Mires Connigan left Unalakleet at 4 a.m. arriving at Shaktolik at 1:35 p.m., distance 38 miles, time 9 hours 15 minutes, average over 4 miles per hour.

Henry Ivanoff left Shaktolik at 2 p.m., meeting Leonard Seppala a quarter of a mile outside of town.

Leonard Seppala left Shaktolik at 2 p.m. (after a drive of 42 miles) and returned another 42 miles without resting making 84 miles in one day, the last 42 mile lap being made in 5 hours 45 minutes, average over 7 miles per hour, in a blizzard, time a little under 7 hours, average 7½ miles per hour.

Charles Olson left Golovin for Bluff, distance 25 miles, time 5 hours, average 5 miles per hour, in a blizzard in which his dogs suffered and in which he also froze his hands.

Gunnar Kaasen left Bluff at 10 p.m., in the height of the storm for Nome, distance 53 miles, time 7½ hours, average 7 miles per hour.

Ed Rohn was at Safety expecting to make the final dash but Mr. Kaasen, on account of the early hour of the morning continued on to Nome with the serum.

SECOND RELAY WELL ON WAY

The second relay, which so far is ahead of the first relay schedule, is well underway, passing Unalakleet yesterday. From this end, Ed Rohn left last Wednesday for down the cost and if no more cases are found to make the situation more serious, he will bring the shipment of serum clear through from his point of meeting. Otherwise more teams will be sent and relays arranged again. Over 100,000 units of the first shipment are still left and no need for the relay on this end is anticipated.

Distances between Nome and Nenana

Station	Miles from Nome	Miles between
Safety	21	21
Solomon	33	12
Topkok	48	15
Bluff	53	5
Cheokuk	66	13
Golovin	78	12
Walla Walla	96	18
Elim	104	8
Moses	115	11
Isaacs Point	131	16
Bonanza	156	25
Shatolik	169	13
Foothills	181	12
Unalakleet	207	26
Whaleback	230	23
Old Woman	241	11
Ten Mile	249	8
Twenty Two Mile	264	15
Kaltag	281	17
Nulato	316	35
Koyukuk	334	18
Galena	359	25
Louden	372	13
Whiskey Creek	382	10
Ruby	410	28
McEndees	425	15
Kokrines	440	15
Big Albert	455	15
Birches	481	26
Kollands	497	16
Tanana	531	34
Fish Lake	557	26
Woodchopper	568	11
Hot Springs	585	17
Dugan Creek	596	11
Tolovana	616	20
Campbells	626	20
Old Minto	638	12
Nenana	658	20

Compiled by Charles D. Jones of the Alaska Road Commission.

[From the Nome Nugget, Feb. 7, 1925]

NOME MUSHERS FIGURE IN RACE AGAINST TIME

With the arrival of Gunnar Kaasen on Monday morning with the package containing 300,000 units of diphtheria antitoxin, a great strain was lift from the minds of many of the population of Nome.

The unprecedented dog relay from Nenana was a thriller from the time the first musher left Nenana until the serum arrived at its destination. At this time we have not available the movements and schedules of the drivers until the last few relays, although we have had some reports of a few incidents wherein drivers are said to have suffered frostbite and other tortures of the trail in their great effort for speed. We have, however, firsthand information on this end of the trail and we will begin with Leonard Seppala, the first musher, who made such connections that it was necessary for him to make the long mush of 82 miles in 1 day.

Mr. Seppala, starting from Nome, had orders to start slowly to condition his dogs for a great effort of speed on the return trip, the first plans being that one team would start from the railroad and another from Nome and meet in the vicinity of Ruby. This plan was sidetracked, however, after Mr. Seppala left here and 24-hour, day-and-night relays were decided upon, too late for communication to be sent to the Nome driver. It was on account of this that the serum met him at Shatolik after he had made a day and a half's run in 1 day.

HOUSE OF REPRESENTATIVES

MONDAY, SEPTEMBER 16, 1963

The House met at 12 o'clock noon.

Rev. Sam H. Coker, First Methodist Church, Barnesville, Ga., offered the following prayer:

O God, we thank Thee for those who have gone before us and carved from a wilderness a land dedicated to freedom for all its citizens. Give us the courage to do for our time what they did for theirs. Save us from weak resignation. Grant us the insight to separate the nonessential and injurious from that which is necessary to undergird the strength of our Nation and preserve the liberty of all people called Americans.

Guard us lest we forsake the highest vision which Thou hast given to us in our moments of greatest spiritual power. Help us to fulfill our responsibility to Thee, to these United States, and to the world. Let patience guide as we seek freedom for all mankind.

We remember the prophet of old who asked: "What doth the Lord require of thee, but to do justly, to love mercy, and to walk humbly with thy God?" With Thy help we dedicate ourselves to justice, mercy, and humility.

We thank Thee for the life and service of our beloved colleague who served among us and whose spirit has entered the blessedness of Thy nearer presence.

Bless each person here and the people he represents. Let Thy wisdom be the guiding light in these days of tension as this body makes decisions, and grant that our Nation shall truly be "under God."

In the name of Christ we pray. Amen.

THE JOURNAL

The Journal of the proceedings of Thursday, September 12, 1963, was read and approved.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Ratchford, one of his secretaries, who also informed the House that on the following dates the President approved and signed bills of the House of the following titles:

On September 6, 1963:

H.R. 1135. An act to designate the dam being constructed and the reservoir to be formed on the Des Moines River, Iowa, as the Red Rock Dam and Lake Red Rock;

H.R. 5222. An act to provide for the withdrawal and reservation for the Department of the Navy of certain public lands of the United States at Chocolate Mountain Aerial Gunnery Range, Imperial County, Calif., for defense purposes;

H.R. 5883. An act to correct a land description in the act entitled "To provide for an exchange of lands between the United States and the Southern Ute Indian Tribe, and for other purposes";

H.R. 6710. An act to approve an order of the Secretary of the Interior canceling irrigation charges against non-Indian-owned lands under the Wind River Indian irrigation project, Wyoming, and for other purposes; and

H.R. 7500. An act to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and administrative operations; and for other purposes.

On September 9, 1963:

H.R. 2671. An act authorizing construction of a bank protection project on the Guyandot River at Barboursville, W. Va.; and

H.R. 3887. An act to authorize the acceptance of donations of land in the State of North Carolina for the construction of an entrance road at Great Smoky Mountains National Park, and for other purposes; and

H.R. 4823. An act to modify the flood control project for Rend Lake, Ill.

On September 11, 1963:

H.R. 7594. An act to designate the McGee Bend Dam and Reservoir on the Angelina River, Tex., as the Sam Rayburn Dam and Reservoir.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. McGown, one of its clerks, announced that the Senate had passed without amendment a bill and concurrent resolutions of the House of the following titles:

H.R. 12. An act to increase the opportunities for training of physicians, dentists, and professional public health personnel, and for other purposes;

H. Con. Res. 203. Concurrent resolution authorizing the printing as a House document and additional copies of the study entitled "The Federal Government and Education"; and

H. Con. Res. 212. Concurrent resolution authorizing the printing of selected excerpts relating to the 1963–64 national college debate topic, compiled by the Legislative Reference Service of the Library of Congress, as a House document, and for other purposes.

The message also announced that the Senate had passed a bill and concurrent resolution of the following titles, in which

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

the concurrence of the House is requested:

S. 1952. An act to extend and broaden the authority to insure mortgages under sections 809 and 810 of the National Housing Act; and

S. Con. Res. 58. Concurrent resolution to print additional copies of the hearings on the nuclear test ban treaty for the Committee on Foreign Relations.

SPECIAL ORDERS FOR TODAY TRANSFERRED TO TOMORROW

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the special orders for today be transferred to tomorrow and that they be called prior to any special orders scheduled for tomorrow.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

GENERAL LEAVE TO EXTEND IN THE RECORD

Mr. ALBERT. Mr. Speaker, without establishing a precedent, I ask unanimous consent that all Members may be permitted to insert their remarks in the CONGRESSIONAL RECORD today and include therewith extraneous material.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

BUSINESS IN ORDER TODAY MAY BE IN ORDER TOMORROW

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that business in order under the rules today may be in order on tomorrow, September 17.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

ANNUAL REPORT, FOREIGN ASSISTANCE PROGRAM FOR FISCAL YEAR 1962—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 146)

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Foreign Affairs and ordered to be printed with illustrations:

To the Congress of the United States:

Transmitted herewith is the annual report of the foreign assistance program of the United States for fiscal year 1962. The report was prepared under the direction of the Administrator of the Agency for International Development, with the cooperation and participation of the Department of State and the Department of Defense.

The period covered by this report was a time of careful examination and appraisal of our aid program. More than that, it was a year of progress and achievement. As a result of this scrutiny, new and more stringent criteria were designed to determine eligibility for U.S. assistance. A reassessment of our objectives resulted in establishing increasingly practical goals. Better operational procedures were developed and set in motion. In addition, a whole series of steps was taken within the Agency for International Development to unify and coordinate the administration of the program.

Congress has created the tools by which we seek to attain our foreign objectives and strengthen the security of the United States. Our assistance program is one of these tools, if not the principal one. The future of the free world, as well as the destiny of millions subject to tyranny and oppression, rests upon how well we use these tools. We shall continue to search for ways in which we may become more skillful artisans in the job of building a world of peace and freedom.

JOHN F. KENNEDY.

The WHITE HOUSE, *September 16, 1963.*

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. SISK, for week ending September 20, 1963, on account of official business.

Mr. HALL, for Monday, September 16, 1963, on account of official business with Armed Services Committee in Fort Bragg, N.C.

SENATE CONCURRENT RESOLUTION REFERRED

A concurrent resolution of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. Con. Res. 58. Concurrent resolution to print additional copies of the hearings on the nuclear test ban treaty for the Committee on Foreign Relations; to the Committee on House Administration.

