Do you know why, Mr. President? It is because so long as Diem is the head of the Government of South Vietnam, we continue to support a tyrant, we continue to support a police-state dictator. We cannot justify that, in light of our professed ideals of seeking to support freedom for the masses of the people in the underdeveloped areas of the world.

I have said before, and shall continue to say as the historic debate on the foreign aid bill progresses, that the United States never should have gone into South Vietnam. I was opposed to our going into South Vietnam, because it was clear at the time that in going into South Vietnam, we were going in to support a tyrant, and we were going in alone.

We should get out of South Vietnam. I am not one who shudders and trembles at the knees when the blackmail argument is made that if we do not support its dictator, the country will go Communist. Let Khrushchev deal with dictators. They will cause him more trouble than they cause us. It is an unsound argument; it is a rationalization, seeking to justify an unsound policy, to argue that we ought to support Diem because if we do not, the Communists may take over. Everyone in this administration knows that if we withdrew our support from Diem, the anti-Communist forces in South Vietnam would throw him out within 90 days, and that hundreds of the exiles in Paris who are anti-Diem and anti-Communist would return to South Vietnam. Then there would be some chance of establishing in South Vietnam a moderate regime, anti-Communist in nature, but also democratic in purpose.

So I would have the United States get out of South Vietnam and save the American people the hundreds upon hundreds of millions of dollars that our Government is pouring down that rat hole—and I use the descriptive phrase "rat hole" advisedly.

Also, it would save many precious American lives. There are places in this city that do not like to hear that said. They did not like to hear it when the senior Senator from Oregon spoke it the first time. But I shall continue to speak it. On the basis of the present policies that prevail there, South Vietnam is not worth the life of a single American boy. The senior Senator from Oregon will not vote to continue to sacrifice the lives of American boys in South Vietnam.

Lastly, if the newspaper articles are accurate, I wish to say to Mr. Ball, the Under Secretary of State, before he even reaches the United States, that I find his newspaper reports most inconvincing in regard to Pakistan. They are most unconvincing. We should continue to make clear to Pakistan that there will be no foreign aid to that country so long as it continues to seek to build up ties between Pakistan and Red China.

If I read the news articles aright, and if the news articles are correct, Mr. Ball got no commitment from the so-called President of Pakistan. The word "President" in relation to the head of the Government of Pakistan should always be placed in quotation marks, because here again we are not dealing with a democrat; we are dealing with one who maintains a system of self-rule in Pakistan.

But I say to Mr. Ball and to the Secretary of State: So long as we do not have a commitment from Pakistan, one that is carried out in practice, not to build up its relations with Red China and provide for airplane landing rights and for various agreements in regard to defense, I am opposed to the sending of a single dollar of aid to Pakistan.

That is only part of my answer to the question the President of the United States raised some days ago, when he said to the American people that the opponents of foreign aid should tell where they believe cuts should be made. For weeks, I have been making a record of where the cuts should be made; and today I give him—again—part of my answer: Cut in Burma; cut in South Vietnam; cut in Pakistan. And in future speeches I will give him further suggestions.

ADJOURNMENT TO MONDAY

Mr. MORSE. Mr. President, I now move that, pursuant to the order previously entered, the Senate adjourn until Monday at noon.

The motion was agreed to; and (at 4 o'clock and 1 minute p.m.) the Senate, in executive session, adjourned, under the order previously entered, until Monday, September 9, 1963, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate September 6, 1963:

U.S. DISTRICT JUDGE

David Rabinovitz, of Wisconsin, to be U.S. district judge for the western district of Wisconsin, vice Patrick T. Stone, deceased.

UNITED NATIONS

The following-named persons to be representatives and alternate representatives of the United States of America to the 18th session of the General Assembly of the United Nations, to serve no longer than December 31, 1963:

To be representatives

Adlai E. Stevenson, of Illinois.
EDNA F. KELLY, U.S. Representative from the State of New York.
WILLIAM S. MAILLIARD, U.S. Representative from the State of California.
Francis T. P. Plimpton, of New York.
Charles W. Yost, of New York.

To be alternate representatives

Mercer Cook, Ambassador Extraordinary and Plenipotentiary of the United States to the Republic of Niger.
Charles C. Stelle, of Maryland.
Jonathan B. Bingham, of New York.
Sidney R. Yates, of Illinois.
Mrs. Jane Warner Dick, of Illinois.

SENATE

MONDAY, SEPTEMBER 9, 1963

The Senate met in executive session at 12 o'clock meridian, and was called to order by Hon. LEE METCALF, a Senator from the State of Montana.

The Chaplain, Rev. Frederick Brown Harris, D.D., offered the following prayer:

O Thou Judge of all men, in the fateful days which loom ahead for the Republic and for the world, we ask Thy enlightening grace upon the Members of this forum of our free land, which in the eyes of all the earth stands now in the valley of decision.

Thou who dost hate tyranny and any coercive fettering of the free will, hast made the mind and heart of each individual legislator a sacred inner closet to which the door is shut from all threats without, and where, in that hidden judgment hall, each steward of the Nation's welfare weighs the evidence, and then, even in a crowded chamber, deliberates and decides alone.

Give us such faith in the mental and moral integrity of those who by our side must face the same test and appraise the same testimony, that there will never be any doubt that divergent convictions grow out of the same pure patriotism.

Strengthen our belief that what is best for our America under God is best for the whole world, for Thou knowest that we have no dream of good for men and women and little children in our dear land that we do not passionately desire to share with all Thy children, of every race and kindred, beyond all the frowning frontiers of this now divided earth.

We ask it in the name of the Christ whose coming kingdom will unite all the sons of men. Amen.

DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington D.C. September 9, 1963.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. LEE METCALF, a Senator from the State of Montana, to perform the duties of the Chair during my absence.

CARL HAYDEN,
President pro tempore.

Mr. METCALF thereupon took the chair as Acting President pro tempore.

THE JOURNAL

As in legislative session,

On request of Mr. MANSFIELD, and by unanimous consent, the reading of the

Journal of the proceedings of Friday, September 6, 1963, was dispensed with.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States submitting nominations were communicated to the Senate by Mr. Miller, one of his secretaries.

NOMINATIONS

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to the consideration of the nominations on the Executive Calendar.

The motion was agreed to.

EXECUTIVE MESSAGES REFERRED

The ACTING PRESIDENT pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

The ACTING PRESIDENT pro tempore. If there be no reports of committees, the clerk will state the nominations on the Executive Calendar.

DEPARTMENT OF STATE

The Chief Clerk proceeded to read sundry nominations in the Department of State.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that these nominations be considered en bloc.

The ACTING PRESIDENT pro tempore. Without objection, the nominations will be considered en bloc; and, without objection, they are confirmed.

DIPLOMATIC AND FOREIGN SERVICE

The legislative clerk proceeded to read sundry nominations in the diplomatic and Foreign Service which had been placed on the Secretary's desk, and had been printed in the RECORD on August 26, 1963.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that these nominations be considered en bloc.

The ACTING PRESIDENT pro tempore. Without objection, the nominations will be considered en bloc; and, without objection, they are confirmed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of all these nominations.

The ACTING PRESIDENT pro tempore. Without objection, the President will be notified forthwith.

PRIVILEGE OF THE FLOOR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that Mr. Charles P. Sifton, of the staff of the Committee on Foreign Relations, be permitted the privilege of the Senate floor during consideration of the nuclear test ban treaty. I make that request subject to concurrence by the distinguished minority leader.

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

TRANSACTION OF ROUTINE LEGISLATIVE BUSINESS

Mr. MANSFIELD. Mr. President, notwithstanding the fact that the Senate is in executive session, I ask unanimous consent that, as in legislative session, there be a morning hour, and that statements in that connection be limited to 3 minutes.

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

COMMITTEE MEETING DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, as in legislative session, I ask unanimous consent that the Subcommittee on Employment and Manpower of the Senate Committee on Labor and Public Welfare, be authorized to meet during the session of the Senate today until 1 p.m.

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

PROPOSED AMENDMENTS TO BUDGET FOR DISTRICT OF COLUMBIA (S. DOC. NO. 32)

The ACTING PRESIDENT pro tempore laid before the Senate a communication from the President of the United States, transmitting amendments to the budget for the District of Columbia, for fiscal year 1964, in the amount of $38,030,000, which, with the accompanying paper was referred to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. MOSS, from the Committee on Interior and Insular Affairs, with amendments:

S. 283. A bill to amend the Small Reclamation Projects Act of 1956 (Rept. No. 482).

CORRECTION OF INEQUITIES IN CONSTRUCTION OF FISHING VESSELS—REPORT OF A COMMITTEE—MINORITY VIEWS (S. REPT. NO. 481)

Mr. BARTLETT. Mr. President, from the Committee on Commerce, I report favorably, with amendments, the bill (S. 1006) to amend the act of June 12, 1960, for the correction of inequities in the construction of fishing vessels, and for other purposes, and I submit a report thereon, together with the minority views of the Senator from Ohio [Mr. LAUSCHE] and the Senator from South Carolina [Mr. THURMOND]. I ask unanimous consent that the report be printed, together with the minority views.

The ACTING PRESIDENT pro tempore. The report will be received and the bill will be placed on the calendar; and, without objection, the report will be printed, as requested by the Senator from Alaska.

REPORT OF JOINT COMMITTEE ON REDUCTION OF NONESSENTIAL FEDERAL EXPENDITURES—FEDERAL EMPLOYMENT AND PAY

Mr. BYRD of Virginia. Mr. President, as chairman of the Joint Committee on Reduction of Nonessential Federal Expenditures, I submit a report on Federal employment and pay for the month of July 1963. In accordance with the practice of several years' standing, I ask unanimous consent to have the report printed in the RECORD together with a statement by me.

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

FEDERAL PERSONNEL IN EXECUTIVE BRANCH, JULY 1963 AND JUNE 1963, AND PAY, JUNE 1963 AND MAY 1963

PERSONNEL AND PAY SUMMARY

(See table I)

Information in monthly personnel reports for July 1963 submitted to the Joint Committee on Reduction of Nonessential Federal Expenditures is summarized as follows:

Total and major categories	Civilian personnel in executive branch			Payroll (in thousands) in executive branch		
	In July numbered	In June numbered	Increase (+) or decrease (−)	In June was—	In May was—	Increase (+) or decrease (−)
Total [1]	2,518,900	2,509,708	+9,192	$1,224,377	$1,363,047	−$138,670
Agencies exclusive of Department of Defense	1,467,237	1,459,684	+7,553	698,932	776,506	−77,574
Department of Defense	1,051,663	1,050,024	+1,639	585,445	586,541	−61,096
Inside the United States	2,356,384	2,346,936	+9,448			
Outside the United States	162,516	162,772	−256			
Industrial employment	562,025	561,153	+872			
Foreign nationals	162,374	163,619	−1,245	27,455	27,612	−157

[1] Exclusive of foreign nationals shown in the last line of this summary.

Table I breaks down the above figures on employment and pay by agencies.

Table II breaks down the above employment figures to show the number inside the United States by agencies.

Table III breaks down the above employment figures to show the number outside the United States by agencies.

Table IV breaks down the above employment figures to show the number in industrial-type activities by agencies.

Table V shows foreign nationals by agencies not included in tables I, II, III, and IV.

TABLE I.—*Consolidated table of Federal personnel inside and outside the United States employed by the executive agencies during July 1963, and comparison with June 1963, and pay for June 1963, and comparison with May 1963*

Department or agency	Personnel				Pay (in thousands)			
	July	June	Increase	Decrease	June	May	Increase	Decrease
Executive departments (except Department of Defense):								
Agriculture	116,679	[1] 115,795	884		$50,630	$54,675		$4 045
Commerce	32 494	32 358	136		17,073	20,443		3,370
Health, Education, and Welfare	82,487	81,063	1,424		40,077	43,054		2,977
Interior	70.374	72,549		2,175	35,838	39,113		3,275
Justice	32.288	32,081	207		19,394	22,043		2,649
Labor	9,778	9,581	197		5,216	5,806		590
Post Office	590,133	587,161	2,972		260,272	287,938		27,666
State [2 3]	43,053	42.428	625		20,988	22.854		1,866
Treasury	87,473	86,579	894		47,292	54,536		7,244
Executive Office of the President:								
White House Office	381	388		7	263	284		21
Bureau of the Budget	512	514		2	399	445		46
Council of Economic Advisers	51	61		10	36	38		2
Executive Mansion and Grounds	78	77	1		38	48		10
National Aeronautics and Space Council	30	30			25	27		2
National Security Council	41	39	2		30	35		5
Office of Emergency Planning	493	477	16		353	391		38
Office of Science and Technology	53	68		15	29	32		3
Office of the Special Representative for Trade Negotiations [4]	22		22					
President's Commission on Registration and Voting Participation	19	10	9		4	3	$1	
Independent agencies:								
Advisory Commission on Intergovernmental Relations	26	36		10	21	24		3
American Battle Monuments Commission	434	422	12		89	92		3
Atomic Energy Commission	7,274	7,121	153		5,225	5,651		426
Board of Governors of the Federal Reserve System	633	622	11		379	428		49
Civil Aeronautics Board	855	851	4		601	683		82
Civil Service Commission	4,081	4,085		4	2,386	2,675		289
Civil War Centennial Commission	5	5			4	4		
Commission of Fine Arts	6	7		1	6	6		
Commission on Civil Rights	92	79	13		46	53		7
Delaware River Basin Commission	2	2			2	3		1
Export-Import Bank of Washington	304	300	4		286	257	29	
Farm Credit Administration	238	238			166	183		17
Federal Aviation Agency	46,549	46,337	212		30,700	33,150		2,450
Federal Coal Mine Safety Board of Review	7	7			4	5		1
Federal Communications Commission	1,538	1,515	23		957	1,067		110
Federal Deposit Insurance Corporation	1,247	1,236	11		755	868		113
Federal Home Loan Bank Board	1,257	1,252	5		796	883		87
Federal Maritime Commission	251	251			162	188		26
Federal Mediation and Conciliation Service	403	398	5		322	366		44
Federal Power Commission	1,222	1,218	4		787	860		73
Federal Trade Commission	1,176	1,177		1	771	881		110
Foreign Claims Settlement Commission	147	144	3		70	78		8
General Accounting Office	4,651	4,647	4		2,820	3,157		337
General Services Administration	32,871	32,652	219		15,028	16,745		1,717
Government Printing Office	7,210	7,214		4	4,088	4,524		436
Housing and Home Finance Agency	14,302	14,160	142		8,285	9,427		1,142
Indian Claims Commission	21	21			23	21	2	
Interstate Commerce Commission	2,426	2,427		1	1,544	1,767		223
National Aeronautics and Space Administration	30,582	29,937	645		20,368	22,888		2,520
National Capital Housing Authority	434	453		19	193	219		26
National Capital Planning Commission	66	69		3	46	41	5	
National Capital Transportation Agency	82	86		4	56	62		6
National Gallery of Art	318	315	3		125	148		23
National Labor Relations Board	2,052	1,982	70		1,302	1,498		196
National Mediation Board	136	143		7	131	130	1	
National Science Foundation	1,071	1,099		28	644	690		46
Panama Canal	15,031	14,966	65		4,988	5,144		156
President's Committee on Equal Employment Opportunity	58	56	2		36	38		2
Railroad Retirement Board	2,002	1,995	7		1,040	1,173		133
Renegotiation Board	222	223		1	165	191		26
St. Lawrence Seaway Development Corporation	165	163	2		95	104		9
Securities and Exchange Commission	1,404	1,388	16		876	1,005		129
Selective Service System	6,926	6,916	10		2,068	2,369		301
Small Business Administration	3,406	3,387	19		2,008	2,272		264
Smithsonian Institution	1,633	1,615	18		720	786		66
Soldiers' Home	1,075	1,073	2		344	372		28
South Carolina, Georgia, Alabama, and Florida Water Study Commission	[5] 20	20			13	22		9
Subversive Activities Control Board	25	25			20	22		2
Tariff Commission	290	288	2		192	212		20
Tax Court of the United States	157	157			118	127		9
Tennessee Valley Authority	18,017	18,075		58	10,331	11,533		1,202
U.S. Arms Control and Disarmament Agency	155	153	2		109	145		36
U.S. Information Agency	11,957	11,793	164		5,345	5,334	11	
Veterans' Administration	173,612	172,903	709		73,132	83,976		10,844
Virgin Islands Corporation	674	721		47	187	194		7
Total, excluding Department of Defense	1,467,237	1,459,684	9,950	2,397	698,932	776,506	49	77,623
Net change, excluding Department of Defense			7,553				77,574	
Department of Defense:								
Office of the Secretary of Defense	2,252	2,247	5		1,656	1,805		149
Department of the Army	376,596	375,933	663		186,255	203,023		16,768
Department of the Navy	344,682	343,971	711		177,910	200,583		22,673
Department of the Air Force	297,154	296,982	172		144,293	164,554		20,261
Defense Atomic Support Agency	2,002	2,006		4	941	1,072		131
Defense Communications Agency	587	572	15		352	293	59	
Defense Supply Agency	25,070	25,032	38		12,082	13,106		1,024
Office of Civil Defense	1,133	1,133			812	920		108
U.S. Court of Military Appeals	40	39	1		31	36		5
Interdepartmental activities	13	12	1		7	9		2

See footnotes at end of table.

TABLE I.—*Consolidated table of Federal personnel inside and outside the United States employed by the executive agencies during July 1963, and comparison with June 1963, and pay for June 1963, and comparison with May 1963*—Continued

Department or agency	Personnel				Pay (in thousands)			
	July	June	Increase	Decrease	June	May	Increase	Decrease
Department of Defense—Continued								
International military activities	59	59			$38	$41		$3
Armed Forces information and education activities	425	421	4		203	228		25
Classified activities	1,650	1,617	33		865	871		6
Total, Department of Defense	1,051,663	1,050,024	1,643	4	525,445	586,541	$59	61,155
Net change, Department of Defense			1,639				61,096	
Grand total, including Department of Defense [6 7]	2,518,900	2,509,708	11,593	2,401	1,224,377	1,363,047	108	138,778
Net change, including Department of Defense			9,192				138,670	

[1] Revised on basis of later information.
[2] July figure includes 17,206 employees of the Agency for International Development, as compared with 16,782 in June and their pay. These AID figures include employees who are paid from foreign currencies deposited by foreign governments in a trust fund for this purpose. The July figure includes 4,660 of these trust fund employees and the June figure includes 4,689.
[3] July figure includes 1,151 employees of the Peace Corps as compared with 1,121 in June and their pay.
[4] Employees and functions of the Office of the Special Representative for Trade Negotiations transferred from White House Office effective July 1, 1963. Agency originally created pursuant to Executive Order 11106 dated Apr. 18, 1963.
[5] Subject to revision.
[6] Exclusive of personnel and pay of the Central Intelligence Agency and the National Security Agency.
[7] Includes employment by Federal agencies under the Public Works Acceleration Act (Public Law 87-658) as follows:

Agency	July	June	Change
Agriculture Department	1,655	3,291	−1,636
Interior Department	267	3,681	−3,414
Tennessee Valley Authority	68	158	−90
Veterans' Administration		39	−39
Department of the Army		242	−242
Total	1,990	7,411	−5,421

TABLE II.—*Federal personnel inside the United States employed by the executive agencies during July 1963, and comparison with June 1963*

Department or agency	July	June	Increase	Decrease
Executive departments (except Department of Defense):				
Agriculture	115,491	[1] 114,601	890	
Commerce	31,822	31,692	130	
Health, Education, and Welfare	81,838	80,439	1,399	
Interior	69,854	72,028		2,174
Justice	31,916	31,723	193	
Labor	9,675	9,478	197	
Post Office	588,673	585,710	2,963	
State [2 3]	11,137	10,868	269	
Treasury	86,853	85,949	904	
Executive Office of the President:				
White House Office	381	388		7
Bureau of the Budget	512	514		2
Council of Economic Advisers	51	61		10
Executive Mansion and Grounds	78	77	1	
National Aeronautics and Space Council	30	30		
National Security Council	41	39	2	
Office of Emergency Planning	493	477	16	
Office of Science and Technology	53	68		15
Office of the Special Representative for Trade Negotiations [4]	22		22	
President's Commission on Registration and Voting Participation	19	10	9	
Independent agencies:				
Advisory Commission on Intergovernmental Relations	26	36		10
American Battle Monuments Commission	7	6	1	
Atomic Energy Commission	7,237	7,088	149	
Board of Governors of the Federal Reserve System	633	622	11	
Civil Aeronautics Board	854	850	4	
Civil Service Commission	4,078	4,081		3
Civil War Centennial Commission	5	5		
Commission of Fine Arts	6	7		1
Commission on Civil Rights	92	79	13	
Delaware River Basin Commission	2	2		
Export-Import Bank of Washington	304	300	4	
Farm Credit Administration	238	238		
Federal Aviation Agency	45,492	45,289	203	
Federal Coal Mine Safety Board of Review	7	7		
Federal Communications Commission	1,536	1,513	23	
Federal Deposit Insurance Corporation	1,245	1,234	11	
Federal Home Loan Bank Board	1,257	1,252	5	
Federal Maritime Commission	251	251		
Federal Mediation and Conciliation Service	403	398	5	
Federal Power Commission	1,222	1,218	4	
Federal Trade Commission	1,176	1,177		1
Foreign Claims Settlement Commission	104	[1] 101	3	
General Accounting Office	4,550	4,551		1
General Services Administration	32,850	32,639	211	
Government Printing Office	7,210	7,214		4
Housing and Home Finance Agency	14,112	13,970	142	
Indian Claims Commission	21	21		
Interstate Commerce Commission	2,426	2,427		1
National Aeronautics and Space Administration	30,571	29,926	645	
National Capital Housing Authority	434	453		19
National Capital Planning Commission	66	69		3
National Capital Transportation Agency	82	86		4
National Gallery of Art	318	315	3	
National Labor Relations Board	2,019	1,949	70	
National Mediation Board	136	143		7
National Science Foundation	1,057	1,085		28
Panama Canal	163	169		6
President's Commission on Equal Employment Opportunity	58	56	2	
Railroad Retirement Board	2,002	1,995	7	
Renegotiation Board	222	223		1
St. Lawrence Seaway Development Corporation	165	163	2	
Securities and Exchange Commission	1,404	1,388	16	
Selective Service System	6,776	6,765	11	
Small Business Administration	3,350	3,331	19	
Smithsonian Institution	1,614	1,598	16	
Soldiers' Home	1,075	1,073	2	
South Carolina, Georgia, Alabama, and Florida Water Study Commission	[5] 20	20		
Subversive Activities Control Board	25	25		
Tariff Commission	290	288	2	
Tax Court of the United States	157	157		
Tennessee Valley Authority	18,016	18,074		58
U.S. Arms Control and Disarmament Agency	155	153	2	
U.S. Information Agency	3,362	3,304	58	
Veterans' Administration	172,618	171,910	708	
Total, excluding Department of Defense	1,402,438	1,395,446	9,347	2,355
Net increase, excluding Department of Defense			6,992	
Department of Defense:				
Office of the Secretary of Defense	2,188	2,183	5	
Department of the Army	328,264	327,072	1,192	
Department of the Navy	320,309	319,686	623	
Department of the Air Force	272,256	271,706	550	
Defense Atomic Support Agency	2,002	2,006		4
Defense Communications Agency	560	546	14	
Defense Supply Agency	25,070	25,032	38	
Office of Civil Defense	1,133	1,133		
U.S. Court of Military Appeals	40	39	1	
Interdepartmental activities	12	11	1	
International military activities	37	38		1
Armed Forces information and education activities	425	421	4	
Classified activities	1,650	1,617	33	
Total, Department of Defense	953,946	951,490	2,461	5
Net increase, Department of Defense			2,456	
Grand total, including Department of Defense	2,356,384	2,346,936	11,808	2,360
Net increase, including Department of Defense			9,448	

[1] Revised on basis of later information.
[2] July figure includes 2,990 employees of the Agency for International Development as compared with 2,731 in June.
[3] July figure includes 785 employees of the Peace Corps as compared with 758 in June.
[4] Employees and functions of the Office of the Special Representative for Trade Negotiations transferred from White House Office effective July 1, 1963. Agency originally created pursuant to Executive Order 11106 dated Apr. 18, 1963.
[5] Subject to revision.

TABLE III.—*Federal personnel outside the United States employed by the executive agencies during July 1963, and comparison with June 1963*

Department or agency	July	June	Increase	Decrease
Executive departments (except Department of Defense):				
Agriculture	1,188	1,194		6
Commerce	672	666	6	
Health, Education, and Welfare	649	624	25	
Interior	520	521		1
Justice	372	358	14	
Labor	103	103		
Post Office	1,460	1,451	9	
State [1 2]	31,916	31,560	356	
Treasury	620	630		10
Independent agencies:				
American Battle Monuments Commission	427	416	11	
Atomic Energy Commission	37	33	4	
Civil Aeronautics Board	1	1		
Civil Service Commission	3	4		1
Federal Aviation Agency	1,057	1,048	9	
Federal Communications Commission	2	2		
Federal Deposit Insurance Corporation	2	2		
Foreign Claims Settlement Commission	43	[3] 43		
General Accounting Office	101	96	5	
General Services Administration	21	13	8	
Housing and Home Finance Agency	190	190		
National Aeronautics and Space Administration	11	11		
National Labor Relations Board	33	33		
National Science Foundation	14	14		
Panama Canal	14,868	14,797	71	1
Independent agencies—Continued				
Selective Service System	150	151		
Small Business Administration	56	56		
Smithsonian Institution	17	17		
Tennessee Valley Authority	1	1		
U.S. Information Agency	8,597	8,489	108	
Veterans' Administration	994	993	1	
Virgin Islands Corporation	674	721		47
Total, excluding Department of Defense	64,799	64,238	627	66
Net increase, excluding Department of Defense			561	
Department of Defense:				
Office of the Secretary of Defense	64	64		
Department of the Army	48,332	48,861		529
Department of the Navy	24,373	24,285	88	
Department of the Air Force	24,898	25,276		378
Defense Communications Agency	27	26	1	
Interdepartmental activities	1	1		
International military activities	22	21	1	
Total, Department of Defense	97,717	98,534	90	907
Net decrease, Department of Defense			817	
Grand total, including Department of Defense	162,516	162,772	717	973
Net decrease, including Department of Defense			256	

[1] July figure includes 14,216 employees of the Agency for International Development as compared with 14,051 in June. These AID figures include employees who are paid from foreign currencies deposited by foreign governments in a trust fund for this purpose. The July figure includes 4,660 of these trust fund employees and the June figure includes 4,689.

[2] July figure includes 366 employees of the Peace Corps as compared with 363 in June.

[3] Revised on basis of later information.

TABLE IV.—*Industrial employees of the Federal Government inside and outside the United States employed by the executive agencies during July 1963, and comparison with June 1963*

Department or agency	July	June	Increase	Decrease
Executive departments (except Department of Defense):				
Agriculture	3,998	3,951	47	
Commerce	5,816	5,858		42
Interior	9,104	9,532		428
Post Office	271	257	14	
Treasury	5,255	5,194	61	
Independent agencies:				
Atomic Energy Commission	281	276	5	
Federal Aviation Agency	3,042	3,037	5	
General Services Administration	1,735	1,721	14	
Government Printing Office	7,210	7,214		4
National Aeronautics and Space Administration	30,542	29,937	605	
Panama Canal	7,620	7,466	154	
St. Lawrence Seaway Development Corporation	164	162	2	
Tennessee Valley Authority	14,825	14,805	20	
Virgin Islands Corporation	674	721		47
Total, excluding Department of Defense	90,537	90,131	927	521
Net increase, excluding Department of Defense			406	
Department of Defense:				
Department of the Army:				
Inside the United States	[1] 134,816	[2] 134,525	291	
Outside the United States	[1] 4,077	[2] 4,122		45
Department of the Navy:				
Inside the United States	197,903	197,513	390	
Outside the United States	1,265	1,271		6
Department of the Air Force:				
Inside the United States	130,513	130,640		127
Outside the United States	1,123	1,130		7
Defense Supply Agency: Inside the United States	1,791	1,821		30
Total, Department of Defense	471,488	471,022	681	215
Net increase, Department of Defense			466	
Grand total, including Department of Defense	562,025	561,153	1,608	736
Net increase, including Department of Defense			872	

[1] Subject to revision.

[2] Revised on basis of later information.

TABLE V.—*Foreign nationals working under U.S. agencies overseas, excluded from tables I through IV of this report, whose services are provided by contractual agreement between the United States and foreign governments, or because of the nature of their work or the source of funds from which they are paid, as of July 1963 and comparison with June 1963*

Country	Total		Army		Navy		Air Force	
	July	June	July	June	July	June	July	June
Canada	35	35					35	35
Crete	62	63					62	63
England	3,003	2,990			122	123	2,881	2,867
France	21,289	21,260	17,455	17,550	11	11	3,823	3,699
Germany	78,722	79,262	66,631	67,179	84	85	12,007	11,998
Greece	255	250					255	250
Japan	50,631	51,308	17,806	18,220	14,448	[1] 14,555	18,377	18,533
Korea	6,202	6,202	6,202	6,202				
Morocco	1,567	1,642			747	751	820	891
Netherlands	56	52					56	52
Trinidad	552	555			552	555		
Total	162,374	163,619	108,094	109,151	15,964	16,080	38,316	38,388

[1] Revised on basis of later information.

STATEMENT BY SENATOR BYRD OF VIRGINIA

The cost of civilian employment in the executive branch of the Federal Government reached its all-time high in fiscal year 1963 which ended June 30, and average employment over the full 12 months was at its highest point since fiscal year 1954.

Federal civilian payroll costs during the year totaled $15,346 million plus $334 million in U.S. pay for foreign nationals not on the regular rolls. The personal service cost of the Government exceeded $1 billion a month for the fifth consecutive year.

The payroll cost for employment by civilian agencies in fiscal year 1963 was $8,742 million and for civilian employment in military agencies was $6,604 million.

Figures by fiscal years since 1954 follow:

Annual Federal expenditures for civilian payroll, executive branch, fiscal years 1954–63

[In millions of dollars]

Fiscal year	Civilian agencies	Department of Defense [1] (civilian employment)	Total
1954	4,865	4,588	9,453
1955	4,921	4,700	9,621
1956	5,359	5,167	10,526
1957	5,602	5,399	11,000
1958	6,040	5,415	11,455
1959	6,564	5,766	12,330
1960	6,877	5,760	12,637
1961	7,622	6,026	13,648
1962	7,978	6,318	14,296
1963	8,742	6,604	15,346

[1] Excludes U.S. pay for foreign nationals not on regular rolls.

Employment by executive branch agencies during fiscal year 1963 (ended June 30) averaged 2,493,374 as compared with an average of 2,443,808 in the previous year. Employment by civilian agencies averaged 1,429,654, an increase of 44,522 as compared with an average of 1,385,132 in the previous year. Civilian employment by military agencies averaged 1,063,720, an increase of 5,045 as compared with an average of 1,158,675 in the previous year.

Average employment by fiscal years since 1954 follows:

Average civilian employment, by Federal agencies, executive branch, fiscal years 1954–63

[In millions of dollars]

Fiscal year	Civilian agencies	Department of Defense [1] (civilian employment)	Total
1954	1,183,389	1,252,775	2,436,164
1955	1,182,663	1,184,627	2,367,290
1956	1,189,458	1,174,584	2,364,042
1957	1,219,835	1,174,263	2,394,099
1958	1,242,941	1,104,403	2,347,344
1959	1,266,566	1,085,676	2,352,242
1960	1,331,605	1,054,740	2,386,345
1961	1,335,089	1,037,356	2,372,445
1962	1,385,132	1,058,675	2,443,808
1963	1,429,654	1,063,720	2,493,374

[1] Excludes foreign nationals not on regular rolls (averaging 168,281 during fiscal year 1963).

JULY 1963 EMPLOYMENT

Monthly reports on personnel certified to the committee showed civilian employment by executive agencies of the Federal Government during July totaled 2,518,900, compared with 2,509,708 in June. This was a net increase of 9,192, including a net decrease of 5,421 in temporary employment under the public works acceleration program authorized by Public Law 87–658.

Civilian agencies reporting the larger increases were Post Office Department with 2,972; Department of Health, Education, and Welfare with 1,424; Treasury Department with 894, and Agriculture Department with 884. The largest decrease was reported by Interior Department with 2,175.

Total employment inside the United States in July was 2,356,384, an increase of 9,448 as compared with June. Total employment outside the United States was 162,516, a decrease of 256 as compared with June.

Employment by civilian agencies in July totaled 1,467,237, an increase of 7,553 over June. Civilian employment by military agencies in July totaled 1,051,663, an increase of 1,639 as compared with June.

FOREIGN NATIONALS

The total of 2,518,900 civilian employees certified to the committee by executive agencies in their regular monthly personnel reports includes some foreign nationals employed in U.S. Government activities abroad, but in addition to these there were 162,374 foreign nationals working for U.S. agencies overseas during July who were not counted in the usual personnel reports. The number in June was 163,619. A breakdown of this employment for July follows:

Country	Total	Army	Navy	Air Force
Canada	35			35
Crete	62			62
England	3,003		122	2,881
France	21,289	17,455	11	3,823
Germany	78,722	66,631	84	12,007
Greece	255			255
Japan	50,631	17,806	14,448	18,377
Korea	6,202	6,202		
Morocco	1,567		747	820
Netherlands	56			56
Trinidad	552		552	
Total	162,374	108,094	15,964	38,316

REPORT ON DISPOSITION OF EXECUTIVE PAPERS

Mr. JOHNSTON, from the Joint Select Committee on the Disposition of Papers in the Executive Departments, to which was referred for examination and recommendation a list of records transmitted to the Senate by the Archivist of the United States, dated August 22, 1963, that appeared to have no permanent value or historical interest, submitted a report thereon, pursuant to law.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. DIRKSEN:

S. 2124. A bill to amend the Bankruptcy Act with respect to the tenure, salary, and retirement benefits of referees in bankruptcy; to the Committee on the Judiciary.

By Mr. GRUENING (for himself, Mr. BARTLETT, and Mr. METCALF):

S. 2125. A bill to revitalize the American gold mining industry; to the Committee on Interior and Insular Affairs.

(See the remarks of Mr. GRUENING when he introduced the above bill, which appear under a separate heading.)

By Mr. MOSS:

S. 2126. A bill to amend the Railroad Retirement Act of 1937 so as to permit a widow of an employee, in certain cases, to qualify for a widow's annuity notwithstanding her remarriage; to the Committee on Labor and Public Welfare.

By Mr. CASE:

S. 2127. A bill to amend title II of the Social Security Act to increase the amount of annual earnings includible in determining benefits, to strengthen the actuarial status of the Disability Trust Fund, to increase the amount that recipients of benefits may earn without suffering deductions from their benefits, to permit payment of child's insurance benefits after attainment of age 18 in case of a child attending school, to liberalize the conditions under which disability benefits are payable, provide for payment of certain disabled widows, and for other purposes; to the Committee on Finance.

(See the remarks of Mr. CASE when he introduced the above bill, which appear under a separate heading.)

GOLD MINING REVITALIZATION ACT

Mr. GRUENING. Mr. President, on behalf of myself, and my colleague, the senior Senator from Alaska [Mr. BARTLETT], and the Senator from Montana [Mr. METCALF], I introduce, for appropriate reference, a bill to revitalize the American gold mining industry. This bill, I hope, will provide an answer some of us have been seeking to the grave problems encountered by the American gold mining industry.

On July 15, 16, and 17, as chairman of the Subcommittee on Minerals, Materials, and Fuels of the Senate Interior and Insular Affairs Committee, I conducted hearings on measures introduced earlier in this session to aid the gold mining industry. These bills were S. 1273, which I introduced together with other distinguished Members of the Senate, and S. 100, introduced by Senator DOMINICK.

S. 1273 and S. 100 represent means of attempting to restore the moribund domestic gold mining industry to life. I believe both of these bills are sound proposals which, if enacted, would be helpful in achieving increased production of gold by American gold miners.

However, in the course of the exhaustive study which the subcommittee made during the hearings on this legislation it became apparent that another plan, embodied in the bill I introduce today, might be more effective in overcoming the essential obstacles to increase productivity in the gold mines and the opposition of the Treasury Department than the proposals in the legislation then before us. This bill is designed to overcome the most serious detriment to successful gold mining today—that of greatly increased costs of producing a commodity for which the price was set by its only customer, the U.S. Government—in 1934.

Accordingly, I call the attention of the Congress to this new bill, on which I expect to hold hearings in the near future, to obtain the reaction of the gold mining industry, Members of Congress, representatives of the executive branch of Government, and others who are or should be concerned with the survival of this sector of the economy.

The purpose of the Gold Mine Revitalization Act is to compensate producers who sell gold in the United States for the difference in costs of production of this mineral today and the costs which were incurred for the same operations in 1940. The year 1940 is chosen as a base year because that was the year of our history when American mining reached its peak of production.

It was on January 31, 1934, President Roosevelt issued Proclamation No. 2072, which reduced the weight of gold in the U.S. dollar and effectively set the price of gold for all purposes, monetary and

otherwise, for domestic gold miners at $35 an ounce.

It has been repeatedly pointed out that the gold mining industry is the only industrial enterprise in our free American economy for which the price at which it can sell its product is rigidly set by Government fiat.

No other American industry is required to operate on the basis of a price for its product set in 1934, nearly 30 years ago, and, to all intents and purposes, unchangeable.

It is apparent the cost of all components of production of gold—labor, equipment, construction, transportation, and other expenses have multiplied manifold. Yet, the gold miner is expected to produce in a situation in which profit is impossible, because costs of operation have gone far beyond the income which can be earned from sale of the product at the price compelled by this Government.

The bill I have introduced today would change this by authorizing the Government, through the Secretary of the Interior, to support the cost of producing gold to the extent this cost exceeds that of equivalent operations in 1940. The bill contemplates that payments to gold miners would be carefully limited to amounts actually required to allow profitable operation and only where the producer demonstrates that costs of efficient operation are so excessive a reasonable profit cannot be earned in the absence of assistance. In other words, gold miners would not reap a bonanza, but would be allowed help they need to produce gold.

This approach has the advantage of leaving the price of gold for all purposes, commercial and otherwise, at the established $35 an ounce. Thus, the risk is avoided that domestic producers would lose markets because of a rise in price.

Also, this proposal is designed to circumvent the stubborn resistance of the Department of the Treasury in both this and previous administrations, to legislation to aid gold miners on grounds this would, in some mysterious way, affect the value of the U.S. dollar.

The premise of the legislation is that the expressed interest of the U.S. Government in maintaining, for all time, the price of gold at $35 an ounce for purposes of international financial stability, requires the Government to finance the deficit incurred in its production by private operators.

I believe this premise is entirely justifiable, since the reasons gold miners now find themselves in their present plight are entirely the result of actions of the Government. I referred above to the Presidential proclamation of 1934 establishing the price of gold at its immovable level. While this is the root cause of the decline in the gold mining industry, gold miners suffered a devastating blow by governmental fiat during World War II which was, to all intents and purposes, a fatal stroke. I refer to the War Production Board Order No. L–208 of October 9, 1942, which shut down American gold mines completely. Gold miners who might have otherwise survived, even with the strict limitation on price of their product, could not finance the expensive operations required to reopen mines closed by this order. This was, in fact, the virtual death knell of gold mining in the United States. After having reached its highest level of production in 1940, when domestic mines produced 4,862,979 fine ounces of gold, gold mining declined to a virtual standstill during the World War II years. The industry has never recovered. In 1961, our domestic production declined to its lowest peacetime level since the high-water mark of 1940, and there is presently nothing to indicate that its steady downward trend can be reversed without swift and strong action by the Government.

Our Government, having taken action directly causative of the injury suffered by the gold mining industry, has a direct responsibility for mitigating the damage. While support of agricultural crops, subsidies to shipping and airlines, aid to depressed areas in general, and all manner of Federal benefits are now taken for granted in our domestic economy, I deeply believe that the gold mining industry has the strongest case of all for Government assistance. The reasons for its difficulties, as outlined above, are clear. There is no doubt of its need for help.

Certainly, this casualty of the Second World War on the domestic scene is more fully entitled to help than the myriad foreign nations to whom we have given so generously of our resources since that war. It was, after the Second World War, our unselfish and altruistic policy to go to the help, without stint, of our Allies and even our enemies in the past conflict. Even after their recovery, our policy of aiding over a hundred countries of the world, without even the reason that they were damaged during the war, has cost us untold billions of dollars.

Certainly, the domestic gold mining industry deserves aid from the Government. I believe this bill is a means of providing that which is needed. I hope we shall obtain early and favorable action upon it.

I ask unanimous consent that the bill lie on the table until September 16, for additional cosponsers. I invite those who share my concern for the gold mining industry to join with me in sponsoring the bill.

The ACTING PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the bill will lie on the desk, as requested by the Senator from Alaska.

The bill (S. 2125) to revitalize the American gold mining industry, introduced by Mr. GRUENING (for himself and other Senators), was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

IMPROVEMENT OF SOCIAL SECURITY PROGRAM

Mr. CASE. Mr. President, I introduce, for appropriate reference, a bill to strengthen the social security program. My bill would provide for long-range improvements in the scale of general benefits. It would remove a number of existing inequities. In all, approximately 2 million social security recipients would benefit next year, alone. It provides for financing the cost of the improvements.

For the past 2 years, medicare has been the major consideration of Congress in the social security field. It is doubtful, I am afraid, that Congress will complete action on medicare legislation this year, although much depends upon how long we stay in session. I have, of course, supported in the past, and continue to support, health-care legislation. But, in addition, I believe we should also give attention to a number of existing inequities in the social security law and to its long-range adequacy.

No legislation can meet every need, remove every obstacle, pay every bill. But my bill is an effort to help resolve some of the more troublesome inadequacies and inconsistencies.

In substance, the bill—

First, helps those who wish to continue to work past retirement age, by permitting them to earn $1,800 a year, without losing social security benefits, rather than $1,200, which is the present ceiling on outside earnings. Beyond this improvement, the bill would reduce the present penalty on outside earnings between $1,800 and $2,400 a year by allowing retention of $1 in benefits for every $2 earned between these amounts. The provision, as a whole, would, in the first year of operation, materially assist about 900,000 social security beneficiaries.

For some, forced retirement creates more than financial hardship, important as that is. People are living longer, and feeling better for it, than at any time in the history of man. Forcing them out of the work force before their time often destroys their sense of usefulness, stability, and personal worth.

Second, provides an increase in the earnings base on which taxes are levied and benefits paid from the first $4,800 of income to $5,400. This would increase the maximum family benefit from $254 to $274, and the maximum benefits for the individual worker from $127 to $137. In the first year alone, this provision would benefit 700,000 family members; and eventually, all who receive social security will benefit.

This change is required in order to keep up with increases in the cost of living and to maintain a closer relationship between current salaries of workers prior to retirement and the amount of benefits on which they must live following retirement.

Third, pays benefits for children up to age 22, instead of 18 years, if the children are full-time students. When these benefits were established in 1940, it was presumed that, by age 18, a child would have completed his schooling and would be capable of supporting himself. This is no longer true.

The number of professional, technical, and other jobs requiring higher educational qualifications is growing at a much greater rate than the number of unskilled jobs.

A study made by the U.S. Office of Education in 1956 and a 1960 study by the Survey Research Center of the University of Michigan each showed that about 60 percent of the cost of college attendance came from family contributions. Another Office of Education study, published in 1958, reported that lack of financial resources was a major cause of college dropouts. And families that have lost the earnings of the family breadwinner are more likely to lack financial resources than are other families.

Not only may the child be prevented from going to college by loss of parental support and loss of his benefits; he may also be prevented from finishing high school. There are in the country about 500,000 high school students who have passed their 18th birthday. In April 1960, almost half of the students enrolled in the 12th grade were age 18 or older.

This provision would benefit, in its first year, 350,000 individuals who otherwise would be ineligible.

Fourth, eliminates a serious restriction in the payment of disability insurance benefits, by assuring benefits to an insured worker who has been totally disabled for a continuous period of between 150 and 180 days, for each additional month in which the worker continues to be totally disabled. Under present law, disability benefits are not paid unless the worker's disability is expected either to result in death or to continue to be total for an indefinite period. In the first year, this provision and the following one would bring benefits to a total of 585,000 disabled workers.

Fifth, reduces from the present 6 months to 4 months the waiting period for disability benefits. Under this provision, disability benefits could be paid beginning with the fifth full month of disability, not the seventh, as under the present law; and a worker's first check would reach him within 150 to 180 days after being disabled.

Sixth, provides benefits for disabled widows. Under existing law, a widow, whether healthy or disabled, cannot receive social security benefits until she reaches age 62. Yet a widow who is disabled needs money to live on at least as much as does a widow who can work. My bill requires that in order to be eligible for benefits, a widow must be disabled either at the time of her husband's death or within a 7-year period after his death. This would cover 60,000 widows, next year.

Seventh, corrects certain technical aspects of the retirement test which under present law, bar some beneficiaries from receiving benefits upon reaching age 72.

On the cost side, the bill would require expenditures from the social security trust fund amounting to .39 percent of payroll. Of this, .24 percent would be financed by the provision, which I have already described, increasing from $4,800, as at present, to $5,400 the portion of an individual's annual earnings which are taxed and credited for social security benefits.

The remainder of the benefits would be financed by substituting decimals for fractions in determining future tax rates. This change would not only have the effect of increasing slightly the income to the trust fund; it would also be consistent with the change already made under the amendments of 1961 in the social security rates for self-employed people. Furthermore, it would simplify the computation of taxes.

My bill also permits transfer of social security income from the old age and survivors insurance fund to the disability fund, thus assuring stability for both funds in the light of the cost of my amendments.

The ACTING PRESIDENT pro tempore. The bill will be received and appropriately referred.

The bill (S. 2127) to amend title II of the Social Security Act to increase the amount of annual earnings includible in determining benefits, to strengthen the actuarial status of the Disability Trust Fund, to increase the amount that recipients of benefits may earn without suffering deductions from their benefits, to permit payment of child's insurance benefits after attainment of age 18 in case of a child attending school, to liberalize the conditions under which disability benefits are payable, provide for payment of certain disabled widows, and for other purposes, introduced by Mr. CASE, was received, read twice by its title, and referred to the Committee on Finance.

MATERNAL AND CHILD HEALTH AND MENTAL RETARDATION PLANNING AMENDMENTS OF 1963—AMENDMENTS

Mr. RIBICOFF submitted amendments, intended to be proposed by him, to the bill (H.R. 7544) to amend the Social Security Act to assist States and communities in preventing and combating mental retardation through expansion and improvement of the maternal and child health and crippled children's programs, through provision of prenatal, maternity, and infant care for individuals with conditions associated with childbearing which may lead to mental retardation, and through planning for comprehensive action to combat mental retardation, and for other purposes, which were referred to the Committee on Finance and ordered to be printed.

PRINTING OF REVIEW OF REPORT ON WAURIKA RESERVOIR, BEAVER CREEK, OKLA. (S. DOC. NO. 33)

Mr. RANDOLPH. Mr. President, on behalf of the Senator from Michigan [Mr. MCNAMARA], I present a letter from the Secretary of the Army, transmitting a report dated May 6, 1963, from the Chief of Engineers, U.S. Army, together with accompanying papers and illustrations, on a review of the report on Waurika Reservoir, Beaver Creek, Okla., requested by a resolution of the Committee on Public Works. I ask unanimous consent that the report be printed as a Senate document, with illustrations, and referred to the Committee on Public Works.

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

AMENDMENT OF CONSTITUTION RELATING TO DISAPPROVAL OF ITEMS IN GENERAL APPROPRIATION BILLS—ADDITIONAL COSPONSORS OF JOINT RESOLUTION

Under authority of the order of the Senate of August 28, 1963, the names of Mr. CARLSON, Mr. CLARK, Mr. KUCHEL, Mr. MORTON, and Mr. SCOTT were added as additional cosponsors of the joint resolution (S.J. Res. 114) proposing an amendment to the Constitution of the United States relative to disapproval of items in general appropriation bills, introduced by Mr. KEATING (for himself and other Senators) on August 28, 1963.

NOTICE OF RECEIPT OF NOMINATIONS BY COMMITTEE ON FOREIGN RELATIONS

Mr. FULBRIGHT. Mr. President, as chairman of the Committee on Foreign Relations, I desire to announce that on Friday the Senate received the following named persons to be Representatives and Alternate Representatives of the United States of America to the 18th session of the General Assembly of the United Nations, to serve no longer than December 31, 1963:

REPRESENTATIVES

Adlai E. Stevenson, of Illinois.
EDNA F. KELLY, U.S. Representative from the State of New York.
WILLIAM S. MAILLIARD, U.S. Representative from the State of California.
Francis T. P. Plimpton, of New York.
Charles W. Yost, of New York.

ALTERNATE REPRESENTATIVES

Mercer Cook, American Ambassador to the Republic of Niger.
Charles C. Stelle, of Maryland.
Jonathan B. Bingham, of New York.
Sidney R. Yates, of Illinois.
Mrs. Jane Warner Dick, of Illinois.

In accordance with the committee rule, these pending nominations may not be considered prior to the expiration of 6 days of their receipt in the Senate.

ADDRESSES, EDITORIALS, ARTICLES, ETC., PRINTED IN THE RECORD

On request, and by unanimous consent, addresses, editorials, articles, etc., were ordered to be printed in the RECORD, as follows:

By Mr. RANDOLPH:
Statement by him, relating to the activities of the International Road Federation.

By Mr. MCGOVERN:
Statement by him, relating to Save Your Vision Week.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had passed, without amendment, the following bills and joint resolution of the Senate:

S. 330. An act to amend chapter 35 of title 38, United States Code, to provide that after the expiration of the Korean conflict veterans' education and training program, approval of courses under the war orphans'

educational assistance program shall be by State approving agencies;

S. 495. An act for the relief of Evanthia Christou;

S. 506. An act for the relief of Panagiota Makris;

S. 657. An act for relief of Dr. Mohammed Adham;

S. 909. An act for the relief of Marija Lovsin;

S. 1154. An act to provide for the sale of certain mineral rights to Christmas Lake, Inc., in Minnesota;

S. 1185. An act relating to the exchange of certain lands between the State of Oregon and the C. & B. Livestock Co., Inc.;

S. 1230. An act for the relief of Carlton M. Richardson;

S. 1489. An act for the relief of J. Arthur Fields; and

S.J. Res. 72. Joint resolution favoring the holding of the Olympic games in America in 1968.

ALLEGED USE OF AID GASOLINE BY RUSSIAN PLANES FLYING TO CUBA

Mr. WILLIAMS of Delaware. Mr. President, about 2 months ago I received a report charging that under our foreign aid program we were furnishing gasoline which was going to Conacry, Guinea, and that at the same time Guinea had an arrangement with Russia to use this point as a refueling station for their planes en route to Cuba. Allegedly the fuel which we were giving to this country under our aid program was going into the same tanks from which these Russian planes were being refueled.

Under date of July 29, I referred this allegation to Mr. David E. Bell, the administrator of our foreign aid program, and asked for either a denial or an explanation.

Under date of August 26, 1963, I received a three-page reply from AID; but this reply was marked "secret," and it had to be signed for in my office with the promise that I would not release it.

Without violating this classification of secrecy, I can quote the second paragraph of their reply, wherein they said:

> The allegation that AID has been paying for fuel for use in Soviet aircraft transiting Guinea on flights to Cuba, mentioned in your letter, is unfounded. The following facts are pertinent:

Mr. President, if that is a true statement, then why place a "cloak of secrecy" on the three pages outlining the true facts of the case? What are they afraid of? I see nothing in this letter which could in any way jeopardize the security of this country, and I flatly reject the right of this administration to place a cloak of secrecy on an operation that it thinks might look bad to the public.

Under the circumstances, however, I have no choice other than to withhold the contents of the reply; however, the Kennedy administration cannot classify my own letter.

Therefore, I ask unanimous consent to have printed at this point in the RECORD a copy of my letter directed to Mr. Bell, under date of July 9, 1963; and I most respectfully suggest to him that as the Administrator of the Agency for International Development he remember that the American taxpayers pay for this foreign aid, and have a right to read this full report and then determine for themselves whether these allegations are true or false.

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

U.S. SENATE,
Washington, D.C., July 29, 1963.

Mr. DAVID E. BELL,
Administrator, Agency for International Development, Department of State, Washington, D.C.

DEAR MR. BELL: I have received a report alleging that under our AID program we are paying for gasoline which is going to Conacry, Guinea, and that this gasoline is in turn being furnished by Guinea for use in Russian planes which fly to Cuba. Allegedly this involves some kind of trade between Guinea and Russia.

I would appreciate a report as to the accuracy of this allegation.

Yours sincerely,

JOHN J. WILLIAMS.

SITUATION IN SOUTH VIETNAM

Mr. CHURCH. Mr. President, the situation in South Vietnam is rapidly worsening. Recent newspaper articles have graphically called our attention to the fact that American support of the unpopular Diem regime is not only proving futile in South Vietnam itself, but is undermining our moral position throughout the world. I ask unanimous consent to have the following articles printed at this point in the RECORD: Two articles published in the New York Times of September 9, and written by Tad Szulc and James Reston; an article written by Robert Trumbull, and published in the New York Times of September 7; and an article, written by Malcom Browne of the Associated Press, entitled: "United States Is Losing Many Friends in South Vietnam," and published in the Washington Post of September 7.

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

[From the New York Times, Sept. 9, 1963]

UNITED STATES CONSIDERING CUT IN SAIGON AID TO FORCE REFORM

(By Tad Szulc)

WASHINGTON, September 8.—The United States is understood to have decided to cut its aid to South Vietnam if the Government there fails to change its attitudes drastically.

This major decision, reported today on high authority, is said to reflect the administration's deep conviction that the war against Communist guerrillas cannot be won under the present circumstances.

Continued aid, it is said, would no longer serve its original purpose without reforms in the Government.

Until now the administration has maintained that the war in Vietnam is its overriding concern and that any reduction of American assistance would compromise Vietnam's military posture.

Now, however, authoritative quarters said, the United States is prepared to consider selective aid cuts, fully aware of taking a calculated risk that might injure the Vietnamese military capacity.

NO DEADLINE REPORTED

No time limit has been set, as far as is known, for President Ngo Dinh Diem to institute the changes, aimed at recovering popular support.

But the administration's new position is reported to have been clearly conveyed to the President and to his brother Ngo Dinh Nhu, the politically powerful chief of the secret police, whom Washington links most closely to the August 21 raids on Buddhist pagodas. The United States now awaits the brothers' reaction.

Informants here stressed that no actual ultimatum had been presented to the Government in Saigon and that no specific demands, such as the removal of Ngo Dinh Nhu from his position of power, had been made.

Instead, it was said, the Vietnamese Government has been advised that the United States, for practical reasons and to guard its political posture at home and abroad, cannot go on supporting the prevailing state of affairs.

POPULAR BACKING STRESSED

The American view, as expressed by President Kennedy in a television interview last Monday, is that because of its repression of Buddhists and students last month and because of its continued stern attitude, the government of Ngo Dinh Diem is losing the loyalty of the Vietnamese population.

Thus, in Washington's view, it cannot hope for victory in a guerrilla war in the countryside, where peasants' allegiance is crucial.

While the administration regards Ngo Dinh Nhu and his wife as principal instigators of the current crisis, the U.S. pressure for changes in Saigon is said to go far beyond their removal from the Government.

To conduct the war with the support of the population, it is said here, the Saigon Government must abandon its authoritarian behavior not only in relation to the Buddhists but in all fields.

UNITED STATES WANTS MAJOR SHIFT

At this crossroads in its relationship with Ngo Dinh Diem, the United States seeks a basic change and not merely concessions, real or apparent, to the Buddhists.

The unrest in Vietnam was emphasized again yesterday by the arrest of 800 high school students in demonstrations in Saigon. The tension convinced the administration long ago that the underlying political problem of Vietnam transcended the dispute between the Roman Catholic Ngo family in the regime and the country's Buddhist majority.

"We cannot go on supporting a dictatorial regime," one official remarked today, "that is different from communism only in name and in its international connections."

For this reason, policymakers here say they do not regard the continued presence of the Ngo Dinh Nhus in the Government, or their removal, as the exclusive consideration.

It was underlined here, however, that the administration did not propose to set itself up as the sole arbiter of whether the regime had become acceptable to the population.

POLICY HELD FLEXIBLE

If changes are made—and no one in the administration was prepared to venture predictions now—the United States is expected to be guided by Vietnamese reactions in its next decisions on how to deal with the regime.

The decision to reconsider the aid policy was reported to have been reached painfully late last week in response to at least three developments.

One was said to be a realization that earlier pressures on the Government to mend its ways and reshuffle the Government had failed. The inability of the United States to induce Vietnamese military chiefs to take control is also mentioned.

Although this awareness was disappointing to Washington, the administration does not believe that its lack of success in the "first phase" implies the collapse of its policy on Saigon.

There is no thought here of accepting the regime in its present character or of seeking an accommodation with it. On the contrary,

it has said, Saigon's defiance of the United States has led to the decision for progressive aid cuts if the Government does not profoundly reform.

The second basis of the decision is the realization here that the continued identification of the United States with the Vietnamese Government is increasingly compromising its poltical position in Vietnam and throughout Asia.

Officials noted that in yesterday's student demonstrations anti-United States slogans were shouted for the first time.

The third factor is the administration's belief that the public and congressional opinion would not tolerate much longer extensive aid to a dictatorial regime.

BELL OUTLINES POLICY

Aid to Vietnam this year will be close to $500 million. Of this, $207 million is economic assistance and support for defense. The rest is direct military aid, mainly in equipment and fuel. The United States also maintains nearly 14,000 military advisers to the Vietnamese Army.

This point was specifically made by David Bell, Administrator of the Agency for International Development. On the television program "Issues and Answers" over the American Broadcasting Co. network, he said today: "We want very much to be able to continue to join in an effective program to defeat the Communist guerrillas."

But he added, "It seems to me that it is necessary to recognize that the attitude of important Members of Congress and of the people of this country generally, certainly is cause for concern as to whether, in the absence of the kind of changes we would like to see, we could continue the program unchanged."

[From the New York Times, Sept. 9, 1963]

WASHINGTON IS PRIVATELY UPSET BUT IS PUBLICLY SILENT ON FINANCING

(By James Reston)

WASHINGTON, September 8.—The Kennedy administration was privately annoyed but publicly silent tonight about reports that it was continuing to finance the South Vietnamese special forces that recently raided Buddhist pagodas.

Officials here were vehement in their denials that U.S. funds were going from the Central Intelligence Agency to the special troops of Ngo Dinh Nhu, President Ngo Dinh Diem's adviser. But they were not prepared to take public responsibility for their private denials, apparently because they simply do not know precisely what is being done by the CIA in Saigon.

As far as can be determined here the situation is as follows:

First, there is increasing pressure not only within the executive branch of the Government but from the Congress to cut aid to South Vietnam. It is felt here that this is the only pressure the Kennedy administration has on Ngo Dinh Diem to change his policies.

Second, payments over the last fortnight have been continuing as before to the special forces, part of which were responsible for carrying out the pagoda raids. It is pointed out here, however, that some units of the special forces are engaged in the guerrilla warfare against the Communists of Vietcong to the south and north of the South Vietnamese capital of Saigon.

What annoys officials here in the light of this, is the suggestion that Washington on the one hand is calling for the replacement of Ngo Dinh Nhu and at the same time has decided to continue paying the forces that he is using to carry out his policies.

For the time being, it is conceeded here, this situation may exist. The trend of policy in Washington, however, is not to continue supporting Ngo Dinh Nhu and his forces, but to reduce aid. It merely happens to be the fact that, pending a decision about how aid is to be reduced, no specific decision has been made to cut off support from the special forces.

It is pointed out in Washington that 95 percent of the aid to the South Vietnamese Government has been "open aid." No one denies that the CIA is involved in the Vietnam operations, but this, officials here assert, is a very small part of U.S. aid. They also observe that the U.S. intelligence people will not have the power to support Ngo Dinh Nhu's forces if the State Department orders aid cut.

[From the New York Times, Sept. 7, 1963]

SUCCESS A DIEM HABIT

(By Robert Trumbull)

SAIGON, SOUTH VIETNAM, September 6.—President Ngo Dinh Diem's latest defeat of U.S. pressure to reform his authoritarian regime follows a pattern going back to his assumption of power from the former puppet emperor, Bao Dai, in 1954.

NEWS ANALYSIS

President Ngo Dinh Diem's consolidation of power, begun when he was Bao Dai's Premier and nominal subordinate, was a textbook exercise in solidifying a shaky rule.

Three private armies existed in South Vietnam in 1954. Cao Dai, a religion based on Buddhism, Taoism, and Christianity had one. So do Hoa Hoa, a reformist Buddhist sect, and Binh Xuyen, a gangster organization.

In 1954 the leaders of Cao Dai and Hoa Hoa were Ministers of State, and the Binh Xuyen chief head of the national police. By the end of 1955 the private armies had been absorbed into the national army or dispersed, and their leaders were dead or in flight.

EARLY ADMIRATION FADES

Americans were loud in their praise of the skill with which this reform was accomplished. Admiration was soon tempered with dismay as the Saigon regime became more and more intolerant of any opposition.

With the emergence of President Ngo Dinh Diem's brothers and sister-in-law as powerful figures in the Government, and the handing of places of power and prestige to other relatives and palace favorites, it seemed that South Vietnam was getting a new royal family in the absolute tradition of the mandarin class from which the Ngos had sprung.

The consequent deterioration in Vietnam's political health was accompanied by an upsurge in the strength of the Communist guerrillas called Vietcong. With plenty of support from non-Communist peasants and others who chafed under Saigon's rule, the Vietcong began a major military effort against the Government late in 1959.

GUERRILLAS GROW STRONGER

At least in numbers and equipment, the guerrillas are stronger today than they were then, although the Government forces have also been enlarged and improved, and the Vietcong do not get all the covert assistance from villagers they once did.

Since late 1961 the United States has become massively involved in the Vietnamese war, with more than 15,000 American servicemen here in advisory and other capacities, and an estimated $1½ million in American taxpayers' money pouring into the country every day. About 100 Americans have been killed, about half of them by direct enemy action.

American influence with the Ngo Dinh Diem government has decreased in step with the increase in aid. Washington is now so committed to South Vietnam's war—"hooked," one American official put it—that the Vietnamese President and his inner circle were able this week to defy openly a public demand by the United States that Ngo Dinh Diem reform his government and undo its excesses or face the consequences.

It turned out that there were no consequences that Washington was in a position to enforce. Ngo Dinh Diem acted as if he knew this all along. The result was a diplomatic defeat for the United States that has resounded around the world, and lowered American prestige here and throughout Asia.

Specifically, Washington wanted the President to dismiss his younger brother and political adviser, Ngo Dinh Nhu, who controls the secret police and special forces that savagely repressed dissident Buddhists protesting against what they considered religious persecution by the Roman Catholic President's regime.

The Americans also wanted Ngo Dinh Diem to banish his brother's powerful wife from the palace circle.

Instead of getting out, Ngo Dinh Nhu and his outspoken spouse are calling President Kennedy "misinformed" in his denunciation of Saigon's repressive policies last Monday on television.

It is widely believed that Ngo Dinh Nhu has become the real power in the palace.

ONE BROTHER DISCIPLINED

It is reported from the ancient Annamese capital of Hue that Ngo Dinh Can, another brother of the President, has been removed as political overlord of central Vietnam for advocating conciliation of the Buddhists and other dissident elements.

He is said to have been replaced in power by Archbishop Ngo Dinh Thuc, a third brother, who heads South Vietnam's Roman Catholic hierarchy.

Experienced diplomats of various nations here are appalled at what they consider Washington's ineptitude in handling the current crisis. They say the administration committed the fundamental tactical error of driving its adversary into a corner from which there was no dignified line of retreat. This blunder was even less explicable, they say, because Washington apparently had no workable plan of action ready for use when Ngo Dinh Diem defied the administration.

TREATED LIKE SECTS

One Asian diplomat remarked that "you can't play poker against a man who is playing chess." Another longtime observer of Vietnamese affairs commented that Ngo Dinh Diem "seems to be treating Americans as if they were just another dissident sect like the Cao Dai, Hoa Hao, and Binh Xuyen."

This affair has put Henry Cabot Lodge, the new Ambassador to Saigon, in an acutely embarrassing position as he begins his tenure. His predicament is only worse by its conspicuousness than that of the other American Ambassadors who have been sent here to take a tough line with Ngo Dinh Diem.

Washington's diplomacy in Saigon has alternated between tough and soft lines, each change being signaled by the arrival of a new Ambassador. None of them ever got very far with Ngo Dinh Diem.

[From the Washington (D.C.) Post, Sept. 7, 1963]

U.S. IS LOSING MANY FRIENDS IN SOUTH VIETNAM

(By Malcolm Browne)

SAIGON, September 5.—"In the last few months, the United States has lost most of the friends it had in South Vietnam."

The remark came this week from a fairly high-ranking Vietnamese civil servant, who has visited America and likes Americans.

There is a growing feeling in official circles here that the American image has been badly tarnished in Vietnam.

The Communists, of course, have been American-haters all along.

The Ngo Dinh Diem government's alliance with the United States has been temporary

all along. Palace officials never have disguised their hope that Americans stationed in Vietnam could be dispensed with as soon as possible.

American policy has been tailored to fit this attitude.

On a visit to Vietnam some months ago, Roger Hilsman, now Under Secretary of State for Asia, was asked about anti-American attitudes of Ngo Dinh Nhu, powerful brother of President Diem.

"I think we have to take a fairly Machiavellian view of this thing," Hilsman said. "This is their country. The main thing is to stop the push of communism into Vietnam, and I think this Government is doing that effectively."

EXPECTED REACTION

Open reproofs by the State Department and by President Kennedy of recent Diem government handling of the Buddhist crisis have brought the expected reaction. Anti-American allegations and insinuations from the palace here have reached an all-time high.

But the biggest loss of credit for the United States, according to the majority of Vietnamese in this correspondent's acquaintance, has been among opponents of the Diem government.

Some of these opponents are in high places. Some are military officers who would have happily supported a U.S.-sponsored coup.

Buddhist and student leaders clearly feel the United States has let them down.

"We were happy that President Kennedy has gone on record as opposing government repression here," one said, "but it is too little and too late. Many of our people feel there is no choice now but to join the Communist Viet Cong."

Some U.S. officials, while sympathetic to the ambitions of some of the opposition groups, feel the Vietnamese people as a whole are extremely naive about the workings of American policy.

"Its been the same thing with the 1960 coup leaders, the splinter groups, the sects, and now the Buddhists and students," a U.S. Embassy official said.

CAN'T CONVINCE THEM

"All of them have expected the United States to help them overthrow the Government and then turn over the reins of power. We just cannot convince any of them that American foreign policy does not work that way."

One of those who was not convinced was Lt. Nguyen Van Cu, a Starfighter pilot in the Vietnamese Air Force, who lived in America for nearly 2 years studying flying. Cu speaks English in the American vernacular.

On February 27 last year, Cu and another pilot took off in fully armed fighters and rocketed, bombed and strafed the presidential palace to rubble. The other pilot was shot down. The entire Ngo family survived, and Cu flew on to Cambodia.

Cu now lives in Phnom Penh, and teaches English for a living.

"We thought the Americans would follow through and give us a hand," he said wistfully a few months ago.

"It is not we who are naive, it is you Americans," a Vietnamese said.

"You bought Ngo Dinh Nhu, knowing perfectly well he likes you about as much as Ho Chi Minh (boss of Communist North Vietnam) likes you. I wish you luck.

Mr. GRUENING. Mr. President, will the Senator from Idaho yield for a question?

Mr. CHURCH. I am happy to yield.

Mr. GRUENING. The Senator has read the charge which has been made—that we are subsidizing the Vietnamese troops which have been in operation against the Buddhists, has he not?

Mr. CHURCH. I have read the charge with dismay, and I think this is an appropriate time for an intensive congressional inquiry.

Mr. GRUENING. Does not the Senator believe it is about time for Congress to exercise some supervision and control over this situation?

Mr. CHURCH. I believe nothing can point up the need more dramatically than such action by Congress.

HOW TO KEEP THE BUDGET UP WITH THE TIMES

Mr. CHURCH. Mr. President, all informed people in Washington regard James Reston, the Washington bureau chief of the New York Times, as one of the most knowledgeable and thoughtful writers on politics in the world today. His combination of extensive experience in both American domestic politics and his worldwide journalistic experience enable him always to present a fresh and incisive view of the problems which face our Nation.

His most recent published example of precise and unhackneyed thought is his column in the New York Times of Sunday, September 8. In this article, he points out that although it is difficult for any administration to reapportion its budget, a drastic rethinking must continually go on, if the budget is to be kept in line with changed circumstances, both domestic and international. In this context, he asks if it is in the vital interests of the United States to spend over $1 million a day to support a regime in South Vietnam which uses American equipment to raid temples. I, for one, believe such a policy can only prove self-defeating.

I recommend Mr. Reston's article to all Americans interested not only in the problems of South Vietnam, but to those concerned generally about the questions of priorities in the American budget and in the conduct of the American National Government. I ask unanimous consent to have this article printed at this point in the RECORD.

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

[From the New York Times, Sept. 8, 1963]

HOW TO KEEP THE BUDGET UP WITH THE TIMES

(By James Reston)

WASHINGTON, September 7.—Like every thoughtful citizen of the United States, the Federal Government has trouble with its money. The problem with money, both places, is the same: there isn't enough of it; the demands are unlimited, the supply limited. And this raises the hard question of priorities: What comes first? What's essential, what's not absolutely essential, and how do you tell the difference between the two?

This is the time of the year when Washington has to think about these questions. The budget for the coming fiscal year is now being formed, and again the reflex action of the Government is very much like the individual's reaction. It wants to avoid trouble. The easy thing to do is to dish it out as before, and the hard thing is to cut it up to meet the changing demands.

No sensible man who has trouble with his own budget would venture to be dogmatic about the Government's. Yet there is a sense of uneasiness here about the Federal budget—a feeling that it is not changing fast enough to keep up with the changing times.

THE BASIC QUESTION

Several things have increased the feeling here that a fundamental reexamination of the budget, not only by the Bureau of the Budget but by the President himself, is in order.

First, the problems of homefront now seem larger and more urgent than they did last year. The cry of the Negro for equality "now" may divide the country, but the demand of the Negro and the poor whites for jobs and decent housing gets a more sympathetic hearing, even among the segregationists.

Does the budget give a high enough priority to these things? Is it more of a "vital interest" of the United States to spend over $1 million a day in South Vietnam than to spend it, or at least part of it, on jobs and houses at home?

Second, the cost of defense is leveling off. The President has assured the country that we already have the power, even on the assumption of a major war, to withstand an atomic attack and still wipe out our enemies.

If this is true, is it really essential to go on spending $50 billion a year on defense? Is over $5 billion a year for space exploration really a serious scientific calculation, or is at least part of it aimed at politics and propaganda? Third, Europe is no longer poor and unable to provide most of its own defense. It is prosperous and increasingly competitive with the United States, whose balance-of-payments problem is getting worse under the present one-sided sharing of the burden.

Under these circumstances, is the cost of maintaining a quarter of a million men in Europe a generation after the war still necessary? Or could it be reduced without jeopardizing the security of the free world?

Fourth, the situation in the underdeveloped countries and particularly in the poor countries on the periphery of the Communist world is changing. The United States is spending billions on the assumption that, if it reduced its aid to South Korea, Nationalist China, South Vietnam, Pakistan and Iran, the monolithic Communists would overrun these areas.

But is this true since the split between Moscow and Peiping? Would Moscow really welcome a Chinese Communist conquest of Korea and South Vietnam, or would it cooperate to block Peiping's expansion, as it is now cooperating to oppose China's aims against India?

THE FALSE ALTERNATIVES

The official reflex action to such questions here is that the questioner is proposing retreat and isolation, but this is not the intent. So much money is involved in all this, that the question is merely whether 2 or 3 billion could not be pruned out of the defense and oversea budgets to help out with the increasingly urgent problems on the homefront.

Nobody is saying the question of priorities is easy. In the last few days Uncle Sam has been vilified because he dared to suggest that he did not want to be identified with suppressing the political opposition in South Korea or using American equipment to raid temples in South Vietnam or be a party to Pakistan's alliance with Communist China.

Everybody, including the soldiers and sailors in the Pentagon, want more from the budget and will fight against taking less, so the battle is hard all around. But will it be faced? That is the question raised by the new budget.

UNKNOWN CONSEQUENCES OF ATMOSPHERIC NUCLEAR TESTING

Mr. CHURCH. Mr. President, while we have been developing, and loudly pro-

claiming, our nuclear might, we may quietly have been poisoning our own children.

The only comfort in the grisly evidence recently uncovered in Utah is its timing. It has placed an ominous emphasis upon the unknown consequences of atmospheric testing, and has directed the Nation's attention to one of the most important arguments for ratification of the test ban treaty.

I ask unanimous consent that there be printed at this point in the RECORD a pertinent and powerful article, published recently in the Idaho State Journal of Pocatello, Idaho, written by Eli M. Oboler, entitled: "It Seems to Me."

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

[From the Idaho State Journal, Aug. 25, 1963]

IT SEEMS TO ME

(By Eli M. Oboler)

That it might be salutary to consider the implications of a turndown of the limited nuclear test ban treaty by the U.S. Senate. We are being told over and over by the prophets of doom, such as scientist Edward Teller, that there will be grave consequences if the Senate does advise and consent to the treaty's ratification. The head of our Strategic Air Force, Gen. Thomas S. Power, says, "It is not in the best interest of the Nation." And a few very conservative Senators, such as STROM THURMOND of South Carolina and BARRY GOLDWATER of Arizona cry calamity, seeming to dig up new—but not necessarily appropriate or reasonable—objections daily.

But what would happen if we did not start right now to make a serious effort to stop befouling the air we breathe, the food we eat, and the milk we drink? Recent studies in Utah seem to show that because of our nuclear testing—not Russian or British or French, but American testing—at our Nevada nuclear test site in 1953 some "700 infants under 2 years of age received an average radiation dose to their thyroid glands that was from 136 to 500 times higher than the existing permissible levels."

Most reassuringly, "medical experts * * * said privately * * * that the St. George sample of 700 youngsters was too small to be significant." I wonder what the parents of these 700 children think about this kind of callous statement, this statistically-motivated indifference. Somehow, 700 or 100 or even 1 are people, not numbers to most of us, and, as such, are mightly significant.

It looks to me like a rather simple—but deadly—logical sequence. Vote down the treaty and Russia and Britain and the United States all resume atmospheric testing. Resume this kind of testing—especially taking the advice of the Tellers and Libbys and testing really big bombs, in the 100-megaton range—and you befoul the air. Befoul the air, and you damage irreparably the health of this and future generations.

There are several interesting sidelights on this nuclear test ban treaty question. One is that both the Democratic and Republican Parties, in their 1960 official party platforms, came out in favor of stopping atmospheric nuclear tests. And I don't recall any of the present critics vocalizing publicly their sentiments in favor of testing, back only 3 years ago. Another sidelight is that, judging from senatorial mail to date, the mothers of America are pretty well united in opposition to further casting of nuclear garbage into the atmosphere. This may well be a definite determining factor in affecting how most of the Senators vote.

The major point in the matter of nuclear testing, I think, is that if we don't take the first possible step toward multilateral disarmament and true world peace now that we have the chance to do so, we shall perforce continue to live in fear and anxiety. And, worse than fear, we shall be in what can only be described as a literally hopeless condition.

Nuclear war is certainly not inevitable. But atmospheric nuclear testing inevitably means widespread pain and malformation and even death to too many of us to justify continuing such tests. The so-called military reasons for such testing, proffered by men who seem to have lost any sense of humanity or community of interests of the human race, seem to me like arguments for slaughter delivered by butchers. And if that language strikes you as somewhat florid or strong, go back to the beginning of this column and read again about the 700 Utah infants.

TRIBUTE TO SECRETARY OF THE INTERIOR STEWART UDALL

Mr. CHURCH. Mr. President, in less than 3 years Stewart Udall has proven himself to be one of the great Secretaries of the Interior. A recent feature in Listen magazine depicts some of the qualities which have made him such an exemplary Secretary.

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

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

SECRETARY OF THE INTERIOR STEWART UDALL—BUILDER OF MONUMENTS

(By Francis A. Soper)

Three centuries ago, Sir Christopher Wren designed a new St. Paul's Cathedral in London following the great fire of 1666. Over the north door of this cathedral appears this famous inscription regarding his work: "If you would see his monument, look around."

In various parts of the United States a person will one of these days be able to look around and see monuments to another builder, one of a different sort, indeed, but a dedicated builder nonetheless.

This modern builder is Stewart Udall, Secretary of the Interior, whose personal passion is to preserve nature unspoiled. In what he terms the quiet crisis of our day he sees the beautiful open spaces of nature being swallowed up by the grinding wheels and massive progress of our mechanical age, leaving a shortage of open and green space.

Since assuming his office early in 1961, this vigorous son of the outdoors has developed a multipronged program to conserve the resources of woodlands, mountains, seas, and deserts and to develop scenic areas for the enjoyment of all the people.

He is convinced that "we are learning that the search of modern, urban man is not for new ways to conquer nature—but for ways to save the beauty of the out of doors so that, to use Robert Forst's words, "man can gain new insight from 'country things.'"

Nothing pleases Secretary Udall more than to find time to climb mountains himself, shoot rapids, and relax around an open campfire away from the rush of crowded concrete jungles. He believes in using and enjoying America's natural resources, and at the same time preserving them.

His is the conviction expressed by that frontiersman Robert W. Service in "The Spell of the Yukon":

"The strong life that never knows harness;
The wilds where the caribou call;
The freshness, the freedom, the farness—
O God! how I'm stuck on it all."

"We stand today at the open door of a new—and possibly final—opportunity," the Secretary says. "Our land-use patterns will soon be fixed. What we save now will be all that is saved. By our action, or inaction, we will determine whether our children will know the green and pleasant land which was our legacy."