THE LATE HONORABLE LEON HARRY GAVIN

The SPEAKER. The gentleman from Pennsylvania.

Mr. DAGUE. Mr. Speaker, it is with a very sad heart that I have to announce the death of our distinguished colleague, LEON HARRY GAVIN, late Representative of the 23d Congressional District of Pennsylvania.

Interment will be in Arlington Cemetery on Wednesday next at 10 o'clock.

Mr. Speaker, an opportunity will be given to those who desire to eulogize our late colleague on Thursday next following any other business that may be set for that day.

Mr. Speaker, there is a resolution at the desk and I ask for its immediate consideration.

The Clerk read the resolution (H. Res. 517) as follows:

Resolved, That the House has heard with profound sorrow of the death of the Honorable LEON H. GAVIN, a Representative from the State of Pennsylvania.

Resolved, That a committee of thirty-five Members of the House, with such Members of the Senate as may be joined, be appointed to attend the funeral.

Resolved, That the Sergeant at Arms of the House be authorized and directed to take such steps as may be necessary for carrying out the provisions of these resolutions and that the necessary expenses in connection therewith be paid out of the contingent fund of the House.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

The resolution was agreed to.

The SPEAKER. The Chair appoints as members of the funeral committee the following Members on the part of the House: Mr. ALBERT, Mr. HALLECK, Mr. ARENDS, Mr. VINSON, Mr. HÉBERT, Mr. RIVERS of South Carolina, Mr. PHILBIN, Mr. CORBETT, Mr. FULTON of Pennsylvania, Mr. MORGAN, Mr. NORBLAD, Mr. DAGUE, Mr. BARRETT, Mr. GREEN of Pennsylvania, Mr. BATES, Mr. RHODES of Pennsylvania, Mr. SAYLOR, Mr. BYRNE of Pennsylvania, Mr. FLOOD, Mr. CLARK, Mr. HOLLAND, Mr. CURTIN, Mr. DENT, Mr. NIX, Mr. MILLIKEN, Mr. MOORHEAD, Mr. TOLL, Mr. SCHNEEBELI, Mr. WHALLEY, Mr. GOODLING of Pennsylvania, Mr. SCHWEIKER, Mr. KUNKEL, Mr. MCDADE, Mr. WEAVER, Mr. ROONEY of Pennsylvania.

The Clerk will report the remainder of the resolution.

The Clerk read as follows:

Resolved, That as a further mark of respect the House do now adjourn.

The resolution was agreed to.

ADJOURNMENT

Accordingly (at 12 o'clock and 9 minutes p.m.), the House adjourned until tomorrow, Tuesday, September 17, 1963, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1199. A letter from the Secretary of the Treasury, transmitting a special report of the National Advisory Council on International Monetary and Financial Problems concerning a proposed increase in the resources of the International Development Association (H. Doc. No. 156); to the Committee on Banking and Currency and ordered to be printed.

1200. A letter from the Secretary of Defense, transmitting a draft of a proposed bill to amend title 37, United States Code, to prescribe the basic pay and allowances of an officer who is serving as Supreme Allied Commander, Europe; to the Committee on Armed Services.

1201. A letter from the Secretary of the Army, transmitting the semiannual report of the Department of the Army contracts for military construction awarded without formal advertisement covering the period January 1 through June 30, 1963, pursuant to Public Law 87-554; to the Committee on Armed Services.

1202. A letter from the Secretary of the Treasury, transmitting a draft of a proposed bill to amend the International Development Association Act to authorize the United States to participate in an increase in the

in the resources of the International Development Association; to the Committee on Banking and Currency.

1203. A letter from the Comptroller General of the United States, transmitting a report on undue increases in maximum Federal contributions resulting from the method of financing off-site community facilities for low-rent housing projects, Public Housing Administration, Housing and Home Finance Agency; to the Committee on Government Operations.

1204. A letter from the Chairman, Federal Power Commission, relative to transmitting additional information relating to the bill H.R. 7117; to the Committee on Interstate and Foreign Commerce.

1205. A letter from the Chairman, Federal Communications Commission, transmitting a copy of the report on backlog of pending applications and hearing cases in the Federal Communications Commission as of July 31, 1963, pursuant to Public Law 554, 82d Congress; to the Committee on Interstate and Foreign Commerce.

1206. A letter from the Deputy Administrator, National Aeronautics and Space Administration, transmitting a report for the Committee on Science and Astronautics of the House of Representatives pursuant to section 3 of the National Aeronautics and Space Administration Authorization Act for the fiscal year 1963 (76 Stat. 383); to the Committee on Science and Astronautics.

1207. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting a copy of the order rescinding suspension of deportation in the case of Joe Quong, also known as Quong Joe, Cheung Hong Joe Cheng Hong Chan, Sing Lee, and Sing Wing Chong, [redacted], pursuant to the Immigration and Nationality Act of 1952; to the Committee on the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, pursuant to an order of September 10, 1963, the following report was filed September 13, 1963:

Mr. MILLS: Committee on Ways and Means. H.R. 8363. A bill to amend the Internal Revenue Code of 1954 to reduce individual and corporate income taxes, to make certain structural changes with respect to the income tax, and for other purposes; without amendment (Rept. No. 749). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ANDREWS:

H.R. 8445. A bill to authorize a 5-year program of grants for construction of veterinary medical education facilities, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. BELL:

H.R. 8446. A bill to provide legal assistance for indigent defendants in criminal cases in U.S. courts; to the Committee on the Judiciary.

By Mr. CAHILL:

H.R. 8447. A bill to permit the burial in national cemeteries of mothers and fathers of deceased servicemen or veterans who died leaving no spouse or minor child entitled to be buried in a national cemetery; to the Committee on Interior and Insular Affairs.

By Mr. FARBSTEIN:

H.R. 8448. A bill to establish the power of the individual States and the local subdivisions thereof to prevent construction of nuclear devices within their territorial limits; to the Joint Committee on Atomic Energy.

By Mr. KARSTEN:

H.R. 8449. A bill to amend the Internal Revenue Code of 1954 with respect to tax and withholding on the accounts of nonresident aliens to provide parity of treatment for interest on deposits with persons carrying on the banking business and interest or other earnings on savings accounts with domestic building and loan associations; to the Committee on Ways and Means.

By Mr. KING of California:

H.R. 8450. A bill to amend title I—Tariff Schedules of the United States, of the Tariff Act of 1930, as amended by the Tariff Classification Act of 1962 to correct inequities in the classification and duty provided for certain aluminum products, television picture tubes, and for other purposes; to the Committee on Ways and Means.

By Mr. McMILLAN:

H.R. 8451. A bill to amend the District of Columbia Sales Tax Act, as amended, relating to certain sales to common carriers or sleeping-car companies; to the Committee on the District of Columbia.

By Mr. MOORHEAD:

H.R. 8452. A bill to amend chapter 79 of title 10, United States Code, to provide that certain boards established thereunder shall give consideration to satisfactory evidence relating to good character and exemplary conduct in civilian life after discharge or dismissal in determining whether or not to correct certain discharges and dismissals, to authorize the award of an exemplary rehabilitation certificate, and for other purposes; to the Committee on Armed Services.

By Mr. BELL:

H.J. Res. 734. A joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. MOORHEAD:

H.J. Res. 735. Joint resolution to designate Columbus Day, the 12th day of October, in each year, a legal holiday; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. SCHWEIKER introduced a bill (H.R. 8453) for the relief of Kemal Dincer, M.D., which was referred to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

291. By the Speaker: Petition of Gibson Gayle, Jr., secretary, American Bar Association, Chicago, Ill., relative to approving in principle the enactment of Federal legislation expressing a congressional purpose to eliminate inequitable hardships upon local governments resulting from tax immunity of Federal property; to the Committee on Interior and Insular Affairs.

292. Also, petition of Thomas M. McNamara, city clerk, Cambridge, Mass., requesting amendment of the Constitution of the United States so as to allow the reading of sacred Scripture in public schools and the recitation of a fitting prayer; to the Committee on the Judiciary.

293. Also, petition of Henry Stoner, Canyon Station, Wyo., requesting legislation which will cause the Treasury to promote the silver dollar coin all over the United States, and not just in one area; to the Committee on Banking and Currency.

294. Also, petition of Henry Stoner, Canyon Station, Wyo., requesting legislation which would require an examination in the very American subject of Jeffersonian theory for appointment as an officer in the career service with the U.S. Foreign Service, Department of State; to the Committee on Foreign Affairs.

295. Also, petition of Henry Stoner, Canyon Station, Wyo., requesting that a demand be made calling for the United Nations to make copies of the verbatim official records available to the public; to the Committee on Foreign Affairs.

296. Also, petition of Henry Stoner, Canyon Station, Wyo., requesting passage of legislation abolishing the Central Intelligence Agency, and then creating the U.S. Commission on the Propagation of the Jeffersonian Faith; to the Committee on Government Operations.

297. Also, petition of Henry Stoner, Canyon Station, Wyo., requesting that there be published a House document showing the name and address of every person and corporation receiving a Federal Government check during the past year of $10,000 or more, in any Federal subsidy program of any sort; to the Committee on House Administration.

298. Also, petition of Henry Stoner, Canyon Station, Wyo., relative to passing legislation requiring monthly public reports which also will be printed in the CONGRESSIONAL RECORD of all contributions to U.S. presidential aspirants and candidates and presidential campaigns; to the Committee on House Administration.

299. Also, petition of Henry Stoner, Canyon Station, Wyo., requesting Congress to recommend to the U.S. Supreme Court the reading of "Apportionment of State Legislatures," a publication by the Advisory Commission on Intergovernmental Relations, and dealing with congressional reapportionment strictly upon population; to the Committee on the Judiciary.