And he goes on, "What we need now is a truly national program which affirms the worth of our vast land resources and prescribes solutions to prevent continued despoilment and promote the highest kinds of preservation."

To implement such a national program, this farsighted guardian of natural resources has developed and advocated the wilderness bill, now under consideration by Congress. The intent of this bill is to preserve free from commercial exploitation about 2 percent of our land and "leave it the way God made it."

One chief interest of Secretary Udall is the National Park system. Under his prodding Congress has created three national seashores—Cape Cod on the east coast, Padre Island on the gulf coast of Texas, and Point Reyes on the Pacific coast. These constitute the first major additions to the park system in some 16 years. A host of other plans, both for expansion of national parks and for encouraging the States to expand their public recreation facilities, is underway. A dozen or 15 new national park proposals are being studied.

And he is a man in a hurry. "We lose a million acres of open space annually to commercial and highway development, with the resultant diminishing of the qualities which formed our national character," he declares. "We are working against the relentless ticking of the clock—time is against us in our efforts to preserve open space."

Furthermore, this effort is not all along traditional conservationist lines. Mr. Udall sees great natural value in our swamplands as preservers of wildlife and centers for nature study. He envisions, too, great strides in researching the untapped resources of our seas. Our knowledge in this area is very limited, he says.

So, in his concept, conservation is defined broadly in the following way: "The wise use of our natural environment; it is, in the final analysis, the highest form of national thrift—the prevention of waste and despoilment while preserving, improving, and renewing the quality and usefulness of all our resources."

Nor do his wide-ranging convictions stop here. Though his official duties have to do with water, forests, minerals, parks, and wildlife, he is also deeply concerned with the physical fitness of the people who are to use and enjoy these natural resources.

"One of the reasons I think America has emerged as a strong country is that we have had to be strong. We have had a big country to conquer, and have had to be physically fit to conquer it. I think people are happiest when they are fit physically."

In advocating an adequate program of recreation and exercise, especially in the outdoors, this national leader echoes Theodore Roosevelt, who declared, "I wish to preach, not the doctrine of ignoble ease, but the doctrine of the strenuous life."

And such a life is not exclusively for adults, in the opinion of Secretary Udall. Youth today need to learn how best to utilize the outdoors in their own program of keeping physically fit, and to cultivate positive living habits in the face of a general tendency to "take things easy," for of what use will well-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 leaving 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 incapacitating 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 submegaton 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 center of Alaska and about one-third of the way in the Yukon's 2,200-mile course through our State. The meeting was a civic enterprise sponsored by the initiative of Mayor George Sharrock, of Anchorage, with the ready cooperation of Mayor Darrell Brewington, of Fairbanks.

The unique excellence of this Rampart Dam project, which would produce the lowest cost power under the American

flag, namely 2 mills per kilowatt hour at the bus bar, has long been known to the Corps of Engineers of the U.S. Army.

Four years ago the Senate Public Works Committee, then under the chairmanship of our distinguished late colleague, Dennis Chavez of New Mexico, sponsored a resolution directing the Corps of Engineers to begin a study of the feasibility of a dam in the 30-mile Rampart Canyon. Those studies have proceeded since that time and about $1 million have been appropriated for them—the amounts required and requested by the corps, having been regularly included in the Kennedy administration's budgets.

The corps retained the Development and Resources Corporation of New York to make the economic—that is, the marketing—studies, of the possibilities for the sale of Rampart's 4.5 million kilowatt installed capacity. The report, rendered a year ago, spelled out in detail the variety of industries that would be attracted by Rampart's low-cost power and concluded that all of it could be sold as soon as generated. In fact, the indications were that the demand would be so great that further sites on the river should be studied with a view to a whole river power and flood control development. The Development and Resources Corporation is a firm with an international repute as power developers and consultants, headed by the men who, nearly 30 years ago, were associated with the Tennessee Valley Authority and guided its initiation and development.

The corps is now about ready to report on the engineering and economic aspects of the Rampart Canyon damsite, and is awaiting some supplementary marketing studies being made by the Interior Department as well as some studies of the impact of the project on the natural resources of the region, for the reservoir back of the dam will be the largest manmade lake in the world and has a vast potential for an inland fresh water commercial and sport fishery.

The citizens assembled at Mount McKinley National Park over this last weekend were solicitous that a project of such vital importance not merely to Alaska's but also to the Nation's economy be delayed no longer than necessary; they were also concerned with some ill-founded attacks upon it based on misinformation and erroneous assumptions.

The meeting was addressed by Col. K. T. Sawyer, the able district engineer for Alaska; by Gov. William A. Egan; by Gus Norwood, executive secretary of the Northeast Public Power Association; by Ivan Bloch, industrial consultant; by George Sundborg, my administrative assistant, an authority on hydroelectric power, and the author of the definitive book on Grand Coulee Dam entitled "Hail Columbia"; and by Irene Ryan, a former member of the Alaska State Senate, a geologist and mining engineer by profession, and a member of the Rampart Dam Advisory Committee by appointment of the Chief of the Corps of Engineers, U.S. Army. All the addresses were notable. I ask unanimous consent that two of them: "What Next for Rampart?" by George Sundborg, and "A Report on Rampart" by Irene Ryan, be printed at the conclusion of my remarks.

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

WHAT NEXT FOR RAMPART?

(By George Sundborg)

The Rampart project, up to this time, has been fortune's child. The sun shines bright on it. Everything has gone exceedingly well. I am sure there has never been a proposal of this magnitude in the history of our country—in fact in all human history—where so much progress has been made in such a short span of years. Grand Coulee, the largest manmade thing on earth and the only power dam meriting comparison with it—though Rampart is more than twice as big in energy capability—was hardly more than a gleam in its proponents' eyes 5 years later. The beginning of a Grand Coulee feasibility study was a score of years away. And here we are practically ready to start the dirt flying on Rampart.

We've done wonders with Rampart because we've had the breaks. We've deserved them and worked for them; but we've had them.

First, nature has given us the physical setting of water supply, storage potential and favorable construction conditions at an incomparable site which make for the greatest remaining power project in the free world.

Second, the economic and political situation was right to proceed. Alaska had achieved statehood with it concomitant position of power in Congress. Our congressional delegation was able to obtain an appropriation for a beginning of the Rampart study in the 1960 River and Harbor Act by joining in the very first overriding of a veto of a popular President in the last year of his incumbency. I remember the day very well. The last vote needed to override President Eisenhower's veto was obtained when Senator GRUENING, with a cast on his leg, left Walter Reed Hospital for a quick drive the length of Washington to the Capitol. I know it was a quick drive because I was at the wheel. The Senator went on the floor in a wheelchair. After getting the money for Rampart he went back to the hospital to finish recovery from a leg injury which stemmed from a hunting accident in Alaska.

Our next break came when the people of the United States chose as their President, by the narrowest of popular vote margins, a man who as U.S. Senator from Massachusetts had helped vote the first money for Rampart. He was pledged to Rampart before his election. In 1960 Senator John F. Kennedy said: "We must meet the challenge of Alaska—the challenge to reap its abundance, build its strength and provide a reservoir of natural wealth for a growing America. We must, of course, press forward with bold, and vitally needed, projects such as the Rampart Canyon Dam. * * * I foresee a land of over 1 million people—a giant electric grid stretching from Juneau to Anchorage and beyond. I see the greatest dam in the free world at Rampart Canyon, producing twice the power of TVA to light homes and mills and cities and farms all over Alaska."

After President Kennedy's inauguration an appropriation to speed the Rampart investigation was included each year in the President's budget.

Another break for Rampart came in the form of the character and ability of the fine Army officers who, as district engineers in Alaska, have directed the Rampart investigation. Alaska was fortunate to have Col. Christian Hanburger in charge of the work until last year. We are fortunate now to have Col. Kenneth T. Sawyer. They have had able assistants, including our friends Warren George and Harold Moats. At higher levels Gen. W. W. Lapsley has been our friend as North Pacific Division Engineer, Gen. Emerson Itschner as the Chief of Engineers when the investigation began and Gen. Walter K. Wilson as Chief now that the report is nearing completion, have made and will continue to make invaluable contributions.

A really great break came when an outstanding group of power consultants, headed by David Lilienthal, the late Gordon Clapp, and Walton Seymour, the men who guided the Tennessee Valley Authority to success—were enlisted to make the Rampart power market survey. Among their talented and knowledgable assistants were Ivan Bloch and Sam Moment. A Rampart Economic Advisory Committee including Gus Norwood, Irene Ryan, Stanley J. McCutcheon, Ed Merdes, Vernon Forbes, Barney Gottstein, the late Frank Mapleton, the late Samuel B. Morris, Dr. Edward S. Shaw, and Dr. William R. Wood, some of whom are here with us today, lent vital counsel.

The investigations which these engineers and economists have made show Rampart to be even better than we suspected. It is not only a giant but a wonder.

The canyon walls are of sound rock. The reservoir is water tight. The power can be produced to sell at 2 mills per kilowatt-hour at the bus bar and not to exceed 3 mills delivered to tidewater on Cook Inlet or Prince William Sound. The storage area is unique in that it contains not a mile of improved highway, not so much as a single railroad siding, no factories, no modern homes, not more than 10 flush toilets, almost no public buildings, no going industries, no scenic wonders, no recreational delights, no architectural monuments, no viable economy.

Search the whole world over and it would be difficult to find an equivalent area with so little to be lost through flooding. In fact, those who know it best say the kindest and best thing anyone could do for the Yukon Flats—the thing which would improve them most—would be to put them under from 100 to 400 feet of water.

By doing that we will receive in exchange a remarkable range of benefits. First there will be employment on the Rampart project itself—a $1.3 billion program of construction and related direct activity. The amount to be spent on construction in the 5 years immediately preceding initial power production will, the Development and Resources Corporation tells us, exceed Alaska military construction in the 1950–55 period. All of us who lived in Alaska then can appreciate what that means.

Next, immediately upon authorization of the dam—which could come next year—we will begin to build a highway to the damsite from Manley Hot Springs or Eureka, extend the Alaska Railroad probably from Dunbar, start to move the seven villages in the area to be flooded to new locations of their own choosing on higher ground or if they prefer along the river below the dam and log the 10 billion board feet of timber within the reservoir area. There will be substantial employment in connection with all this. In addition we will employ game patrols to insure that moose, bear and other big game animals in the reservoir area are not stranded on islands or peninsulas and ducks do not nest immediately in advance of rising waters.

Then there will be the incentive for development of cement plants (8 million barrels needed) and construction materials for the dam itself, the building of construction cities with housing and services to take care of all the workers who will be employed and the visitors who will be attracted to the great scene of activity. Finally, as end result, some 7,500 to 15,000 men will be employed permanently in electrochemical and electrometallurgical industries in Alaska, which, combined with 10,000 to 20,000 in related pursuits, will support in all a population increase of from 70,000 to 140,000 forever.

The busy and prosperous Alaska which will result will base its being on aluminum, electric furnace pig iron and steel, ferroalloys, copper, magnesium, chlorine and caustic soda, calcium carbide, abrasives, nitrogen, phosphorus, titanium and other products. The total power output of not only Rampart but the Woodchopper site upstream and the Kaltag Dam downstream will be required to keep this industrial complex going.

We are fortunate in that Rampart comes to Alaska at a time when the population of the State and Nation is growing at an unprecedented rate. The United States will have almost twice as many people in the year 2,000 as it has today. Alaska's population will also have grown manyfold.

Rampart has ripened just at a time when long distance transmission of electrical energy by direct current at very high voltages has been demonstrated to be feasible technically. This is no pipedream. A dam the size and capacity of Rampart is more than just theoretically possible. The Russians have already built one such dam and have others under construction. The Bratsk Dam on the Angara River, from which power generation commenced in 1961, has an installed capacity of 4.5 million kilowatts, almost equal to Rampart. Bratsk is longer (4,728 feet at the crest as against 3,900) than Rampart but not so high (410 feet vs. 440) and has only a small fraction of Rampart's storage (145 million acre feet against Rampart's 1.2 billion). The Krasnoyarsk Dam on the Yenisey River, now under construction, will have power capacity of 6 million kilowatts, larger than Rampart.

I mention these comparisons with the U.S.S.R. to indicate that Rampart is not ahead of its time. Soviet Russia has announced plans to increase hydroelectric power capacity tenfold by 1980. The United States also faces the need for more power for a growing population. We will require a 21-fold increase in electric energy capacity by the year 2,000, based on known population and power use factors. Rampart Dam, big as it is, can bring in only one-half of 1 percent of the total needed.

From Alaska's standpoint, there is no question but what Rampart is needed. We have no dependable statewide economy now. Rampart will provide it. Alaskans may differ on what power increment should be brought in next. Some favor a gas-fired or oil-fired unit in Anchorage, others a mine-mouth coal plant at Sutton or Healy, still others Bradley Lake or Snettisham, or a nuclear plant at Fairbanks. But all agree that these would be only interim short-range solutions. Rampart is in every Alaskan's future. The universality of supoprt is evidenced by the wonderful turnout at this meeting of Alaskans, sparked by Mayor George Sharrock of Anchorage and Mayor Darrell Brewington of Fairbanks.

Finally, we are fortunate because we have working for us in Washington a man who is absolutely dedicated to seeing Rampart on the line. His vision and drive are largely responsible for Rampart having made the progress it has.

And we all know ERNEST GRUENING will not rest or be satisfied until Rampart is a reality.

Are we, then, assured of success? Do we—please excuse the metaphor—have all our ducks in a row? Is everything copacetic? Far from it. Rampart has its enemies—waiting with a loaded shotgun and a red-hot mimeograph machine.

On March 4 last a leading American conservationist addressed a wildlife conference in Detroit. Of all the trends and developments in our Nation which he viewed with distaste and alarm none received quite so much attention as ours. I quote:

"There is a new proposal now for a project that dwarfs all previous projects in the unprecedented magnitude of fish and wildlife resources and habitat that would be destroyed. It is the proposed Rampart Dam on the Yukon River in central Alaska. Get acquainted with this proposal and you will find beneath its glossy surface a massive and irreparable threat to fish and wildlife.

"The 500-foot dam would block sizable upstream migration of salmon in the Yukon. The Rampart impoundment would cover 10,000 square miles—I said square miles—of the Yukon Flats that produce on the average of 1½ million ducks and geese a year. More ducks are produced there than are bagged in most flyways. They represent millions of man-days of recreation potential in all States, because Yukon Flats waterfowl are bagged in all flyways, from the Pacific to the Atlantic. Moose and furbearers also would suffer, and the dam would alter the annual water cycle that makes the Yukon Delta an important waterfowl breeding and concentration ground.

"Rampart Dam is synonymous with resources destruction. A very determined effort is being made to rush its authorization through Congress and conservationists everywhere had better look into the proposal and learn the facts that are involved."

The speaker quoted is Ira N. Gabrielson, president of the Wildlife Management Institute. We know Gabe very well in Alaska. Though a lifelong and professional conservationist in his utterances, he was responsible for and presided over the most ghastly conservation failure in Alaska history, and perhaps in our Nation's recent history, that is within the time that game management and conservation have become accepted practices. He was the first Director of the Fish and Wildlife Service after it was organized in 1940 by the amalgamation of the old Biological Survey of the Department of Agriculture, of which he had been the Director, and the Bureau of Fisheries of the Department of Commerce, the new agency resulting from this amalgamation being moved to the Department of the Interior. At that time the Alaska salmon runs were at their peak. However, those of us who are knowledgeable about Alaskan matters were convinced that the run would decline unless certain conservation measures were taken to prevent them. One was the abolition of fishtraps.

However, none of those holding those fears and with remedial proposals could prevail upon Gabrielson, and his regime saw the beginning of the steady decline of the Alaska salmon runs. As the Fish and Wildlife Service had absolute authority in the matter, Alaskans were helpless. Here are the figures of the salmon pack for the years in which Gabrielson was the Director of the Fish and Wildlife Service: 1941, 6,906,503 cases; 1942, 5,089,109 cases; 1943, 5,396,509 cases; 1944, 4,877,796 cases; 1945 4,341,120 cases; and 1946, 3,971,109 cases.

But the decline continued after 1946, when it might still have been reversed, because when Gabrielson left his position in the Government as Director of the Fish and Wildlife Service to become, in private life, the director of the Wildlife Management Institute, he was succeeded by his former assistant, Albert M. Day—cast in the same mold—a fine theoretical conservationist but wholly impractical and without conformability to realities. Day had been a subordinate of Gabrielson's in the Biological Survey, came over to the Fish and Wildlife Service as his Assistant Director, and succeeded him as Director from 1946 to 1953. He inherited and continued Gabrielson's ruinous policies. In these years, figures for the salmon pack were as follows: 1947, 4,302,466 cases; 1948, 4,010,612 cases; 1949, 4,391,051 cases; 1950, 3,272,643 cases; 1951, 3,484,468 cases; 1952, 3,574,128 cases; and 1953, 2,925,570 cases. The decline from nearly 7 million cases in 1941 to little over a third of that pack at the end of the Gabrielson-Day regime had acquired momentum and continued until the last year of Federal Fish and Wildlife mismanagement when, in 1959, the pack hit the lowest point in 60 years with only 1,600,000 cases.

The State government, which abolished fish traps and took the remedial measures which the Federal management failed to do, now has the extremely difficult task of trying to rebuild the sorely depleted salmon fishery and restore not only that one great natural resource, but with it the wrecked economy of our coastal communities and diminished State revenues, which resulted from that disastrous and needless decline in the salmon resource.

How ironical that it is the same Ira Gabrielson who now weeps over the fish—never a commercial run in the Yukon—and the other wildlife resources and would prevent Alaska's one great hope of rebuilding an economy which he was responsible for wrecking.

Alaskans encountered Ira Gabrielson next at their constitutional convention at College in 1956. I was among the delegates who heard him predict that unless we did as he said, namely to provide uniquely for fish and wildlife for administration by a board or commission, Alaska would face losing a remission of Federal excise taxes collected on fishing tackle and sporting goods for restoration projects. Your constitutional convention delegates listened carefully to Mr. Gabrielson. But they were not impressed. We put fish and game administration on the same working basis as other functions of State government, with responsibilities resting directly on the Governor who is elected by the people. Alaska has an excellent department of fish and game. We have not lost 1 cent of Federal matching funds for conservation purposes. Gabrielson's forecast of loss of revenue proved totally unwarranted.

Here is yet another later example of how far wrong this great conservationist was. When it was known that there was oil in the Kenai Peninsula and it was essential to Alaska that exploration and development take place there, the chief opposition stemmed from Ira Gabrielson's Wildlife Management Institute. Its representative at the hearings, C. R. Gutermuth, with the approval of Gabrielson, testified that prospecting and drilling would be ruinous to and destructive of the moose. We all knew it would not be so. Actually, all their dire predictions proved to be completely unfounded.

Consider the role of this one professional so-called conservationist in Alaska's recent economic history. Alaska and the Nation had a leading resource, the Pacific salmon, over whose virtual demise he presided. Alaska has a promising industry now emerging, petroleum exploration and production, which he tried to prevent, and now that we hope to set our economy on a permanent sound basis with the development of Rampart power, he is again trying to stand in the way.

How different would be the lot of the average Alaskan today if the Wildlife Management Institute had prevailed at the time of hearings on opening the Kenai National Moose Range to leasing in 1957. The range now accommodates some 65 producing oil wells and 7 or 8 gas wells. The oil wells are producing 30,000 barrels of petroleum every day. The treasury of the State of Alaska has benefited to the tune of more than $50 million from royalties, lease rentals, bonuses, and production taxes—money which otherwise would have had to come from taxpayers, you and me, to support State services. Have the moose suffered? We all know the answer. I had to drive around three of them on the Sterling Highway on a recent misty morning.

Now what about this duck business? Depending on what conservationist you believe, the Yukon Flats produce from 500,000 to 1,500,000 ducks a year. This sounds

big. Mr. Gabrielson, remember, said that Rampart area ducks are bagged by hunters in all U.S. flyways. That sounds important, but let's put it in perspective. Of the ducks and geese shot in the United States, on all four flyways, in the period 1950–59, 85 percent came from breeding grounds in Canada, 11 percent were hatched in the lower 48, and only 4 percent came from all of Alaska. Notice I said "all of Alaska," not just the Yukon Flats area that will be flooded behind Rampart Dam. Where did these figures come from? They were given to Senator GRUENING's staff a week ago yesterday in a series of conferences held with William M. White, chief of the Branch of River Basin Studies of the Interior Department; Dr. A. J. Nicholson and Thomas Schrader, assistant chiefs of the same branch; Yates M. Barber, Jr., chief of the Reclamation Activity Section, and Walter F. Crissey, director of the Migratory Bird Population Station, Bureau of Sport Fisheries and Wildlife.

Actually, ducks hatched on the Yukon Flats head in a good many directions aside from the U.S. flyways. A substantial number are shot in Alaska, some fly out in the Alaska Peninsula—Aleutian Island direction, and some head for Soviet Siberia. Certainly we don't propose to be deprived of Alaska's best hope of economic development, Rampart Dam, in order to mollify these last—these feathered defectors.

It is understandable that duck hunters should be concerned about any threat to their supply of cannon fodder. The supply has been declining. In 1957 some 2.16 million hunters in the United States bagged an average of 5.6 ducks apiece. Last year only half as many hunters felt it worth their while to buy duck stamps. But they shouldn't blame Alaska, or look to Alaska to save a sorry situation.

Abundance of ducks is affected by many things. Ducks are migratory, covering a range of as much as 10,000 miles from the Arctic to Central and South America. Winter habitat 'way down South, and feeding and resting habitat during migration are fully as important as breeding habitat in the North. Hurricane Audrey changed the ducks' habitat in coastal Louisiana; the Columbia Basin reclamation project has affected it (for the better) in the Pacific Northwest; the grain crop in Missouri is important; one of the leading enemies of the duck is drought in the prairie Provinces of Canada; the advance of civilization everywhere is a factor.

Please don't blame Alaska. Kill by hunters wipes out as much as 45 percent of the total fall population of some of the important duck species. The average life of a mallard duck, under current U.S. gun pressure, is 1 year. Without gun pressure the natural mortality of migratory waterfowl would be only 10 to 15 percent a year. So please, Mr. Gabrielson, don't blame Alaska.

We note from a recent report that the breeding population of ducks in Alaska, according to the Fish and Wildlife Service, was down 15 percent in May of this year. This just goes to show what has happened already because of all this talk about Rampart Dam.

Ira Gabrielson and his Wildlife Management Institute are not alone in their efforts. They are working hand in glove with the National Wildlife Federation, the Izaak Walton League, Ducks Unlimited, the Outdoor Writers Association, the Wildlife Society, the National Audubon Society, the Defenders of Wildlife, Inc., and others.

There is also numbered among Rampart's enemies, in part at least, I am sorry to say, the Department of the Interior, some of whose employees are enrolled, practically full-time, in trying to cut Rampart off at the pass. Thus a Fish and Wildlife Service official at Juneau, without waiting for the evidence to come in, has been making speeches to Rotary and Lions Clubs inveighing against Rampart, speaking of a "tremendous fisheries run" in the Yukon, and saying there are "many other hydroelectric power sites in Alaska which might produce ample power without similar damage." To be realistic, however, what can we expect from a Department whose Secretary seems to conceive of his mission as dealing primarily, if not exclusively, with parks and recreation? If Mr. Udall thought otherwise he, or at least a principal associate from Washington, would be here at this important meeting instead of mountaineering on Mt. Kilimanjaro in Africa.

It would also have been wonderfully helpful had a representative of the Bureau of Sport Fisheries Branch of River Basin Studies been with us for this meeting. The branch is reportedly putting the final touches on a monumental study of what it feels will be the effects of Rampart on the breeding and nesting of ducks in the flats which will be covered. I would not suggest what will be the findings of the study, although I could guess, but I do suggest that had a representative been sent to this meeting the study would have been enhanced. Unofficially, Senator GRUENING has been told that this study is nearing completion and is to be released in the autumn.

One interesting ploy of the professional conservationists is to quote one another. Thus, Gabrielson's Wildlife Management Institute feeds a set of twisted statistics to the California Fish and Game Commission and then cites a resulting anti-Rampart resolution approvingly in the "Outdoor News Bulletin" of the Wildlife Management Institute. The Alaska Conservation Society, in its news bulletin, quotes as gospel the detractors of Rampart. Consider these sentiments published by William O. Pruitt, Jr., of the society, in reporting his attendance at a conference on northern resources at Whitehorse last March:

"Nowhere were emotion and outmoded concepts more evident than in the Rampart discussion. * * * Two or three mill power * * * Rampart will deliver power to tidewater cheaper than any other source in the United States. * * * Billions and trillions of kilowatts flew about like the snowflakes they are. * * * It was nice to visit Whitehorse (Canadians import some exceedingly good Scotch ale). It was good to have the chance of arguing the relative merits of the quick buck and the sustained yield, to be able to put our ACS bulletin into the hands of strangers."

How like a statement made by C. R. (Pinky) Gutermuth, of the Wildlife Management Institute at the Kenai Moose Range hearing back in 1957, when it was doing its utmost to prevent exploration and drilling for oil and gas: "Vociferous political and business leaders in Alaska are actually gushing in their frenzied and almost fanatical demands that the entire Kenai Moose Range be thrown open to exploration as the result of an oil strike in a part of the area this summer. Thoughts of quick dollars rather than good judgment and consideration for the longrun public good dominate the scene."

What is the longrun public good? Are not these professional conservationists as wrong on Rampart as they were on the Kenai? Let us have a look at what motivates them. Are they trying to save the ducks because they are nature lovers? Of course not. They are interested in preserving a duck only up to that moment when said duck is in the hunter's gunsight. In other words, they want the ducks saved in Alaska so they can be blasted out of the skies elsewhere. Even this would not be so subject to question if it were not that many of the high sounding conservation organizations receive a major part of their financial support from Remington, Savage and other gun and ammunition manufacturers.

Building Rampart will not mean the end of ducks in Alaska. What will a duck do on returning to the Yukon Flats, full of the instinct to reproduce, only to find an accustomed nesting ground under water? We know he will not stay aloft. The duck is a very smart bird, as every hunter knows. He is smart enough to go to where he can nest, even if that means flying another 50 miles. And do not let anyone tell you the sides of the Rampart Reservoir will be unrelievedly steep and sterile. Millions of acres of low, marshy ground will exist north and northeast of the reservoir.

Similarly, the building of Rampart need not mean the end of fish in the Yukon. Many of the ascending salmon now go into the Koyakuk, Tanana and other streams below the Rampart site. The salmon which are caught in the 15 or so fish wheels above Rampart are used mainly for dog food. Salmon can be lifted over the dam and released upstream to continue a food supply to Canadian and other residents. New species of fish including whitefish, lake trout, can be introduced in the reservoir. Creation of artificial spawning grounds downstream can actually increase the productivity of the Yukon.

The so-called conservationists, instead of preparing to capitalize on these exciting opportunities, do nothing but spread gloom and doom. They say 4,600 moose will be displaced and innumerable muskrats driven out. They see only disadvantage for the Indians of the area. Note the obviously manufactured similarity of these two letters which materialized in the Alaska Conservation Society Bulletin and nowhere else.

From the Village Council of Venetie: "All the people in Venetie do not like to have Rampart Dam. Because us native people use to live in this country. In wintertime we go trapping and summer we go fishing. What us native people going to do? If this Rampart Dam is building?"

From the Village Council of Chalkysik: "We the people of Chalkytsik are against the Rampart Dam. We depend on our country in order to make a living trapping, fishing, etc. * * * Having the Rampart Dam built would destroy so much game."

Actually, on a recent visit to villages in the reservoir area, Senator GRUENING and I found the sentiment for Rampart Dam overwhelming. It should be, for the project will vastly improve living and employment conditions in the Yukon Valley.

What the challenge of Rampart requires and deserves, is some truly constructive and creative conservation. Conservation does not mean locking the door on Alaska and throwing the key away. It means instead opening doors to the wisest and most rational use of our resources. It means saving and also using those resources for the benefit of man. In the words of William Faulkner, man will not only survive: he will prevail.

Here are questions conservationists might ponder. What would be better in Alaska—a reservoir of water in connection with a hydroelectric power project or the problem of disposing of nuclear wastes from a series of atomic power plants? What kind of river development should we prefer—one large dam in a single basin or a multiplicity of developments on many rivers?

What we seek is the best use of the land and water resources of the Yukon Valley. The Rampart project is that best use.

Alaskans are not likely to be prevented now—certainly not for the reasons being stated—from achieving so desirable and meaningful a goal.

A REPORT ON RAMPART

(By Irene Ryan)

Mr. Chairman, Senator GRUENING, Representative RIVERS, ladies and gentlemen, when our chairman, Mr. Sharrock, mayor of

the city of Anchorage, first asked me who should properly give a progress report from the advisory committee on Rampart Dam, I suggested the names of several more capable individuals who served on that committee—only to find the ball promptly bounced back to me. I am still muttering and complaining to myself. I had pictured my role at this meeting as that of a rather lazy old bird willing to answer occasional questions and give sage advise on how to go about the next step. The next step or steps being obviously the reason for our present gathering.

First of all, I must explain that the advisory committee as an official group no longer exists. We completed our work in 1962 when we gave the stamp of approval to the final report submitted by the Development and Resources Corporation covering the economic feasibility of the project. We were retained by the Corps of Engineers to make suggestions in defining the limits of that study, to evaluate it and either to approve or disapprove the final conclusions. The report as finally submitted received the unanimous approval of the committee. And with that statement a progress report from the advisory committee must conclude.

However, I am sure you would be somewhat disappointed if I ended this report here. So I will talk about the Rampart Dam project, what I have found out about it, and what, in my opinion, it will do toward furthering the economic development of the United States, and most of all, what effect it will have on the Alaskan economy.

A SUMMARY OF INVESTIGATIONS

With the passage of the amended Flood Control Act of 1950 by the U.S. Congress the Army was directed under its Secretary and with the supervision of the Corps of Engineers to make a study of harbors and rivers of Alaska with a view to determine the advisability of improvements in the interest of navigation, flood control, hydroelectric power and allied purposes.

In the fall of 1960 when the Subcommittee on Irrigation and Reclamation of the Committee on Interior and Insular Affairs of the U.S. Senate of the 86th Congress held hearings in Alaska, Colonel Hanburger, District Engineer, U.S. Army District, Alaska, appeared to make this statement: "During the early stages of the investigation leading to Interim Report No. 7, covering the Yukon and Kuskokwim River Basins, it was apparent that the Rampart Canyon project had the greatest potential power output of any hydroelectric project in the United States."

This statement officially verified an opinion held by many individuals since as early as the gold rush days of Alaska that at Rampart a feasible dam site existed to harness the waters of the mighty Yukon, a river listed as fourth in the world in capacity. It is exceeded only by the Amazon, Mississippi, Missouri and the St. Lawrence.

This tremendous potential, first estimated at 4,690,000 kilowatts (almost one-third of the total Alaskan hydropower potential) coupled with the low cost (estimated at 2 to 3 mills at the bus bar on a 50-year payout) is what makes Rampart a giant in the field of generation.

Senator ERNEST GRUENING who was Governor of the Territory of Alaska for many years and intimately acquainted with its resources and the problem of their development was quick to realize that Rampart could secure within a relatively short time that industrial and commercial development in Alaska, which without some comparable effort, would take decades. Early in 1959 the Senator introduced a resolution in the Senate Public Works Committee requesting a full-scale report on the hydroelectric capability of the Rampart project. Following this initial appropriation, Senator GRUENING, together with our Senator BOB BARTLETT and Representative RALPH RIVERS, has succeeded in securing congressional approval for the necessary continuing funds to complete the investigations.

On April 24, 1959, the corps was directed to initiate the study. Following preliminary geologic investigations and mapping, test drilling of the granite rock underlying the proposed site was started in March 1961 and completed April 1962.

Funds were allocated by the corps to the U.S. Fish and Wildlife Service in 1960 to investigate the effect of the project on the wildlife resources of the area and these investigations are still continuing with assistance from the State department of fish and game.

In the spring of 1961 a contract was awarded by the Corps of Engineers to the Development and Resources Corp., of New York City, to make the power market study involving consideration of local and world resources and the industries that might be established in Alaska to utilize the large blocks of low-cost power. The Development and Resources Corp. is an internationally recognized consulting firm in this field. Mr. David Lilienthal, chairman, was former chairman of the Atomic Energy Commission and Mr. Gordon R. Clapp, president, was former general manager of the Tennessee Valley Authority.

Also, establishing thereby a precedent, an advisory board of specially qualified and recognized individuals was named to serve under the chairmanship of the division engineer to assist the corps in defining the scope of the economic study and to review the progress of the study at several stages of its development.

The members of the advisory board, which concluded its assignment in August of 1962 following review and approval of the report "The Market for Rampart Power," by the Development and Resources Corp., were: Mr. Samuel B. Morris, consulting engineer, Los Angeles, Calif.; Dr. Edward Steve Shaw, Stanford University economist, California; Mr. Gus Norwood, executive secretary of the Northwest Public Power Association, Vancouver, Wash.; Mr. Frank H. Mapleton, mechanical engineer, Fairbanks, Alaska; Mr. W. T. Kegley, president, First National Bank, Juneau, Alaska; Dr. William R. Wood, president of the University of Alaska, College, Alaska; Judge Vernon T. Forbes, president, National Bank of Alaska, Fairbanks, Alaska; Edward A. Weides, Fairbanks, Alaska; Mr. Bernard Gottstein, owner, J. B. Gottstein & Son, Anchorage, Alaska; Mr. Stanley McCutcheon, attorney, Anchorage, Alaska; and myself.

The feasibility report, originally scheduled by the corps for completion by the fall of 1964, according to an early announcement by Col. Christian Hanburger was to be completed by August of this year.

The U.S. Geological Survey published in 1962, Bulletin, 1111–H, "Geologic Reconnaissance of the Yukon Flats District, Alaska."

In addition to the continuing investigations by the Fish and Wildlife, the Weather Bureau and other Federal agencies, Mr. T. T. Contine with the Bureau of Reclamation is working under directive from the Department of Interior (which Department has been the marketing agency for federally produced power), to compile data and prepare the marketing section of the Corps of Engineers report and to prepare an impact report consisting of the summation of the view of all Interior agencies.

Also, this year the Federal Land Department has requested the withdrawal of the public domain affected, under the limitations and for the purposes defined in public power withdrawals.

ECONOMIC FEASIBILITY

On April 26, 1961, the effective date of their contract, the Development and Resources Corporation undertook a study for the U.S. Army Engineer District, Alaska, Corps of Engineers, to develop information and make judgments concerning the probable size and characteristics of the power market in Alaska within feasible transmission distance of the Rampart project on the Yukon River. This study was to provide the major basis for answering the question: "Is it in the interests of Alaska and the United States to develop a large block of low-cost hydroelectric power at the Rampart site?"

Some of the basic assumptions for the study were that:

Rampart power would be on the line at a level of 350,000 kilowatts of primary power in 1972, increasing at a constant rate of 1 million kilowatts in 1989, with a jump to 3,735,000 kilowatts (5 million kilowatts installed) in 1989 upon completion of the filling of the reservoir.

That the power would be made available at high load factors at (a) 2 mills, (b) 3 mills, and (c) 4 mills per kilowatt-hour, and should take into account other principal competing locations in the United States and elsewhere in the free world.

CONCLUSIONS

In their final report submitted April 26, 1962, the Development and Resources Corporation states the the principal conclusion of the study is that, if the Rampart project proceeds on the contemplated schedule, its power output can be sold substantially as it becomes available.

The projected market by 1990 was delineated as follows:

Energy available from Rampart—billions of kilowatt-hours	32.7
Less transmission losses	1.6
Net supply from Rampart	31.1

Composition of use	Maximum	Minimum
By consumers who would use power whether or not Rampart is built:		
Energy they would use even from relatively high cost sources	7.0	5.5
Additional energy use by the same consumers if low cost energy is available	3.8	2.5
By new industries (other than primary aluminum production) attracted by low-cost power and Alaskan raw materials	9.2	7.6
By new homes and businesses stimulated by Rampart and by the new industries	5.1	3.7
Subtotal	25.1	19.3
Remainder available for primary aluminum production plants (desiring up to 35,000,000) and unpredictable developments, interregional markets	6.0	11.8

Although the installed capacity at Rampart makes it the largest on the North American Continent in terms of potential power from one project, Mr. Gus Norwood, of the Northwest Public Power Association pointed out that this amount is not going to be a very significant part of the total U.S. energy supply. The General Electric Co. load estimates for the United States assume 500 billion kilowatt-hours used in the year 1950, and it is now running about 800 billion kilowatt-hours; in the year 2000, 10.5 trillion. From 1950 to the end of the century we will have a 21-fold increase in the electric power supply needed for the American economy. Drawing Rampart into that curve, you will find that in 1972 the amount of power that Rampart would bring into the economy would be one-half of 1 percent of the total U.S. energy supply. When Rampart is in full

production it would represent its highest percentage of the U.S. power supply, which would be about one-half of 1 percent.

The Development and Resources Corporation also touches on this in its report as follows:

"The projected growth in the Nation's economy will require prodigious amounts of electrical energy. Federal Power Commission estimates cited earlier indicate that more than twice as much additional generating capacity must be built in the United States before 1980 as the total of all plants built heretofore. Between now and 1990 it probably will be necessary to build nearly a billion kilowatts of generating capacity. The Rampart project's 5 million kilowatts would be only one-half of 1 percent of the required U.S. total new capacity. Devoting one-half of 1 percent of our new national power supply to development of the largely untapped resources in Alaska would not seem a disproportionately large allocation of national power capacity."

THE POWER MARKET FOR ALUMINUM

In the allocation of power from the Rampart project the Development and Resources Corporation have designated a possible range between 6 and 11 billion to primary aluminum production plants, unpredictable developments and interregional markets. According to conservative market forecasts aluminum production will increase between 6 and 15 million short tons annually by 1990. If all Rampart's potential were used by the aluminum industry, it would account for about 2 million short tons—only a fraction of the anticipated demand.

A major consideration in evaluating the possibility of the industry programing its expansion needs to utilize Rampart power is the extremely favorable competitive position pricewise. Again in the report it is stated:

"Any doubt that Rampart's half-percent contribution to U.S. needs for expanded power supply would be economically useful should be removed when it is considered that Rampart would produce and deliver energy to tidewater at lower cost than any other projected powerplant anywhere in the Nation."

They further state Rampart energy is in the cost range of all but one or two of the very cheapest of the great energy blocks in the world.

All the citizens of the United States are fortunate that this tremendous potential block of low-cost energy is to be found within the borders of one of the States.

Man alone is a weak creature—and I do not doubt inherently lazy, otherwise it would not have occurred to him to place his burdens upon the backs of beasts and to use their strength in pulling his loads. And just as he has learned to harness and use the various sources of energy in nature so have his comforts—and his troubles—grown. I have the 1950 centennial issue of Harper's at home and I was both amused and surprised at a reprint of a picture from their 1896 edition entitled, "The Electric Kitchen" as follows:

Back in August 1870, Harper's had published Jacob Abbott's article on the "Electric Light," telling how electricity had been used in mines, in signal lights on ships, and for stage effects and suggesting that it might in the end be found to be the most effective and economical mode of illuminating large public halls.

But by 1896, when this picture of an *electric kitchen* appeared in R. R. Bowker's piece on "Electricity" (Oct. Harper's), it was already being used extensively in lighting houses and providing power for trolleys and trains, and the article even describes electric ironing, electric welding, and fluorescent lighting. An interesting article in the November 1958 issue of Fortune, "Capital Goods: The Energy Explosion" by Charles E. Siberman and Sanford S. Parker points out that since 1947 consumer use of electrical and other energy has expanded nearly twice as much as business use and that consumer demand has accounted for about three-fifths of the energy capital expanded in the 10-year period since that date. The use of electrical energy in air conditioning has been a substantial factor in pushing up the demand and it is still growing and at the same time the cost per kilowatt of new generating capacity is beginning to rise.

The ever-increasing per capita use of energy coupled with our rapidly expanding population, point to the fact that industries dependent upon low-cost energy are going to be seeking those sources wherever available.

The Rampart project can keep some of them from taking their investment and payrolls from this country to some other continent, a significant factor in these times when we are struggling to find jobs for the increasing numbers of our young people.

IMPACT ON ALASKAN AND NORTHWEST ECONOMY

During the discussions with the Development and Resources Corporation representatives and the Corps of Engineers, the Alaskan members of the Advisory Committee were naturally most interested in the effect that Rampart Dam would have on the Alaskan economy.

First of all would be the immediate impact for construction expenditures. The building of a road and railroad extension, the construction of a workers' town, the construction of a cement plant and the expansion of all service industries.

The construction of one or more aluminum reduction plants at tide-water points and the transmission lines to them; the workers' homes and the service industries for this new labor force; these are all developments that we can all foresee.

But how about these Alaskan resources other than the power project itself, that we are always talking about? Let us look at a few.

There's the Klukwan iron deposit. Low cost electrical energy to operate the mining and milling machinery and to separate the magnetic iron from the gangue can make this development economically feasible. With electric furnaces why not go a step further and make steel? We have chrome at Seldovia, nickle occurs in southeastern Alaska, tungsten as scheelite in some of our presently closed gold lode mines. Copper and base metals occur at various locations in south-central Alaska.

Wherever in Alaska this electrical energy can be made available the prospects will be reexamined and reevaluated. It will have a substantial impact upon the development of our fisheries processing and storage industries, our timber industry, on the expansion of facilities for the tourist industry each of which in turn will develop many and varied processing and service industries.

But most important of all to Alaskans is that it is the only single project that I can envision that will have a substantial effect upon the cost of living and doing business in Alaska without reducing per capita income or lowering our standard of living.

Every Alaskan knows by heart the "wheel" that plagues us. We must broaden our economic base and bring in industry with year-round payrolls, but to do that we must reduce the cost of operating in Alaska. And why is the cost of operating in Alaska high? Because the cost of labor is high, the cost of transportation is high, the cost of everything is high, and why are these costs high? Because we have too few exports to balance imports, because we have too small a population to reduce unit costs, so we must broaden our economic base and bring in industry with year-round payrolls. Rampart attacks this "wheel" at more than one point. It will reduce costs and bring in industry with year-round payrolls. And the attacks are not just whittling—they are substantial. Without it, all we can do is whittle.

AMERICAN AGRICULTURE

Mr. CURTIS. Mr. President, while the Secretary of Agriculture trips around Russia and Iron Curtain countries, and while the administration remains stubborn against doing anything because of the rejection of the wheat plan referendum, the general agricultural situation worsens.

One need not be a statistician to be fully aware of the inflationary forces in the country. The costs of living and the costs of operating a farm continue to go up. The relative financial position of the families who live on the farm and whose sole business is farming, as compared to the rest of our economy, is not at all favorable.

It is my feeling that neither the Congress nor the administration should say to the American farmers, "Take what we have once offered you or nothing." This is especially true when many questions could be raised about either alternative submitted to the farmers in a referendum.

Honest difference of opinions arise concerning proposals that involve restrictions and direct subsidies and other like approaches to the agricultural problems. It must be conceded, however, that it is the responsibility of government to strive for those general policies and that economic atmosphere that permit our farmers to prosper, just as it is an objective of our Government to adopt policies that will lead to good wages and profitable business transactions. I wish to mention a few of these policies.

The importation of foodstuffs is being greatly overdone. Any grocery shopper, in the Washington area at least, will repeatedly find it impossible to buy American-grown products. I refer specifically to cooked ham. The increased importation of all foodstuffs is unreasonable; it is unfair and it is unwise. Unrestricted imports of our foodstuffs are not making us friends around the world. The people of the world are becoming more and more intelligent. When they see the U.S. act against its own best interests, they will continue to lose respect for us.

Ridicule would be heaped upon a hardware merchant whose inventory showed that he had an oversupply of almost all items carried if he continued to buy and buy heavily. An automobile dealer, whose sales and storage spaces were filled with cars he could not sell, would be foolish indeed to take the surplus cars off the hands of all the other dealers. Yet this is what we are doing by importing foodstuffs.

Here in the United States we have an agricultural surplus problem. These surpluses hang like a cloud over the market. This is costing us billions of dollars a year. The administrative overhead and the operations of the giant Department of Agriculture, with all its regional and local offices, are a heavy financial drain and these overhead expenditures do not put any money in the hands of our farm families. Some reasonable restraint on the importation of

all foodstuffs, including livestock, meat products, grains, vegetables, and all other things must be imposed.

I have caused to be assembled a list of our agricultural imports of foodstuffs for the calendar year 1962. These items were imported not for the purpose of transshipment but for consumption. The total dollar value of these imports amounts to over $3½ billion. This is shocking when we note that the net farm income in our country for 1962, excluding Government payments, was only about $11 billion. If we include the Government payments, the net farm income is only about $12½ billion. A breakdown of these 1962 imports is as follows:

Foodstuffs—U.S. imports for consumption, 1962

[In U.S. dollars]

Animal and animal products edible	1,035,769,604
Animals, edible, except for breeding	111,043,691
Meat products	481,578,558
Animal oils and fats, edible	770,703
Dairy products	36,881,596
Fish and fish products, except shellfish	223,817,779
Shellfish and products	173,389,601
Other edible animal products	8,287,676
Vegetable food products and beverages	2,538,173,851
Grains and preparations	42,879,067
Fodders and feeds, NES	14,745,062
Vegetables and preparations	82,693,708
Fruits and preparations	161,127,571
Nuts and preparations	59,504,858
Vegetable oils and fats, edible	39,566,913
Cocoa, coffee, and tea	1,205,486,240
Spices	42,650,623
Sugar and related products	564,346,283
Beverages	325,173,526
Total, animal and vegetable	3,573,943,455

Obviously, some of these imports have to continue. I am not suggesting an embargo on imports. I am suggesting reasonable controls to protect the American farmer. To continue with these imports is just as wrong as it would be to permit business and industry to import laborers to be employed at substandard wages.

Mr. President, I would call attention to the fact that our total imports are 32 percent of the net farm income, exclusive of Government payments. Actually this percent is much higher because the foregoing table lists these imports at their foreign dollar value and at their wholesale price. I have not undertaken to translate the foreign dollar value to the American dollar value but it must be conceded that the dollar value of the American products displaced by these imports would be much higher than $3½ billion.

I would also call attention of the Senate to the fact that there is a chain reaction to these imports. When we import livestock and meat and meat products we are displacing not only the American production of livestock but we are displacing the American production of grain, proteins, legumes, hay, pasture, and all other livestock feeds. We are also displacing a great amount of American labor because many of these imports come in as finished products ready for the merchant's shelf.

There are many policies that could be adopted by our Government if there were a sincere concern for the long-range welfare of agriculture. A reasonable import control program is one.

One of the finest pieces of legislation passed in recent years was the domestic portion of the last Sugar Act. It called for an increase in the production of our sugar needs in this country. I praised that legislation then, and I do now. I say it should be but a beginning in the expansion of our domestic sugar production.

Our sugar production was so static for so many years that it is highly probable our sugar processing plants, especially the construction of new plants, are now more costly than they would have been had the industry been an expanding industry throughout the years. Many areas have not yet started to develop their sugarbeet potential because they need factories. A sugarbeet processing plant might cost from $15 to $18 million. Attention should be given to lowering this cost, and we ought to grant a liberal and rapid tax amortization toward building such plants. We are still importing a sizable portion of our sugar and an increased production would lessen the surface problem in reference to many other crops. Again, I do not advocate absolute restrictions on foreign production of sugar. I merely say that the U.S. share should continue to be increased. Further sugar legislation would be a second way that we could assist agriculture.

I have been active in the Congress of the United States in promoting the industrial uses of farm surpluses since I conducted the first hearing on that subject in 1945. The Congress passed a proposal of mine that set up a bipartisan commission to recommend industrial uses of our farm surpluses in 1957. I am aware that the current appropriation bill carries some money to start to implement such a program. We have not had an all-out acceptance of the industrial uses proposal by the Department of Agriculture. It should be a major concern and the Department should drive hard for results. In the absence of such an objective, additional money might well result in increased bureaucracy but very little tangible results as far as a market for farm products is concerned. I am convinced that through the magic of chemistry greater uses in industry can be found for the many products now produced, and that untold uses can be found for crops not now in production which are among the 250,000 plants that can be grown on this earth. This would be a third way that the long-range position of agriculture could be improved.

Mr. President, there are many other policies and principles which could be put into effect that would be helpful to our American farm families. Some fine organizations have long been active in promoting some of these programs. I will not attempt to discuss all of these additional activities that would be for the welfare of agriculture at this time.

It is high time that we turn our attention to those basic principles and policies which would be helpful to American agriculture and that we should stop looking for political gimmicks, the benefits of which are temporary. Such legislation is often rushed through for political purposes and ignores the long-range basic facts so essential to a strong agriculture. The American farmer is entitled to his place in our economy, which means the opportunity to sell at a fair price in the marketplace, to enjoy the American market, and to have the opportunity to expand the scope and volume of his products just as the rest of the American economy expands.

GRAIN STANDARDS

Mr. CARLSON. Mr. President, the wheatgrowers of this Nation have for years been confronted with such problems as allotment acreages, marketing quotas, price supports, a billion-bushel wheat carryover and foreign markets.

Now one of the pressing problems confronting U.S. wheatgrowers is a revision of our grain standards. It is important not only to farmers but also to every merchant, banker, and businessman—indeed, to every citizen in the important producing areas of this country.

The Department of Agriculture has proposed a number of changes in our present grain standards and hearings on these proposed changes will be held in the near future in several wheat-marketing areas. At these hearings producers, elevator and mill interests, and exporters will be given every opportunity to present their views; and, needless to state, all are not in agreement as to the need for the changes.

Some representatives of the grain trade advise me that proposed changes in their opinion could work to the disadvantage of the grower.

There is one point on which there must be unanimous agreement; that is, we must furnish wheat for the world market that is competitive.

Our present grain standards were established in 1916 under an act of Congress passed that year putting the authority to establish grain standards in the Secretary of Agriculture. Practically no changes have been made since that time, notwithstanding the tremendous advancement which has been made in grain production, storage, marketing, and distribution since 1916.

I am sure that there are few farmers and few businessmen who realize how out-of-date and ineffective our grain standards are at this time. This is especially true as they apply to wheat. As of this moment, No. 1 wheat, the top grade, may contain as much as 2 percent of damaged kernels, one-half of 1 percent foreign material, 5 percent of shrunken and broken kernels, and 5 percent of wheat of other classes. While dockage (trash) is not a grade factor, 99 percent may be included without being counted. It is there but only unofficially. In other words, although wheat may contain 13.49 percent of nonwheat, damaged wheat, and wheat of other classes, it is still graded and sold

as No. 1. No. 2 may contain 15.99 percent of nonwheat, damaged wheat, and wheat of other classes.

All the facts indicate that Kansas farmers are producing excellent wheat. Last year, 1962, a statewide survey of farm-stored wheat was made by the Kansas State ASCS Committee. The purpose was to determine the physical quality of wheat on the farm before it got into the channels of trade. The number of individual samples taken was over 1,600 coming from all of the 9 crop reporting districts in the State. These were consolidated into 238 composite samples. They were inspected at the State grain inspection laboratory. This inspection showed the following results: Test weight per bushel, 60.7 percent; moisture, 11.8 percent; dockage, 0.29 percent; total damage, 0.4 percent; foreign material 0.1 percent; shrunken and broken kernels, 0.9 percent. No wheat of other classes was reported. This gives an average total for all defects of 1.69 percent, far below the proposed new standards for No. 1.

This year the Kansas State Grain Inspection Department is keeping a record of defects in carlot shipments of Kansas wheat arriving in terminal markets. The reports are not yet available except on dockage. This shows that of 4,573 carlots from practically all Kansas counties and from each of the crop reporting districts, the average dockage is 0.33 percent.

Probably the worst thing about the present standards is that they constitute an invitation and an inducement to lower the quality as the grain passes through the channels of trade by adulteration with dockage, foreign material, inferior and damaged wheat. There is nothing illegal about this, and it is not my purpose to criticize anyone engaged in such practices. Just as long as the adulteration does not exceed the limits set up in the present standards, it is permissible. The fault is in the standards as they now exist.

While I have not spoken critically of the activities which result in the deterioration of our wheat as it goes through the channels of trade, it seems to me that it is not out of the way to question those who oppose reasonable changes in the standards designed to enable our wheat to better compete in world markets with that from other wheat exporting countries.

I mention the foreign market for the reason that our millers and other processors have long since abandoned the use of existing grades in making their purchases. They buy on the basis of sample and laboratory tests using grades for hedging purposes only, if at all.

There is no procedure by which a foreign buyer can purchase wheat in the same way as is done in the domestic trade. If he buys by grade and orders No. 1, he has no way of telling whether there will be 1 percent of total defects or 13.49 percent—or anything in between. The sampling program conducted by Great Plains Wheat in the European market indicates that U.S. No. 1 and No. 2 wheat exported to that area had an average of about half as much in the way of defects as would have been permissible under present standards, but more than twice as much as that of our competitors Canada and Russia. It is not surprising that our share of the West European dollar market is decreasing while that of Canada is increasing.

This matter has become even more important since the establishment of the Common Market by reason of the fact that the buyer not only must pay for the nonwheat and damaged wheat, but also the variable levy on the same. This increases our disadvantage, and has undoubtedly contributed to our decline in dollar sales.

Apologists for the grain trade say that the foreign buyer can order by grade and get just what he pays for. As a practical matter this is not possible, because as I have pointed out, he does not know whether he is getting the top grade, the bottom, or somewhere in between. It is further contended that a foreign buyer can order by specification and get what he wants that way. This presents serious difficulties and is easier said than done.

Ordering by specification has been tried and found wanting. Experience has shown that there are many problems and pitfalls connected with the preparation and submission of specifications. In many cases the seller demands a premium. The practical and effective answer to the dilemma lies in making our present grades more specific and descriptive.

The Agricultural Marketing Service of the Department of Agriculture has recently proposed changes in the grading system which will reduce overall tolerances on No. 1 wheat, including dockage from 13.49 to 6.49 percent. This will be broken down into 3 percent total tolerances for damaged kernels, foreign material, and shrunken and broken; 3 percent for wheat of other classes; and count all dockage of one-half of 1 percent or above.

For No. 2 wheat, the dockage will be the same. Total defects will be 5 percent and wheat of other classes 5 percent, or tolerances of 10.49 percent as compared with the present 15.99 percent.

These tolerances are still quite wide—perhaps too much so—but they at least are more definite and meaningful than those under which we are operating at this time. They cannot hurt any farmer, and it is hoped that they will lessen inducements to lower the quality by blending inferior wheat with the quality wheat which is coming from the farm.

It is hard to overestimate the importance to our wheat industry of maintaining and expanding our export markets. For the past 3 marketing years our wheat exports have exceeded our domestic consumption, which has remained static since 1909. Any continued expansion must be in the field of exports. Last year our total exports were 11 percent less than the previous year and our dollar exports were 21.6 percent less. Our nondollar exports, while desirable under present conditions, cannot be expected to continue at their present volume indefinitely. Public Law 480 will expire next year and must be extended if that program is to continue. It is impossible now to say under what terms and conditions this will be done. In view of the fact that some people tend to consider 480 as a foreign aid program, and the further fact that opposition to foreign aid is increasing, there may be greater difficulty in extending the act than in the past. Furthermore, Canada, blessed with its largest wheat crop in history, is talking of setting up a 480 program of its own.

In any event, expanding our dollar exports of wheat is imperative not only from the standpoint of the wheat farmer, but also from that of the Nation. This becomes more evident every day as our balance-of-payments situation deteriorates.

If we are going to export for dollars we must be competitive from the standpoints of price and quality, and we must have the machinery which will enable our customers to know what they are doing when they buy. This is impossible under our present system, and we can expect no improvement while it continues in spite of all of our efforts otherwise. In other words, improvement of our grain standards is the key to dollar export expansion.

Mr. President, I ask unanimous consent that an editorial in the Wednesday, September 4, issue of the Topeka Daily Capital, entitled "It's Good Business," and an editorial which appeared in the August 29 issue of the Garden City Telegram, entitled "For Tighter Grading," be made a part of these remarks.

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

[From the Topeka (Kans.) Daily Capital, Sept. 4, 1963]

IT'S GOOD BUSINESS

Indications are that the movement to tighten wheat grading standards is gaining momentum, at least enough to stir some grain trade interests into open opposition.

For the past few years, wheat producers have been advocating tougher restrictions on the amount of waste matter allowed in export wheat. Dockage for such items as chaff, sticks, and other waste matter in wheat shipped to foreign markets would be increased.

Promoters of the tougher restrictions say the U.S. wheatgrower suffers when chaff-diluted wheat arrives in foreign markets. Contention is that the foreign market price of U.S. wheat suffers and that in some instances the American wheatgrower is losing out to Canadian and other competition.

Canada requires that its export wheat meet specific grade standards upon delivery. The foreign buyer receives U.S. wheat without assurance of its cleanliness.

Wheatgrower associations are taking the initiative in establishing stricter wheat policies. Farm cooperatives are reported to be getting into the export business themselves in order to build up a market for clean U.S. wheat.

The associations and cooperatives contend some export interests deliberately have been diluting shipments in order to increase export profits.

Some grain dealers oppose tolerance changes in wheat quality standards on the premise that the grower would suffer. Contention is that elevators would be forced to grade wheat more closely, with the result that the grower no longer would receive benefit of the doubt.

Integrity of the farmer apparently is underestimated. The Kansas farmer isn't inter-

ested in receiving benefit of the doubt. He is interested in receiving the full price that his product deserves. He also is interested in seeing the foreign buyer get a fair shake for his money.

Early action should be taken to see that the British baker and the Italian noodle-maker get the quality of U.S. wheat they order.

It's a matter of good business, as well as ethics.

[From the Garden City (Kans.) Telegram Aug. 29, 1963]

FOR TIGHTER GRADING

Great Plains Wheat, Inc., was organized to promote the development of markets for Hard Red wheat.

In the past 5 years, Great Plains has been working for these markets, and in doing so has come into contact with many foreign buyers, importers, and processors. The story from all corners of the globe has a common current of criticism—imports of U.S. wheat haven't been up to snuff.

Great Plains set up a grain standards committee after realizing that changes were needed. It was concluded that growers, in deciding if they want changes, must determine if they want standards which will adequately classify the quality of wheat they are producing in terms of final use value, which will maximize their bargaining position in domestic and foreign trade, and which will help them accomplish their long-range quality objectives.

Last week, Great Plains Wheat president, Howard Hardy, issued a statement favorable to the proposed standards, and it didn't take long to smoke out the opposition—which is the grain trade.

Thanks to living in the home of Great Plains Wheat's headquarters, we have come in contact with several foreign grain buyers, millers, agriculture officials and government officials. All were impressed with what they saw here in the Great Plains in the way of wheat production and quality.

But they weren't speaking highly of our wheat which has been exported to their countries. It's clear that something is wrong with the present grading system which allows dirty and damaged grain to flow into foreign ports. Meanwhile, our northern neighbor, Canada, is paying strict attention to what they export, and has established a good reputation among the world buyers.

The grain trade's opposition is puzzling. Great Plains Wheat's stand is laudable.

GOVERNOR WALLACE'S DEFIANCE OF FEDERAL LAW

Mr. JAVITS. Mr. President, today debate begins on the nuclear test ban treaty and, as is quite proper, it will be led by the chairman of the Foreign Relations Committee. I shall have my own views to express on it a little later in the week. But I should like to speak today about the "atom bomb" we have in the United States in our domestic situation, characterized again this morning by the incendiary news that Governor Wallace, of Alabama, has ordered schools of three cities in Alabama—Birmingham, Tuskegee, and Mobile—not to integrate—in other words, not to give children their rights as citizens of the United States.

I appreciate very much that the Attorney General will not counsel precipitate or incendiary action on the part of the United States but that it is rather the design of the Federal Government to see that local people who are anxious to send their children to school will bring about correction of the situation. But, in the final analysis, the situation is intolerable in terms of the United States. The United States cannot stand by and allow its laws to be flouted. It cannot allow a Governor to invoke a doctrine which has no legal basis; namely, the doctrine of interposition; that is, that a Governor of a State or a State legislature can interpose itself between the rights of U.S. citizens and the Federal Government to enforce those rights.

Sooner or later—probably sooner rather than later—the President will have to make the tragic decision which he made in respect to the University of Mississippi, or which President Eisenhower made in Little Rock, or which was made in the University of Alabama case.

I think it should be very clear that the President will have the full support of the overwhelming majority of the people of the country—including many who do not agree in the matter of desegregation of the public schools, but who agree on the proposition that the laws of the land may not be flouted by any Governor, no matter how pleasant he may appear on television—and that the people, as well as the Congress, will approve the use of the authority of the United States under the Constitution of the United States.

I hope the administration is laying its plans to show that it intends to see that the laws are upheld, because the children have the right to an education under the laws of the United States; and that the necessary court actions, recommendations to Congress, and Federal authority may be used, so that no Governor—Governor Wallace or any other Governor—may flout the laws of the United States, on some theory of interposition which has no basis in law, and which may result, not in a rule of law but in a rule of anarchy.

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

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

Mr. JAVITS. In just a moment. I yield myself 2 additional minutes.

This is the "atom bomb" in the United States. The Senate is engaged in a historic debate today. While that debate continues for a week or 10 days, may we not forget that we have an atomic bomb in this country, and that justice shall not be denied, as depicted by the Governor's action in Alabama.

I yield now to the Senator from Oregon.

Mr. MORSE. Mr. President, I want to associate myself with everything the Senator from New York has said. For days I have said on the floor that the question is whether or not we are going to preserve our system of laws and preserve the Union, because there does not have to be secession to destroy the Union. If the Governor's defiance of our system of law is maintained, in effect, the Union is destroyed.

I have pleaded for days, and repeat it today, from this side of the aisle, that this administration has the duty to use whatever power of government is necessary in order to make clear to our people in the North, the South, the East, and the West, that, after all, our Federal system is going to be preserved and the decisions of the U.S. Supreme Court are going to be enforced.

Mr. JAVITS. I am very pleased to have the support of the Senator from Oregon. Unless this structure of law persists, the very people who are now minorities, even those who say they are against integration, will lose their protections. This system is for their protection as well as the protection of every citizen. So when a Governor defies the law, he frustrates the fundamental right of every American. This is the fundamental problem that the Government must face. So while it may be approaching the problem on a day-to-day basis, I think within a few days the Government must come face to face with the fact that Governor Wallace is defying the law of the United States, and this the United States and its people cannot tolerate.

THE CHAMIZAL SETTLEMENT: AN ACT OF STATESMANSHIP BY PRESIDENT KENNEDY

Mr. GRUENING. Mr. President, a few days ago the preliminaries for the settlement of the longstanding Chamizal dispute were concluded by the signing of an agreement by Mexico's Secretary of Foreign Relations, Manuel Tello, and U.S. Ambassador to Mexico, Thomas C. Mann. I discussed this problem on the floor of the Senate on July 22, offering my congratulations to the Governments of our two neighbor countries and their people on the prospective settlement of a dispute which had marred our relations for nearly a century. I said then, and repeat now, that President Kennedy deserves the highest praise for his direct action to bring about a solution of a long, vexatious, and complex problem, which has become increasingly difficult with the passing of time and would become even more so if left unsettled any longer.

As the agreement will, in all probability, be presented in the form of a treaty for ratification by the Senate, a complete understanding of the history of this issue, its legal complexities, and the tangible and intangible values involved, is desirable.

Fortunately for this purpose a definitive and scholarly summary has just become available. It is found in an article by Gladys Gregory, for some time professor of government at Texas Western College, and the holder of a Ph. D. degree from the University of Texas. A resident of El Paso, she has, since her days as a graduate student at Austin, studied the Chamizal and other border issues. She writes with authority and with the combined expertise of a trained historian and of a living observer of the event. Her study is printed as No. 2 of volume 1 of Southwestern Studies published by Texas Western College and edited by Samuel D. Myles. It is a most valuable contribution.

The Chamizal award in 1911 favoring Mexico was rejected by the United States although our Nation had agreed to abide by the arbitral award, which, by the terms of the agreement, was to be carried out within 2 years. It was the first time in our history that our Government has declined to honor an adverse verdict

after agreeing to abide by the result. As President Kennedy said to the press in Mexico during his visit there earlier this year:

There have been long negotiations about the Chamizal. This territory was awarded in 1911, but the United States did not accept it * * * but it is a matter that we cannot afford to continue to treat with indifference because the United States failed, after agreeing to arbitration, backed down, and did not accept the report.

This, while in essence the situation, was a slight but wholly warranted over-*simplification*, because there were technical grounds for believing that the Commission in 1911 which made the award, consisting of a U.S. Commissioner, a Mexican Commissioner, and a Canadian jurist, exceeded its instructions. A half century of deadlock resulted. But, as Professor Gregory points out, that deadlock could be broken only "by an act of statesmanship on the highest level—a decision that could cut through the accumulation of historical, legal and technical flotsam and lagan the Chamizal case had accumulated."

President Kennedy performed that act of statesmanship.

I ask unanimous consent that Professor Gregory's report "The Chamizal Settlement—A View From El Paso," be reprinted in the RECORD at this point.

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

THE CHAMIZAL SETTLEMENT—A VIEW FROM EL PASO

(By Gladys Gregory)

July 18, 1963 was a great day in the El Paso-Juarez Valley, for on this date the Presidents of the United States and Mexico announced their historic decision respecting the Chamizal. Across the Rio Grande in Ciudad Juarez and throughout Mexico, the news was received with much satisfaction, as it signalized for the Mexicans a victory of right and reason that had been overdue for 50 years. The city council of Ciudad Juarez met in special session to hear and acclaim the eloquent address of President López Mateos, carried from Mexico City by radio and television to all parts of the nation. On the day following, the 19th, full-page advertisements, signed by civic leaders of the State of Chihuahua, appeared in the leading newspapers of Mexico hailing the event as a demonstration of international friendship and cooperation at its best.[1]

THE RESPONSE IN EL PASO

In El Paso the reaction was naturally more restrained, but at the same time, it was favorable. Although there was some criticism of the so-called Kennedy giveaway and some apprehension among residents of the Chamizal area, the weight of opinion, as reported in the local press, accepted the proposed settlement as announced. The mayor and council of the city, members of the county commissioners' court, and other local leaders viewed the outcome constructively. While they expressed concern that the interests of residents in the Chamizal should be fully protected, they welcomed the solution of an issue that had long disturbed the two border communities. They also recognized that the settlement would make possible the improvement and beautifying of an undeveloped area along the river, and that it would stimulate the economy of the entire area.[2] The prevailing attitude seems to have been summed up in the following statement of Federal District Judge R. E. Thomason who as a former mayor of El Paso and Member of Congress had gained an intimate knowledge of the problem:

"We wrestled with the Chamizal for 50 years and it would be an eyesore for another hundred years if we don't make a settlement now. I visualize the time when El Paso and Juarez will be the great twin cities of North America and there will be a tremendous development. I would like to see the agreement followed by a real drive to get rid of the slums, a fine beautification program, and a great monumental free bridge.

"The property owners in the area will get justice. Uncle Sam doesn't mistreat his citizens. If any of them don't get a fair value for their property and come into my court, I'll see that they get it." [3]

The latest stage in the long and tortuous negotiations seeking an agreement began during the meeting of June 1962, in Mexico City, between the Presidents of the United States and Mexico, John F. Kennedy and Adolfo López Mateos. The joint communique issued in the names of the heads of state was brief and to the point: "The two Presidents discussed the problem of El Chamizal. They agreed to instruct their executive agencies to recommend a complete solution to this problem which, without prejudice to their judicial position, takes into account the entire history of this tract." [4] Thus another attempt was made—this time at "the summit"—to deal with the exasperating issue.

INTERVENTION OF PRESIDENT KENNEDY

While in Mexico, President Kennedy indicated the priority he gave the matter by saying to representatives of the press: "As you know, there have been long negotiations about the Chamizal. This territory was awarded in 1911, but the United States did not accept it * * * but it is a matter that we cannot afford to continue to treat with indifference because the United States failed, after agreeing to arbitration, backed down, and did not accept the report." [5]

To carry out his commitment, President Kennedy promptly instructed diplomatic and executive officials of the United States to proceed without delay in working out the appropriate policies and details. Within a short time, on July 17, Thomas C. Mann, Ambassador of the United States to Mexico, arrived in El Paso and conferred with Joseph F. Friedkin, U.S. Commissioner on the International Boundary and Water Commission, and with officials of both the city and county of El Paso. Later Mr. Mann went to Austin, the capital of Texas, to meet with officials of the State who might be concerned.[6]

After further study of the problem, and after negotiations with Mexican officials, into which discussions members of the Department of State entered fully, Ambassador Mann returned to El Paso to explain to local leaders the proposals our Government would submit to Mexico. For 3 days during February of 1963, Mr. Mann and Commissioner Friedkin consulted with local authorities, with owners of property in the Chamizal zone, and with others who would be affected by the proposed settlement. The results of these talks seemed to indicate that fully 90 percent of the people contacted in El Paso were favorable to the project as it had been developed to this point.[7]

While negotiations and discussions continued, President Kennedy on March 6 said that the United States should erase the black mark resulting from its failure to carry out the decision of the arbitral tribunal that had tried to effect a compromise in 1911. At the same time, the Secretary of Foreign Relations in Mexico City, Manuel Tello, stated that an agreement was now within a millimeter of achievement.[8] However, considerable more effort was necessary to work out the terms incorporated into the agreement.

THE AREA IN DISPUTE

The bone of contention that required the attention of the two Presidents, and the redoubling of effort on the part of many of their subordinates, is a small strip of territory lying on the border of the Rio Grande between the cities of El Paso, Tex., and Ciudad Juarez, Mexico. Taking its Spanish name from the scrubby plants that once covered the area, the entire Chamizal tract includes about 630 acres of land. It extends from the Levee Road and Charles Street on the west in a northeasterly direction to join Cordova Island which is the property of Mexico, as indicated on the map on pages 26 and 27 [not printed in the RECORD]. Thus, the western and southern boundary of the tract is formed by the present channel of the river; its northern boundary is the river as surveyed in 1852; its eastern boundary is Cordova Island, which, though belonging to Mexico, is located on the northern or American side of the river. Cordova Island contains about 386 acres.

Several thousand persons live in the Chamizal zone. About 100 acres of the extreme western section are located within the downtown business district of El Paso. Two vehicular and pedestrian bridges cross the river in this area, connecting Stanton and Santa Fe Streets in El Paso with Lerdo and Juarez Streets in Ciudad Juarez, thus giving convenient access to the centers of both cities. This line of communication runs through the Chamizal for about three-tenths of a mile.

Looking at this small strip of land on the map and taking into account its relatively limited economic value, as the interests of nations go, one might reasonably conclude that the task of determining its nationality should have been rather simple. But unfortunately, such a conclusion would be quite erroneous. The hope for a rational and amicable agreement respecting the ownership of this narrow plot has been shattered time after time. High expectations of disposing of the issues involved were raised during the administrations of President Taft in 1913, President Coolidge in 1925, President Hoover in 1931–33, and during the terms of F. D. Roosevelt, Truman, and Eisenhower. But in no instance could the baffling enigma of the Chamizal be resolved.

THE CAPRICIOUS RIO GRANDE

In some respects the failure may be ascribed to the limitations of diplomacy and to the stubborn persistence of nationalistic amour-propre on both sides of the Rio Grande, as we shall presently see in detail. But, in addition, we must recognize that the forces of nature have played a leading role in this international drama. Like the witches in "Macbeth," these forces seem to have brewed an evil influence destined to defeat the best of human intentions—a striking example of the mastery of matter over mind. The physical causes of the trouble can be traced directly to the vagaries of the Rio Grande. Never noted for consistency

[1] See issues of July 18 and 19, 1963, El Fronterizo and El Mexicano (both of Juarez); also El Universal, Excelsior, La Prensa, and Novedades of Mexico City. Leading articles in Continente, July 1963; La Nación, Aug. 1, 1963; Todo, Aug. 1, 1963.

[2] The proposed settlement has aroused much interest and some controversy locally. For typical opinions, see the El Paso Times, July 11–21, 1963, and El Paso Herald-Post, same dates.

[3] The El Paso Times, July 19, 1963.

[4] United States-Mexico, joint communique, Mexico City, June 29–30, 1962.

[5] The El Paso Times, July 8, 1962.

[6] Ibid., July 18–22, 1962.

[7] Ibid., Feb. 19–24, 1963.

[8] Ibid., Mar. 7, 1963. See also El Fronterizo (Juarez), July 3, 1962; July 22, 1962; Aug. 14, 1962; June 5, 1963.

in staying within the low banks along much of its course, the river seems to have taken a special delight in wandering from its bed as it flowed through the level terrain in the Pass of the North. As one writer pointed out:

"Sometimes, worn thin by drought and bled by irrigation, it [the Rio Grande] is not a river at all but only a wide strip of white sand baking and glaring in the sun. It becomes an impressive stream only in times of flood and then it runs in a red torrent often half a mile wide, lifting an angry crest of sandwaves, devouring its own banks, earth trees and all, as though in a furious effort to carry away the whole country and dump it into the sea." [9]

The river rises in the Rocky Mountains of southern Colorado and flows for about 2,000 miles on its way to the Gulf of Mexico. It is estimated that the total effective drainage area of the Rio Grande is 177,500 square miles.[10] For part of its journey to the sea, it pushes its way through miles of a broad sandy valley, where, before the building of Elephant Butte Dam in 1916 and Caballo Dam some 20 years later, it twisted and doubled upon itself like a great sea serpent. For centuries it coiled and recoiled in the shifting sands of the semiarid regions.

Throughout its history, the great river has not always been friendly to man. Sometimes during a period of drought it has failed him altogether, and at other times of great flood it has washed away what he has built or planted. In spite of its treacherous character, however, crops have been grown in its valley for perhaps a thousand years. Probably the oldest irrigation in the United States was that of the native Indians found by the Spaniards when they entered the valley of the Rio Grande in New Mexico in the middle of the 16th century.[11]

In 1827 when Jose Ponce de Leon received from Mexico his famous land grant that is now the heart of downtown El Paso, the river flowed in front of his house, considerably north of its present course. It wound through and across the area now occupied by the principal streets of the business district—Mills, San Antonio, and Magoffin—and continued on eastward through Manzana, Stevenson, and Rosa, passing along the present site of the Standard Oil and Texaco refineries, and on toward the town of Ysleta. At that earlier time all of this property was within Mexico. The Chamizal extended from the northern banks of the river southward to Calle del Chamizal in El Paso del Norte, now called Calle Mejia in Ciudad Juarez. Since colonial times this extensive area has been occupied by the Spanish and Mexican settlers and their descendants. Eventually the river was to shift its course southward, flooding and overflowing, forming and leaving various beds—all to the discomfort and dismay of the increasing population of the community.[12]

THE RIO GRANDE AS BOUNDARY

In spite of the instability of the river as a boundary, leaders in the United States have long looked to the Rio Grande as a natural line defining our western limits. Since 1804 when Thomas Jefferson decided that the Rio Grande should be claimed as the western boundary of the Louisiana Purchase, the river has held an important place in international affairs.[13] The early leaders of Texas had a similar fixation on the river. At its first session in 1836 the Congress of the Texas Republic set the southern boundary of the new nation at the Rio Grande.[14] Following the War of 1845 between the United States and Mexico, which was waged essentially over territorial interests and claims, the Rio Grande assumed greater importance than ever before, since it was designated as the permanent boundary between the two nations. The significant position of the river was indicated in article V of the Treaty of Guadalupe Hidalgo of 1848:

"The boundary line between the two Republics [the United States and Mexico] shall commence in the Gulf of Mexico, three leagues from land, opposite the mouth of the Rio Grande, otherwise called Rio Bravo del Norte, or opposite the mouth of its deepest branch, if it should have more than one branch emptying directly into the sea; from thence up the middle of that river, following the deepest channel, where it has more than one, to the point where it strikes the southern boundary of New Mexico (which runs north of the town called Paso) to its western termination; thence, northward, along the western line of New Mexico; until it intersects the first branch of the river Gila; (or, if it should not intersect any branch of that river, then to the point of said line nearest to such branch, and thence in a direct line to the same); thence down the middle of the said branch and of the said river, until it empties into the Rio Colorado; then across the Rio Colorado, following the division line between Upper and Lower California, to the Pacific Ocean." [15]

Recognizing the need to define more precisely the course of the river, the framers of the Treaty of 1848 provided for a Boundary Commission, "who before the expiration of 1 year from the date of exchange of ratifications of this treaty shall meet at the Port of San Diego and proceed to run and mark the said boundary in its whole course to the mouth of the Rio Bravo del Norte. The boundary line established by this article shall be religiously respected by each of the two republics, and no change shall ever be made therein except by the express and free consent of both nations, lawfully given by the General Government of each, in conformity with its own constitution.