300. Also, petition of Henry Stoner, Canyon Station, Wyo., relative to making for a basis of salary increases for Members the proper apportionment of the House so that within any given State the population of a congressional district shall not be more than 10 percent larger or 10 percent smaller than any other district in said State; to the Committee on Post Office and Civil Service.

301. Also, petition of Henry Stoner, Canyon Station, Wyo., relative to initiating legislation to provide for increased congressional control over all printing, public relations, and public communications activities in the executive branch and independent agencies under a committee to be known as the Joint Committee of Printing and Public Relations; to the Committee on Rules.

302. Also, petition of Henry Stoner, Canyon Station, Wyo., requesting the House of Representatives to create as an official standing committee the Committee on the Middle Class, as the middle class is the very bulwark of true Americanism; to the Committee on Rules.

SENATE

MONDAY, SEPTEMBER 16, 1963

The Senate met in executive session at 10 o'clock a.m., and was called to order by the President pro tempore.

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

God of all mankind, how great Thou art. How weak and wayward we are. Yet Thou art to us a quickening presence, a sustaining power, a refuge from the tumult and confusion of the world. We thank Thee for the gift of freedom which we have received from our fathers and for the hope of freedom which we

cherish for the generations following. May the faith of our fathers sustain the dreams of our children.

In all our crucial decisions our Nation faces, make us our brothers' keepers in a compassion as wide as needy humanity. As we thus follow Thy mandate, through Thy mercy, defend us from all the deceits of enemies who have not Thee in all their thoughts for the solemn summons of this fateful week.

God be in our heart and in our understanding.

God be in our head and in our thinking.

God be in our eyes and in our looking.

God be in our mouth and in our speaking.

In the dear Redeemer's name, we pray. Amen.

THE JOURNAL

On request of Mr. MANSFIELD, and by unanimous consent, as in legislative session, the reading of the Journal of the proceedings of Friday, September 13, 1963, was dispensed with.

MESSAGES FROM THE PRESIDENT

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

REPORT ON FOREIGN ASSISTANCE PROGRAM—MESSAGE FROM THE PRESIDENT (H. DOC. NO. 146)

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States, which, with the accompanying report, was referred to the committee on Foreign Relations:

To to Congress of the United States:

Transmitted herewith is the Annual Report of the Foreign Assistance Program of the United States for fiscal year 1962. The report was prepared under the direction of the Administrator of the Agency for International Development, with the cooperation and participation of the Department of State and the Department of Defense.

The period covered by this report was a time of careful examination and appraisal of our aid program. More than that, it was a year of progress and achievement. As a result of this scrutiny, new and more stringent criteria were designed to determine eligibility for U.S. assistance. A reassessment of our objectives resulted in establishing increasingly practical goals. Better operational procedures were developed and set in motion. In addition, a whole series of steps was taken within the Agency for International Development to unify and coordinate the administration of the program.

Congress has created the tools by which we seek to attain our foreign objectives and strengthen the security of the United States. Our assistance program is one of these tools, if not the principal one. The future of the free world, as well as the destiny of millions subject to tyranny and oppression, rests upon how well we use these tools. We shall continue to search for ways in which we may become more skillful artisans in the job of building a world of peace and freedom.

JOHN F. KENNEDY.

THE WHITE HOUSE, *September 16, 1963.*

EXECUTIVE MESSAGE REFERRED

As in executive session,

The PRESIDENT pro tempore laid before the Senate a message from the President of the United States submitting the nomination of Bernard T. Moynahan, Jr., of Kentucky, to be U.S. district judge for the eastern district of Kentucky, which was referred to the Committee on the Judiciary.

ORDER FOR TRANSACTION OF ROUTINE LEGISLATIVE BUSINESS

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

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

CALL OF LEGISLATIVE CALENDAR DISPENSED WITH

On request of Mr. MANSFIELD, and by unanimous consent, the call of the Legislative Calendar was dispensed with.

COMMITTEE MEETING DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Subcommittee on Employment and Manpower of the Labor and Public Welfare Committee be permitted to meet during the session of the Senate today.

The PRESIDING OFFICER (Mr. WALTERS in the chair). Is there objection?

Mr. MILLER. Mr. President——

Mr. MANSFIELD. The request has been cleared.

Mr. MILLER. May I ask the distinguished majority leader a question on this request for unanimous consent?

Mr. MANSFIELD. Yes.

Mr. MILLER. Do I correctly understand that it is proposed that the Senate will meet early every day this week?

Mr. MANSFIELD. Yes.

Mr. MILLER. And that at the same time the committees generally will meet, too?

Mr. MANSFIELD. Now and again a committee may ask special permission to meet. If the request is cleared with the leadership, as has been done in the present case, and the leadership has approved it, the committee will be authorized to meet. If the Senator wishes to object, I shall be glad to withdraw the request.

Mr. MILLER. Mr. President, I have not interposed an objection. I merely asked a question of the majority leader. I shall not object. I think it is rather unfortunate that, at a time of debate on such an important matter as is now before the Senate, except in very extreme situations, committees should meet. Last Friday I was present in the Chamber when two very outstanding speeches were delivered, one by the Senator from Washington [Mr. JACKSON] and the other by the Senator from Mississippi [Mr. STENNIS]. It is most unfortunate that there were not present in the Chamber more than a handful of Senators to hear those speeches.

I hope that a strong effort will be made to curtail other activities, particularly since the Senate will be meeting early this week, so that Senators who have devoted a great amount of time to this very important subject may have the benefit of more than a handful of their colleagues to hear what is being said.

I shall not object at this time, but I take this opportunity to point out what I think is a very sad commentary on attendance in the Senate.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana? The Chair hears none; and it is so ordered.

ORDER FOR ADJOURNMENT UNTIL TOMORROW AT 10 A.M.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate concludes its business today, it adjourn to meet at 10 o'clock tomorrow morning.

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

BILLS INTRODUCED

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

By Mr. McGOVERN:

S. 2147. A bill to provide exemption from Federal income taxes for quintuplets and parents of quintuplets, and to allow a deduction, for Federal income and estate tax purposes, for gifts to quintuplets; to the Committee on Finance.

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

By Mr. STENNIS (for himself and Mr. EASTLAND):

S. 2148. A bill to amend section 1345, title 28, United States Code, to accord to defendants in actions by the United States for the condemnation of real property the right to a determination by a jury of the amount of just compensation, and for other purposes; to the Committee on the Judiciary.

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

RESOLUTION

DEATH OF REPRESENTATIVE LEON H. GAVIN, OF PENNSYLVANIA

Mr. SCOTT (for himself and Mr. CLARK) submitted a resolution (S. Res. 199) relative to the death of Representative LEON H. GAVIN, of Pennsylvania, which was considered and agreed to.

(See the above resolution printed in full when submitted by Mr. SCOTT, which appears under a separate heading.)

FIRST SURVIVING QUINTUPLETS IN AMERICAN HISTORY BORN IN ABERDEEN, S. DAK.

Mr. McGOVERN. Mr. President, on Saturday morning the world learned the

thrilling news that Mr. and Mrs. Andrew Fischer, of Aberdeen, S. Dak., had become the parents of quintuplets.

Thus far the babies and the mother are in satisfactory condition.

If the quintuplets survive—and I know the Senate and the entire Nation pray that they will—they will be the first quintuplets in the entire history of the United States to survive infancy.

Three previous instances of quintuple births have been recorded in the United States but none of the babies survived. Only two sets of quintuplets born in the Western Hemisphere have lived through infancy—the famous Dionnes of Canada born in 1934 and the Diligenti children in Argentina in 1943.

Mr. President, the people of South Dakota are understandably especially thrilled by this remarkable event in the life of our State. Congratulatory messages, fervent prayers for the well-being of the children and the mother, and numerous offers of assistance are flooding into Aberdeen from all parts of the State and Nation. President and Mrs. Kennedy were among the first to telegraph congratulations.

The successful birth and progress of the Fischer infants to date is a tribute to the attending physician, Dr. James Berbos, of Aberdeen, and to the skilled staff of St. Luke's Hospital.

The quintuplets, four girls and a boy, were baptized and confirmed by Catholic Bishop Lambert Hoch, of Sioux Falls, S. Dak.

Mr. Fischer is a longtime employee of the Nash-Finch Wholesale Grocery Co. He and his wife who live on a farm near Aberdeen are the parents of five other children: Danny, 7; Charlotte, 6; Julie, 5; Evelyn, 4; and Denise, 3.

Mr. President, I know that the generous people of Aberdeen and throughout the State of South Dakota will make certain that the Fischer family is provided with all necessary assistance. Needless to say, the South Dakota congressional delegation will be happy to provide any service or assistance we can render.

I am today introducing and send to the desk, for appropriate referral, special legislation to exempt the Andrew Fischer family from income and estate taxes until the quintuplets have reached the age of 21. The bill would also permit donors to claim a tax deduction on gifts to the family up to $3,000.

This legislation would exempt Mr. and Mrs. Fischer and the quintuplets from income taxes until the quintuplets, or any of the quintuplets who survive, are 21 years of age.

The bill would exempt donors to the quintuplets from estate taxes if they leave a bequest to the quintuplets.

It makes gifts up to $3,000 in value to the quintuplets exempt from income taxation one time.

Under existing law, gifts in excess of $3,000 are exempt for income tax purposes up to a lifetime total of $30,000, which means that gifts of $3,000 plus a share of the $30,000 lifetime exemption could be made to the family in a single gift.

Obviously the Fischer family will be faced with unusual medical, educational, and domestic expenses in the months and years ahead.

It can also be expected that leading national periodicals and other media will be offering substantial sums for special news articles and photos of the children. Many generous South Dakotans and others are already contributing assistance to the Fischer family.