"If unhappily any disagreement should hereafter arise between the governments of the two republics, whether with respect to the interpretation of any stipulation in this treaty, or with respect to any other particular concerning the political or commercial relations of the two nations, the said governments, in the name of those nations, do promise to each other, that they will endeavor, in the most sincere and earnest manner, to settle the differences so arising, and to preserve the state of peace and friendship, in which the two countries are now placing themselves: using, for this end, mutual representations and pacific negotiations. And if, by these means, they should not be enabled to come to an agreement, a resort shall not, on this account, be had to reprisals, aggression or hostility of any kind, by the one republic against the other, until the government of that which deems itself aggrieved, shall have maturely considered, in the spirit of peace and good neighborship, whether it would not be better that such differences should be settled by the arbitration of commissioners appointed on each side, or by that of a friendly nation. And should such course be proposed by either party, it shall be acceded to by the other, unless deemed by it altogether incompatible with the nature of the difference, or the circumstances of the case." [16]

The Boundary Commission, on which both the United States and Mexico were represented, got off to a disappointingly slow start. For various reasons, its first meeting at San Diego, Calif., did not occur until 17 months after the treaty was signed. Various difficulties plagued its work from the beginning. It suffered from inadequate funds, supplies, and military protection. Errors in the prescribed maps caused much controversy between the representatives of the two countries. Finally, however, in December of 1856, the boundary survey was completed. It was to be accepted as the best delineation of the dividing line that could be produced.[17]

THE GADSDEN PURCHASE

In order to rectify the boundary in the area of the Gila River, the United States agreed to buy from Mexico, for $10 million, a tract of land beginning some 40 miles north of El Paso. The territory involved was commonly designated as "La Mesilla," and the transaction became known as the Gadsden Purchase of 1853.[18] Before this agreement had been reached, the Boundary Commission had completed a survey in 1852, establishing a firmer line between the United States and Mexico in the Chamizal zone. The Treaty of Mesilla of 1853 sought to make the treaty of 1848 (Guadalupe Hidalgo) conform to the new boundary resulting from the Gadsden Purchase. Article I of the new treaty provided for a mixed commission for the "settlement and ratification of a true line of division between the two republics; that line shall be alone established upon which the Commission may fix, their consent in this particular being considered decisive and an integral part of this treaty.

"The dividing line thus established shall in all time be faithfully respected by the two governments without any variation therein, unless by express and free consent of the two." [19]

While the Boundary Commission and its surveyors were trying to establish an acceptable line, the Rio Grande refused to cooperate; it continued its erratic ways. Because of the sandy texture of the soil in the El Paso area and the torrential rains at certain seasons of the year, the eroding power of the river remained as always.

A report by C. H. Ernst, major of engineers, U.S. Army, described the conduct of the river clearly:

"It is shifting from one position to another, eroding one bank and building up the opposite one, forming islands and bars, and then destroying them. The result of the natural changes is most noticeable in a bend where the erosion of the concave shore is sometimes continuous for many years, as appears to have been the case at El Paso. * * * The maximum distance between the shore at El Paso of 1855 and that of 1885 is about five-eighths of a mile and the total area added to the American territory is about 490 acres." [20]

FLOODS AND TREATIES

The river changed its banks again between 1853 and 1863 because of a serious inundation. Then in 1864 occurred the worst flood in the memory of the residents. The people north of the river were obliged to take refuge in the heights of Stormville, now Rim Road, in El Paso; and the inhabitants of El Paso del Norte (now Ciudad Juárez), to the south, moved in mass to the safer ground on which stood the Mission of Nuestra Señora de Gaudalupe. Such floods continued periodically until the great dams

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[9] H. Ferguson, Rio Grande (New York, 1933), 3.

[10] H. Rept. No. 359, 71st Cong., 2d sess., 9233.

[11] Ibid.

[12] Cleofas Calleros, "El Chamizal—Que Es?" (El Paso, 1963), 4.

[13] American State Papers, Mar. 31, 1804.

[14] Laws of the Republic of Texas, 1st Cong., 1st sess., 1836 (Houston, 1837), 133–34.

[15] 9 U.S. Statutes at Large, 922, Art. V. Hereafter cited as Statutes.

[16] Ibid., Art. XXI.

[17] H. Rept. No. 247, 55th Cong., 2d sess., 55–56.

[18] 10 Statutes, 1031.

[19] Ibid.

[20] Chamizal Arbitration, appendix to the case of the United States of America (Washington, 1911), II, 759. Hereafter, Chamizal appendix.

were built up the river, in 1916 and later, to control them. The floods and resulting changes in the course of the river led the two riparian nations to seek a measure of security in a new agreement, the treaty of 1884. Articles I and II provided:

"The dividing line shall forever be that described in the aforesaid treaty and follow the center of the normal channels of the rivers named, provided that such alterations be effected by natural causes through the slow and gradual erosion and deposit of alluvium and not by the abandonment of the existing river bed and the opening of a new one.

"Any other change wrought by the forces of the current * * * shall produce no change in the dividing line as fixed by the survey of the International Boundary Commission of 1852." [21]

In this treaty an attempt was made to reach a decision regarding the general rules of accretion and avulsion, to specify conditions under which artificial changes in the course of the river could be dealt with, and to provide for property rights respecting lands affected by the creation of new channels. The treaty, however, did not specify how these objectives were to be achieved.

To meet increasing problems, including confusion over the boundary and uncertainty as to public and private titles to land, a new treaty was negotiated and signed. This convention of March 1, 1889, provided "for the creation of a Boundary Commission with the authority to investigate and determine the merits of each contest." [22] Originally, the Commission was set up for a 5-year period; then its life was regularly extended to 1910, when it was made permanent. The success of the Boundary Commission during its initial period was summarized by Anson Mills, U.S. Commissioner, as follows:

"During the 16 years of our active service (the revolution in Mexico in 1911 having put an end to activities) the Commission tried over 100 cases of all kinds, disagreeing only in the Chamizal case, and preserved the peace and quiet of the entire Rio Grande border for these long years, to the satisfaction of both governments and the people of the two nations." [23]

Under capable leadership, the Boundary Commission continued to improve conditions along the frontier. Its work in rectifying the channel of the river from El Paso to Fort Quitman should prevent any problem arising in the future in this section of the boundary. In keeping with the treaty of 1933, the Boundary Commission has successfully undertaken a project of flood control costing $6 million. The program has involved the assignment of 16,704.6 acres of land to the United States and 9,625.5 acres to Mexico. In all, 216 parcels of land have thus been exchanged.[24] The work of the Commission has been aided greatly by the construction of the Elephant Butte, Caballo, and Falcon Dams, which have done much to control the distribution and use of water along the river. Another large dam, Amistad, is scheduled for completion in 1968. The Commission has had to deal with many difficult technical problems, but it has been largely successful in defining and stabilizing the river frontier between the two neighboring nations. One problem, however, long defied solution: What could be done about the Chamizal? For one reason or another, every effort to deal with this highly perplexing problem bogged down in the sands of the shifting river or in the conflicts of diplomacy and national self-interest.

[21] 24 Statutes, 1011, Art. II.

[22] 31 Statutes, 1936.

[23] Anson Mills, "My Story" (Washington 1921), 301.

[24] United States, Treaty Series (Washington, 1934), No. 864.

THE CHAMIZAL ISSUE EMERGES

As early as 1866 officials of both the United States and Mexico recognized the possibility that the devious ways of the Rio Grande could cause problems respecting the international boundary. The Secretary of Foreign Relations of Mexico, Sebastián Lerdo de Tejada, notified the American Secretary of State, William H. Seward, that Mexico was seriously concerned.[25] About the same time Maj. W. H. Emory, U.S. Boundary Commissioner, called to the attention of Robert McClelland, Secretary of the Interior, the danger of a threatened avulsive change in the course of the river near El Paso. As a result of these reports, Attorney General Caleb Cushing drafted an opinion summarizing the principles of international law that applied. This opinion served as a reply to the Mexican Government and a statement of policy that the United States would consistently follow in subsequent negotiations.[26] Cushing's views were to figure prominently in the effort at arbitration in 1911.

The issue over the Chamizal first became troublesome in 1894 when the Boundary Commission met to establish the dividing line over the bridges between El Paso and Ciudad Juarez.[27] On learning of the move, the Mexican Secretary of Foreign Relations notified Washington that no one had been authorized to define a boundary between the two countries, but only between the two cities. The Secretary pointed out that the channel of the river had changed in area since the boundary was fixed in conformity with the treaty of 1848 and that the first question which must be decided was where the actual dividing line lay between the two countries. The Mexican authorities intervened to reserve the rights of Mexico, avoiding a possible later claim of the United States that the boundary agreed on was the line established over the bridges.[28]

On June 21, 1894, the two Boundary Commissioners agreed on a line over the bridges, but they considered it to be provisional only. A week later, on June 29, the government of President Díaz notified the United States that Mexico could not approve this line as the boundary between the two nations. The Mexican note referred to the treaty of 1889 that created the Boundary Commission and declared that the agreement did not authorize the Commission to make such provisional arrangements. The note also referred to a claim that had been filed by Pedro I. García, alleging that a plot of land called the Chamizal had previously been a part of Ciudad Juarez, the title to which plot he held through Mexico, but that his land had been joined to the territory of the United States by a violent change in the course of the river. Since the claimant declared that the tract still belonged to Mexico, the Mexican government insisted that the Boundary Commission examine and decide the case of the Chamizal before fixing the dividing line between Ciudad Juarez and El Paso.[29] In this manner, the question of the Chamizal, which was to become increasingly complex, was converted from a routine matter of resolving border problems due to changes in the river, a matter under the control of the Boundary Commission, into a serious diplomatic question requiring the attention of the foreign offices of the two countries.

The second claim of the Mexican Government respecting the Chamizal occurred in 1897 after a flood had caused extensive damage in both El Paso and Ciudad Juarez. The people of the two cities demanded that something be done to prevent future losses from the uncontrolled waters of the river. As a result, the mayor of El Paso, Joseph Magoffin, and the Governor of Chihuahua, Miguel Ahumada, sought the permission of their respective national governments to straighten the channel of the river. The inhabitants of the two cities agreed to pay the cost involved—$8,000. The U.S. Government readily accepted the proposal. Mexico agreed also, but on the condition that the territory north of the new channel should remain under Mexican sovereignty. The project was completed in 1899 with the full cooperation of the two city governments. As a result of this rectification, Cordova Island, which lies north of the present channel of the river, was created and was retained by Mexico.[30]

Once the Rio Grande was thus brought somewhat better under control, and occupation of the Chamizal was made physically safe, its population began to increase rapidly. In 1892 construction of the Church of the Sacred Heart and a parochial school was begun. The Chapel of San Ignacio de Loyola was erected in 1905. These religious and educational institutions naturally attracted more people to the area, many of whom built permanent houses of brick. Within a short time much of the Chamizal was integrated into the city of El Paso and designated as the second ward. Legally, however, the owners of property in the area never were completely secure in their possession. Many deeds issued since 1900 have referred to the cloud on the titles resulting from the fact that the nationality of the property has been in dispute.[31]

LITIGATION AND DIPLOMACY

The problem of nationality lay dormant for some time, but it was brought to life again in 1907 when the El Paso and Northeastern Railway obtained a judgment in the Federal circuit court, authorizing the condemnation of land in the Chamizal for a right-of-way. On March 21, 1907, the Mexican Government protested to the American Secretary of State, Elihu Root, that the Chamizal was sub judice (in litigation) and the "area had unquestionably been Mexican in other times." [32]

Secretary Root acted promptly on March 29 by addressing a letter to the Attorney General of the United States which reviewed the legal issues involved and asked for a stay of execution of the court's order. Root pointed out that the Chamizal was in dispute between the United States and Mexico and that the Boundary Commission, which had jurisdiction over the matter, had not yet rendered a decision. If the area was still Mexican, as it undoubtedly was in other times, the incompetence of the U.S. court would be evident. Since the court apparently did not know the facts mentioned, its decision had denied the sovereignty of Mexico and asserted the dominion of the United States. The effort to dispose of property that was involved in negotiations created a serious difficulty and placed the United States in an untenable position, since it was unjustifiable, after having agreed with Mexico to submit the question respecting the nationality of the tract to a special tribunal, to decide the issue ex parte and on our own account. Root therefore requested that the Attorney General instruct the Federal marshal at El Paso to desist at once from executing the order of the court and that the

[25] Alberto María Carreño, México y los Estados Unidos de América (2d ed., Mexico, D. F., 1962), 274 ff.

[26] Charles A. Timm, "The International Boundary Commission" (Austin, 1941), 151–1961.

[27] Chamizal appendix, I, 347–348.

[28] Salvador Mendoza, "El Chamizal: Un Drama Juridico y Historico (Mexico, D. F., 1962), 11.

[29] Chamizal appendix, I, 347–348.

[30] Department of State, Proceedings of the International Boundary Commission, United States and Mexico (Washington, 1903), I, 149–167.

[31] Calleros, "El Chamizal—Que Es?" 10.

[32] Chamizal appendix, II, 701.

Federal district attorney be notified to suspend any further action in the case. The intervention of Secretary Root was effective: the interest of Mexico in respect to the Chamizal was thus recognized and protected.[33]

In 1909 another local incident occurred that had diplomatic repercussions in the national capitals of Mexico and the United States. When the city of El Paso undertook to install a waste-disposal plant in the Chamizal, Mexico officially protested.[34] A series of notes was exchanged in 1910 between the Mexican Ambassador in Washington, Francisco León de la Barra, and the U.S. Secretary of State, Philander C. Knox.[35] The arguments advanced by each side in this correspondence were fully reviewed in the arbitral proceedings of 1911 and they will be taken up later in that connection.

By now the controversey over the little strip of land in south El Paso, by no means the most desirable part of the city, had become quite serious. Both Governments recognized that the issue could not be settled by the exchange of diplomatic notes or by action of the binational Boundary Commission, each member of which would almost certainly continue to support the claims of his own Government. A new procedure was clearly called for, but what should it be?

IN SEARCH OF A PROCEDURE

As early as 1897 the two members of the Boundary Commission had agreed on at least one thing respecting the Chamizal. Since they realized that they could not dispose of the knotty questions involved, they mutually concluded that it would be well to add a third member to the Commission who should act as an arbiter in deciding this single issue.[36] The Department of State at Washington agreed to this recommendation, but the Mexican Secretary of Foreign Relations rejected it and declared that the case should be submitted to arbitration.[37] He proceeded to name several heads of state who might be suitable to serve on a special court of arbitration. To this proposal, officials at Washington replied that Mexico was broadening the question beyond the commitments of the United States—that the problem was not one of international law but of applying the ordinary rules respecting the effect upon a borderline of the change in the course of a dividing river. Wanting to avoid the formality of a new treaty and arbitral proceedings, the Department of State recommended the addition of a third member to the Boundary Commission, either American or Mexican, on whom the two nations could agree, to dispose of the matter.[38]

The Mexican foreign office, however, referred to article II of the treaty of 1889, which provided for only two commissioners, and denied that a third member would have legal competence to render a decision binding on the two Governments.[39] The United States did not reply to this last note, and the question lay at rest until Mexico revived it in July 1907, by submitting a new proposal. This time, the Mexican Government sought a compromise. Using article XXI of the treaty of 1848 and article VIII of the Convention of 1889 as a base, Mexico recommended an ad hoc mixed commission consisting of the two members of the Boundary Commission, plus a third member to be named by the Government of Canada, who would have the authority to decide the questions on which the other two Commissioners could not agree. The decision of the mixed commission was to be definitive and unappealable.[40]

While the Governments delayed a decision on the manner of dealing further with the dispute, they explored the possibilities of an exchange of territory. In a note of December 12, 1907, Mexico offered to trade the Bosque, the Cordova, and El Chamizal for the Isla de San Elizario and El Horcon.[41] The Mexican note also claimed that the Chamizal lay south of the course of the river of 1852, and therefore was in Mexican territory, a point the United States was not willing to concede.

In his communication of January 15, 1910, the Mexican Ambassador, de la Barra, insisted on a new treaty that would recognize the claims of Mexico to the Chamizal—or failing this, that the two nations without delay submit the issue of ownership to arbitration.[42] In reply, Secretary of State Knox, on March 22, accepted in principle the Mexican proposal.[43] He suggested that each country submit a list of three Canadian jurisconsults and that from these six, the two litigants select an umpire to act with the two regular members of the Boundary Commission in deciding title to the Chamizal. In the event the two nations could not agree on the umpire, the Government of Canada would name one of the six, who would serve as the third member of the mixed commission, with the right to vote. On June 17 Secretary Knox submitted to the Mexican foreign office the initial draft of a special treaty of arbitration, or a compromise, providing for the membership of the arbitral body, delimiting the territory in dispute, and defining the issue to be settled. Mexico agreed in principle to the terms proposed, and both Governments ratified the treaty on which arbitral action would be based.[44]

AGREEMENT ON ARBITRATION

Thus the two nations agreed that the case of the Chamizal would be decided in accordance with the well-established principles and procedures of international law. The method of settlement that the two Governments chose was used frequently by the ancient Greeks, and occasionally in medieval Europe. However, its use had lapsed for several centuries, and the process was not revived until the Jay Treaty of 1795, nor was it much in vogue until after the settlement of the Alabama Claims in 1872. In referring to the procedure as it was employed before the 17th century, one writer has observed that it "is often very difficult, sometimes impossible, clearly to separate cases of mediation from those of arbitration, either because the terminology was not very definite, or the expressions used were equivocal, or because the distinction was not clear to the minds of the negotiators." [45]

Many writers on international law have called attention to the distinction between arbitration and mediation. As one has noted: "The essential point is that arbitrators are required to decide the difference: that is, to pronounce sentence on the question of right. To propose a compromise is not within their province, but in the province of a mediator." [46] John Bassett Moore has explained the distinction by saying: "Arbitration is a settlement of international disputes, according to legal rules and methods, by arbitors chosen by the disputant parties themselves. Arbitration is a legal procedure. Mediation is an advisory, arbitration a judicial function." [47]

As a result of long usage, the arbitral process has become well established, and the procedures used are as fixed as those of a court of law. One point recognized in international law is the need to have a clearly defined agreement or compromis so that there may be no question as to the subject in dispute or the authority of the tribunal.[48] The convention of 1910 appears to have fulfilled this requirement. Article I specifically located the Chamizal tract, and about this point there was no dispute.[49] Article III stated that the Commission should decide "solely and exclusively as to whether the international title to the Chamizal tract is in the United States or in Mexico." [50] The Convention also specified that the decision "rendered unanimously or by a majority vote of the Commission shall be final and conclusive." [51] The preamble stated that the decision should be in accordance with the various treaties and conventions existing between the two countries and in accordance with the principles of international law.[52]

In compliance with article II of the convention, Eugene Lafleur of Canada was chosen as presiding commissioner; Fernando Beltrán y Puga was named to represent Mexico, and Anson Mills, the United States.[53]

MEXICO SUBMITS HER CASE

On May 15, 1911, the Arbitration Commission met in the Federal Court House at El Paso, and it rendered its decision approximately a month thereafter.[54] In keeping with the terms of the convention of June 24, 1910, each Government submitted to each commissioner a printed argument setting out the points it relied on in its case and its countercase.[55]

Mexico claimed that the boundary between the two nations was a fixed and invariable line as determined by the treaties of 1848 and 1853, and that the boundary was not subject to changes caused by accretion. The Mexican argument called attention to the fact that the Treaty of Mesilla was signed in 1853 to make the terms of the treaty of 1848 conform to the new boundary as a result of the Gadsden Purchase. Article I of the treaty of 1853 provided for a mixed commission for the "settlement and ratification of a true line of division between the two Republics; that line shall be alone established upon which the commission may fix, their consent in this particular being considered decisive and an integral part of this treaty.

"The dividing line thus established shall in all time be faithfully respected by the two Governments without any variation therein, unless by express and free consent of the two." [56]

It was on the interpretation of these two treaties that Mexico based its claim that the boundary was at the place located by the survey of 1852, which, the Mexicans insisted, would mean that the Chamizal tract

[33] Ibid., I, 454.
[34] Ibid., 508.
[35] Ibid., 433.
[36] Ibid., 347–348.
[37] Ibid., 353.
[38] Ibid., 355.
[39] Ibid., 361–362.

[40] Ibid., 368–371.
[41] Ibid., 365–388.
[42] Ibid., 398–404.
[43] Ibid., 421–424.
[44] 36 Statutes, pt. 2, 481.
[45] J. B. Moore, "History and Digest of the International Arbitrations to which the United States Has Been a Party" (Washington, 1898), V, 4831. Hereafter, Moore, Digest.
[46] L. F. L. Oppenheim (ed.), "The Collected Papers of John Westlake on Public International Law" (London, 1914), I, 354. Hereafter, Westlake.

[47] Moore, Digest, VII, 25.
[48] E. Vattel, "The Law of Nations of the Principles of International Law Applied to the Conduct and to the Affairs of Nations and Sovereigns" (Fenwick tr., Washington, 1916), II, 277.
[49] 36 Statutes, pt. 2, 2481, art. I.
[50] Ibid., art. III.
[51] Ibid.
[52] Ibid., art. V.
[53] Mills, "My Story," 294.
[54] Chamizal arbitration, "Minutes of the International Boundary Commission: Award; Dissenting Opinions; Protest of the Agent of the United States" (Washington, 1911), 35–36. Hereafter, Chamizal award.
[55] 36 Statutes, pt. 2, 2481, art. V.
[56] 10 Statutes, 1031, art. I.

was Mexican territory regardless of the manner by which the river had changed its bed since 1852.[57]

The legal arguments of Mexico had been developed earlier by Ambassador de la Barra, who had argued that by the terms of the treaties, the International Boundary Commission was authorized to determine the boundary, that the decisions of the Commissioners were to have the same force as the treaties themselves, and that such decision could not be modified except by the consent of both Governments. He had said: "One of the direct consequences of that agreement is that the boundary was fixed in such a manner that it could in no wise be affected by a change in the course of the Rio Bravo or Grande, no matter what the cause might be." [58] To emphasize his point, he had described the bed of the river by dividing it into three zones. The middle zone, he had declared, ran through three canyons; the upper and lower zones were the portions in which the "river runs torrent-like across alluvium valleys, whereby its course is made unstable and subject to constant variations." [59] As a result, he had concluded:

"The logical deduction from the foregoing data is that the provisions of the Convention of 1884 were not directly applicable to the first and third zones of the Rio Grande, in those regions where its course had changed, since the invariable and fixed boundary line determined by the treaty of 1853 already deviated from the course of the river in 1884.

"The position of the dividing line during the period from 1853 to 1884 is clearly determined by the first of the conventions named * * * the line so established was in no wise affected by a change in the course of the river, whatever might be the cause of such a change. That is to say, from 1853 to 1884—and it should, as I will show, be so held from that to this date—all lands north of the dividing line established by the Commissioners in conformity with the treaty of 1853, were and remain American and all those south of that line are and remain Mexican."

The provisions of the Convention of 1884 could only be applicable to cases which might arise subsequently; but not to those which had occurred before, because they came under the rule stipulated in the treaty of 1853.

The Convention of 1884 could not and cannot, like that of 1905, be applied to cases antecedent to the first of those two dates, which were regulated by the treaty of 1853.

"That some of the clauses of a convention had been superseded by the provisions of a subsequent treaty, cannot in the least impair or destroy rights created by the first instrument unless there be an express agreement to that effect in the later compact." [60]

The communication that Señor de la Barra submitted to the Arbitration Commission ended with a summary of the correspondence between Mexico and the United States relating to the boundary, which correspondence, in his opinion, proved that the United States had also agreed to this principle of a fixed and invariable line.

REPLY OF THE UNITED STATES

The United States replied by summarizing the whole correspondence on the fixed-line theory and pointed out that "during the earlier portion of the period from 1853 to 1884, the Government of Mexico apparently shared the views of the United States; that during the later period it apparently manifested at times a disposition to adopt the fixed-boundary theory; and it would seem that partially as a result of discussions growing out of this attitude on the part of the Government of Mexico, the Convention of 1884 was negotiated and signed, whereby the two governments agreed on a formal interpretation of the boundary treaties in the sense of Attorney General Cushing's opinion." [61]

Mexico had also contended that since the Chamizal tract had been formed before 1884, the interpretation of that treaty in no way affected the title of that tract.[62] The position of the United States was that a true interpretation of the treaties of 1848 and 1852 meant that in accordance with international law governing river boundaries, the boundary moved with the river when it changed its location by accretion; that between 1852 and 1911 the river moved south by accretion; and that under well-established principles of law, the present channel of the river should remain the boundary.

According to the rules of international law, as the United States interpreted them, accretion occurs when a river eats into its opposite bank, thus moving in the direction of the receding bank. Conversely, avulsion occurs when the river suddenly breaks out of its old channel and makes a new one—the old river bed can be easily seen. In the Chamizal tract no abandoned river beds were discernible between 1852 and 1911. The United States insisted that the various reports, documents, and testimonies before the tribunal proved that "all the alterations in the banks and course of the river have been effected by causes which are natural to the Rio Grande, that the alterations have been through slow and gradual erosion and deposit of alluvium and that all the requirements specified in article I of the treaty of 1884 have been met at all times so that the dividing line has constantly followed the center of the normal channel of the river." [63]

The United States interpreted the treaty of 1884 as contemplating only two possible types of change, one by erosion, and the other by avulsion. It pointed out that the expression "slow and gradual" modifying "erosion" was in conformity with the doctrine laid down by Attorney General Caleb Cushing in his answer to a request from the Secretary of the Interior as to the effects of changes in the course of the river on the location of the boundary. In his opinion, given in 1866, Cushing quoted from many authorities on international law to prove his theory, which was as follows:

"Whatever changes happen to either bank of the river by accretion on the one, or degradation on the other, that is, by the gradual, as it were, insensible accession or abstraction of mere particles, the river as it runs continues to be the boundary. One country may in process of time, lose a little of its territory, and the other gain a little, but the territorial relation cannot be reversed by such imperceptible mutations in the course of the river. The general aspect of things remains unchanged. And the convenience of allowing the river to retain its previous function, notwithstanding such insensible changes in its course, or in either of its banks, outweighs the inconvenience, even to the injured party, involved in a detriment, which happening gradually, is inappreciable in the successive movements of its progression.

"But on the other hand, if, deserting its original bed, the river forces for itself a new channel in another direction, then the nation, through whose territory the river thus breaks its way, suffers injury by the loss of territory greater than the benefit of retaining the natural river boundary, and that boundary remains in the middle of the deserted riverbed. For, in truth, just as a stone pillar constitutes a boundary, not because it is a stone, but because of the place in which it stands, so a river is made the limit of nations, not because it is running water bearing a certain geographical name, but because it is water flowing in a given channel, and within given banks, which are the real international boundary. Such it the received rule of the law of nations on this point, as laid down by all writers of authority." [64]

The Mexican answer was that even if the boundary should be determined according to the theory of accretion and avulsion as defined in the treaty of 1884, the disputed tract would still be Mexican territory, for "slow and gradual" qualified the meaning of "corrosion." For some reason, the Mexican translation used the word "corrosion," rather than "erosion," as is found in the American original, meaning that the movement of the river must be similar to a corrosive change, as the rusting of iron.[65]

CLAIMS AND COUNTERCLAIMS

In addition to the issues of erosion and avulsion, a third point argued in the Chamizal case was that of prescription. The United States claimed international title to El Chimazal by reason of the undisturbed, uninterrupted, and unchallenged possession of "said territory by the United States of America since 1836." [66] Prescription in international law may be defined as "the acquisition of sovereignty over territory through continuous and undisturbed exercise of sovereignty over it." [67] This concept refers to long-continued possession in the face of a title held earlier by another. In the case of the Chamizal, the United States claimed a dual prescription, "first, to the Rio Grande as a water boundary since 1836; second, to the Chamizal tract since it was formed, beginning in 1852." [68] The question of how long a second country must occupy a territory in order to have clear title has not been clearly defined in international law. From 30 to 50 years has been given as the usual time of inactivity by the first nation.[69] The United States contended that Texas and the United States had had complete control over the tract from 1836 to 1895, when Mexico filed its first claim to the tract.[70] Mexico answered this contention by pointing out that the changes in the boundary had not been made successively but at times of great floods, and that on each occasion when such a change had occurred, the Mexican Government had called the attention of the United States to that section of the boundary, asking that notice be taken of the change.[71]

After considering the arguments presented by both sides in the controversy, the Arbitration Commission voted on six questions. All three Commissioners agreed that the United States had no claim to the Chamizal tract on the basis of prescription. The Presiding Commissioner, Lafleur, and the American Commissioner, Mills, voted together on two issues: against the fixed-and-invariable-line theory, and for the theory that the treaty of 1884 applied to all changes in the river subsequent to the survey of 1852. The Mexican Commissioner, Puga, and the Presiding Com-

[57] Comisión Internacional de Limites entre México y los Estados Unidos, Sécción Mexicanna, "Memoria Documentada del Jucio del Arbitraje del Chamizal" (México, D.F., 1911), 3 vol., passim. Hereafter, Arbitraje.

[58] Chamizal appendix I, 405–406.

[59] Ibid., 407.

[60] Ibid., 407–408.

[61] Chamizal, U.S. case (Washington, 1911), 37.

[62] Arbitraje, passim.

[63] Chamizal, "Argument of the United States of America" (Washington, 1911), passim. Hereafter, Chamizal argument.

[64] Opinions of the Attorney General of the United States (Washington, 1852–—), XIII, 175.

[65] Chamizal appendix I, 186–187.

[66] Chamizal argument, 113.

[67] L. F. L. Oppenheim, "International Law" (4th ed., London, 1928), I, 309.

[68] Chamizal argument, 114.

[69] S. Pufendorf, "Of the Law of Nature and Nations" (Oxford, 1703), IV, 385.

[70] Chamizal argument, 116.

[71] Arbitraje, 34.

missioner voted together on three issues: that the whole of the Chamizal tract was not formed by slow and gradual erosion and deposit of alluvium within the meaning of article I of the Convention of 1884; that before 1864 the formation was due to slow and gradual erosion; and that between 1864 and 1868, the formation was not due to slow and gradual erosion.[72]

The American Commissioner refused to vote on the fifth question for two reasons. First, he claimed that by answering the question, he would be recognizing the authority of the Commission to divide the tract, a power which he insisted the Commission did not have, since article III of the Convention of June 24, 1910, provided that "the Commission shall decide solely and exclusively as to whether the international title to the Chamizal tract is in the United States of America or in Mexico."[73] Second, he claimed that the question implied the recognition of a method of change in the river bed due to means other than those provided for by the treaties between the United States and Mexico.[74] On the last question, the American Commissioner refused to vote because "the location of the river in 1864 is wholly obliterated and its position can never be reestablished in any one of the points of its former location, and, therefore, even if the Commission were empowered to render a decision segregating that portion of the tract formed after 1864, provided the channel of 1864 could be located, a decision to this effect under the present circumstances when the channel can by no possibility be relocated, is void because it is indeterminate, indefinite, and impossible of accomplishment."[75]

THE AWARD AND ITS REJECTION

The Convention of 1910 had provided that the decision "whether rendered unanimously or by a majority vote of the Commissioners shall be final."[76] All three Commissioners had voted together on one question, the U.S. Commissioner and the Presiding Commissioner on two, and the Mexican Commissioner and the Presiding Commissioner on three. Adding up the score, the result was a majority vote in favor of Mexico. Accordingly, on June 15, 1911, the Commission announced its award as follows:

"The international title to the portion of the Chamizal tract lying between the middle of the bed of the Rio Grande as surveyed by Emory and Salazar in 1852 and the middle of said river as it existed before the flood of 1864, is in the United States of America, and the international title to the balance of said Chamizal tract is in the United States of Mexico."[77]

In the opinion of Lafleur, the river had moved by slow erosion before 1864 and by rapid erosion after that date. Therefore Mexico should have title to the tract south of the riverbed as it existed in 1864.[78] The position of the American Government, however, was that the contention of Mexico to the effect that the adjectives "slow" and "gradual" justified a special concept of erosion at El Chamizal was not consistent with international law.

The Americans insisted that words must be understood in accordance with their subject matter; therefore, since "erosion" and "avulsion" were the only types of changes specified in the treaty, it was logical to deduce that the words "slow and gradual," which modified "erosion," indicated that no other form of erosion was possible, and merely distinguished between a "slow and gradual" process as erosion, and a "rapid process" as avulsion. "Gradual" and "rapid" might represent a difference in degree of erosive action but did not constitute two kinds of erosive action. It seemed clear to the American Government that if Mexico and the United States had intended to advocate a type of change unknown to international law, a definite statement to that effect would have been included in the correspondence relating to the treaty. There was no evidence of such correspondence. Furthermore, if three kinds of changes were recognized, why mention only two in the treaty? The treaty provided for locating the boundary as a result of "slow and gradual" erosion and as a result of "avulsion," but it did not mention "rapid erosion."[79]

As indicated in the minutes of the meeting of June 16, 1911, the Commissioners of the United States and Mexico were to submit their opinions on the points of the award from which they dissented. The Mexican Commissioner, Señor F. Beltrán y Puga, based his dissenting opinion on two points: first, that the findings of the majority were not supported by the record and the argument respecting the fixed and invariable line of 1852; and, second, that the Convention of 1884 was not retroactive.[80] Mr. Mills advanced no new argument but reiterated the points he had previously submitted. He gave his reasons for dissenting as follows:

"First, the Commission is wholly without jurisdiction to segregate the tract or to make other findings concerning the change at El Chamizal than 'to decide whether it has occurred through avulsion or erosion, for the effects of articles I and II of the Convention of November 12, 1884' (and article IV of the Convention of 1889). Secondly, because * * * the Convention of 1884 is not susceptible to any other construction than that the change of the river at El Chamizal was embraced within the first alternative of the treaty of 1884. And thirdly, because * * * the finding of the award is vague, indeterminate, and uncertain in its terms and impossible of execution."[81]

To summarize, Mexico claimed the entire tract by right of a "fixed and invariable line." The United States claimed the entire tract in accordance with the international principle of changes made by erosion. The Presiding Commissioner divided the tract between the two nations. Later Mexico agreed to accept the decision of Lafleur;[82] but the American Commissioner dissented, and his opinion was sustained by the Department of State of the United States.[83] The President of the United States, William H. Taft, expressed the same thought in his message of December 7, 1911, by saying: "Our arbitration of the Chamizal boundary question with Mexico was unfortunately abortive, but with earnest efforts on the part of both Governments which its importance commands, it is felt that an early, practical adjustment should prove possible."[84]

The New York World, commenting on the decision of the Arbitration Commission in 1911, referred to the "comic-opera conditions in El Paso," and concluded:

"The decision of the Chamizal Arbitration Commission apportioning between Mexico and the United States a 3-mile strip of land five blocks wide, included in the city limits of El Paso, shows an astuteness worthy of the celebrated tariff ruling on frog legs. The difference between tweedledum and tweedledee was never before so accurately defined in diplomacy. By crossing a street or turning a corner, citizens of El Paso will find themselves under the dominion of another nation and what that will mean in the matter of conflict of laws and encouragement of license may be readily understood. A comic-opera librettist never created a more diverting situation."[85]

LEGALITY OF THE U.S. POSITION

The problem of the Chamizal is of particular interest in the field of international law because it represents an instance in which a nation rejected an arbitral award. One of the prerequisites of arbitration is that the parties bind themselves to accept the decision of the judges. However, it seems to be a generally accepted principle of international law that under certain conditions the award may be repudiated; since "an award outside the limits of the submission is not binding, for in such a case the tribunal acts in excess of its powers."[86] By the terms of the Chamizal award, the tract was divided between the two litigants. This action, the United States claimed, was not in compliance with article III of the convention of 1910, "which provided that the Commission shall decide solely and exclusively as to whether the title to the Chamizal tract is in the United States of America, or in Mexico," and for that reason, the U.S. Government felt it was justified in not accepting the decision of the Arbitral Commission.[87]

In reaching this conclusion, the United States followed the reasoning of leading authorities on the subject. Charles Calvo enumerates six situations in which parties are justified in refusing to accept and execute arbitral judgments. These are:

"1. Where the ward was unauthorized, or rendered outside of and beyond the terms of agreement;

"2. Where the arbitrators were under a legal or moral incapacity, absolute or relative, as where they were bound by previous engagements, or had in the formulation of their conclusions a direct interest unknown to the parties who chose them;

"3. Where the arbitrators or one of the parties had not acted in good faith, as when the arbitrators were bought or corrupted by one of the parties;

"4. Where one of the parties was not heard or enabled to vindicate his rights;

"5. Where the award bore on things outside the submission;

"6. Where the tenor of the award was absolutely contrary to the rules of justice and hence could not be the object of a compromise."[88]

Among the rules proposed by the Institute of International Law at its session in Geneva in 1874 and at its session at The Hague in 1887 is one relating to the requirement that an award be carried out. The rule is that the award "must pronounce in accordance with the provisions of the agreement to arbitrate."[89] J. B. Moore makes the same point when he says: "The sentence of arbitration shall be void in case of the avoidance of the agreement to arbitrate, or of an excess of power, or of proved corruption of one of the arbitrators, or of an essential error."[90]

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[72] Chamizal award, 34.
[73] 36 Statutes, 2, 2481, art. III.
[74] Chamizal award, 4.
[75] Ibid.
[76] 36 Statutes, 2, 2481, art. III.
[77] Chamizal award, 4.
[78] Ibid., 30.
[79] Ibid., 42.
[80] Ibid., 49.
[81] Ibid., 36.
[82] Carreño, "México y los Estados Unidos," 383–392.
[83] Department of State, "Papers Relating to the Foreign Relations of the United States" (Washington, 1870–1940), 1911, 598. Hereafter, "U.S. Foreign Relations."
[84] J. D. Richardson (comp.), "Messages and Papers of the Presidents" (New York, 1914), XVIII, 8038.
[85] Quoted in the El Paso Times, June 27, 1911.
[86] C. C. Hyde, "International Law Chiefly as Interpreted and Applied by the United States" (Boston, 1922), I, 581.
[87] 36 Statutes, 1910, art. III.
[88] Charles Calco, "Le Droit International" (Paris, 1896), III, 485, 486. Hereafter, Calvo.
[89] Moore, Digest, V, 5058.
[90] Ibid., 5062.

Secretary of State Bayard, in 1888, expressed the policy of the United States in regard to the validity of awards as follows:

"No matter how solemn and how authoritative may be a judgment, it is subject to be set aside by the consent of the parties. To the awards of international commissions * * * this position applies with particular force, since it is a settled principle of international law that no sovereignty can in honor press an unjust or mistaken award even though made by a judicial international tribunal invested with the power of swearing witnesses and receiving or rejecting testimony." [91]

There have been many instances in which states have recognized the right to reject awards of international tribunals. An outstanding example was the rejection of the award in the northeastern boundary arbitration. The convention of September 12, 1827, between the United States and Great Britain provided that the points of difference over the boundary were to be submitted to some friendly sovereign or state and that the decision should be considered final and conclusive. The arbitrator, the King of the Netherlands, held that "neither the line claimed by the United States nor the line claimed by Great Britain so nearly answered the requirements of the treaty that a preference could be given to the one or to the other." He therefore abandoned as impracticable the attempt to draw the line described in the treaty, and recommended a line of convenience. Since the line recommended did not conform to a line claimed by either of the parties, and therefore was not within the special jurisdiction given the arbitrator, the Senate of the United States by a vote of 38 to 8, resolved, that the award was not obligatory. The consensus seemed to be that the arbitrator had not confined his decision to the limits prescribed by the compromise, and that therefore either state was justified in not abiding by it.[92]

Westlake, in discussing this award, says that "the arbitrator did not adjudicate on the respective lines proposed by the parties, but proposed an intermediate one as a compromise, which the United States was not bound to accept and did not accept." [93] Calvo, referring to the same case, says that the arbitrator, "instead of laying down a true line, left this in suspense and confined himself to suggesting a basis for an entirely new and hypothetical arrangement, which the parties agreed in disregarding." [94]

PRECEDENTS AND CONCLUSIONS

When in October of 1910, the Permanent Court of Arbitration at The Hague, in the case of the United States against Venezuela concerning the Orinoco Steamship Co., annulled a previous arbitration award, the court pointed out that "excessive exercise of power may consist not only in deciding a question not submitted to the arbitrators, but also in misinterpreting the express provisions of the agreement in respect of the way in which they are to reach their decisions, notably with regard to the legislation or principles of law to be applied." [95] In an earlier case decided in 1884, although the award was in favor of the claim of the United States in a dispute with Haiti, the Secretary of State held that the arbitrator had "misconstrued his powers," and therefore the award was not binding.[96]

If these statements of writers on international law and opinions of courts and arbitral tribunals are accepted as precedents, the United States had the legal right to declare void the award which divided the Chamizal tract. In the case of the Chamizal, the subject in dispute was clearly defined, the question was clearly stated, and since the disputed tract was given neither to the United States nor to Mexico, the award rendered was outside of and beyond the terms of the convention of 1910, which controlled the proceeding.