If this income is not to be largely taken away in Federal taxes instead of invested for the needs of the children, it will be necessary to enact this special tax legislation.

Twenty years ago, the Canadian Government provided a broad range of benefits to assist the Dionne quintuplets. I feel sure that the American people will want to do no less.

I urge my colleagues to act quickly in support of this needed legislation.

Mr. President, I ask unanimous consent that articles appearing in the New York Times, the Washington Post, and the Washington Star relative to the Fischer quintuplets be printed at this point in the RECORD.

I also ask unanimous consent that the text of the bill be printed in the RECORD.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill and articles will be printed in the RECORD.

The bill (S. 2147) to provide exemption from Federal income taxes for quintuplets and parents of quintuplets, and to allow a deduction, for Federal income and estate tax purposes, for gifts to quintuplets, introduced by Mr. MCGOVERN, was received, read twice by its title, and referred to the Committee on Finance.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) any citizen of the United States who is a quintuplet is hereby exempt from all income taxes imposed by the United States, until the individual attains the age of 21 years.

(b) Any citizen of the United States who is the mother or father of quintuplets is hereby exempt from all income taxes imposed by the United States, until the quintuplets, or the survivor, attains the age of 21 years.

SEC. 2. (a) For purposes of the Federal income tax laws, there shall be allowed as a deduction, in computing the taxable income of any person, the amount of gifts, not exceeding $3,000 in the aggregate, made by such person to any citizen of the United States who is a quintuplet or is the mother or father of quintuplets.

(b) For purposes of the Federal estate tax laws, there shall be allowed as a deduction, in computing the taxable estate of any individual, the amount of gifts made by the decedent to any citizen of the United States who is a quintuplet or is the mother or father of quintuplets.

SEC. 3. The death of any quintuplet shall not affect the application of this Act to the surviving quintuplets or to their mother or father.

The articles presented by Mr. MCGOVERN are as follows:

[From the Washington Post, Sept. 15, 1963]

QUINTS BORN IN SOUTH DAKOTA DOING WELL

(By Ray Serati)

ABERDEEN, S. DAK., September 14.—The wife of a $76-a-week shipping clerk, already the mother of five children, gave birth today to quintuplets who may become the first ever to survive in the United States.

Twelve hours after their births the quintuplets, four girls and a boy, were pronounced "still in fine shape" by a spokesman for St. Luke's Hospital.

The premature children of Mr. and Mrs. Andrew Fischer were baptized in the Roman Catholic faith by the Most Rev. Lambert Hoch, bishop of the Sioux Falls diocese.

Bishop Hoch baptized the boy James Andrew and gave the same first name to all four girls—Mary. The parents said they would pick second names later.

James and the four Marys squirmed and kicked in their isolettes—individual incubators—as the bishop annointed them. "Andy" Fisher, 38, their tall crewcut father, stood beside them.

Mrs. Fischer, 30, lay exhausted in her private room 45 yards away from the nursery.

With every hour, the quints' chances of survival increased. There were seven other sets of quints born in the United States between 1776 and 1959, but all of them died.

Dr. James Berbos, the general practitioner who brought them into the world, said, "These are fine babies. As far as I know they're going to be all right."

The quints' birth stirred a feeling of pride and warmth through Aberdeen, a prairie cattle town of 23,000 near the North Dakota border, and in the Nation.

President and Mrs. Kennedy telegraphed congratulations. They said the quints' birth was "an event of great national pride," wished Mrs. Fischer "a speedy convalescence," and expressed hope for "the continued satisfactory progress of the infants."

Senator KARL MUNDT, Republican of South Dakota, telegraphed "you have put Aberdeen on the world map."

One of the other Fischer children, 5-year-old Julie, said, "There are five of us kids and there are five of the new kids and that means one for each of us."

Danny, 7, shouted, "I wanted a brother and I got one."

It was a natural birth, without anesthetics and with only a whiff or two of oxygen to help the mother through. She saw her babies moments after they were born.

The first quint was a girl, arriving at 1:58 a.m. (CST). Then there was a second girl at 2:03, a third at 2:14, the boy at 2:39, and the fourth girl at 3:01.

The babies were 6 to 8 weeks premature and weighted less than 3½ pounds each. They were only 18 inches long.

Quintuplets are a 1-in-54-million phenomenon, but the Fischer babies were the second set born in the Western Hemisphere this month. On September 8, quintuplet boys were born to Mrs. Inez Maria Cuervo de Pireto, a 34-year-old grandmother, in Maracaibo, Venezuela.

The most famous quints in the world were born 1,000 miles northeast of Aberdeen, in Callendar, Ontario, on May 28, 1934. On that day, Mrs. Oliva Dionne gave birth to the Dionne quintuplets, Annette, Emilie, Cecile, Marie, and Yvonne. They were the first quintuplets ever to reach maturity, although Emilie died in 1954.

Also surviving are the 20-year-old Diligenti quints of Argentina.

Dr. Berbos said Mrs. Fischer would not try to nurse her babies because they are too small. Their first food will be a formula of glucose and water and they will be put on a straight formula later, he said.

The hospital telephone jangled with calls from proud townsfolk who wanted to offer congratulations. Merchants called in with offers of free layettes. At the 10-room Fischer home 2 miles outside town, calls poured in from Canada, Mexico, New York, and Chicago.

A neighbor, Eleanor Heintzman, bustled about taking care of the three oldest children, Julie, Danny, and Charlotte, 6. The

two others, Evalyn, 4, and Denise, 3, were with their grandparents in Hecla, S. Dak.

"There hasn't been any history of twins in either side of the family," Mrs. Heintzman said. "But I guess they've made up for lost time with the quints."

[From the Washington Star, Sept. 15, 1963]

QUINTS, BORN TO WIFE OF CLERK, DOING WELL—SOUTH DAKOTA BABIES ARE BAPTIZED

ABERDEEN, S. DAK., September 14.—Quintuplets were born today to Mrs. Andrew Fischer, 30, wife of an $80-a-week shipping clerk.

The babies—four girls and a boy—appeared normal and seemed to be doing well in their isolettes. These are individual chambers in which oxygen, temperature and humidity are rigidly controlled.

The quintuplets were baptized and confirmed this afternoon by Catholic Bishop Lambert Hoch who said they showed "lots of vitality" when he dabbed them with holy water.

ALL IN GOOD CONDITION

They appeared to remain in good condition well into the 72-hour period cited by doctors as the critical time of their lives.

They were born about 2 months prematurely.

If all survive, they apparently will be the first U.S. quints to live beyond infancy, although records of the American Medical Association are not clear on some old cases.

The lone boy was named James Andrew, the girls all named Mary. They'll receive second names later.

The babies were placed in isolettes after their births between 1:58 and 3:01 a.m.

ESTIMATES WEIGHTS

Dr. James Berbos, who delivered the babies, said he estimated their weights at 2½ to 3 pounds for the girls, about 4 pounds for the boy.

"The next few days are the most crucial," he told assembled newsmen. "They were born prematurely and their systems are premature. We are watching them closely."

Dr. Berbos said the boy—born fourth—was a breech delivery, that is, feet first, so there was concern for the fifth. "But she was the smallest and the last delivery was the easiest." No surgical assistance was needed, he said.

He said feeding of the babies is not planned until 24 to 48 hours after birth.

MESSAGES POUR IN

Messages, gifts and flowers poured into the northeastern South Dakota city from far reaches of the Nation.

Odds against birth of quintuplets are about 42 million to 1.

Birth of the South Dakota quintuplets followed by a week a similar birth in Venezuela. Only two sets of quintuplets born in the Western Hemisphere have survived infancy—the famed Dionnes of Canada in 1934 and the Diligenti children in Argentina in 1943.

Mr. Fischer and his wife have five other children, ages 3 to 7. The family lives on a small farm outside the city where they keep a couple of cows.

Sister M. Andre, director of nursing at St. Luke's Hospital, said one of the dangers to the quintuplets is hyaline membrane—a lung condition that sometimes develops in premature babies. This affliction led to the death of President Kennedy's second son several weeks ago.

Mrs. Fischer was brought to the hospital last Wednesday and was informed of the likelihood of quintuplets that night.

"About a half hour after the doctor told her, she started crying and cried all night," said the 38-year-old father.

As for himself, Mr. Fischer said, "I was shook."

Aberdeen, a city of some 23,000, was a-twitter with the news. Offers of assistance for the family were sent to the city's daily newspaper and radio stations. One contractor gave a check for $500.

Merchants volunteered clothing and a new washer and dryer. Relatives pitched in to milk the cows and tend the five other youngsters while Mr. Fischer sought sleep.

Mrs. Fischer was "tired and emotionally upset, but happy," said a hospital aid.

The first birth, a girl, came at 1:58 a.m. The boy was the fourth born; the fourth girl was born at 3:01 a.m.

Mr. Fischer said he had not known of any multiple births in his or his wife's families. His other children are Danny, 7; Charlotte, 6; Julie, 5; Evelyn, 4, and Denise, 3.

"I don't make the most money in the world and it does present some problems," Mr. Fischer said of the sudden expansion of his family, but that was before the offers of help started to pour in. He said he moved to the farm to keep cows and cut down on the milk bill for the youngsters.

Dr. Berbos said X-rays last Wednesday confirmed the presence of quintuplets. He alerted the hospital, which ordered in extra equipment.

DOWNED PLENTY OF COFFEE

Mr. Fischer said he seldom drinks coffee, but downed plenty of it and smoked two packs of cigarettes while waiting the births during early hours today.

"Keep a pot of coffee on the stove," he told hospital aids before heading home to give his other children the news.

Mrs. Fischer is a 5-foot-6 redhead. Both she and her husband grew up in this area.

The Fischers live in a rented nine-room farmhouse, a bit rundown, about a mile northwest of the city.

The other children—like almost everyone else—could hardly believe it when they heard the news. Then they thought things over and grinned.

[From the Washington Star, Sept. 15, 1963]

QUINTS' WEARY FATHER STILL DAZED BY IT ALL

ABERDEEN, S. DAK., September 14.—Andrew Fischer, the 38-year-old father of quintuplets, had a weary answer today when asked his future plans:

"I'd like to go to bed."

Mr. Fischer said he had been up all night, the telephone was ringing constantly, and reporters were coming and going.

He had a dazed look.

He knows he has quintuplets, all right, but the ramifications hadn't begun to soak in.

The father of 5 children already obviously hadn't gotten used to suddenly becoming the father of 10.

Mr. Fischer's parents were proud, but also a little dazed.

Mrs. John Fischer, a small brown-eyed woman of 63, said:

"I just don't know what to say."

The elder Fischers knew Thursday night that quintuplets were imminent in the family.

Grandma Fischer got the word by telephone. She cried the news to her husband outside.

"What are you crying for?" he asked. "I'm happy about it."

The elder Mr. Fischer spent the night praying that everything would be all right for the expected infants and the rest of the family.

Danny, who is almost 8, was the only boy in the family until this morning. He didn't have much to say about the change.

When Mr. Fischer's children first heard the news they, like everyone else, couldn't believe it.

They just looked at each other and grinned.

Later, they decided it was going to be just fine—each would have a pet.

President and Mrs. Kennedy learned of the birth at Newport, R.I., and wired congratulations.

The message said:

"Please accept our best wishes and hearty congratulations on the occasion of the birth of your quintuplets. It is an event of great national pride. We wish Mrs. Fischer a speedy convalescence and we wish for the continued satisfactory progress of the infants. "PRESIDENT and Mrs. KENNEDY."

An aid to Senator KARL MUNDT, Republican, of South Dakota, offered his assistance. And Aberdeen Mayor J. Clifton Hurlbert proclaimed it "Mr. and Mrs. Andrew Fischer Day" in the city.

Senator MUNDT also sent a congratulatory telegram to the parents, saying, "Heartiest congratulations on your amazingly happy event. You have put Aberdeen on the world map. Mrs. Mundt joins me in extending the best of good wishes for a happy future for your whole family."

[From the Washington Star, Sept. 15, 1963]

VENEZUELANS CONGRATULATE THE FISCHERS

MARACAIBO, VENEZUELA.—The parents of Venezuela's quintuplets congratulated the Andrew Fischers of Aberdeen, S. Dak., yesterday on the births of theirs.

"Is that so?" said Efren Prieto when told the news. "We are happy. We congratulate them."

Mr. Prieto was with his wife, Ines, in her room at the university hospital where their five boys were born last Saturday.

[From the Washington Star, Sept. 15, 1963]

ANNETTE DIONNE THRILLED BY BIRTH OF U.S. QUINTS

MONTREAL, September 14.—Annette Allard roused her husband, Germain, from a late morning sleep today to tell him about the birth of quintuplets in Aberdeen, S. Dak.

"Isn't it thrilling?" she asked. Annette is one of the five Dionne quintuplets born May 28, 1934, in Callander, Ontario.

"She was really excited about it," Mr. Germain said later, telling about his wife's reaction to the South Dakota births.

"She said she would like to see them, and write them to wish them luck and extend her congratulations," he said. "I haven't spoken to the other Dionne quints, but I know they were all pretty excited about the Venezuela quints."

The other surviving Dionne quintuplets are Yvonne, a nun in Moncton, New Brunswick; Cecile, wife of Philippe Langlois, and Marie, Mrs. Florian Houle. The fifth quint, Emilie, died August 20, 1954.

[From the Washington Star, Sept. 15, 1963]

QUINT FAMILY FLOODED BY TOWN'S AID OFFERS

ABERDEEN, S. DAK., September 14.—When a couple of your neighbors suddenly have a family of 10 kids under 8 years old, you stop in amazement for a moment—then pitch in to help out.

That's the way it was with Aberdeen residents today as they sparkled in the spotlight of worldwide attention with the birth of quintuplets to Mr. and Mrs. Andrew Fischer.

Aberdeen, which calls itself "The Hub City," has made the Andrew Fischers a community project.

Donations? You name it.

Three banks have kicked in savings accounts ranging from $10 to $100 each. A barbership promises free haircuts, grocery stores have lined up baby food by the case, a five-and-ten, $100 worth of toys.

FLOOD OF OFFERS

A trading stamp center tossed in 25,000 stamps, there's $250 worth of dry cleaning,

color portraits, a free theater pass, and the telephone company says it will put in a free extension phone for a year.

The Fischers rent a four-bedroom farmhouse somewhat in need of repair—several offers promised paint and cash for a new house or remodeling of the old.

"The whole town is sparkling," one resident said. "Everyone is happy for them."

Rev. William Neurath, pastor of Sacred Heart Catholic Church, said he plans to allude to the quints' birth in tomorrow's sermon.

"It's a great event," he said.

Aberdeen is a clean little city of about 23,000, noted mostly as one of the pheasant-hunting capitals of South Dakota each fall. It's a distribution center for the area's livestock and farming business, and has a State college and a junior college.

QUADS BORN IN 1931

But it has never had quintuplets, although a set of quadruplets was born in the same hospital in 1931. All survived and are married with children of their own.

Mary Ann Fischer, object of the burst of attention for her five babies, has been a bowler of note in Aberdeen leagues and is an expert at vegetable preserving and other domestic duties.

She put up 100 quarts of dill pickles this fall, along with uncounted jars of fruits and vegetables.

She is a native of nearby Hecla, S. Dak. Andrew Fischer was born in Linton, N. Dak. They were married May 14, 1955, in Aberdeen.

Mr. Fischer has been employed by the Nash-Finch Co., a wholesale grocery firm, for the last 18 years.

[From the Washington Star, Sept. 15, 1963]

DISTRICT'S ONLY QUINTS SURVIVED FOR 8 HOURS

The only known set of quintuplets ever born in the District lived just a few hours, according to available and incomplete records.

That was on March 27 and 28, 1945, when Mrs. Ada H. Turner, then 36, gave birth to five tiny girls, each weighing from 1 to 1½ pounds, at Freedmen's Hospital. The infants were 2½ months premature.

The first was born at 10:40 p.m. to the wife of Harold Turner, a Bureau of Standards clerk, and all had been born within the next 17 minutes. All died, despite efforts of the hospital staff to save them, by 6 a.m. the next day.

Medically, quintuplets are a 41.5 million-to-1 shot and only five other sets are known to have been born in the United States since 1880. Quintuplet births occurred in Kentucky in 1896, 1914 and 1948, in Monticello, Ill., in 1880 and in Texas in 1959.

The birth of the thriving South Dakota quints to Mrs. Andrew Fischer was the second time it had happened in the Western Hemisphere within a week. Another set was born September 7 in Venezuela to Mrs. Inez Marie Cuervo de Prieto, 34, who, like Mrs. Fischer already had five children.

Only twice before in the Western Hemisphere have quintuplets survived infancy. The five Dionne sisters became world sensations and were declared natural resources of Canada when they were born in 1934. Four of them are still alive. The other surviving quints were born in Buenos Aires, Argentina, in 1943 to Mr. and Mrs. Franco Diligenti. Mr. Diligenti is a millionaire, whereas the Dionnes were as poor as the Venezuelan family.

Having the wealth to do so, Mr. Diligenti kept his brood pretty much out of sight and they grew up unaffected by the turmoil their birth created. The Dionnes more or less grew up in a goldfish bowl and it cannot be said that their exploitation brought them total happiness.

The Venezuelan Government has indicated it will help Mr. de Prieto with his suddenly expanded responsibilities.

[From the New York Times, Sept. 15, 1963]

QUINTUPLETS BORN IN SOUTH DAKOTA—30-YEAR-OLD MOTHER OF FIVE GIVES BIRTH TO FOUR GIRLS AND A BOY

ABERDEEN, S. DAK., September 14.—The 30-year-old wife of an Aberdeen shipping clerk gave birth to quintuplets today.

The doctor attending Mrs. Andrew Fischer said the first 72 hours of the infants' lives would be the most critical ones. However, he said the quintuplets—four girls and a boy—appeared healthy and normal.

Three previous instances of quintuple births have been reported in the United States, but none of the children survived infancy. Quintuplets occur about once in 42 million births.

The births here followed by a week the birth of quintuplet boys in Venezuela. Quadruplets were born to a woman in Jackson, Miss., a week ago and a report from Iran said quadruplets were born there today.

Only two sets of quintuplets born in the Western Hemisphere have survived infancy—the Dionnes of Canada, born in 1934, and the Diligenti children in Argentina, born in 1943.

Mr. and Mrs. Fischer have five other children, aged 3½ to 7. The family lives on a small farm outside the city where they keep a couple of cows.

The eldest son, Danny, on hearing of the birth, shouted:

"I wanted a brother and I got one."

In Newport, R.I., President Kennedy learned of the birth of the five children and sent a telegram of congratulations to the Fischers.

Sister M. Andre, director of nursing at St. Luke's Hospital, said one of the dangers to the quintuplets was hyaline membrane, a lung condition that sometimes develops in premature babies. This affliction led to the death of President Kennedy's second son some weeks ago.

The Fischer babies were about 2 months premature. Mrs. Fischer was brought to the hospital last Wednesday and was informed of the likelihood of quintuplets that night.

"About a half hour after the doctor told her, she started crying and cried all night," the 38-year-old father said.

As for himself, Mr. Fischer said, "I was shook."

Aberdeen, a city of some 23,000 in northeastern South Dakota, was excited by the news. Offers of assistance for the family poured into its daily newspaper and radio stations. One contractor sent in a check for $500.