On the question of jurisdiction over the Chamizal tract, Mexico voted it belonged to Mexico, the United States voted it belonged to the United States, and the third Commissioner, Lafleur, voted that it should be divided between the two nations. It would seem that if the Arbitration Commission was authorized to decide solely and exclusively as to whether the title to the Chamizal tract was in the United States or Mexico, the only possible answer was that Mexico had title to the whole tract or that the United States had title to it.

Because of the legal technicalities involved in the Chamizal arbitration, much confusion and misunderstanding have arisen over the outcome, especially the action of the United States in rejecting the award. On the surface, it has seemed to many persons that Mexico won the decision, since the vote on dividing the tract was 2 to 1. However, it is the author's view that this disposal of the case would not have been in accord with the instructions, to which both nations agreed, that the Commissioners were obliged to follow. This position is substantially the one adopted by the Department of State at the time.

OPINIONS IN MEXICO

As was natural, the reaction in Mexico to the award was entirely different than in the United States. The Mexican Government warmly welcomed the outcome and felicitated its representatives on their victory. But such good feelings and high hopes were short lived; they were dashed when the day for compliance with the award passed (June 15, 1913) without receipt of the territory. A leading contemporary authority, Licenciado Alberto Maria Carrena, voiced a broadly held opinion when he declared that Mexico had won a valid and binding judgment that should have been accepted and carried out. He believed that the arbitration failed only because the United States refused to respect its obligations under the convention of 1910. As for the contention of the American officials that the award could not be executed because it was physically impossible to locate the riverbed of 1864, Senor Carreno replied that this problem was not a legal one to concern the arbitrators but a physical one for surveyors and engineers, who could locate the line approximately and thus make possible substantial compliance with the decision of the tribunal. Senor Carreno detected in the rejection of the award the black hand of Yankee imperialism and later published two additional volumes to elaborate his broader thesis.[97]

Another contemporary Mexican writer viewed the matter differently. Writing in June of 1911, shortly after the terms of the award were announced, Roberto A. Esteva Ruiz stated categorically that the decision was a nullity, contrary to law, and unjust for Mexico. He cited the rules mentioned by Calvo and the precedent in the Northeastern Boundary Arbitration to show that Mexico had the legal right to repudiate the award. In his opinion, Mexico lost its case at El Paso, for his country was entitled to, and should have received, all of the Chamizal. The treaties of 1848 and 1853, according to Senor Esteva Ruiz, placed all of the zone within Mexico. They also fixed an invariable line along the Salazar and Emory survey, which could be changed only with the consent of both nations. Since Mexico had never agreed to any change, the boundary must remain as established earlier. The judgment of the arbiters based on the Treaty of 1884 improperly applied international law by making the terms of the treaty retroactive in effect. In this way, Mexico was deprived of territory that belonged in the national domain; Mexico thus had a greater right than the United States to protest, and to reject the award.[98]

Recent legal opinion in Mexico concerning the Chamizal arbitration is illustrated by the views of Licenciado César Sepúlveda, director of the faculty of law of the National University. While he believes that the United States was in error in rejecting the award, he credits American officials with sincere efforts to find a solution after the failure of the arbitration. On close examination, he finds untenable the two basic arguments that Anson Mills and the State Department submitted against the decision. He first brushes aside the contention that the award could not be physically carried out because the line of 1864 could not be located. This problem, he says, could not have concerned the arbitration commission, as it was a technical matter for surveyors. As for the second point—that the Commission exceeded its powers—Licenciado Sépúlveda insists that the arbiters acted within the limits of their authority. While article III of the convention of 1910 did restrict the Commission to the task of deciding "solely and exclusively as to whether the international title to the Chamizal tract is in Mexico or the United States of America," the purpose of this clause was simply to insure that the Commission dealt only with the territorial question, rather than with ancillary matters such as water rights. The compromise did not tie the hands of the Commission as the State Department contended; the Commission possessed the legal authority to decide the territorial issue involved, and its decision should have been respected. The best solution of the problem, he concludes, is for the United States to accept and implement the award of 1911, even if the American Government is 50 years late in doing so.[99]

NEW EFFORTS AT SETTLEMENT

Following the failure of the attempt at arbitration in 1911, the United States sought to find a solution by turning again to the processes of diplomacy. The Department of State now urged that the dispute be settled as speedily as possible without any discussion of the validity of the award or the possibility of scientifically relocating the channel of 1864. However, at that time, Mexican Ambassador de la Barra rejected the opinion of the American Commissioner, Anson Mills, that the award could not be executed; he added that, should the Commissioner "find the course of the river in 1864 to be undiscoverable and thus prove the correctness of the position taken by the American Commissioner, he would go much further in meeting the wishes of the United States." [100]

On August 24, 1911, the Secretary of State suggested to the Mexican Ambassador that negotiations be undertaken to incorporate the following terms in a formal agreement:

"1. A preamble reciting the pertinent articles of the present boundary treaties and conventions between the two governments.

"2. A recital of certain general differences as to the interpretation of these treaties as to the international title to the Chamizal tract in particular, and as to the validity of the re-

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[91] U.S. Foreign Relations, 1887, 608.
[92] Moore, Digest, VII, 5960.
[93] Westlake, 415.
[94] Calvo, III, 485.
[95] *U.S.* v. *Venezuela*, "American Journal of International Law" (January 1911), V, 230.
[96] U.S. Foreign Relations, 1887, 605–606.
[97] Alberto María Carreño, "México y los Estados Unidos de América" (1st ed., 1922), ch. XX. See also his "La Diplomacia Extraordinaria entre México y Estados Unidos" (1st ed., 2 vol., 1951), passim.
[98] Roberto A. Estuva Ruiz, "Ensayos Jurídicos" (México, D. F., 1960), 241–253.
[99] Cesar Sepúlveda, "El Chamizal y algunas cuestiones diplomaticas pendientes entre México y los Estados Unidos," "Revista de la Facultad de Derecho de México," (México, D. F., 1962), XII, No. 47, 487–491.
[100] U.S. Foreign Relations, 1911, 602.

cent award, and a statement of the desire on the part of both governments to settle these differences in an amicable way.

"3. Certain declaratory interpretation of the boundary treaties and conventions, particularly as to the following points: (a) The treaties of 1848–53 establish a fluvial or arcifinious boundary; (b) the treaty of 1884 is retroactive in scope; (c) two classes of changes only are contemplated in the treaty of 1884, i.e., erosion and avulsion, and these classes embrace all the changes which have taken place on the Rio Grande and Colorado Rivers, since by virtue of the treaties of 1848 and 1853 certain parts of the dividing line between the two countries have followed the middle of the channel of the Rio Grande and the Rio Colorado, as well as changes which may take place in the future; (d) provisions relating to the adjustment of the international boundary line at El Paso and Juárez through mutual arrangement by a declaratory interpretation of the boundary treaties and the elimination of the Horcón Bar above Brownsville; (e) possible provision for the indemnification of private individuals who may be thought by one or the other government to be damaged through the adoption of the foregoing provision.[101]

In reply, however, Senor de la Barra was of the opinion that "inasmuch as the matter is finally adjudicated by award, nothing remains but to carry out duly the said decision by means of such arrangement as may be made to run the dividing line in accordance with the sentence." He also insisted that the award had placed Mexico in a different position by changing the legal situation—that, by the award, Mexico had acquired rights she could not surrender unless fully compensated therefor.[102] The State Department replied that the award was absolutely invalid, and that it would be impossible to locate the line of 1864. But the Department added that it did not ask the Government of Mexico to admit the invalidity of the recent award; it proposed only that these contentious matters be held in abeyance while the two Governments worked out through friendly negotiations a practical solution of their difficulties.[103] This approach, however, did not appeal to the Mexican Government.

PROJECTS TO TRADE TERRITORY

In 1913 the Department of State attempted again to effect a settlement. According to a plan submitted by Secretary Knox, Mexico would exchange the Cordova and the Chamizal tracts for the Horcon and a small area near El Paso and south of the river.[104] The bar of Horcon, which includes some 368 acres, was created by an artificial cut in the Rio Grande in 1900. The area is located near the mouth of the river. The first reports from Mexico indicated that these proposals were acceptable, but no one knows just how near a solution of the problem was at that time. When the United States refused to recognize the Huerta government in Mexico, the latter refused to consider the proposals further.

Later, a plan of the State Department provided for the United States to cancel the Pious Fund obligation of Mexico in return for her granting the United States title to the Chamizal tract. The Pious Fund was established in 1697 by the Government of Spain and the Catholic Church for the benefit of Jesuit missions in California. When in 1848 Mexico took over the fund, it had grown to several million dollars. Since the United States claimed the fund as a national asset when she acquired California, it became a basis for arbitration. In 1902, the Permanent Court of Arbitration at the Hague ruled that Mexico should pay the United States $1,420,682.67 cash and $43,050.99 annually in perpetuity.[105] No payments, however, have been made since 1914.

On August 17, 1932, the Mexican Secretary of Foreign Relations, Senor Tellez, submitted the following draft agreements to the Ambassador of the United States in Mexico City: first, a convention covering the rectification of the river; second, a protocol covering the transfer of El Chamizal to the United States; and third, a protocol covering the release by the United States of the Pious Fund and its accrued and unpaid balance. Because of some technical points in the drafting of this document, J. Ruben Clark, the U.S. Ambassador to Mexico, submitted a counterdraft in which he combined El Chamizal with the Pious Fund. The Mexican Minister agreed to the change and said he wished to get the approval of President Ortiz Rubio and General Calles, and then submit the proposal to the entire cabinet.

The second section of the protocol provided that the channel of 1864 be located either 'in fact or by computation" in order to arrive at the extent of territory which had to be equalled in making the transfer of the Chamizal tract. The inclusion of this provision indicates that something in addition to the Pious Fund was to be given to Mexico in exchange for El Chamizal. Mr. Clark felt that the United States had two alternatives: "either to continue to repudiate the award and deal on that basis—a basis which had led us nowhere in 20 years—or to recognize that there was an award against us, and, while not relinquishing our own position regarding the award, secure from Mexico a relinquishment and transfer of her rights thereunder."

One suggestion was that the flood levee on the El Paso side of the river be taken as the northern levee of the rectified channel.

This procedure would have thrown perhaps 10 acres of the Chamizal tract to the Mexican side of the river. Mexico requested that the possibility of moving the river north of the international bridges between the city of El Paso and Ciudad Juarez be considered, so as to transfer some of the actual tract, rather than just the bed of the river, south of the rectified river channel, or to make a similar adjustment lower down the river. Respecting this plan, L. M. Lawson, U.S. Boundary Commissioner, on October 21, 1932, said that from the viewpoints of both engineering and cost, it would not be possible to relocate the river as suggested. Such alterations, he declared, would introduce "reverse curves" in the river channel, which result would not be advisable. The estimated cost would be about $1,450,000 if the change was made at the bridges, or $670,000 if the change was made in the lower part of the Chamizal.[106]

When in 1930 the International Boundary Commission drew up a plan for rectifying the course of the Rio Grande, the Chamizal was included. The project called for exhanging about 10,000 acres of land between the two countries, beginning at the western point of El Chamizal and continuing to Fort Quitman. When the treaty of rectification was signed on February 1, 1933, it specified that work should begin south of Monument No. 15, on Córdova Island.[107]

BREAKING THE DEADLOCK

These various approaches, however, proved fruitless so far as a settlement of the issue of the Chamizal was concerned. The attitude of Mexico was that the award of the Arbitration Commission should be implemented, whereas the United States remained firm in contending that the Canadian and Mexican Commissioners had exceeded their powers in seeking to divide the tract. All efforts at an exchange of territory for territory, or land for money obligations failed because equivalent values, in the eyes of the negotiators, could not be arrived at. Another impediment has been the fact that for the past 20 years or so, Mexico has insisted that a substantial part of the land it would receive should be in the Chamizal tract itself. Clearly, the deadlock could be broken only by an act of statesmanship on the highest level—a decision that could cut through the accumulation of historical, legal, and technical flotsam and lagan the Chamizal case had accumulated. The intervention of Presidents Kennedy and Lopez Mateos was aimed precisely at the stalemate that had persisted for 52 years. They directed their attack on the problem from the vantage point of confidence; they sought a practical compromise.

In effect, President Kennedy abandoned the rigid legal position the U.S. Government had maintained since it rejected the award of the Arbitration Commission in 1911. The change in attitude of the executive department was emphasized in Kennedy's statements that the United States, "after agreeing to arbitration, backed down, and did not accept the report," and that the United States should erase the "black mark" resulting from its refusal to comply. This approach in effect, though not technically, recognized the legal claims of Mexico to most of the Chamizal tract, broadly in keeping with the decision of the majority of the Arbitral Commission, Lafleur and Puga, and it overruled the position of Mills and the State Department. But by now, the problem has become much more difficult. During the half century since the award, many changes have taken place in the Chamizal. Whereas in 1911 the total area was valued at $500,000, the part now assigned to Mexico is estimated to be worth between $25 and $30 million.[108] As a result, the adjustment of the interests involved will be decidedly more complex and costly.

In deciding the new American policy, the Government at Washington was obliged to weigh such costs, plus any opposition that might develop in the country and in Congress, against the broader and more intangible benefits of good faith, good will, and national prestige. President Kennedy and his advisers doubtless concluded that with the passing of time the problem would become worse rather than better, and that the 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;

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[101] Ibid., 599.

[102] Ibid., 603. During these negotiations de la Barra became President of Mexico. The correspondence was carried on under his direction.

[103] Ibid., 604–605.

[104] Ibid., 974.

[105] House document, 2d sess., 1903, Pious Fund arbitration, 4442.

[106] These negotiations were not fully documented. See U.S. Foreign Relations, 1932, V, 824.

[107] U.S. treaty series, No. 864.

[108] The El Paso Times, July 11, 1963.

"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." [109]

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 ownershp 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.[110]

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.[111] 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.[112] Because of the special position of leadership the President occupies in the Mexican political system, he should have no trouble under normal conditions in securing this majority.[113] Although the Constitution of Mexico proscribes certain types of treaties,[114] 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.[115] As head of

[109] Department of State, "The Chamizal Settlement," July 1963, 5–6.

[110] Department of State, press release, July 18, 1963.

[111] *Henderson* v. *Poindexter's Lessee*, 12 Wheaton 530; *De la Croix* v. *Chamberlain*, 12 Wheaton 599.

[112] Constitution of Mexico, 1917, art. 76, par. I.

[113] William L. Tucker, "The Mexican Government Today" (Minneapolis, 1957), chs. 4 and 7.

[114] Constitution of Mexico, 1917, art. 15.

[115] Rodolfo Cruz Miramontes, "Derecho International Fluvial" (Mexico, D.F., 1958), passim. Also see his discussion in "Lectures Juridicas" (Universidad de Chihuahua, Escuela de Derecho, 1962), No. 10, 75 ff.

the Partido Revolucionario Institucional (PRI), which controls both branches of the Congress,[116] 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.[117]

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.[118] 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." [119] 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.[120]

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.[121] 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.[122] 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.[123] 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.[124] 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.[125]

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.

[116] Robert E. Scott, "Mexican Government in Transition" (Urbana, 1959), chs. 6, 7, and 8.

[117] El Paso Herald-Post, July 18, 1963; the El Paso Times, July 17, 1963. Senator GRUENING, of Alaska, praises the Kennedy settlement, CONGRESSIONAL RECORD, July 22, 1963, pages 13073–13076.

[118] The Dallas Morning News and the El Paso Times, July 19, 1963.

[119] Joint resolution, Mar. 1, 1845, 5 Statutes, 797.

[120] 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.

[121] See U.S. News & World Report, Aug. 5, 1963, 44; the El Paso Times, Aug. 6, 1963.

[122] Elmer Plischke, "Conduct of American Diplomacy" (Princeton, 1961), 400–403.

[123] C. Herman Pritchett, "The American Constitution" (New York, 1959), 333–336.

[124] The El Paso Times, July 24, 1963.

[125] El Paso Herald-Post, July 18, 1963.

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 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 between 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 villified 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 fairminded 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 Rochester soon; yes, maybe even Rochester) are not erased, and erased for good.

The world is watching us. The world overwhelmingly wants us to approve the test ban treaty, and the free world wants to believe in us, because if the rest of the world cannot respect us and believe in us as a democracy which lives what it preaches, our signatures on treaties are not worth much in their eyes, and in turn, their signatures on treaties will not help us, either.

We have freedom, democracy, and human dignity to sell to the world. Let us sell them with clean hands, and if we sell these precious commodities in large-enough quantities, we will prevail over darkness even without test band treaties, and the bombs themselves, will turn to dust, someday, not humanity.

SECRET PAY BY CENTRAL INTELLIGENCE AGENCY TO VIETNAMESE TROOPS

Mr. MORSE. Mr. President, I ask unanimous consent to have printed at this point in the RECORD an article entitled "CIA Allegedly Pays Nhu's Troops Despite Leader's Disfavor Here," published in the Washington Post this morning.

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

CIA ALLEGEDLY PAYS NHU'S TROOPS DESPITE LEADER'S DISFAVOR HERE

The crack Vietnamese special forces troops who stormed Saigon's Buddhist pagodas August 21 are still being paid secretly by

the U.S. Central Intelligence Agency which trained them for other purposes, highly reliable sources said yesterday.

The sources said their commander, tough, police-trained Col. Le Quang Tung, who is now considered the most powerful military official in South Vietnam under President Ngo Dinh Diem's family, receives $3 million annually from secret CIA funds for salaries and upkeep of his 2,000 troops.

Last Tuesday, Tung received his regular monthly payment of approximately $250,000 from the CIA in Saigon on schedule despite publicly announced U.S. anger over the wholesale arrest of Buddhists and other dissident elements in which Tung's troops figured prominently, the informants said.

The sources said there was bitter opposition from most CIA men in South Vietnam to continuing the monthly payments to Tung under the secret agreement in effect between the Agency and the South Vietnamese Government for a year and a half.

They said the CIA men in Saigon, according to information reaching here, pointed out that Tung's special forces units were created, trained, and armed by the CIA a year and a half ago for work with mountain tribesmen and clandestine operations into North Vietnam.

VIEW FROM THE FIELD

The sources said these men feel the Vietnamese Government has now, for its own ends, reversed the original purpose of these units.

These CIA men in Vietnam wanted to see the payments to Tung cut off as a show of disapproval for the Government's crackdown on Buddhists and other dissident elements.

They also hoped the United States would take this opportunity, the sources here said, to demonstrate to Diem and family that the United States will not tolerate in the future such misuse of American funds and equipment.

The sources said that during a CIA staff meeting in Saigon last Monday, all the members present but one strongly opposed continuing the payments to Tung.

The sources said that most of the CIA staff men left the meeting Monday with the impression that the payments would be cut off.

But at the meeting there last Tuesday, the CIA staff was informed that, apparently on orders from Washington, the CIA was doing "business as usual" with Tung and the payment went through on schedule.

EXTRAORDINARY PROGRAM

The sources said that creation and support of Tung's forces was never a part of the normal U.S. military assistance program in South Vietnam, but was totally a CIA undertaking.

The forces were armed with CIA funds, and given the best training in jungle fighting and guerrilla operations available, under CIA supervision, by officers of the U.S. Special Forces.

Some of the squads also were specially trained in assassination and sabotage, the sources said.

Tung himself, besides being commander of the special forces, is also chief of the Vietnamese presidential survey office, which is the top palace security service, and chief of the military committee which advises Diem's powerful brother, Ngo Dinh Nhu, on secret military matters.

The special forces have never been placed under control of the regular Vietnamese armed forces, although the Vietnamese Government publicly claims that they are, the sources said.

Tung's six battalions of special forces have consequently seen little combat, although some of them have been used constantly as personal bodyguards for Diem and members of his family.

Mr. MORSE. Mr. President, the article relates to special Vietnamese troops who stormed the Buddhist pagodas in Saigon on August 21 and who are still being paid secretly by the U.S. Central Intelligence Agency, which trained them for other purposes. The article states, in part:

The sources said there was bitter opposition from most CIA men in South Vietnam to continuing the monthly payments to Tung under the secret agreement in effect between the Agency and the South Vietnamese Government for a year and a half.

The article continues by saying that although CIA men in South Vietnam apparently are opposed to such support, it is being continued by orders from Washington.

For a number of weeks I have been speaking against the foreign aid bill. I made one major speech on South Vietnam, and I have referred to the subject several times since. Only last week I reiterated my view as one who opposed the United States going into South Vietnam, in the first place, and said that we should get out.

I take note of a statement Mrs. Nhu is reported to have made in Europe in the past few days. We all know of the great political power she wields in South Vietnam. We also know that she and her husband, who is a brother of the President of South Vietnam, are vehemently anti-American. She is reported by the press to have said in Europe in recent days, in effect, that the United States does not dare to withdraw foreign aid to South Vietnam. I favor taking up that dare. I favor the United States getting out of South Vietnam. I favor the stopping of our aid to South Vietnam until that dictatorship, that tyrannical regime, is changed, so that it will at least stand for the principles we profess to support around the world, that is, the principles of freedom, which seek to protect the dignity of man.

It is shocking that we are giving support to a regime so dictatorial and tyrannical as the Diem regime in South Vietnam. I consider such support to be a misuse of the American taxpayers' dollars. We should announce again and again that so long as tyranny exists in South Vietnam, there will be no more support of that country by the United States.

When the foreign aid bill is before the Senate, I shall offer an amendment that will specifically propose to withhold any further aid to South Vietnam. Then let Senators stand up and be counted.

PREPARATION OF STOCKPILING REPORTS

Mr. CASE. Mr. President, the Nation's stockpile program is a keystone of our national defense. It is too important to the welfare of the American people to be used as a whipping boy for partisan politics or for press discussion of purported excerpts of the draft subcommittee report. The public's right to know about how this program has been handled demands that an objective study go to great lengths to avoid partisan political tone.

In making legislative recommendations about the future of this program, I believe we should have the views of the people—Democrats and Republicans—who over the years have had the responsibility for carrying out this program. Subcommittee consideration should not be limited to a partial examination of the handling of a few metals during the period of the previous administration. When the subcommittee report refers to such officials, simple fairness, as well as the public interest in a accurate and complete report, requires that they should have a chance to see the proposed report and make their comments to the subcommittee before final action is taken.

Furthermore, any sound appraisal of past policies requires at least knowledge of the goals established in comparable areas by the present administration.

I became a member of the subcommittee in April of this year, filling a post left vacant by the departure of Senator Prescott Bush from the Senate in January of this year. He, in turn, filled a seat which had been held by the late Senator Francis Case, who died in 1962. I was not a member of the subcommittee during any part of its hearings on the stockpile program, the last of which was held on January 30 of this year.

Shortly after I became a member of the subcommittee, a draft report, marked "secret," was presented to the members of the subcommittee by the chairman. This draft was the work principally of the assistant majority counsel. He was a member of the White House staff at the time of his appointment to the subcommittee staff, and is now back on the White House staff. The minority has had no counsel or other staff assistance since I became a member of the subcommittee.

A short time after the members of the subcommittee had been presented with the draft report, the chairman of our subcommittee called a meeting. At this time, I presented to the chairman a request that I be permitted to circulate copies of the draft report among at least those prominently referred to or mentioned therein.

My request was primarily based on the public interest in a balanced and accurate report, as well as the matter of fair treatment of public officials. A secondary consideration was my feeling that, since I did not participate in the hearings, and since it was manifestly impossible to go through the entire record and the documents filed, but not printed, the comments of those chiefly mentioned would be of help to me in determining what should be my position concerning the legislative recommendations made in the subcommittee report.

I am not interested in covering up or in accusing anyone. I am interested only in the facts and in developing wise and useful stockpile legislation for the future.

While the chairman thus far has refused to permit the draft report to be circulated, several stories which have appeared in the daily press purport to disclose the contents. In reporting on a program as important to our national

welfare as the stockpile program, we have a particular responsibility to see that all the facts are gathered—both those which relate to Democratic administrations and those which relate to Republican administrations—and that the individuals referred to are treated with scrupulous fairness.

OPENING OF PUBLIC ACCOMMODATIONS IN WARRENTON, VA.

Mr. HART. Mr. President, this Senate has seen two of its committees, Commerce and Judiciary, conducting long hearings these past weeks on legislative proposals intended to remove racial discrimination in areas of public accomodation in this country. The President of the United States has recommended the approach embodied in title 2 of S. 1731 now before the Committee on the Judiciary. This identical approach has been made the subject of a separate bill, S. 1732, on which very full hearings have been completed by the Committee on Commerce and action by that committee is anticipated soon. I hope and believe the action will be favorable. In this area of national concern, events have moved fast. In the chronicling of these events some chapters have been happy reports of progress; others, sad accounts of bitter opposition, even violence. In such fast moving reporting some of the happy chapters may have escaped national attention. It is for this reason that I would ask unanimous consent that there be printed at the conclusion of my remarks the story of progress which has been achieved in the city of Warrenton, Va. This account is described in the July 18 issue of the Fauquier Democrat. Here is a story of progress and of decency. It is a tribute to community leaders and organizations who recognize that America's tradition insists that a man be judged on his individual merit and character, not by the way he spells his name, nor by the color of his skin, or where he goes to church, or on which side of the railroad track he was born. I would hope this example may point the way to other communities whose roots spring from the same deep tradition

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

FOLLOWING DISCUSSION SESSIONS, WARRENTON RESTAURANTS, LUNCHROOMS DESEGREGATE

Most of the restaurants and lunchrooms in the Warrenton area desegregated last week, and chain stores in the area opened employment opportunities to qualified Negroes.

The voluntary desegregation occurred without incident as a result of weeks of discussion and communication between community members of both races.

Members of the Warrenton-Fauquier Chamber of Commerce participated in the discussions and the orderly changes so that, as one chamber of commerce member said, Warrenton could escape the economic blight and the bad reputation which communities like Cambridge, Md., and Danville, Va., have suffered.

Said the Chamber of Commerce president, Maximilian A. Tufts, "The community got together to try to resolve whatever honest gievances there are in a spirit of good will for the benefit of the whole community."

He congratulated chamber members, especially the restaurant and store owners, for their cooperation.

The officials felt that since the major grievances in the community were economic, the chamber of commerce was the logical organization to try to reach a solution to the problems. Members of the junior chamber of commerce, American Legion Post 360, and the Airlie Foundation, represented by Associate Director Henry Berne, participated in the discussions.

During the past few days, Mr. Tufts said that officials of other communities who heard about the effort here have phoned to ask for help and advice for their own communities.

One restaurant owner seemed to express the consensus when he said there would be no refusal of service on the basis of race, but service would be withheld in the future, as in the past, from customers who are disorderly, or improperly dressed.

"Our local people have been trying to work out solutions to whatever problems they have, and in their own way," said Mayor Byrnal Haley. "No pressures have been exerted from the outside, and we want none. We wanted to avoid a situation where outsiders could come in and try to tell our people what to do."

The chamber of commerce has adopted a policy of admitting Negro firms and civic groups to membership.

Although it had never been discussed, the Pitts Fauquier Theatre in Warrenton was also desegregated this past Sunday.

SUPPORT GROWING FOR VOLUNTARY WHEAT CERTIFICATE PLAN

Mr. McGOVERN. Mr. President, I am very glad to say that support is building up in the wheat States and among wheat associations for the voluntary wheat certificate proposal, S. 1946, which I introduced on July 29 with Senators YOUNG of North Dakota, BURDICK, MCCARTHY, MCGEE, and NELSON.

The respected Missouri Farmers Association, at its annual convention 3 weeks ago, endorsed the voluntary wheat plan.

The National Association of Wheat Growers in its recent "Report from Washington" indicated that "growers have more interest in this type of program—the voluntary certificate plan—than any other that has been introduced."

Wheat producers are faced with a half-billion dollar loss in income next year unless they are given an opportunity voluntarily to reduce acreage and maintain their income. This can have a serious effect on hundreds of communities in the wheat producing areas, and on farm suppliers and their employees everywhere in the Nation.

Numerous telephone inquiries and letters have come to my office supporting the voluntary wheat certificate proposal. My correspondence indicates a growing awareness of the consequences of uncontrolled wheat production and skidding prices in 1964.

On September 1, the Great Plains Conference of Young Democrats, adopted unanimously a resolution endorsing the voluntary wheat certificate plan.

I ask unanimous consent to include the text of the resolution at this point in the RECORD.

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

A RESOLUTION ON WHEAT LEGISLATION PASSED UNANIMOUSLY BY THE GREAT PLAINS CONFERENCE OF YOUNG DEMOCRATS ASSEMBLED IN OKLAHOMA CITY ON SEPTEMBER 1, 1963

Whereas the defeat of the 1963 wheat referendum was a regrettable blow to American agriculture; and

Whereas the result of this referendum will mean a maximum support price of $1.25 per bushel of wheat for the 1964 crop; and

Whereas this drastic drop in wheat income will be accompanied by a corresponding decline in other agricultural commodities; and

Whereas this decline in farm income would precipitate a severe economic recession in the Great Plains States: Therefore be it

Resolved, That the Great Plains Conference of Young Democrats strongly urge the Congress to enact additional legislation on wheat, designed to prevent such a serious loss of farm income, while at the same time reduce, in an orderly manner, the wheat stocks held by the CCC; and be it further

Resolved, That the proposal offered principally by Senator GEORGE MCGOVERN, of South Dakota, containing a voluntary wheat certificate program be the basic approach for such additional legislation.

REDUCTION OF EXCESS MARKETINGS OF MILK

Mr. ALLOTT. Mr. President, we shall soon be considering S. 1915 which amends the Agricultural Adjustment Act and the Agricultural Marketing Agreement Act of 1937, as amended, in regards to the marketing of milk. The avowed purpose of this bill is "to encourage the reduction of excess marketings of milk," but the people in the business of producing milk, speaking through their representative organizations, do not agree with the proponents of the bill. In a telegram I received from Mr. L. V. Toyne, who is the 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 nonfat 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. 16–21 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.

5. 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, far below the level of price of the lowest class use.

6. 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.

7. 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 larg-

est 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 technical 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 intimated 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 Advance 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 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. Kistiakowsky 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. Kistiakowsky 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 Techt 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 nonaggression 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 insistance 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 this 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. However, 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 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 betwen 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. AIKEN] 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" 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."

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 international 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 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 his 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 our 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, what 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 tensions 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." [1]

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.

[1] Walter Millis and James Real, "The Abolition of War," (1963), pp. ix–x.

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 appeared—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 grandchildren 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 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 Arkansas, 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:

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.

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 countermeasures.

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 13,055. New Orleans had a daily level of 42 and a year's total 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 interest 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.[1]

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 afternoon. 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.

A stigma of heresy has been attached to suggestions by American policymakers 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, coexistence 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

[1] Stillman and Pfaff, "The New Politics," p. 142.

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 leveling 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.[2]

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 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, expediential 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 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?[3]

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.

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[2] Zbigniew Brzezinski, "After the Test Ban," New Republic, Aug. 31, 1963, p. 18.

[3] Aldous Huxley, "The Politics of Ecology" (1963), p. 6.

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.[4]

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 secretively, 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 under water—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 fallout, 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 perspective 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 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 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 ge 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.

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

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 because 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 simulate 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 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 what 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 safeguards 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 communistic 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 my 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 country, we can use the "Plowshare." 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 statement of understanding—which is slightly less than the danger inherent in reservation—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 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 Members of the Senate, and I have as yet to find any Member of the Senate who understood that the amendment would be interpreted in that manner.

I have carefully examined the Senate report. There is nothing in the Senate report to indicate that the bill which was presented to the Senate in any way intended to give the Secretary authority to appoint people to 150 positions at $30,000 per year.

If this is allowed to stand we shall face the situation that the Secretary of Health, Education, and Welfare, who is drawing $25,000 a year, could appoint 150 people to serve under him at salaries of $30,000 a year. That is more than the Cabinet officers receive.

If there is any basis for granting higher salaries to anyone in the Department certainly Congress would wish to consider it as a formal request. The Secretary would have the right to propose it. However, we should consider that problem on its merits, and at least know what we are asked to do.

I am confident that this particular amendment was erroneously drawn. I cannot conceive that anyone had any such intention at the time. If they did, as I say, the Senate was not so advised.

Since making this discovery I have taken it up with some of the Senate conferees. I have not been able to contact all of them. I hope that tomorrow we can get an assurance for the Senate by the chairman of the conference committee that our conferees will recognize this amendment as an error. The chairman of the Senate conferees should announce that this amendment will be deleted in conference.

In the absence of such an assurance I will have no alternative other than to offer a resolution tomorrow to express the sense of the Senate that the Senate conferees be instructed to withdraw their support. I hope that will not be necessary. I have tried to contact the chairman of the conference committee and am advised that he will be present later.

I thought I should bring this to the attention of the Senate this afternoon since it is a problem we will have to settle promptly. Certainly, if we are going to raise salaries in any such manner the Senate will want to do it as a direct vote.

I am not submitting a resolution now, but I will submit it tomorrow if it is necessary to do so to clear this up.

Mr. President, in the meantime I ask unanimous consent to have printed in the RECORD the text of the resolution which I shall offer if it is necessary, so that the Senate may be put on notice.

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

That the conferecs on the part of the Senate on the disagreeing votes of the two

Houses on the amendments of the Senate to the bill (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, and for other purposes, are hereby instructed to recede from the amendment of the Senate numbered 25.

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

Mr. WILLIAMS of Delaware. I yield to the majority leader.

Mr. MANSFIELD. Mr. President, the distinguished Senator from Delaware called this matter to my attention. I know the Senator has called it to the attention of other Senators who are members of the subcommittee which handles the appropriations for the Department of Health, Education, and Welfare.

I have not spoken to all the Senators on this side. I feel quite certain that what the Senator has said will be given every consideration, as it should be. On the basis of the information I have been able to learn so far, it seems there was no intention that such a stipulation or proposal should be contained in the bill.

I commend the distinguished Senator from Delaware for his forbearance in this regard and, before taking the floor this afternoon to bring it to the notice of the Senate as a whole, for his attempt to contact members of the subcommittee, an act which I think is both gracious and courteous.

Mr. WILLIAMS of Delaware. I thank the majority leader.

Mr. President, not for one moment would I wish to have my remarks interpreted to indicate that I thought members of the subcommittee or of the Appropriations Committee as a whole tried to put something over on the Senate.

I read the amendment myself at the time the Senate passed it. I did not think it would be interpreted in any such manner. Of course, I, like others, was relying on the Senate report, which did not mention this feature. I am reasonably certain we can correct it; in fact, it must be corrected.

There is no question now but that such an interpretation would be placed upon the amendment. That has been confirmed by legislative counsel, by the staff of the committee, and by the Department itself. It is now clear that if the amendment stands in the bill as passed by the Senate it will be interpreted as granting authority to Secretary Celebrezze to appoint 150 employees at salaries of up to $30,000 a year.

INVASION OF U.S. TERRITORIAL WATERS BY RUSSIAN FISHING VESSELS

As in legislative session,

Mr. BARTLETT. Mr. President, over the weekend an Associated Press news dispatch from Moscow carried a story in which the Russians claimed there was no proof that their fishing vessels have invaded our territorial waters. There is proof. Evidence was given last week at hearings on legislation to establish penalties for violations of our territorial waters that on several occasions Russian whaling vessels have been sighted within our territorial waters off the Alaska coast.

The Associated Press dispatch to which I refer was printed in the Washington Evening Star for Saturday, September 7, among other newspapers. The headline was "Red Press Hits President and Ted Kennedy."

The text stated:

Soviet propaganda organs today attacked both President Kennedy and his brother, Senator Edward Kennedy.

The Senator was blasted for his remarks about Soviet fishing vessels off the New England coast.

The official Soviet magazine Za Rubezhom (Life Abroad) said the Senator had failed to prove charges that the fishing vessels were violating American territorial limits or that they were spying.

"As to the presence of Soviet trawlers off Cape Cod," Za Rubezhom added, "It is pertinent to ask: Why shouldn't the Soviet ships be there?"

I continue the quotation:

Beyond the Cape is the Atlantic Ocean, which is known to be open for ships of all countries and all continents. * * * It is naive to suppose that experienced Soviet sailors will be intimidated by the threats of the American Senator.

The AP article went on to say, The President was attacked by the official Soviet news agency Tass for an appeal he made to American businessmen.

Tass said the President is mainly interested in promoting the growth of corporations at the expense of the American worker.

The Soviet magazine said that there is no proof of the violation of American territorial waters on the part of Soviet fishing vessels.

I say there is. I say there is official proof. I have a report from the U.S. Coast Guard, dated today, September 9, 1963, officially reporting additional incidents of Russian fishing vessels within the three-mile limit off Alaska. In this instance the Coast Guard and the U.S. Navy attempted to pursue the vessels. I ask unanimous consent that a summary of this incident, as supplied to me by the Coast Guard, be made a part of my remarks.

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

(a) Incident of August 28, 1963, off Adak, Alaska. On August 28, 1963, the CG *Lorsta*, Adak, reported to Commander, 17th Coast Guard District that five Russian vessels were operating 5 to 10 miles north of Adak. Commander, 17th Coast Guard District alerted Coast Guard units and requested Comalseafron to institute aerial surveillance from Adak and to dispatch a Navy tug from Adak to the area where the vessels were operating. The CGC *Sorrel* was in repair status and unable to get underway. Boarding officers from the *Sorrel* were placed on the Navy tug. Aircraft surveillance identified the vessels as four whale killers and one whale factory vessel, all Russian. One whale killer was observed by the aircraft to enter territorial waters. However, before the U.S. Navy tug arrived the Russian vessel had returned to the high seas. Since the aircraft had not signaled the Russian vessel to stop while it was in territorial waters, one of the conditions for establishing hot pursuit was lacking and the surface craft was therefore unable to continue the pursuit. Identification data and photos of the Russian vessels were obtained and are to be submitted to the Commandant. The Commander, 17th Coast Guard District has been requested to provide additional information to confirm the actual position of the offending Russian whalers.