Merchants volunteered clothing and a new washer and drier. Relatives pitched in to milk the cows and tend the other youngsters while Fischer tried to sleep.

Mrs. Fischer was described afterward by a hospital aid as "tired and emotionally upset, but happy."

BIRTH TOOK ABOUT AN HOUR

The first to be born, a girl, arrived at 1:58 a.m. The boy was the fourth born. The fourth girl was born at 3:01 o'clock.

The babies were immediately placed in isolettes, individual chambers that control oxygen, temperature, and humidity. They will not be weighed for a day or two and will probably not be fed until at least tomorrow, the usual procedure in premature births. The infants have not been named as yet.

Mr. Fischer said he had not known of any multiple births in his or his wife's families. Besides Danny, his other children are Charlotte, 6; Julie, 5; Evelyn, 4, and Denise, 3.

"I don't make the most money in the world and it does present some problems," Mr. Fischer said. Relatives said he earns less than $100 a week.

Mr. Fischer said he moved to the farm to keep cows and cut down on the family's milk bill.

Dr. James Berbos headed the medical team handling the deliveries. He said there had been some difficulty because the fourth of the five was a breech delivery.

Dr. Berbos said X-rays last Wednesday confirmed the presence of quintuplets. He alerted the hospital, which ordered extra equipment.

TURNS COFFEE DRINKER

Mr. Fischer said he seldom drank coffee. But he downed plenty of it and smoked two packs of cigarettes while awaiting the births at the hospital.

"Keep a pot of coffee on the stove," he told hospital aids before heading home to give his other children the news. The family lives in a rented, slightly rundown farmhouse about a mile northwest of here.

Mrs. Fischer, a 5-foot-6 redhead, and her husband grew up in this area.

Her babies were the first quintuplets born in the United States since five girls were born to Mrs. Cecilea Hannan in San Antonio, Tex., October 20, 1959. Four of the infants dies within 10 hours of birth, the last about 18 hours after birth.

Mrs. Hannan was 27 at the time. Her husband, Charles, was an Air Force lieutenant.

[From the New York Times, Sept. 15, 1963]

FISCHER MARRIED IN 1955

ABERDEEN, S. DAK., September 14.—Andrew Fischer, who has worked for the last 18 years for the Nash-Finch Co., a wholesale grocer here, was born in Linton, N. Dak., and grew up in Eagle Butte, S. Dak., about 180 miles west of here.

Mrs. Fischer, the former Mary Ann Brady, is the daughter of a farmer. She lived near Hecla, S. Dak.

They were married May 14, 1955.

Mr. Fischer said the youngsters would be baptized by a Roman Catholic priest without names. Later, when they are able to leave the hospital, he said, they will be baptized again at a church.

DETERMINATION BY JURY OF THE AMOUNT OF JUST COMPENSATION FOR LAND REQUIRED BY NASA

Mr. STENNIS. Mr. President, for myself and my colleague, the senior Senator from Mississippi [Mr. EASTLAND], I introduce, for appropriate reference, a bill to accord to defendants in actions by the Federal Government for the condemnation of real property for public use the right to a determination by a jury of the amount of just compensation.

Almost 2 years ago, the National Aeronautics and Space Administration announced that it would establish a rocket testing facility in south Mississippi, acquiring fee simple title to 13,200 acres in the actual test site area, and an easement in about 126,000 acres in the so-called buffer zone. Since the original announcement, NASA and the Corps of Engineers, its land acquisition agent, have determined that it will acquire outright title to a portion of the property in the buffer zone.

In the period of time since the original announcement, the property has been appraised, negotiations undertaken, and many settlements made. Congress has appropriated, of course, the money to

buy the land or the interest therein to be acquired.

In a number of cases, however, there is an honest difference of opinion between the landowners and the Corps of Engineers as to the actual value of the property to be acquired. In such cases where the landowners and the Engineers fail to negotiate a settlement, a condemnation suit in Federal court is filed and a trial is held to determine the value of the land and the amount to be received by the landowner for the property taken.

Under the present law, covered by rule 71A(h) of the Federal Rules of Civil Procedure, the landowner may demand a trial by jury of the issue of just compensation:

> Unless the court in its discretion orders that, because of the character, location or quantity of the property to be condemned, or for other reasons in the interest of justice, the issue of compensation shall be determined by a commission of three persons appointed by it.

Mr. President, these people are the victims of circumstance. The Government is taking their land for a public purpose. They are not seeking to sell their property. Since the announcement of the Government facility, they have had to try to buy other property to replace that taken from them and have watched adjoining land increase in price. The value of property is the subject of honest differences of opinion, among landowners, real estate experts, and others. In such cases, it is only fair that those who are having to sell their property, against their will, should have a jury to determine the value and the issue of just compensation.

I am hopeful that, under the present law, the court will grant a jury trial in all cases where the landowner requests it. I believe this will be the case. But I strongly feel that a landowner in these circumstances is entitled to a jury trial as a matter of right. It is the fair way. It is just. It is the American way.

My bill will insure that every landowner whose property is taken by the United States under the power of eminent domain will be entitled to have a jury to decide the issue of just compensation, by filing a request for a jury trial. I think one whose property is taken against his will is entitled to a jury trial and the assurance it will give him.

I sincerely hope that the committee and the Senate, in their wisdom, will act upon this bill at an early date so that these landowners can be assured a jury trial should they request it.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 2148) to amend section 1345, title 28, United States Code, to accord to defendants in actions by the United States for the condemnation of real property the right to a determination by a jury of the amount of just compensation, and for other purposes, introduced by Mr. STENNIS (for himself and Mr. EASTLAND), was received, read twice by its title, and referred to the Committee on the Judiciary.

NOTICE OF MOTION TO SUSPEND THE RULE—AMENDMENT OF AGRICULTURE APPROPRIATION BILL

Mr. LAUSCHE submitted the following notice in writing:

In accordance with rule XL, of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend paragraph 4 of rule XVI for the purpose of proposing to the bill (H.R. 6754) making appropriations for the Department of Agriculture and related agencies for the fiscal year ending June 30, 1964, and for other purposes, the following amendment, namely: viz: On page 38, between lines 5 and 6, insert a new section as follows:

SEC. 608. (a) The second sentence of section 4 of the Rural Electrification Act of 1936, as amended (7 U.S.C. 904), is amended by striking out "2 per centum per annum", and inserting in lieu thereof "3 per centum per annum".

(b) The third sentence of section 5 of the Rural Electrification Act of 1936, as amended (7 U.S.C. 905), is amended by striking out "2 per centum per annum" and inserting in lieu thereof, "3 per centum per annum".

(c) The amendments made by this section shall be effective with respect to loans made on and after the date of enactment of this Act.

Mr. LAUSCHE also submitted an amendment, intended to be proposed by him, to House bill 6754, making appropriations for the Department of Agriculture and related agencies for the fiscal year ending June 30, 1964, and for other purposes, which was ordered to lie on the table and to be printed.

(For text of the amendment referred to, see the foregoing notice.)

ENCOURAGING REPORTS FROM VIETNAM—ADDITIONAL COSPONSORS OF RESOLUTION

Mr. CHURCH. Mr. President, over the weekend we heard the first encouraging reports to come out of Vietnam in many weeks. The Diem government announced that martial law would be lifted in South Vietnam at noon today, and that the national assembly election, postponed from August 31, would be rescheduled for September 27. These are welcome and encouraging developments, as is the report that most of the Buddhist priests that were jailed have now been released.

Although we cannot jump to the conclusion that these measures will win back popular support for the Diem government in South Vietnam, we can hope that the regime will now continue to move in the direction indicated by these latest developments. If the Diem government is going to win the war against the Vietcong, it must regain the support of its people.

Last Thursday, on behalf of myself and 22 cosponsors, I submitted a resolution (S. Res. 196) providing that, unless the Government of South Vietnam abandoned policies of repression against its own people and made a determined and effective effort to regain their support, military and economic assistance to that Government should not be continued. I left the resolution on the table until this coming Thursday so that other Senators could join in cosponsorship. Since that time, the junior Senator from Oklahoma [Mr. EDMONDSON], the junior Senator from Montana [Mr. METCALF], and the senior Senator from Indiana [Mr. HARTKE], have expressed their desire to cosponsor the resolution. I ask unanimous consent that their names be added.

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

Mr. CHURCH. Mr. President, this brings to 26 the number of Senators who now sponsor the resolution.

Mr. President, I also ask unanimous consent to have printed in the RECORD an Associated Press dispatch published in yesterday's Sunday Star and an article written by Ted Sell, which appeared in this morning's Washington Post, which document these encouraging changes in South Vietnam.

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

[From the Washington Sunday Star, Sept. 15, 1963]

DIEM WILL END MARTIAL LAW

SAIGON, VIETNAM, September 14.—Martial law which has prevailed in South Vietnam for 25 days will end at noon Monday and civilian agencies will resume all administrative functions, President Ngo Dinh Diem announced today.

Even while student unrest was reported expanding to the countryside, the President rescheduled for September 27 a National Assembly election that had been postponed from its original date, August 31.

Dropping of martial law would be one step toward a return to normalcy sought by the United States, a worried ally of President Diem's administration in a war against Communist guerrillas.

UNITED STATES WELCOMES NEWS

In Washington, the State Department welcomed the news and said such an action would be a step in the right direction.

"We have not yet received a report from our Embassy in Saigon," the State Department spokesman said in the U.S. Capital. "But if the lifting of martial law means that the Vietnamese Government is moving to undertake constructive measures to achieve adequate support to win the war and to insure a better future for the Vietnamese people it is a step in the right direction. We shall be watching developments in Vietnam closely."

[From the Washington Post, Sept. 16, 1963]

VIET TROOPS START LEAVING SAIGON, POLICE ALERT AS MARTIAL LAW ENDS

(By Ted Sell)

SAIGON, September 15.—Vietnamese troops are slowly being withdrawn from key points in this troubled city as the end of 25 days of martial law approaches.

Several schools where major student demonstrations erupted recently remained under guard today but even Government units at these sites have been greatly reduced in size.

Rifle squads now patrol areas where a few days ago full companies were on guard.

Most of the Buddhist priests arrested last month in a series of raids on Pagodas have been released. Secret police are still believed to be searching for a few alleged ringleaders, however.

COPTERS AGAINST VIETCONG

No one seems to know for certain how many students remain in custody. One government spokesman said about 20 were being detained but student leaders said the

figure was more like 2,000, perhaps as many as 2,500.

President Ngo Dinh Diem announced yesterday that martial law will end at noon Monday.

In the war against the Vietcong, Government troops launched a helicopter strike today but the results have not yet been disclosed.

A U.S. military spokesman said that despite Vietnam's internal troubles with the Buddhists and students, there has been no noticeable slackening in the war effort against the Communist guerrillas.

Most of the soldiers used to enforce martial law throughout the country came from units in reserve or from those that had just returned from fighting the Vietcong and were in rest camp.

Thus their redeployment to cities had no immediate effect on the war effort.

TROOPS REST AS SENTRIES

But one source close to the military said continued use of these troops could seriously hamper future operations. He said the soldiers were supposed to be resting but instead were being used as sentries.

Meanwhile, the Vietnamese Government launched an attack on Prince Norodom Sihanouk of neighboring Cambodia, charging him with assisting foes of the Diem regime.

A former paratroop colonel who led an unsuccessful attempt to unseat Diem in 1960 and an air force lieutenant who bombed Diem's palace in 1962 are believed to be in Cambodia.

The Government today openly accused Cambodia of hatching a plot to topple Diem.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, communicated to the Senate the intelligence of the death of Hon. LEON H. GAVIN, late a Representative from the State of Pennsylvania, and transmitted the resolutions of the House thereon.

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. NELSON:

News release No. 63-61, from his office, for Monday afternoon newspapers, September 16, 1963, dealing with the revitalization of the economy of northern Wisconsin, Michigan, and Minnesota.

THE BOMBINGS IN BIRMINGHAM, ALA.

Mr. JAVITS. Mr. President, I believe every Senator has read the tragic news from Birmingham this morning. What makes it even more tragic is the part of the report which I quote:

None of the 50 bombings of Negro property here [i.e., Birmingham] since World War II have been solved.

The report also states that this is the 21st bombing in Birmingham in 8 years; and that 20 Negroes have been hurt in previous attacks.

Mr. President, today we are confronted with the tragic death of four Negro children in this most recent bombing, and the death of two others in its aftermath.

As those charged with governance, we must read as quickly as we can the lessons of such tragic events.

First, the delay in civil rights legislation clearly cannot be justified, if we can possibly avoid it. I repeat my urging that the Senate proceed as soon as the Commerce Committee reports the public accommodations section and not wait for the House bill, but allow the House bill to come in during the course of debate. This will accelerate, in my judgment, consideration of civil rights legislation on the floor of the Senate by not less than 4 weeks, and perhaps more—which is extremely important time, under the circumstances, because we must do everything we humanly can to give fair redress to the grievances which dictated the demonstrations and the meetings, against which, in turn, the bombings have been directed.

Second, I wish to identify myself with this eloquent statement of Dr. Martin Luther King:

I am convinced that unless immediate steps are taken by the Federal Government to restore a sense of confidence in the protection of life, limb, and property, my pleas will fall on deaf ears and we shall see in Birmingham and Alabama the worst racial holocaust the Nation has ever seen.

In short, Rev. Martin Luther King is there to continue his policy of leadership in terms of nonviolence. He needs help, and I urge that help be given him.

I also wish to associate myself with the executive secretary of the National Association for the Advancement of Colored People, Mr. Roy Wilkins, who sent a telegram to the President stating:

The shock, outrage and anger of American citizens of both races at this callous and deliberate mass murder will make anything less than a strongly reinforced civil rights bill a confession that the Federal Government is willing to occupy a spectator role in the life and death struggle a beleaguered minority is waging.

Third, Governor Wallace, of Alabama, cannot escape the responsibility for encouraging disrespect for law in Alabama, which in my opinion creates a climate which at least makes more possible events such as this one.

We know there are crackpots and assassins in all tense situations. But when the Governor disregards the law, his action creates a moral climate which is far more conducive to dreadful acts of this sort.

Finally, I dare hope that the aroused religious conscience and sense of fairplan of Alabamians themselves will help the Federal Government—and I am confident the Federal Government will do everything humanly possible under law—to bring the perpetrators of this bombing to justice more quickly than otherwise could be done, and will result in more condign punishment, when they are caught and tried in full accordance with law. I do not favor any lynch action; neither does anyone else who is in his right mind, for nothing could be more calculated to injure the country in such a time of racial tension.

The PRESIDING OFFICER. The time available in the morning hour to the Senator from New York has expired.

Mr. JAVITS. Mr. President, I ask for an additional 2 minutes.

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

Mr. JAVITS. Furthermore, Mr. President, in my opinion nothing would be more likely to vitiate the cause of sincere—though misguided—defenders of Southern traditions than the dastardly act which took place yesterday. So I have no doubt about our common determination to prevent further actions of that sort and to see to it that redress is obtained for those which have occurred.

Thus, I have tried to address my suggestions where they would do the most good—in areas where we can help. We cannot bring back to life the children who were killed; but we can do our utmost in making our contribution, as far as we can, to the prevention of future excesses of that kind.

Mr. KUCHEL. Mr. President, hate and evil were on the march yesterday in a bleak and unhappy American city. While some of our fellow citizens were worshiping their God, on a Sunday morning, barbarism and murder snuffed out the lives of six of them.

Presumably this is a country of law. Elected leaders in America have a responsibility to lead. When they are good leaders, follow the law, and act with courage, the people follow them. When they are bad leaders, when they flout the law, people are inclined to flout the law, too.

The shock and horror of the acts on Sunday in Birmingham, in all their incredible evil, excite in the American people a desire that punishment be swift and sure, relentless and remorseless, for the crime of violence was a national crime, a crime against all the American people.

All we can do in connection with this tragedy is to pray, to urge the American people to be law abiding, and to urge upon those charged with the responsibility of enforcing the law, to ferret out the criminals and punish them.

BOMBING IN BIRMINGHAM

Mr. MANSFIELD. Mr. President, the bombing of the Baptist church in Birmingham yesterday during services was both reprehensible and outrageous. There can be no excuse for an occurrence of that kind under any possible circumstances. I hope that those who are guilty are found and punished according to the deserts which they merit.

In my opinion, that outrageous action does not represent by any means the feelings of the great majority of the citizens of Birmingham, nor does it represent the feelings of the great majority of the people of the State of Alabama, nor does it represent the feelings of the people of the United States as a whole. That act is something which no one can condone. It is an act which has set back the difficult course on the road to better race relations. I am glad to know that not only is the Governor of Alabama, Mr. Wallace, responding to the request of the Birmingham city administration, but that the President of the United States and the Attorney General are likewise taking an active and intense interest.

That, of course, includes not only the dispatch of officials of the Department of Justice but also, in sufficient number, members of the FBI to probe into this matter to find the culprits who are guilty and to see that they get their just deserts.

Mr. JAVITS. Mr. President, will the majority leader yield to me briefly on the point he just made?

Mr. MANSFIELD. I yield.

Mr. JAVITS. I point out to the majority leader the importance of civil rights legislation. The 1960 civil rights law dealing with the transportation of explosives across State lines gives the FBI jurisdiction in this very case. I point that out to the leader because I know he feels as I did as to the importance of our acting seasonably. I thank the Senator.

Mr. MANSFIELD. Contrary to reports which appear in the press from time to time about the lack of interest of the FBI in cases of the kind occurring in Birmingham, the Senator from Montana has no doubt whatsoever in his own mind that Mr. J. Edgar Hoover and those in his agency will do everything in their power to see that the culprits are found and punished.

Mr. JAVITS. I join the majority leader in that statement.

Mr. FULBRIGHT. Mr. President, I should like to associate myself with the remarks of the majority leader. This outrageous and disgraceful occurrence in Birmingham is certainly a great tragedy for the whole country as well as the people of Alabama and the South. Of course, I concur in what the majority leader has said.

FUTURE OF THE HISTORIC BATTLESHIP "MISSOURI"

Mr. SYMINGTON. Mr. President, a large number of Missourians, as well as others throughout the country, are concerned with the future of the historic battleship *Missouri*, on which the Japanese instrument of surrender was signed by General MacArthur and Admiral Nimitz in Tokyo Bay on September 2, 1945.

This ship, which has played such an important role in the history of our Nation, is now in the reserve fleet berth of the Puget Sound Naval Shipyard in Bremerton, Wash.

Many believe, however, that the *Mighty Mo* should be located where people would have a real opportunity to see it.

One of these is former President Harry S. Truman, who recently wrote concerning this matter. I share his views and hopes, and ask unanimous consent that two letters to that end be printed at this point in the RECORD.

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

SEPTEMBER 4, 1963.

Mr. OREE C. WELLER,
15734 SE. 26,
Bellevue, Wash.

DEAR MR. WELLER: I appreciated most highly the copy of your letter to the editor of Seattle Post Intelligencer about the battleship *Missouri*.

I cannot understand the attitude of the people in charge with regard to the battleship. It is the most beautiful and the most famous battleship in the history of the world and I would like to see it stationed where people can get to it instead of having it in a "closet" up in Puget Sound where nobody can see it.