(b) Incident of September 8, 1963, off Kodiak, Alaska. At 12:55 (local time) September 8, 1963, a Coast Guard aircraft from Kodiak arrived off Low Cape, Kodiak Island in position 57N latitude, 155W longitude, investigating a complaint by U.S. fishing vessels that Russian fishing vessels were destroying U.S.-owned crabbing gear. This area is approximately 12 miles southwest of Kodiak Island. Three SRTB's (NN852 Kapatcha, No. 1048 and No. 7591) were sighted within one-fourth mile of a line between the U.S. fishing vessels *Vicky Lee* and *Lucky Star* which were located on a North-South axis about 5 miles apart. U.S. crab pots were set between the two U.S. vessels also on a North-South axis. The Russian trawlers were observed dragging in and around the crab pot buoys and at times passing less than thirty yards from them. When the Russian hauled in their drags they were full of crabs. There were piles of crabs on the Russian's decks. They continued to drag this area ignoring crab pot buoys and the Coast Guard aircraft.

After checking other radar contacts, the Coast Guard plane returned and noticed the NN852 leaving the area, heading south toward fish transport vessels. The *Gladys R.* (another U.S. vessel) and a Russian SRT (unidentified) were now working in this area and were coming alarmingly close to one another. At one point the *Gladys R* told the Coast Guard aircraft that the Russian was blowing his horn, shaking his fist and waving him out of the way, and asked advice. He was advised that unless he was working his own pot at the time, he should back off and give the trawler some room. This he did. The plane departed at 4:31 p.m. local time with some separation between these two vessels.

The SRT NN777 against whom the fishing vessel *Lucky Star* made the original complaint was located nested with a fish transport to the south of this area.

Coast Guard Cutter *Winona* was ordered into the area and directed to collect statements, photos and films from U.S. fishing vessels and to patrol the area.

Mr. BARTLETT. The two episodes refer to situations discovered off Adak, and off Kodiak, Alaska. In respect to the first, violation of the territorial waters of the United States was observed. In the second, while the Russian fishing vessels were in international waters, they once more violated every tradition of the sea by ruining the crab pots placed there by fishermen from Kodiak, Alaska.

These episodes have occurred before. The Russians promised they would not be repeated. This matter was taken up with the Russian Government by the State Department. Assurances were given. They, too, have been violated, and on this occasion the violations were observed by the U.S. Coast Guard.

The summary supplies detailed information relating to these matters. The Russian fishing vessels passed within less than 30 yards from the crab pot buoys, and the Soviet fishermen were obviously taking Kodiak, Alaska, king crab, which are creatures of the Continental Shelf, subject to the protections of the convention on the Continental Shelf, which both the United States and Russia have ratified.

This violation is a most wanton incident and gives further proof that there is need for early action on the bill

considered last week by the Senate Commerce Committee to give the Government some teeth so the Federal Government will have authority to act in these instances.

Surprisingly enough, as it is now, if a foreign fishing vessel is discovered in territorial waters off any of the coastal States, there is no penalty provided for such intrusion. All that can be done, if the ship or ships are discovered by the Coast Guard, is for the Coast Guard to warn them off. The legislation under consideration provides a penalty, and I think the bill should be reported and passed at an early date.

I am vitally concerned by the enormous fleets of Russian trawlers off our coasts. They have at time exceeded 500 in number. The House Armed Services Committee reported last week that our security was involved in the operation.

It is clear from the testimony given during the hearings last week on my bill, S. 1988, that the integrity of our territorial waters is not only threatened, but actually is being violated.

I ask unanimous consent to have incorporated in the RECORD as a part of my remarks a copy of the report I received from the Library of Congress, which points out clearly that Russia has strong provisions protecting her own coastal waters, up to 12 miles from the coastline, from intrusion by foreign nationals.

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

PROVISIONS FOR ENFORCING FISHING REGULATIONS WITHIN THE TERRITORIAL WATERS OF THE U.S.S.R.

I. PRELIMINARY REMARKS

Provisions for enforcing fishing regulations in general and within the U.S.S.R. territorial waters in particular have been subject to constant change in the Soviet Union. They form part of Soviet legislation on fishing on the one hand and of legislation on territorial waters on the other. A comparatively recent Soviet monograph on territorial waters lists 54 legislative acts regarding territorial waters issued between July 10, 1918, and September 14, 1944.[1] New regulations were issued in 1954, only to be replaced or amended 4 years later by a new Statute on the Protection of Fish Stocks and Control of Fishing in the U.S.S.R. of September 15, 1958, which has been in force at least since July 1, 1962. These statutes, inasmuch as they have been passed by the Councils of Ministers of the U.S.S.R. and the Soviet Republics and are not in the nature of session laws (published in the Vedomosti of the U.S.S.R. and the Vedomosti of the individual Soviet Republics) are not as a rule available abroad unless communicated by the Soviet Government to the United Nations, as was the case with the 1935 and 1954 statutes on this subject.

Legislation originating with the councils of ministers on the Federal or republic level, is published in the Sobranie Postanovlenii i Rasporiazhenii of the Soviet Union Council of Ministers and comparable publications of the councils of ministers of the constituent and autonomous republics which, however, as a rule have a restricted circulation. It is due to this practice that the collections of the Library of Congress do not include the publication in which the integral authentic text of the above-mentioned statute of 1958 are included. Accordingly the excerpts from this statute are quoted from a secondary source, a 1962 commented edition of the RSFSR Criminal Code published by Leningrad University.

This study is limited to an outline of fishing regulations for U.S.S.R. territorial waters, including the penalties imposed for their violation, with particular emphasis on the special legislation on the enforcement of penalties for infringements by foreigners.

II. SOVIET CONCEPT OF TERRITORIAL WATERS

The Soviet concept of territorial waters is outlined in article 3 of the Regulations on the Protection of the State Borders of the U.S.S.R. of August 5, 1960,[2] which reads as follows:

"Article 3. The coastal marine waters to a distance of 12 nautical miles measures from the low water mark both on the mainland and around islands or from the other limits of the inland marine waters of the U.S.S.R. are the territorial waters of the U.S.S.R. In particular cases provided for by agreements between the U.S.S.R. and other states, the limit of the territorial waters may differ.

"The line of the outer limits of the territorial waters is the state border of the U.S.S.R. on the sea.

"In areas where the territorial waters of the U.S.S.R. adjoin the territorial waters of contiguous states, the state maritime border of the U.S.S.R. is established in conformity with agreements concluded by the U.S.S.R. with the contiguous states, or in the absence of such agreements, in conformity with the principles accepted in the international practice of states or along a straight line connecting the outlets of the land border to the sea."

III. GENERAL PROHIBITION FOR FOREIGNERS TO ENGAGE IN FISHING IN SOVIET WATERS UNLESS AUTHORIZED BY INTERNATIONAL AGREEMENTS

The principle that foreigners are prohibited to engage in commercial fishing in all U.S.S.R. fishing waters, i.e., "all waters used for the catching of fish, water mammals, crustaceans and other water animals and products," including "marine fishing waters" which "embrace all inland maritime waters of the U.S.S.R. and a maritime coastal zone 12 sea miles in breadth"[3] is firmly entrenched in the U.S.S.R. The first all-embracing federal legislative act on control of fishing and conservation of sea products dated September 25, 1935,[4] provided in section 12: "Foreign nationals and foreign legal persons may not carry on fishing or any other aquatic industry in any U.S.S.R. fishery, except as provided for by an international treaty concluded by the U.S.S.R. or under a concession granted by the Government of the U.S.S.R."[5] As stated by a Soviet authority on Soviet Maritime Law:[6]

"Violation of provisions of Soviet legislation by foreign ships passing through Soviet waters entails the application of corresponding sanctions. Such sanctions for fishing, hunting, and other industries are provided for, in particular, by the RSFSR Criminal Code (sec. 86) and the criminal codes of the other Soviet republics. The frontier guard has the duty to detain the trespassers and to turn over the case record concerning them to the court."[7]

The present situation with respect to the right of foreigners to fish in Soviet Union waters, including the territorial sea, is summed up in a recent Soviet monograph on the legal status of foreigners in the U.S.S.R.:

"The statute on the protection of fish stocks and on control of fisheries in the U.S.S.R. of September 1958 states that foreign citizens and juridical persons of foreign states may not engage in the fishing industry in Soviet waters unless this is provided for by agreements concluded between the U.S.S.R. and other states. This ban affects not only rivers and lakes, but also a territorial maritime belt 12 sea miles wide, and so-called internal seas. That is why foreign fishing boats are not allowed to fish in the White Sea, unless there is a special international agreement to the effect. Of course, the Soviet state may permit fishing in its territorial waters. For instance the Soviet Government, in view of the friendly relations between the Soviet Union and Finland, and the request made by the Government of the latter country, has granted, in accordance with the Agreement on Fisheries and Sealeries of February 21, 1959, to Finnish citizens, residing in several communities along the shores of the Gulf of Finland, the right to engage free of charge in fishing and seal catching in a specified part of Soviet territorial waters in the gulf.

"Since the statute of 1958 pertains to fishing as an industry, the foreigner has every right to fish without restriction if he does so for personal consumption; however, like any Soviet citizen, he is obliged to observe all regulations affecting fishing."[8]

This basic rule prohibiting foreigners, in the absence of an international treaty, to engage in fishing for anything but personal

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[1] A N. Nikolaev, "Problema territorial 'nykh vod v mezhdunarodnom prave." (The Problem of Territorial Waters in International Law). Moscow, 1954. p. 241–246.

[2] Vedomosti Verkhovnogo Soveta SSSR, No. 34 (1018), August 30, 1960, p. 747–756. English translation in The Current Digest of the Soviet Press, v. XII, No. 40 (Nov. 2, 1960): 3–6. These regulations replaced the Regulations for the Defense of the State Frontiers of the U.S.S.R. of June 15, 1957 (Sobranie Zakonov i Rasporiazhenii SSSR), 19[illegible], No. 62, text 625, p. 1218 ff. Excerpts translated in United Nations Legislative Series. Laws and Regulations on the Regime of the High Seas. v. I. * * * United Nation., New York, 1951. p. 116–119. Hereinafter quoted as "Regime of the High Seas" (1951).

[3] Secs. 1 and 2 of the Order of the Council of People's Commissars, No. 2157, for the Regulation of Fishing and the Conservation of Fisheries Resources, 25 September 1935 (Sobranie Zakonov i Rasporiazhenii SSSR. Collection of Laws and Ordinances of the U.S.S.R.), 1935, No. 50, text 420. p. 741 ff. Translation by the Secretariat of the United Nations. In "Regime of the High Seas" (1951).

[4] For full title of this legislative act see preceding footnote.

[5] Regime of the High Seas (1951), op. cit., p. 126. See also the only known special monograph on Soviet maritime and fishing law: G. I. Imenitov. "Sovetskoe morskoe i rybolovnoe pravo" (Soviet Maritime and Fishery Law). Moscow, State Publishing House of Juridical Writings, 1951, p. 91. Among other topics covered, special short sections of this work are devoted to administrative penalties imposed by officials of the Fishery Control Service for minor offenses, inquiry, and investigation of fishing offenses (p. 98–101).

[6] A. D. Keilin. "Sovetskoe morskoe pravo" (Soviet Maritime Law). Moscow, State Publishing House of Water Transportation, 1954. p. 64.

[7] Keilin, op. cit., p. 64, quotes two cases of unlawful fishing by the British ships "Lasenniia" and "Etruria" and the penalties imposed. These cases were recorded in Izvestiia (November 16, 1950) and Pravda (May 13, 1950), ibid., notes 1–2.

[8] M. Boguslavski and A. Rubanov. "The Legal Status of Foreigners in the U.S.S.R." Moscow, Foreign Languages Publishing House, n.d. p. 58–59. This book was published after 1960 because it mentions among U.S.S.R. treaties concerning foreigners the agreements on social security with the German Democratic Republic of May 24, 1960, and with Romania of December 24, 1960 (p. 26).

consumption, is spelled out in articles 6 and 7 of the statute on the protection of fish stocks and on the control of fishing in the water reservoirs of the U.S.S.R., confirmed by the decision of the U.S.S.R. Council of Ministers of September 15, 1958,[9] which reads as follows:

"Foreign citizens and juridical persons of foreign states shall be prohibited to engage in the industrial catch of fish and other water animals and plants in the water reservoirs of the U.S.S.R., with the exception of cases provided for by agreements entered into by the U.S.S.R. with other states.

"The catching of fish for personal consumption as a sport or hobby (without the right to sell the fish) shall be gratuitously permitted to all toilers in all water reservoirs, with the exception of reservations, fish hatcheries, lakes and other cultivated fish husbandries, if they comply with the established fishing rules."

IV. CRIMINAL CODE PROVISIONS CONCERNING PENALTIES FOR ILLEGAL FISHING

The unlawful, improper, or unlicensed exercise of industrial fishing may be subject either to administrative or criminal penalties, depending on the nature and gravity of the offense.[10] Criminal responsibility is provided for in the new criminal codes of the constituent Soviet republics, some of which became effective on January 1, 1961, replacing the old criminal codes patterned on the RSFSR Criminal Code. The new codes, including that of the RSFSR, have preserved a certain uniformity in their general parts in which the federal basic principles of criminal legislation of the U.S.S.R. and the constituent republics of December 25, 1958 (Vedomosti Verkhovnogo Soveta SSSR. No. 1 (933), text 6) have been incorporated. However, with respect to special crimes, including violations of fishing regulations, differences exist with respect to the essential elements of particular offenses as well as to the kinds and modalities of penalties applicable. The pertinent provision of the RSFSR Criminal Code of 1960 is as follows:

Sec. 163. Unlawful Engaging in Fishing and Other Aquatic Industries. [the act of] engaging in fishing, hunting and [any] other aquatic industry in the territorial waters of the U.S.S.R., internal seas, rivers and lakes, ponds, reservoirs and their accessory waters without the proper permission, or during the closed season, or in prohibited areas or with prohibited implements, means or methods, shall be punished by deprivation of liberty for a period not to exceed 1 year, or correctional labor for the same period of time, or a fine of up to one hundred rubles, or confiscation of the catch, the [fishing or hunting] implements and of the vessels, together with their equipment, or both."

The same acts if they are committed repeatedly or involve the catching or killing of valuable species of fish or aquatic animals, or the causing of considerable damage, shall be punished by deprivation of liberty for a period not to exceed 4 years, or with confiscation of property, or both.[11]

Comparable provisions are incorporated in the criminal codes of some of the other Soviet constituent republics.[12] However, a number of them have adopted a more lenient attitude:

"According to the Criminal Codes of the Azerbaijan, Kirghiz, Lithuanian, Ukrainian, Georgian, and Kazak Soviet Socialist Republics the above-mentioned acts are subject to criminal punishment only in case the guilty person has already been subject to measures of administrative coercion at an earlier time." [13]

V. ENFORCEMENT PROCEDURES

The enforcement of fishing regulations is incumbent upon the U.S.S.R. Ministry of Fisheries and a special fish conservation and control agency, whose organizational setup and functions are outlined in the Fishing Control Service Code of April 15, 1938.[14]

Enforcement procedures had already been incorporated in articles 24 and 25 of the Order of the Council of People's Commissars concerning the regulation of fishing and the conservation of fish resources of September 25, 1935.[15]

The regulations of August 10, 1954, concerning the conservation of fish resources and the regulation of fishing in the waters of the U.S.S.R., approved by the Order of the Council of Ministers of the U.S.S.R. of the same date, amplify the earlier rules:[16]

"Article 1. All waters (seas, rivers, lakes, reservoirs and ponds) which are or may be used for pisciculture or for the commercial fishing or commercial catching or gathering of other aquatic animals or plants, or which are important for the maintenance of stocks of commercial fish, shall be deemed to be fishery waters.

"Marine fishery waters comprise the internal maritime waters (inland seas, gulfs, bays and creeks of open seas) and territorial waters of the USSR (maritime frontier zone) to a width of twelve nautical miles measured from the low-water mark (both on the mainland and on islands) or, in the case of internal waters, from their outer edge."

"Article 6. Foreign nationals and bodies corporate of foreign States may not engage in commercial fishing or the commercial catching or gathering of other aquatic animals or plants in the waters of the USSR, except as provided in international agreements concluded by the USSR."

"Article 8. Rules governing fishing in fishery waters shall be made for the several fishery districts by the Minister of Fisheries of the USSR.

"The Fishery Rules shall specify, in particular, the boundaries of the area within which they apply, the prohibited areas and close seasons for fishing, the prohibited implements and methods of fishing, the meshsizes authorized for fishing equipment, the minimum sizes of fish and other aquatic animals authorized to be taken, the rules for non-commercial fishing by the public for personal consumption, and also, in waters in which such restrictions are necessary for conserving and increasing fish stocks, the authorized quantity of fishing equipment and of catches of fish of the several species."

"Article 23. A person who engages in fishing or the catching or gathering of other aquatic animals or plants in fishery waters without proper authority, in a close season, in a prohibited area, by prohibited methods or with prohibited implements, or who improperly discharges into fishery waters the unpurified and undecontaminated liquid wastes of an industrial or municipal undertaking or carries out blasting operations

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[9] Polozhenie ob okhrane rybnykh zapasov i o regulirovanii rybolovstva v vodoemakh SSSR, utverzhdennoe postanovleniem Soveta Ministrov SSSR ot 15 sentiabria 1958 g. (S[obranie] P[ostanovlenii] [Pravitel'stva] SSSR, 1958, No. 16, Text 127). Quoted on p. 297–298 of "Leningradskii Ordena Lenina Gosudarstvennyi Universitet imeni A.A. Zhdanova." Kommentarii k Ugolovnomu Kodeksu RSFSR 1960 g. (Leningrad State University of A.A. Zhdanov's Name. Commentaries to the RSFSR Criminal Code of 1960). Leningrad, 1962. Hereinafter quoted as Commentaries (1962).

[10] Sovetskoe ugolovnoe pravo. Chast'osobennaia (Soviet Criminal Law. Special Part). V.D. Men'shagin coeditor. Moscow, 1957. p. 316. Hereinafter quoted as "Soviet Criminal Law" (1957).

[11] Translated from Ministerstvo IUstitsii RSFSR. Ugolovnyi kodeks RSFSR. Gosudarstavennoe Izdatel'stvo IUridicheskoi Literatury. Moskva, 1960 (Ministry of Justice. RSFSR Criminal Code, Moscow, State Publishing House of Juridical Writings, 1960). p. 8:. Compare this provision with the earlier provision of the RSFSR Criminal Code of 1926 (effective January 1, 1927, to January 1, 1961):

"Sec. 86. The act of engaging in fishing, hunting or any other aquatic industry in seas, rivers or lakes of national importance without the proper permission or during the closed season or in prohibited areas or with prohibited implements, means or methods shall be punished by deprivation of liberty or correctional labor for a period not exceeding one year or a fine not exceeding 500 roubles and compulsory seizure of the unlawfully taken catch in all cases and optional seizure of the fishing or hunting implements and of the vessels used in the unlawful industry, together with all their equipment."

Translation by the Secretariat of the United Nations made from text provided by the Permanent Mission of the Union of Soviet Socialist Republics to the United Nations. "United Nations Legislative Series." "Laws and Regulations on the Regime of the Territorial Sea." United Nations, New York, 1957 (ST/LEG/SER.B/6: December 1956; United Nations Publication; Sales No.: 1957 V2). p. 355. Hereinafter quoted as "Regime of the Territorial Sea" (1957).

[12] For example, Section 159 of the Criminal Code of the Latvian SSR, effective April 1, 1961, and promulgated January 6, 1961, has the following wording:

"Sec. 159. Unlawful Engaging in Fishing and Other Aquatic Industries. [The act of] engaging in fishing, hunting and [any] other aquatic industry in seas, rivers, lakes and other reservoirs which are of industrial significance, without the proper permission, or during the closed season or in prohibited areas or with prohibited implements or means, shall be punished by deprivation of liberty for a period not to exceed one year or correctional labor for the same period of time, or a fine of up to three hundred rubles, or it shall entail the imposing of measures of public coercion."

(Ugolovnyi Kodeks Latviiskoi SSR. Riga, Latviiskoe Gosudarstvennoe Izdatel'stvo, 1961. p. 57.) In this case the words "territorial waters" are conspicuously missing, although Latvia has a coastal line on the Baltic Sea. The omission of the words "internal sea" is justified inasmuch as there is no internal sea in the Latvian SSR. Internal sea is defined under Soviet law as follows: "By an internal sea is understood any sea entirely surrounded by the territory of a given state (e.g., the Sea of Aral), or one which, though having an outlet to other waters, belongs to a particular state (e.g., the Sea of Azov and the White Sea)." Boguslavsky-Rubanov, op cit., p. 59, note*. The second feature of the Latvian SSR Criminal Code provision distinguishing it from that of the RSFSR Criminal Code is the higher maximum limit of the fine (300 instead of 100 rubles) and no increased punishment for cases involving the catching of valuable fish species or the causing of considerable damage.

[13] Sovetskoe ugolovnoe pravo. Chast' osobennaia (Soviet Criminal Law. Special Part). M. D. Shargorodskii and N. A. Beliaev, editors. Moscow, State Publishing House of Juridical Writings, 1962. p. 272.

[14] Ustav sluzhby rybolovnogo nadzora utverzhdennyi Sovetom Narodnykh Kommissarov SSSR 15 aprelia 1938. g. (Fishing Control Service Code Approved by the Council of People's Commissars of the USSR on April 15, 1938). Imenitov, op. cit., p. 97.

[15] "Regime of the High Seas" (1951), p. 127–128.

[16] "Regime of the Territorial Sea" (1957), p. 577–578.

causing mass destruction of fish, shall be liable to prosecution as provided by law.

"A person who commits an offence as aforesaid for the first time, without using commercial fishing implements, explosives or poisons, or who contravenes any other provisions of the fishery rules or of these regulations, shall be liable to a fine.

"Article 24. Fishery conservation officers shall be entitled to detain persons committing offences against these regulations and the fishery rules and to seize fishing implements and floating equipment in their possession together with any fish and other aquatic animals and plants unlawfully taken.

"Fishery conservation officers shall be entitled to detain an offender for such time as may be necessary for the drawing-up of a report (record) of the offense against these regulations and the fishery rules. If the offender's identity cannot be established at the place where the offense is committed, the fishery conservation officers shall deliver the offender to the nearest rural Soviet or militia unit for the purpose of establishing his identity and domicile.

"Unlawful catches of fish and other aquatic animals and plants shall be seized by fishery conservation officers both at the place of taking and at points at which they are received and processed, and shall be delivered to fish products plants or to trade organizations at the prevailing acceptance prices. Seized fishing implements and floating equipment shall be held at the fishery conservation authorities' stores, or at other places at the discretion of the said authorities, until the fishery conservation authorities give their decision in the case, where administrative proceedings are taken against the offender, or until the court renders its judgment, where judicial proceedings are taken against the offender.

"Prohibited fishing implements which cannot be converted into authorized fishing implements shall be confiscated without a judgment of the court and shall be destroyed."

"Article 25. The scale of fines for offenses under these regulations and the fishery rules shall be as follows:

" 'Fines imposed by district fishery conservation inspectors: not more than 250 rubles for each individual and not more than 2,000 rubles for each undertaking, institution, or organization;

" 'Fines imposed by directors of fishery conservation and pisciculture departments (divisions) and their deputies: not more than 500 rubles for each individual and not more than 5,000 rubles for each undertaking, institution, or organization.

" 'An appeal against the imposition of a fine may be lodged within 14 days with the director next senior in rank, whose decision shall be final.' "—Dr. Armins Rusis, European Law Division, Law Library, Library of Congress.

Mr. BARTLETT. Since I started to speak, I note that the junior Senator from Massachusetts [Mr. KENNEDY], who was rather savagely attacked in the Soviet magazine, has entered the Chamber. I know he needs no defense from me; nevertheless, the Senator from Massachusetts [Mr. KENNEDY] is entitled to, and should, receive the very strongest commendation for his vigorous and proper support of the American fishing industry. As to the Russian publication charges against President Kennedy, they will receive serious consideration, I suggest, from no one. I suspect that this applies to the Soviet writers as well as to everyone else. What the President is seeking to do is to build every segment of American society, to improve the lot of all people everywhere, and to insure peace.

Finally, as a member of the Commerce Committee, I have been gratified because time after time when legislation concerning the fishing industry has come before that committee, the junior Senator from Massachusetts has appeared as a witness and has given very effective and helpful testimony and has made it easier to report and pass legislation so urgently needed if the American fishing industry is to survive, much less make progress.

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

Mr. BARTLETT. I am happy to yield to the Senator from Massachusetts.

Mr. KENNEDY. The junior Senator from Massachusetts recognizes the outstanding contribution the Senator from Alaska has made, not only in regard to this important phase of protecting our fishing industry, and of providing our various Federal agencies with the means for essential law enforcement against any of the trespasses by the Soviet Union, or by any other nation, in violation of the territorial waters of the United States, but I think the Senator from Alaska has also provided outstanding leadership in directing this problem to the attention of the Senate and really providing a platform for the fishing industry to bring into international focus the great needs of our fishing industry.

I come here as a junior Senator from a State that realizes the importance of the fishing industry in my home State of Massachusetts, but also recognizes that this problem involves not merely the State of Massachusetts, but the entire eastern seaboard, the Gulf coast, the western coast, and also the State of Alaska, which today plays a primary role in providing the American people the benefits of the sea.

It is always with true humility that I come before the Commerce Committee and testify before the Senator's subcommittee with regard to legislation dealing with the fishing industry, because we recognize in the State of Massachusetts, as I know personally, the truly outstanding contribution the Senator from Alaska has made.

Once more today, on the floor of the Senate, the Senator from Alaska has presented outstanding examples of violations of territorial waters of the United States. He has brought forth significant evidence on the importance of these violations. I think it is incumbent upon all Members of the Senate to recognize that this situation demands the kind of legislation which has been proposed by the Senator from Alaska, and in which I am indeed delighted to participate.

Mr. BARTLETT. I am grateful to the Senator from Massachusetts for what he has had to say. What concerns me, in addition to many other things, and I am sure what concerns the Senator from Massachusetts, is the great probability that if the maritime nations of the world are not prudent, this priceless resource, protein from the sea, will not be available for future populations and future generations.

Fishing efforts have expanded enormously in the last 15 years. We do not know, generally speaking, whether there is a condition of overfishing now. There may be. What we do know is that it may rapidly approach. Indeed, I am confident the time is now when the maritime nations of the world must get together and must join in research and in appropriate conservation measures, lest these resources, which otherwise can be made renewable forever, will have totally disappeared.

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, in outer space, and underwater.

Mr. KENNEDY. Mr. President, I would like at this time to express my strong support of the test ban treaty and my hope that this treaty will receive an overwhelming vote of ratification from the Senate.

The U.S. Government has advocated this type of treaty in negotiations with the Soviet Union since 1959. It has been proposed by two administrations, endorsed by the national platforms of both political parties, and supported by Americans of all political persuasion.

The treaty was finally negotiated last month because the Russian Government made to the United States a significant concession. Our Government made no concession from its previous position. The Russians abandoned their insistence on tying the test ban to a broader agreement on disarmament, without inspection safeguards satisfactory to us.

Mr. President, to reject the treaty under these circumstances would be to reject the approach our military and civilian leaders have urged toward disarmament over the last 10 years. We have been told by all our leaders that disarmament must be negotiated from a position of strength rather than weakness, for only if this were so, would our adversary be willing to make those concessions necessary for our protection. Many hundreds of billions of dollars have been spent to build up this type of strength. Now, when we have finally reached a position of clear military superiority, when we finally have the strength necessary to force concessions—as we did in these negotiations—how can we turn our backs on our own policies?

The only reason that would justify a rejection of this policy would be that the treaty as written dissipated our strength or endangered our security. I am not a military expert. But I accept the judgment of the Secretary of Defense, the Joint Chiefs of Staff, the Director of the CIA, the Director of AEC, and the Director of Research and Development of the Department of Defense, that this treaty does not endanger our security. We have, as well, the commitment of the President that our weapons development will continue and that our atomic laboratories and testing grounds will be held at the ready so that testing can resume if our national security demands it.

I am also sure that one of the reasons for widespread public support and confidence in this treaty was the fact that it was negotiated by Averell Harriman,

who has dealt with the Soviet Union longer than any other public figure in this country; who was the first to warn of the danger after the war; and who has become, over the years, the symbol of the hard, skeptical approach toward doing business with the Russians.

Mr. President, the Russians have their own reasons for wanting this agreement, as we have ours. We do not know whether there is a direct relation between the new Soviet attitude and their differences with the Chinese. Russia has withdrawn aid for Chinese nuclear development. The two nations have cut trade severely. They denounce each other publicly almost every day. The Russians have given aid to India, China's enemy. The Chinese have accused the Russians of plotting to recognize Formosa, and of encouraging open rebellion among minority groups in the north of China.

The significance of this can be seen if we consider, that if any one of these incidents had occurred between our Nation and, say, Great Britain, it would have been considered a most serious crisis.

These developments in the Communist world are partly the result of our strong and firm policies in recent years—a result of our military buildup, our world leadership and our willingness to stand up to the Communists regardless of the risk. The Russians have failed in Berlin, in the Congo, in the Middle East and elsewhere. These failures have shaken their hold on their empire. Russia has been forced to make concessions to us to keep support of its satellites. In this situation, which can only evolve to our advantage, it would be a grave mistake to aline ourselves with the Chinese against the limited test ban.

If we cannot arrive at a modest agreement like this, under present world circumstances, I do not know when we can. The overwhelming opinion of the people of my State is that this test ban agreemen is an act of mercy, and that by this act we will earn the gratitude of the people of the world for freeing them from the twin threat of fallout and possible nuclear destruction, but that if we do not approve this treaty, our Nation will be singled out before all the world as the nation which fastened these chains on mankind.

This is a viewpoint that has been reflected in the distinguished publication of the Catholic Archdiocese of Boston, the Pilot, and in newspaper editorials in leading newspapers in Boston, Worcester, Haverhill, and Lynn. I ask unanimous consent that these editorials be inserted at this point in the RECORD.

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

[From the Pilot, official organ of the Archdiocese of Boston, Mass.; Aug. 3, 1963]

SUMMER THAW

"Prohibit, to prevent and not to carry out any nuclear weapons test explosion or any other nuclear explosion."

In such direct and simple words the recent Moscow agreement was drawn up by representatives from the United States, Russia, and Great Britain. The document on the nuclear test ban in the atmosphere, outer space and under water was refreshing for brevity in days when extended remarks have a habit of finding their way into any written or spoken word. Some are of the mind that the whole thing is too simple and the innocents should beware lest it blow up in their faces. Others who do not share this suspicion, but who have their own reservations on Russian pacts, take a more hopeful view of the matter.

Lest more be read into the wording of the agreement than was intended, it was quickly pointed out that "any other nuclear explosion" did not preclude use of these frightening weapons in wartime, nor did it forbid testing underground. For the latter, the United States wanted international inspection of sites, a condition to which the Russians would not agree because they felt this was merely a cover for spying.

Short as the meat of the agreement may be, it will be carefully analyzed before it is fully digested. Even though Mr. Rusk and his bipartisan group leave this weekend for the formal signing of the treaty, the whole business must be ratified by the Senate. The Members of this body are the ones charged with this responsibility by the Constitution and it is they who must ultimately answer to the American people. Already the President has called for a debate on the subject, and this debate is to involve all Americans, since this is a matter in the national interest.

Death is the lot of man, but the very thoughts of annihilation, which is what the thermonuclear arsenals of both East and West may hold, should be enough to make men and nations take any steps in the direction of peace. We are no longer at the point of killing by way of overcoming an unjust invader; we have reached and long passed what has been so technically and politely called overkilling.

We are not anxious to cast aside security or military power for tainted promises. On the other hand, we are anxious to explore the avenues of peace in terms of modern challenges to our national welfare. The test ban treaty may suggest to many a rocky road, but even that can take us out of the sure path of destruction.

[From the Pilot, official organ of the Archdiocese of Boston, Mass., Aug. 10, 1963]

A CHANGE OF DIRECTION

Within 10 days of signing the nuclear test ban agreement we will be marking the 18th anniversary of the atomic blast at Hiroshima. If it is a time of promise, it is also surely a time for reflection.

The limited test ban treaty does not either outlaw the bomb nor does it make further testing impossible. Those who have signed it have, however, set their faces in a new direction and it is the direction of less terror rather than more, less destruction, rather than more, less danger rather than more, toward survival and against annihilation. Perhaps it is only a step, as everyone seems to say, but it is an about face, at least psychologically, and this is the most important thing of all.

We do not like to reflect on the Hiroshima anniversary; it was an unpleasant (at least) moment in our history. But the treaty just signed makes it possible for us to feel that we can manage somehow to face the day this year; up until now we cringed before it. The dread decision that destroyed Hiroshima and Nagasaki has not yet been repudiated by the bulk of Americans; the set of our minds is not much different from what it was in 1945. In other words, we could do it again. But the treaty gives us reason to hope that change is in the winds.

If Americans could work so hard, at what may be some national disadvantage, to clear the air of atomic fallout, one wonders if they could ever again set a poisonous mushroom cloud over any city in the world for any reason. Perhaps this is more important than the ban and the inspection and the signing and all the rest. There has been a change of heart and, where once in a mood of might we could wipe out a city of families, nothing like that will ever be possible again. We have not yet done our penance, but we are almost ready to confess our sins.

Probably it is typically American that we cannot put into words our change of heart, that we cannot say before the world a confiteor of our transgressions. We are called a people of action, more gifted in doing things than in explaining why we have done them. If this is so, the world may understand what it means for us to have pressed for and found a ban with which to tie our own hands as much as those of others. We can hope that they will see in this our gesture of repentance, our turning away from the shame of Hiroshima toward a stronger and a more rewarding light. Perhaps many Americans wonder why they have felt so pleased to be part of this new nuclear agreement, since it is such a small thing and so truly limited. The answer may be that our hearts have sensed a change, and with it something like a liberation.

[From the Boston Globe, Aug. 16, 1963]

WEIGHING THE RISKS

(By Uncle Dudley)

The military and scientific testimony on which the ratification of the limited nuclear test ban treaty will probably depend is now being presented at Senate hearings.

That this treaty will not unduly risk the security of the United States is the view of Defense Secretary Robert S. McNamara, the Joint Chiefs of Staff, and all members of the Atomic Energy Commission. Thirty-five American Nobel Prize winners take the same view.

The chief questioner is Dr. Edward Teller, "father of the hydrogen bomb."

Mr. McNamara has testified that this country has "tens of thousands" of nuclear warheads, 500 missiles and more than that number of strategic bombers. The American lead in atomic weapons, and in the ability to deliver them, has increased in recent years.

Two major questions have been raised by Dr. Teller. Soviet experience with higher yield nuclear explosions might enable the Russians in a surprise attack some day to deliver a superbomb which would destroy this country's ability to retaliate from land bases. One answer to this is that the United States has Polaris submarines.

The other point Dr. Teller makes is that Russia might gain an advantage in developing an anti-missile-missile warhead. But the Joint Chiefs of Staff are satisfied, because the treaty still permits nuclear tests underground, which cannot be detected (and do not poison the atmosphere). Atomic Energy Chairman Dr. Glenn T. Seaborg, a Nobel Prize winner, believes that the warhead for an antimissile missile could be developed by underground testing.

All agree that the risks mentioned by Dr. Teller cannot be completely discounted, but Dr. Seaborg says they are "minor." He adds: "On balance we improve security with the treaty."

Perhaps the risk most feared by the Joint Chiefs is that a false sense of security will develop. But that can happen, whether there is international control of weapons or not.

Between the world wars, Japan got the jump at sea because the United States did not maintain its fleet at the strength permitted by the naval limitation treaties. In the 1950's, when no similar pact existed, this country became so overconfident because of its air superiority that Russia went ahead in ballistic missiles.

Though the test ban treaty should relax tensions somewhat, it should give no sane

person a false sense of security. It limits no armaments, leaves still unsolved the key question of international inspection. But it represents a hope that a turning point has come, and man over the years will gradually bring nuclear energy completely under control. On that the future of the race is likely to hinge.

In weighing the risks which will be incurred if the treaty is ratified, it is important to consider the far greater hazards if ratification should fail.

[From the Boston Globe, Aug. 9, 1963]

UP TO THE SENATE

(By Uncle Dudley)

As of now, prospects for ratification of the limited nuclear test ban treaty seem excellent, but the constitutional requirement of a two-thirds majority in the Senate creates potential boobytraps for any pact.

Bipartisan support is almost always necessary for ratification. When President Taft found that he lacked that for a treaty he dropped it. A great question of American internal politics can wreck a pact. The slavery issue prevented a two-thirds vote for a treaty annexing Texas; that republic had to be brought in by a joint resolution of Congress, which required only simple majorities in both Houses.

American adherence to the League of Nations, which seemed to have the public's support at the time, failed because President Wilson found himself unable to accept reservations offered by Senator Henry Cabot Lodge, grandfather of the present Ambassador to South Vietnam. American foreign policy reverted to isolationism, with disastrous results.

A Senator has prophesied a vote of 79 to 15 for the limited test ban treaty. There is an overwhelming desire to make a beginning in the control of armaments and to avoid poisoning the atmosphere at the expense of generations unborn. The right to continue underground tests has evidently convinced the Joint Chiefs of Staff that national security is protected.

Yet Edward Teller, father of the hydrogen bomb, questions the treaty. Democratic Senator HENRY JACKSON, of Washington, wants to make sure that it does not give Russia an advantage in the development of an antimissile missile.

Republican Senate Minority Leader EVERETT M. DIRKSEN did not go to Moscow for the signing of the treaty, because he did not want to commit himself in advance, even by implication. Walter Lippmann suggested in Thursday's Globe that West German Chancellor Adenauer may hope that the Senate will attach reservations of substance, which could require British and Russian acceptance before the pact went into effect. That could wreck the whole treaty.

Two memories haunt Americans. One is Khrushchev's sudden ending of the nuclear moratorium a couple of years ago, to get a jump in the resumption of tests. But that did not prevent this country from resuming as well; the present treaty contains an explicit escape clause.

The other memory is of the advantage gained by the Japanese in the 1920's and 1930's under the naval limitation treaties. But that was due, not to deception, but to the failure of this country to keep its fleet up to treaty strength. Everyone realizes that the present treaty is but a small beginning; this time there is less danger of losing the peace because no one now assumes it has already arrived.

But the test ban treaty looks like a good one. Those who would show it to be otherwise carry a heavy burden of proof. Anyone who may seek to wreck it for reasons of personal or partisan political advantage will assume a responsibility of dimensions too awful to contemplate.

[From the Worcester Telegram, Sept. 2, 1963]

THE GREAT GAMBLE

As the testimony on the proposed nuclear test ban treaty draws to a close, most Americans share President Eisenhower's hope that "the agreement might open the way to better relations between the cold war opponents and, by small steps, bring about enforcible agreements for the reduction of the costly armaments race and progress toward the rule of law in the world."

Without question, hope is one of the main ingredients in the push for the treaty. There is also an element of trust involved. Not trust in the integrity of Khrushchev per se, but trust in his ability to see that an end to nuclear testing is in his own best interests, as well as everyone's else.

Trust and hope are risky things in international relations—especially when one is dealing with a dictatorship. There are many risks involved in the signing of this treaty.

No one can know for sure whether a halt to bomb tests will weaken our defenses in the long run. No one can know for sure whether the Communists plan to cheat. No one can know for sure whether the Soviets are making great progress on an antimissile missile, or whether the new period of international relaxation will prove to be a cynical Soviet tactic designed to seduce us into lessening our vigilance.

Under ordinary circumstances, it would not be prudent to ratify such a treaty. It cuts close to the heart of our national security. Expert witnesses have so testified, in opposition to other expert witnesses who think our national interests are safeguarded.

But these are not ordinary times, and nuclear bombs are not ordinary weapons. They do not lead to national security but to world insecurity. A nuclear arms race might prove to be a deadly risk for all mankind. Dr. George B. Kistiakowsky, who used to be President Eisenhower's science adviser, told the Senators that there is no natural end to nuclear testing. "Every test raises questions as well as giving answers. There is no end to the race except one—war."

Another powerful argument for the treaty involves the radiation fallout hazard. No one knows how much danger there is to our children and grandchildren if nuclear waste continues to be blasted into the atmosphere, but some of the informed guesses are hair-raising. One thing cannot be denied—the ever growing concentration of strontium 90 and carbon 14 in the bones and tissues of children in North America.

The test ban treaty is not exactly a leap in the dark, but it is a leap into an uncertain future, where the perils are unknown. But the leap seems justified because, in this case, the known risks are worse than the unknown.

[From the Worcester Telegram, Aug. 17, 1963]

WEIGHING THE RISKS

No intelligent person can believe that the risks in the proposed nuclear test ban treaty are negligible. The risks are prodigious. The testimony of Dr. Edward Teller, and other competent witnesses before the Senate Armed Services Committee, makes it clear that we do not know for sure whether the Soviets are abreast of us in the anti-missile field and in other important phases of nuclear weaponry.

But the risks are also prodigious if we do not sign the treaty. An intensified nuclear arms race leading to bigger and bigger bombs probably would not strengthen our national security. Instead, it might lead to an intolerable heightening of international tension, with the result that an eventual atomic conflict would become increasingly likely. Nuclear blasts, by their very nature, kindle 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 seeking 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 under water 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-quickening 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. Melenkov, 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 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 M. 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 PHARMACOLOGY AND EXPERIMENTAL THERAPEUTICS,
Boston, Mass., August 1, 1963.

The Honorable EDWARD M. KENNEDY,
The 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. Zagoria. 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 toiled 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 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 appropriations bills and the second to legislative bills, has also been urged.

A second high-priority item is a way to assure a President of consideration of his legislative program. As the Chief Executive and as a truly national officeholder, in contrast to representatives of districts and States, his view of the Nation's needs is entitled to a vote, up or down; yet year after year Presidents have been denied this.

Surely, determined and intelligent men could formulate a plan by which Presidential recommendations could be brought to a vote within a reasonable period. One simple way would be to provide that any major Presidential proposal be automatically reported to the floor within 60 days, if the committee with appropriate jurisdiction has not acted, then let the bill be debated on the floor instead of in committee. If this happened a few times, committee chairmen would probably tend to hasten action on remaining Presidential measures.

But logical as congressional reform is, the outlook for its enactment is decidedly dim. One reason is that there is no effective pressure or organization behind it, other than the American Political Science Association, a group given more to discussion than marches on Washington. Other causes have their backers, but congressional reform, while it has an enormous potential effect on such causes, has not attracted similar strength.

Then there is the built-in problem that congressional reform requires the help of some of the very people whose tremendous powers it seeks to reduce. It is somewhat like the problem faced by those seeking fair representation in State legislatures: Action was up to State legislators who enjoyed the fruits of unfair representation. Some Members of Congress who privately would agree on the need for congressional reorganization find it wiser not to "get out front" in this cause—why antagonize a powerful committee chairman?

It is ironic that many of these venerable gentlemen bow reverently to businessmen as models of efficiency, but see no need to adopt the businessman's practice of periodic reviews of procedures. What's good for business, they seem to feel, may not necessarily be good for Congress.

One big question in the future of congressional reform is the role of the President. He declined to take part in the Senate fight to change rule XXII—the filibuster rule—on the ground that this was the Senate's own business, but he did take an active part in the House fight to expand the membership of the House Rules Committee. If his program continues to founder in the hands of unfriendly committee chairmen, he may find it necessary to nudge along congressional reform, whether he wishes to or not.

Congressmen generally are, for the most part, overworked (in nonlegislative ways) and underpaid (by the standards of comparable industrial responsibilities and uncertainties of tenure). But these conditions will grow worse unless action is taken to regain the prestige and respect which Congress should receive. As long as constituents read press reports of Congressmen being in recess or discussing trivia, they will feel free to seek them out for endless ceremonial and menial chores.

As now operated, Congress is an effective instrument for those who want to block change—or progress. Its involved and power-centered procedures make things easy for the lobbyist seeking to retain favors already granted and for the legislator who does not want to take a position on legislation.

These are the people who win through congressional rules and procedures belonging to the era of candlelight and goose quills. Who loses? Those who believe in an effective, democratic, and dynamic Federal Government.

POPULATION CONTROL

Mr. CLARK. Mr. President, as in legislative session, Senators may recall that from time to time I have been placing in the RECORD and also commenting upon articles, columns, statements, speeches, and the like, dealing with the critical problem of population control. It has been my hope that by taking this action from time to time, I could induce other Senators to recognize the seriousness of the population problem and to give more serious thought to methods for its solution. The question will become quite pertinent when the foreign aid bill reaches the floor of the Senate. At that time, I shall have something further to say on the problem in support of an amendment offered in the Committee on Foreign Relations by the chairman of the committee [Mr. FULBRIGHT], and adopted without dissent, which would encourage the dissemination of information to countries that receive our foreign aid, and which desire such information, to enable them to take an adequate census of their population growth and to have access to information which would make programs of population control available.

This afternoon, I should like to offer for the RECORD a policy statement made by the Governing Council of the American Public Health Association, at its 87th annual meeting, held in Atlantic City, N.J., October 21, 1959. I ask unanimous consent that the text of the policy statement be printed at this point in the RECORD.

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

POLICY STATEMENT—THE POPULATION PROBLEM

There is today an increase of population which threatens the health and well-being of many millions of people. In many areas of the world substantial population increase means malnutrition and outright starvation. In other areas it may mean increased stress in family life, reduction of educational opportunity, and the retardation of the industrial development on which a nation's rising standard of living depends. No problem—whether it be housing, education, food supply, recreation, communication, medical care—can be effectively solved today if tomorrow's population increases out of proportion to the resources available to meet those problems.

The patterns of family life directly affect human health and individual capacities. Serious public health problems are posed when family size impairs ability to sustain a healthful way of life, when childbearing may affect adversely the health of the mother and her offspring, when the cultural and spiritual aspirations of the family are frustrated by sterility.

The interplay of the biological, ecologic, cultural, and economic factors that operate to produce population change is not adequately understood. Especially lacking is scientific knowledge concerning human fertility. However, the healthful effects of family planning and spacing of births has been recognized by leaders of all major religious groups, as well as by leaders in medicine, welfare, and public affairs. Several methods are now available for the regulation of conception, one or another of which may be selected as medically appropriate, as economically feasible, or as consistent with the creed and mores of the family concerned.

The public health profession has long taken leadership in defeating disease, disability, and death. It must now assume equal leadership in understanding public health implications of population imbalance and in taking appropriate action.

The American Public Health Association retaining cognizance of the principle of religious freedom by all religious groups as expressed, for example, in the first amendment of the Constitution of the United States, believes therefore that:

1. Public health organizations at all levels of government should give increased attention to the impact of population change on health.

2. Scientific research should be greatly expanded on (a) all aspects of human fertility; and (2) the interplay of biological, psychological, and socioeconomic factors influencing population change.

3. Public and private programs concerned with population growth and family size should be integral parts of the health program and should include medical advice and services which are acceptable to the individuals concerned.

4. Full freedom should be extended to all population groups for the selection and use of such methods for the regulation of family size as are consistent with the creed and mores of the individuals concerned.

Mr. CLARK. Mr. President, it will be noted that the American Public Health Association has gone on record on four principal subjects:

First. Public health organizations at all levels of government should give increased attention to the impact of population change on health.

Second. Scientific research in this area should be greatly expanded.

Third. Public and private programs concerned with population growth and family size should be integral parts of the health program and should include medical advice and services which are acceptable to the individuals concerned.

Fourth. Full freedom should be extended to all population groups for the selection and use of such methods for the regulation of family size as are consistent with the creed and mores of the individuals concerned.

Mr. President, on the same subject I have received a letter from James Creese, president of Drexel Institute of Technology, Philadelphia, to whom I sent a copy of the original speech I made on the floor of the Senate on the subject of population control, perhaps a month ago. Mr. Creese, a trained engineer and president of an outstanding institute of engineering and technology, has devised a quotient which I think has much merit in this regard. The quotient is as follows:

$$SL = \frac{N + T}{P}$$

In this quotient, SL represents the Standard of Living.

N is the productivity of nature.

T is the increment due to technology.

P represents population.

The gravamen of the quotient is that population expansion is a restrictive factor on the increase of the standard of living, where it must be divided into N, the productivity of nature, plus T, the increment due to technology.

I suggest that we might ponder the effectiveness of this quotient in our thinking on this subject.

Mr. President, finally, that extremely able, charming, and attractive woman, Mrs. Clare Boothe Luce has written an article entitled "World Hordes Could Overwhelm United States if It Adopts Unilateral Birth Control" which was syndicated by the North American Newspaper Alliance, and published in yesterday's Philadelphia Sunday Bulletin.

Because I believe it important that all aspects of the population problem should be called to the attention of the Senate, I ask unanimous consent that the article, with which I find myself in rather profound disagreement, may be printed in full at this point in the RECORD.

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

[From the Philadelphia Sunday Bulletin, Sept. 8, 1963]

WORLD HORDES COULD OVERWHELM UNITED STATES IF IT ADOPTS UNILATERAL BIRTH CONTROL

(Should the Government encourage Americans to limit the size of their families, as many social scientists urge? No, writes Clare Boothe Luce, the former Congresswoman, Ambassador, authoress, and playwright. Though a Catholic, Mrs. Luce does not argue against birth control from the traditional Catholic Church point of view. Instead, in the following article, she says it would be bad from the standpoint of national security.)

(By Clare Boothe Luce)

NEW YORK, September 7.—Most Americans are aware that the world is facing a novel problem called the "population explosion," and that it has created a heated controversy over the question of birth control.

What all too few persons understand is why the problem has overnight become so urgent.

To illustrate what is bothering the demographers and population experts, let us take the birth statistics in the immediate family of President Kennedy and then make some very arbitrary "population projections" from them. All these are based on the supposition that there will be no atomic war before the end of the next century.

Joseph Patrick and Rose Fitzgerald Kennedy produced 9 children, 6 of whom are married and have so far given their parents 21 grandchildren. The President has two children; Attorney General Robert F. Kennedy has eight; Senator Edward (Ted) Kennedy has two; Eunice Kennedy Shriver has three; Patricia Kennedy Lawford has four; and Jean Kennedy Smith has two.

Three of these families are, today, the average sized American family—two children. But all the Kennedy daughters and daughters-in-law are still young, and statistics show that children tend to repeat the fertility patterns established by their parents and approved, encouraged, or ordered by their religions.

MILLIONS OF KENNEDYS

If Senator KENNEDY's wife and his sister Jean should follow their parental and religious pattern and have, say 4 more children each, and if Eunice Shriver should have 1 more, the Joseph Kennedy's grandchildren would total 30.

Now, if each of these 30 children should maintain the fertility rate of his own respective Kennedy parent, and if their children

should do likewise, when the last of the fifth-generation Kennedys was born 1,080 children could call Joseph Kennedy their great-great-grandfather. Of this number, 512 would be the great-grandchildren of Bobby; 8 would be the great-grandchildren of the President; Eunice would have 64 great-grandchildren; and Jean and Ted would each have 216.

And should these 1,080 great-great-grandchildren of Joseph and Rose Kennedy then persist at the same reproduction rate for 5 more generations, there would then be on earth 256 direct descendants of the President; 65,536 descendants each of Eunice and Patricia; and 1,679,616 each of Ted and Jean. And Bobby, by then, would have 16,777,216 direct descendants, thus making the illustrious Joseph Patrick Kennedy the ancestor of 20,267,777 children born in the 22d century.

Now suppose just 100 American contemporaries of Joseph Kennedy have thus far repeated the present Kennedy fertility pattern, and suppose these descendants would also follow this projected Kennedy pattern. These 101 Americans born at the end of the last century would be the ancestors of a total of 2,047,045,377 children by the middle of the next one. But only 2,816 of this tremendous number would be the direct descendants of their 9 John Kennedy ancestors who had maintained consistently a 2-child birth rate.

CONSISTENT BIRTH RATES

Plainly, these projected figures are totally unrealistic, as applied to 1 family, or 101 separate families, especially since they make no allowance for the normal death rate or intermarriage.

However, they do illustrate the staggering numerical difference which shows up between a consistently maintained birth rate of two children per family, as in the President Kennedy projection, and a consistently maintained birth rate based on large families of four, six or eight.

At this point, lest any one think that these projections are made to suggest that only Catholics are likely to account for a soaring American birth rate, let us take the case of a famous contemporary—and employer—of Joseph Kennedy; namely, former President Franklin Roosevelt.

Today, there are 5 living Roosevelt children, 19 grandchildren and 15 great-grandchildren. Assuming that each of Roosevelt's 19 grandchildren, their children and grandchildren should repeat Franklin and Eleanor's fertility rate, he would have 475 great-great-grandchildren, or nearly half as many as Joseph Kennedy. Indeed, if the 21 Kennedy grandchildren should limit their rate to 4 for 2 generations, the F. D. Roosevelt's fifth generation would then outnumber Kennedy's by 137.

The present population of the United States (fourth largest in the world) is now nearing 200 million. It is estimated that at the present rate of increase (1.63 percent per year), by the time Robert Kennedy's youngest child, Christopher, is 37 years old, the U.S. population will be about 344 million; and if Christopher lives to reach his grandfather's age it will be 656 million. (The new influx of immigrants with high family or religious patterns being considered today by Congress could send these figures quickly soaring to a billion.)

PROSPECT: DISASTER

The enormity of the school, traffic, housing, food, clothing, and unemployment problems which will confront the Kennedy's 21 grandchildren and Roosevelt's 15 great-grandchildren, and all their contemporaries, as they reach maturity, simply defies the imagination.

For example, if the present unemployment rate persists through the turn of the century, about 15 million people will be out of work. And if the rates of juvenile delinquency, murder and other crimes, suicide, divorce, alcoholism, insanity and illegitimacy remain at today's figures (although with the swelling of the hordes of unemployed, they will undoubtedly increase), these ugly aspects of society will seem to dominate the public scene by the sheer force of their swollen numbers.

Meanwhile, the pressures of the population explosion proceeding elsewhere on the globe will be cruelly—indeed disastrously—felt in all our political and economic dealings with our world neighbors. Today Americans represent one-sixteenth of the world's estimated 3 billion. But by the end of the century, there will be 7 billion people in the world. The United States will then represent only one-twentieth of the world population. Asia alone will account for 4.25 billion, and the Negro population of Africa will be double that of the population of America.

Plainly the domestic, political and economic dislocations which this projected spurt would create in these lands, would be far more severe than in our own.

One thing, however, can be said with reasonable certainty:

Within the next two decades either the world birth rate must be artifically brought down to the level of the death rate, or mankind will crash on the Malthusian reefs. And then those old-fashioned biological regulators—war, faminine and pestilence—will once more go into operation in order to solve the problem which we seem today unwilling or unable to solve by other methods.

Unhappily, mere public recognition of the urgent necessity for birth control will not solve the problem. At best, it permits governments, religious leaders and individuals to discuss rationally what methods can be applied which are both moral and efficient.

In passing, the U.S. Roman Catholic Church has—in approving the rhythm method—in effect, accepted the principle of voluntary birth control by natural or moral methods.

CONTROL GUARANTEED

Leaving aside the theological controversy over what methods are natural or unnatural let us assume—for the sake of argument—that all governments and all religions were soon to agree that the dissemination of birth control information, the manufacture, sale or use of safe contraceptive methods should be considered both moral and legal. Would this guarantee that all the world's couples would immediately avail themselves of them, and thereafter limit their offspring to two—the number which demographers today say will alone stabilize national populations? We know they would not.

Surveys have shown that the average American Jewish family wants two children, the average Protestant family wants three and the average Catholic couple feel that four is just about the right number. Curiously enough, such are the processes of democracy, that today, in America, the average Jewish, Protestant and Catholic family is two, three and four respectively.

The majority of Americans today are not having more children than they really want or can afford. (On an economic basis, the six Joseph Kennedy children can afford easily to send their 21 children to college. And Franklin Delano Roosevelt's 39 living progeny are all living most comfortably).

What, then, do the American proponents of birth control suggest should be done to prevent couples who want large families, such as these, and who can afford them, from having them? What laws do they propose that Congress would pass which, for example, could force the 40 living grandchildren of Joseph Kennedy and Franklin Roosevelt to limit their future families to 2 children each? In other words, how can non-Catholics be made to take their pills, and Catholics to follow the rhythm method if they feel disinclined to do so?

DISTRIBUTION PROBLEMS

And, assuming that cheap pills are the most effective method, how can billions of them be distributed, and gotten down the throats of a billion Asians and Africans, living in millions of rural villages, in time to prevent them from becoming 2 billion in the next two decades?

Above all, what argument can be used on couples in lands where there are no old-age pensions, social security, or old people's homes, which will persuade them to limit the number of their sons who, today as yesterday, are their only support in old age?

Is it, then, really prudent for this Nation to practice rigorous birth control until the Asiatics, the Africans, and the Arabic peoples begin to do likewise? Even in the terms of the ideological conflict, can the United States afford birth control until Soviet Russia and the other Communist countries also begin to practice it?

Let us assume that the United States in the next decade, did manage to stabilize its population at, say, 300 million, as the result of stringent (and compulsory) birth control and antimigration laws. If, at the same time, the rest of the world went merrily along at its present fantastic rate of increase, how, in the year 2000—only 37 years away—would our 300 million people be able to fight or feed, aid or ignore the 6.65 billion other peoples of the earth? For these would be living back to back, most of them in a half-starved condition.

LEBENSRAUM NEEDED

Even if 300 million Americans were willing to submit to increased taxation for increased foreign aid, in order to provide them with food, raw materials, and capital, would this satisfy them? For their most crushing and urgent need today is lebensraum, living room, land space.

Where, then, would this seem to exist except in underpopulated America? Would these starving and bottled up hordes not then find some way to invade America? Would not unilateral birth control be as dangerous to the security of the United States as unilateral disarmament?

There are the uncomfortable questions which the American proponents of birth control and planned parenthood for Americans are not asking, and then they are asked, have no answers for.

The best minds in government, in religion, in science, in economics, must soon get busy answering them, or tomorrow, as yesterday, the answers will be given by the four horsemen of the apocalypse, one of whom, War, will be an appallingly atomic character.

In which case, the problem for the surviving White House progeny—and all our progeny—will be the problem of too few on the earth rather than too many. And of these few, by far the fewest would be Americans.

Mr. CLARK. Mr. President, my reasons for not concurring with Mrs. Luce's views can be very simply stated. She takes off from the proposition that the Kennedy family and the family of Franklin Roosevelt are reproducing themselves at a rate which, if not curtailed, and if expanded to all other families in the country, would result in so enormous a growth in the population of the United States as to be *something* which should frighten even small children.

She suggests that, nevertheless, there is no way, and indeed no right, to persuade these two eminent families to decrease their activities. She asks what the advocates of population control plan to do about it, and what kind of laws

they favor to bring this matter under control.

She makes an extremely witty and most interesting approach to a controversial subject; but I suggest that no one who takes seriously the problem of population control would have the slightest interest in attempting to dissuade, or indeed to prevent, well-to-do and wealthy families from having as many children as they wish.

The burden of the population-control problem rests, not with the well-to-do, but with the poverty stricken; not with the well-housed, the well-fed and the well-treated, but with those in misery, those with whom hunger prevails, those for whom educational opportunity is nonexistent, those who find the constant increase of population carrying down their standard of living.

In our country, as well as in lands overseas, there are areas of that sort, families of that sort, and racial groups of that sort. So I do not believe we contribute much to a careful analysis of the problem by ignoring the areas in which the problem really exists.

In fact, I suggest that Mrs. Luce has erected a strawman, and then has proceeded to knock it down, rather than to come to grips with the real problem. Mrs. Luce has suggested that the majority of American families do not want fewer children than the number they have. With this, I agree. But it seems to me this point is irrelevant to any serious discussion of the population problem.

The question is whether families which do not have the necessary information to enable them to have no more children than the number they wish are being deprived of essential individual freedom. I suggest that they are. As I said before, if we look around the world, we find that hunger is the best argument against having families larger than people wish; and knowledge is the way by which that situation can be remedied.

Mrs. Luce also said she does not think we should take any steps to decrease our own rate of population growth, although as I pointed out earlier, it is a severe drag on the rate of growth of our economy. She says if our population does not continue to increase at a high rate, our national security will be adversely affected, because the hordes of people in the underdeveloped countries which are reproducing at a greater rate than we are will eventually descend upon us in an invasion, and that unless we increase our population, we are sure to be overwhelmed.

Mr. President, in the light of our military posture, I suggest that the argument is naive and perhaps misses the point.

In conclusion, I suggest we give careful attention to the whole problem of population growth; that we need far more scientific research than we are presently getting; that we need to give careful thought to whether, when we pour tens of millions and hundreds of millions of dollars into foreign aid, it goes only to increase the capacity of those countries to further increase their populations, and thus in the end to dilute their standard of living, so that the end result of the aid will be, not to improve their condition, but only to some extent to impoverish the American taxpayers.

Mr. President, I support full and free Senate debate on this subject. I hope it will spread to the House of Representatives. This subject is dealt with almost every day on the front pages of our metropolitan newspapers.

As Stewart Chase said earlier this year, three critical problems confront America today: Bombs, babies, and bulldozers. In the course of the current debate, we are giving ample attention to bombs. I do hope that, in due course, we shall turn our attention to the question of bulldozers, which has to do with the survival of American cities and the provision of adequate shelter, adequate transportation, and adequate cultural advantages for the people in our great urban areas.

But as we proceed in our constitutional way to concern ourselves with the overridingly important problems of this constantly changing and increasingly complex world, let us not neglect the question of babies.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

COMMITTEE MEETING DURING SENATE SESSION

Upon request of Mr. PROXMIRE, and by unanimous consent, the Subcommittee on Internal Security of the Judiciary Committee was authorized to meet during the session of the Senate tomorrow.

PRESIDENT'S EXCELLENT APPOINTMENT OF JOHN GRONOUSKI AS POSTMASTER GENERAL

Mr. PROXMIRE. Mr. President, I have just sent a telegram congratulating President Kennedy, and the letterwriters and postal workers of America, on getting a topflight administrator and an intelligent, realistic Postmaster General who will do a great job.

The President earlier today announced the appointment of John Gronouski, of Madison, Wis., as the new Postmaster General.

The new Postmaster General has made an excellent record in Wisconsin. He has a fine background in economics, government, and public administration.

John Gronouski is a personal friend of mine. I have watched his career with admiration for a number of years. He was born in Wisconsin and has earned three degrees: a bachelor's, master's, and Ph. D., at the University of Wisconsin. It is my understanding that John Gronouski will be the only Ph. D. in the Cabinet. So his presence will add an intellectual flavor to the excellent pragmatic Cabinet of President Kennedy.

He taught public finance and money and banking at the University of Maine; and public, State, and local finance and money and banking at Wayne State University, in Detroit, Mich.

In 1959 he was appointed Wisconsin Tax Commissioner by the then Gov. Gaylord Nelson, who is our present colleague in the Senate.

In this capacity John Gronouski headed one of the largest and certainly one of the most difficult and controversial departments of Wisconsin government.

Mr. President, if there is any one most exacting and critical problem of State government today, it is the problem of taxes: how to raise State funds.

And nowhere is this problem more difficult than in States which suffer a divided State governmental power with a Democratic Governor, for example, and a Republican legislature. This is exactly the situation that has consistently confronted Wisconsin since John Gronouski has been tax commissioner.

John Gronouski served in the eye of the hurricane as tax commissioner under both Gov. Gaylord Nelson and the present Governor of Wisconsin, John Reynolds. Twice he did a remarkable job—when it seemed that compromising conflicting partisan views would be impossible and the State's services would have to suffer the grim consequences.

Gronouski came up with acceptable compromises that have worked.

I am delighted that John Gronouski will serve in the President's Cabinet. His advice on thorny economic matters will be valuable to the President in many fields.

Gronouski is a particulary good appointment for two technical reasons: The Post Office has massive property valuation problems. It operates 41,000 post offices, stations, and branches. The new Postmaster General is a top expert in this area.

And, of course, the Postal Service with an annual budget of $5 billion needs topflight fiscal guidance. Fiscal policy is a strong Gronouski forte.

Mr. President, Mr. Gronouski is an excellent economist with a fine record at the University of Wisconsin. We are very proud of the fact that we have one of the finest economics faculties in the country.

AID TO YUGOSLAVIA

As in legislative session,

Mr. PROXMIRE. Mr. President, the U.S. News & World Report issue of September 16 contains a well-balanced and thoughtful article on Marshal Tito of Yugoslavia. Headlined "Billions in U.S. Aid—And Tito Wants to 'Bury Capitalism' ", the text of the article is not as onesided as the headline would imply. For example, the article makes these points: First, Tito remains a Communist who votes and sides with Russia against the United States.

Second, Tito's communism uses Western style incentives and offers freedoms to its people which are unknown in Russia.

Third, Tito shows no sign of turning back to take orders from Moscow on how to run Yugoslavia.

Fourth, on the contrary, Tito needs Khrushchev less than Russia needs Tito. Now that China's "Communist reactionaries" are anti-Khrushchev, he needs Tito's Communist "liberals."

Mr. President, the fact is that once again we will be asked this coming year to vote funds for Yugoslavia in our foreign aid program. I strongly opposed aid to Yugoslavia in the past. I do so again. I think it should be made clear to all Senators that opposing foreign aid to Yugoslavia does not necessarily mean that a Senator is opposed to most-favored-nation treatment of Yugoslavia. We might have equitable trade relations with Yugoslavia, but that does not mean that the American taxpayer should be forced to give, as he has in the past, hard-earned $2½ billion to this Communist dictator.

There are certainly elements of difference between Tito on the one hand and Khrushchev on the other. Tito is at the other Communist extreme from the Mao Red Chinese militancy. Nevertheless, as a Communist, he is opposed to the United States and our anti-Communist drive and he makes no bones about it. He is opposed to freedom in our sense certainly, and while the freedom may be greater in some respects in Yugoslavia than it is in Russia, it is far, far less than it should be.

The fact is that Tito has jailed political prisoners. The fact is that Tito has deprived both his farmers and his factory artisans of much of the freedom and liberty they have had in the past. Djilas, a former top official in Yugoslavia, was jailed by Tito, why? His only crime, really, has been criticism of Khrushchev and criticism of Tito. In the past, unfortunately, the debate on both sides of this issue in the press and in the Senate has, it seems to me, been too little concerned with the full nature and extent of Tito's communism. We should recognize and concede that there are elements of difference, and perhaps elements of freedom in Yugoslavia. At the same time we should ask ourselves whether we should continue a foreign aid program to a Communist who is a dictator and who obviously is not on our side, merely because there are some differences between him and Khrushchev, especially when that dictator announces that he now supports Khrushchev on every major issue.

Mr. President, I ask unanimous consent that the article in U.S. News & World Report and the statistics in the accompanying table which sets forth the amount we have given to Yugoslavia throughout the years, totaling, as I have said, $2.5 billion, be printed at this point in the RECORD.

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

[From U.S. News & World Report, Sept. 16, 1963]

BILLIONS IN U.S. AID—AND TITO WANTS TO BURY CAPITALISM

(After Khrushchev's visit to Yugoslavia: Has Tito moved closer to the Kremlin? Has $2.5 billion of U.S. aid gone down the drain? Here is an appraisal of the results of the meeting of the two Communist bosses. Alex Kucherov, of the international staff of U.S. News & World Report, was on the scene.)

BELGRADE.—To an American traveling through Yugoslavia with Premier Nikita Khrushchev of the Soviet Union and his host, President Josip Broz Tito, these questions occur:

Has U.S. investment of $2.5 billion in aid to Communist Yugoslavia really been worthwhile? What is the point of continued aid to a Communist country whose leader like Khrushchev, says to Americans, "We will bury you"?

Khrushchev and Tito have said that "this burying business"—as Tito put it—"is simply a matter of historical process." But the fact remains that U.S. aid is going to a Communist nation.

To a person watching the two Communists as they look around at Yugoslavia's unique "independent communism," these points become clear:

Tito remains a Communist who votes and sides with Russia against the United States.

Tito's communism uses Western-style incentives and offers freedoms to its people which are unknown in Russia.

Tito shows no sign of turning back to take orders from Moscow on how to run Yugoslavia. On the contrary.

Tito needs Khrushchev less than the Russian needs Tito. Now that China's "Communist reactionaries" are anti-Khrushchev, he needs Tito's "Communist liberals."

SIGNS OF NO RETURN

All in all, there is no sign that Tito, as a result of the Khrushchev visit, will cut away from the United States and the West, and return to communism, Moscow style.

There are, on the contrary, many signs that Khrushchev and Soviet satellite leaders in Eastern Europe are considering very seriously the idea of turning more and more toward "Communist liberalism"—Tito style.

It was apparent to all outsiders, Russians and Westerners, who followed Khrushchev and Tito on their tour over the past 2 weeks, that Yugoslavia is far and away the most prosperous of the Communist countries.

Industrial growth rate in Yugoslavia has averaged 8.5 percent a year since 1956—a rate of progress no other Communist country can match.

Food is more plentiful here than in any other country of the Soviet bloc. The housing shortage is severe, but not nearly as bad as in Moscow. Modern apartment buildings up to 13 stories high are rising everywhere. Yugoslavia has landlords, capitalist style. And some Yugoslavs own their own homes.

Clothing, expensive by Western standards when matched against Yugoslav wages, is adequate; most people you see on the streets of Yugoslavia's cities and towns appear quite well dressed, far better than in most other Communist countries.

COMPETITION—STATE STYLE

As in the Soviet Union, industry in Communist Yugoslavia is in the hands of the Government. Contrary to the Russian system, however, there is keen and open competition between the state-owned factories for markets—competition in which management, workers, and employees of successful factories all stand to make personal profits.

In Yugoslavia, Khrushchev found that all efforts to collectivize agriculture had been abandoned. At least 85 percent of the arable land is in the hands of individual peasants. These holdings are limited to 25 acres. And it did not escape Khrushchev's attention that, compared to the situation in Russia, where the farm problem is Khrushchev's major worry, Yugoslavia's "free" farm policy is a relative success.

Much of all this Yugoslav prosperity is due to aid from the United States and trade with the West.

Boom days of U.S. aid are about over.

Military aid, begun in 1952 to enable Tito to stand up to Soviet military threats in Stalin's day, ended in 1958. It totaled $700 million.

Economic development grants and loans are to be ended this year. These, too, totaled about $700 million and involved the application of U.S. industrial know-how to Yugoslavia's industrial problems.

BIGGEST PROJECT: PLASTICS

Largest single project in the U.S. program of economic development aid for Yugoslavia is a plastics plant now under construction at Zagreb. Tito took Khrushchev to visit this plant on September 1. That visit was particularly galling to Americans.

The plastics plant was financed mainly with a $23 million U.S. grant, equipped with U.S. machinery, designed by U.S. engineers and built under the supervision of U.S. technicians. Four of these technicians, with a number of U.S. correspondents accompanying Khrushchev on his tour, were barred from the plant as Tito took Khrushchev through it on September 1, accompanied by Communist technicians and correspondents.

During a scuffle with Yugoslav guards at the door of the plant the Americans shouted: "We paid for it—why can't we see it?"

Americans in Belgrade complain that the extent of U.S. aid to this country is kept a well-guarded secret from most Yugoslavs. But Yugoslavs do know that the United States is helping. Friendliness toward individual Americans is particularly strong here where the people can buy Western newspapers and magazines, and, in most cases, travel abroad freely.

Tito's portrait is everywhere in Yugoslavia, but he is revered primarily as a national hero who fought both Hitler and Stalin. In barbershops, the portrait may hang next to Western-style pinups while the radio blares Western tunes. Western tourists, relatively rare in other Communist countries, swarm on Yugoslavia's Adriatic coast.

MORE AID AHEAD

U.S. aid in the form of surplus farm products sold or given to the Yugoslav Government is still in the pipelines. Grains and other foods helped Tito's Communists meet food shortages in the past. But the continued need for such U.S. aid now is under question.

Ask Yugoslavs who do know the extent of U.S. aid, ask westerners who know Yugoslavia well, and you find wide agreement that U.S. aid has enabled Tito's Yugoslavia to follow its independent Communist course.

JOIN 'EM

Now, as one westerner put it, "what once was the Communist tail appears to be wagging the dog." Khrushchev, like Stalin, unable to persuade Tito to toe the Moscow line, is following the principle, "If you can't beat 'em, join 'em."

At Velenje, on August 30, Khrushchev asked: "What kind of revolutionary is it who * * * demands that everyone do nothing but agree with him? * * * This is stupid." Khrushchev not only appeared to be encouraging Tito's unorthodox communism, but also to be suggesting that Communist leaders of other countries might well borrow not only capitalist money but also capitalist methods.

Certainly, looking at the Yugoslav model, Communists can see that trade with the West helps build prosperity.

Only about one-quarter of Yugoslavia's total trade is with Communist countries. The United States, Italy and West Germany are Yugoslavia's best trading partners. Russia is a poor fourth.

Aid from the United States and trade with the West has built up Yugoslav prosperity under Tito, the man who declares communism will one day beat down capitalism. This aid, once vital to Yugoslavia's survival as an independent Communist country, now may no longer be economically necessary.

Question left for Washington's decision now is whether there is any political value to be found in continued aid to a Yugoslav leader determined to go his own way to communism.

18 years of aid to Communist Yugoslavia from the United States

[Year ended June 30]

	Millions
1946 (economic aid)	$265
1947 (economic aid)	33
1948	------
1949	------
1950 (economic aid)	40
1951	96
1952:	
Economic aid	106
Military aid	74
Total 1952	180
1953:	
Economic aid	123
Military aid	162
Total 1953	285
1954:	
Economic aid	68
Military aid	235
Total 1954	303
1955:	
Economic aid	142
Military aid	141
Total 1955	283
1956:	
Economic aid	98
Military aid	59
Total 1956	157
1957:	
Economic aid	122
Military aid	17
Total 1957	139
1958:	
Economic aid	96
Military aid	33
Total 1958	129
1959 (economic)	174
1960 (economic)	76
1961 (economic)	147
1962 (economic)	117
1963 (economic)	113
Total economic aid (including $700 million in loans)	1,800
Total military aid	700
Total (through June 30, 1963)	2,500

ADJOURNMENT

Mr. PROXMIRE. Mr. President, if there is no further business to come before the Senate at this time, I move, pursuant to the order previously entered, that the Senate adjourn until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 5 o'clock and 18 minutes p.m.) the Senate, in executive session, adjourned, under the order previously entered, until tomorrow, Tuesday, September 10, 1963, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate September 9, 1963:

U.S. CIRCUIT JUDGE

George Clifton Edwards, Jr., of Michigan to be U.S. circuit judge, sixth circuit, vice Thomas M. McAllister, retired.

INTERNATIONAL ATOMIC ENERGY AGENCY

Glenn T. Seaborg, of California, to be the Representative of the United States of America to the seventh session of the General Conference of the International Atomic Energy Agency.

The following-named persons to be Alternate Representatives of the United States of America to the seventh session of the General Conference of the International Atomic Energy Agency:

Henry DeWolf Smyth, of New Jersey.
John Gorham Palfrey, of New York.
James T. Ramey, of Illinois.
Frank K. Hefner, of Virginia.

CONFIRMATIONS

Executive nominations confirmed by the Senate September 9, 1963:

DEPARTMENT OF STATE

Graham A. Martin, of Florida, a Foreign Service officer of the class of career minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Thailand.

William Matson Roth, of California, to be a Deputy Special Representative for Trade Negotiations, with the rank of Ambassador.

Henry A. Byroade, of Indiana, a Foreign Service officer of the class of career minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Union of Burma.

Gen. Herbert B. Powell, U.S. Army, retired, of Oregon, to be Ambassador Extraordinary and Plenipoentiary of the United States of America to New Zealand.

William O. Hall, of Oregon, a Foreign Service officer of class 1, to be Assistant Administrator for Administration, Agency for International Development.

DIPLOMATIC AND FOREIGN SERVICE

The nominations beginning Roy T. Davis, Jr., to be a consul general of the United States of America, and ending Charles G. Williamson to be a secretary in the diplomatic service of the United States of America, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on August 26, 1963.

HOUSE OF REPRESENTATIVES

MONDAY, SEPTEMBER 9, 1963

The House met at 12 o'clock noon.

Rev. Charles H. Bayer, First Christian Church, Alexandria, Va., offered the following prayer:

Almighty God, who alone art eternal and who dost rule the earth where our little systems rise and pass away, we offer Thee this day. We pray Thy blessing upon all those who make decisions concerning others and particularly upon this body. Give to the Members of Congress a fresh courage. Keep them from the temptation of being preoccupied with what will work in a world that cries out for what is true. Direct them so that they may be more concerned with human values than with property values. And, O Lord, save us all from putting our ultimate confidence in devices that cannot ultimately save us. Accept us with our strengths and weaknesses, and by Thy mercy redeem the times in which we live, for we pray in the name of Jesus Christ Our Lord. Amen.

THE JOURNAL

The Journal of the proceedings of Thursday, September 5, 1963, was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. McGown, one of its clerks, announced that the Senate had passed, with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 5623. An act to amend the provisions of title 14, United States Code, relating to the appointment, promotion, separation, and retirement of officers of the Coast Guard, and for other purposes;

H.R. 5781. An act to amend the act of August 1, 1939, to provide that professional nurses shall be registered as staff officers in the United States Merchant Marine; and

H.R. 6012. An act to authorize the President to proclaim regulations for preventing collisions at sea.

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 1831. An act to amend the Manpower Development and Training Act of 1962.

The message also announced that the Presiding Officer, pursuant to 49 Stat. 425, as amended by Public Law 85–474, had designated Mr. ALLOTT as a delegate to the American Group at the Conference of the Interparliamentary Union to be held in Belgrade, Yugoslavia, beginning September 10, 1963.

SUPPORTING PRESIDENT KENNEDY

Mr. CANNON. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. CANNON. Mr. Speaker, a letter purporting to be addressed to me and appearing in a St. Louis newspaper on September 4, 1963, was published without my knowledge or consent. It leaves the impression that I am criticizing President Kennedy. I am supporting President Kennedy.

COMMITTEE ON THE JUDICIARY

Mr. FEIGHAN. Mr. Speaker, I ask unanimous consent that Subcommittee No. 1 of the Committee on the Judiciary be permitted to sit during general debate today.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.