Sincerely yours,

HARRY S. TRUMAN.

BELLEVUE, WASH., *August 27, 1963.*

EDITOR,
The Seattle Post Intelligencer,
Seattle, Wash.

DEAR SIR: Harry Truman is right once again. The U.S.S. *Missouri* is truly in a closet in Bremerton.

This past weekend my wife and I were cruising with another couple on their boat and leisurely seeing the sights of Puget Sound. Among the sights we thought we could see was the battleship *Missouri*. Although I have lived here for a number of years I have never been over to Bremerton to see this national monument. The idea of cruising by seemed a good one and we headed down Sinclair Inlet. Approaching the long line of mothballed ships we observed a sign admonishing all to stay at least 150 feet away. Well that wasn't too bad. You just about have to be 150 feet away to get the *Missouri* in the proper perspective. As we passed the starboard quarter we took a couple of snapshots of the area of the ship where the World War II surrender documents were signed. As we were circling around the stern for one more quarterdeck shot we observed the spectre of a gray truck with a police type flashing light on the top roaring down an adjacent dock. Men emerged arms waving toward us. Another truck pulled up beside it. More people. These in uniform. Another convoy of bluejackets dashed down to a nearby moored landing craft which soon pulled out to accost us. Upon intercepting us and radioing the boat's registry number to shore they asked if we took any pictures. We replied that we had. Such pictures were "unauthorized" and the film must be destroyed perforce. Reluctantly we opened our cameras and removed the now tainted film. I, at the sailor's instruction, tossed my film cannister overboard. We told the patrol that we thought the *Missouri* was supposed to be a tourist attraction which the public could readily see. We were told this was not so and that we would have to vacate the area immediately, which we did.

Now, I appreciate national security and I admire the alacrity with which these young fellows responded to what appeared to them to be a breach of that security. But if taking pictures of the most photographed area of perhaps the Navy's most photographed ship is a breach of security, I fail to see it. The Navy may well say that the ship is moored in company with other ships and thus the sum total is classified. This only reinforces Truman's "closet" theory.

Let's face it. The *Missouri* is an attraction. It should be. Why don't they moor it so that people can see it. There is another large ship, the U.S.S. ————, (I'll omit the name to preserve the sensibilities of Navy security people) which is moored in stream and isolated from the remainder of the group. Why not trade places with the *Missouri*? Launches from the shipyard could carry shore visitors out to the ship and pleasure cruisers from the Seattle area could bring their waterborne visitors to see it. It would be a lot more accessible there to a lot more people than it is now. If we can't see it in our own backyard then let San Francisco (or St. Louis) have her.

Very truly yours,

OREE C. WELLER.

CONGRESSIONAL REORGANIZATION MUCH NEEDED, MUCH LOOKED FOR

Mr. BARTLETT. Mr. President, on Wednesday the Senate Rules Committee voted to report favorably Senate Concurrent Resolution 1. This concurrent resolution seeks to establish a Joint Committee on the Organization of the Congress, to study and recommend means of streamlining the procedures of both Houses. The action taken by the Rules Committee was forward-looking and responsible.

I congratulate the committee; and I announce that it is my intention to do all within my power to obtain congressional approval of the resolution. The pace of events, Mr. President, ever quickens. The executive and judicial branches of the Federal Government have already taken steps to improve the effectiveness and efficiency with which they handle their responsibilities. It is incumbent upon us in the legislative branch to do likewise. Decisions will not wait. If we do not make them, another branch will. It is our constitutional responsibility to participate fully in the Federal Government. We cannot do this to the greatest effect without improving our procedures.

Senators will remember that for many months I have been concerned with the deepening and expanding relationship between Congress and the sciences. Repeatedly I have pointed out that the two Houses do not now have available to them the scientific advice and experience they need if they are to evaluate in a responsible manner the scientific requests which come before them.

I have introduced proposed legislation to remedy this lack. I have proposed the creation of a Congressional Office of Science and Technology. I am pleased that 14 Senators—both Republicans and Democrats—have joined in cosponsorship of this completely nonpartisan proposal. In making this proposal, I have worked closely with two Members of the House, Representatives SIBAL and WIDNALL.

The Congressional Office of Science and Technology which we envision would provide an independent, responsible, and readily available means of obtaining scientific assistance for Congress. The proposal, we hope, is based on the real and the possible, rather than the ideal and the impossible. It is a simple proposal which takes into account the bicameral nature and the committee structure of Congress.

The Rules Committee, in providing such excellent leadership for the cause of congressional reorganization, took notice of congressional needs in the fields of science and technology. I am extremely pleased that this is so. I am happy that my efforts in this field were instrumental in bringing this problem to the attention of the committee. The committee, in reworking Senate Concurrent Resolution 1, added special language which makes clear that, as part of its responsibility, the Joint Committee on the Organization of Congress shall study "the furnishing of additional scientific and technological advice and assistance to Members and committees of the Congress."

The inadequacy of communications between science and Congress has been recognized on both sides—not only by the Congress, but also by science. Our efforts have received substantial approval from the scientific community. As an example of this, the current issue of Science magazine contains an excellent lead editorial in which the proposed Congressional Office of Science and Technology is discussed. I ask unanimous consent that the editorial be printed in the RECORD.

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

CONGRESSIONAL FRUSTRATION

There is a growing feeling among Congressmen that major procedural and organizational changes are necessary to restore Congress to a position of power comparable to that of the executive and judicial branches. Part of this unrest comes from congressional difficulties in understanding and dealing with research and development. Two weeks ago Science reported a Rules Committee proposal to appoint a select committee to investigate Federal research, a proposal that is likely to be interpreted as an attack on research support and management. This interpretation may accurately represent the attitudes of some supporters of the proposed investigation, but it is not the whole story. Several of the sponsors have long supported governmental scientific and educational activities; and the strongest opposition has come not from the friends of research and development but from the chairmen of committees whose power might be reduced by the reorganization that a special committee might propose. In short, the argument is not primarily over whether research and development support has been too generous or research and development funds mishandled, but rather over how Congress should be organized to carry out its responsibilities.

Dissatisfaction is also evident in Senator BARTLETT's proposal for a congressional office of science and technology that would serve Congress as the Office of Science and Technology serves the President and the executive branch. Earlier agitation for a Cabinet-level Department of Science, the use by some committees of ad hoc panels of scientific advisers, and the occasional search for a qualified scientist to serve on a committee staff are also evidence of dissatisfaction with the existing organization.

Immediate and sweeping action is altogether unlikely, but as frustration grows, so does the pressure for change. There is some opportunity for the appointment of scientists as members of committee staffs, but it will be difficult to recruit top-quality men; such an appointment is not an accepted part of a scientist's career, whereas a comparable appointment is a commonly accepted part of the career of a lawyer or political scientist. Some weeks ago a Science editorial proposed the appointment, perhaps by the National Academy of Sciences, of a rotating panel of devil's advocates who would give Congress independent advice on proposals received from the executive branch and its scientific consultants. Senator BARTLETT's bill would establish a permanent group of scientific advisers.

Perhaps gradually, but certainly not immediately, a change will come about, for Congress cannot continue to rely primarily upon the well-informed but rarely impartial advice of the executive agencies just because it is they who have technically qualified staff members and consultants. Senator BARTLETT stated the problem in this way: "It is disturbing but true that at the present time Congress does not understand science and it is also true that science does not understand Congress. Communication between the two must be improved. * * * Congress does not appreciate the importance of scientific decisions and as a result they are made, not in the halls of Congress but elsewhere, not by the elected representatives but by unknown administrative officials."

The fact that Congress is growing uneasy about its lack of scientific and technical competence poses two problems for scientists. One is of perhaps special concern to political scientists—to consider organizational changes that will help Congress to acquire a greater competence in dealing with scientific matters. The other and more general problem is for scientists to consider how they can best assist Congressmen and their staffs to learn more about science.

DEATH OF REPRESENTATIVE GAVIN, OF PENNSYLVANIA

Mr. METCALF. Mr. President, I was grieved to learn of the passing of a friend and colleague for whom I had great respect and admiration, Representative LEON H. GAVIN, of Pennsylvania.

I became acquainted with him during my first term in the House, 10 years ago. Although we sat on different sides of the aisle, we worked together closely on many conservation and resource matters.

I remember when Bernard deVoto, on behalf of the Izaak Walton League of America, the National Parks Association, National Wildlife Federation, Wilderness Society and Wildlife Management Institute, presented him with an award for distinguished service to conservation. That citation, presented on July 15, 1954, read as follows:

Since the 78th Congress, LEON H. GAVIN'S continuing interest has been the promoting of better management of the vast treasures of natural resources held in public trust by the Federal Government and in assuring equal privileges for all who would benefit from these resources. During his long and active career in the House of Representatives of the United States, he has become known as a fearless champion of the national forest system. His trademarks are his firm convictions that, consistent with sound management policies, the privileges of all users of the national forests be recognized, and his unyielding stand in opposition to those who would obtain special privileges at the expense of others. He has been a forceful advocate of the appropriation by Congress of adequate funds with which to carry out the study and management of fish and game resources on these public lands. In recognition of his outstanding service and untiring efforts to secure the best management and wise use of the country's natural resources in the public interest, the undersigned national conservation organizations are privileged to present this national award and a bronze plaque to Representative LEON H. GAVIN, of Pennsylvania.

Mr. President, since shortly after coming to the Senate it has been my privilege to continue a close association with LEON GAVIN, as a fellow member of the Migratory Bird Conservation Commission. I found him always to be a forceful, friendly, and articulate champion of those who sought enhancement of our forests, streams, fish and wildlife, and a foe to be reckoned with by those who sought special privilege in the public domain.

On behalf of Mrs. Metcalf and myself, I extend deepest sympathy to Mrs. Gavin and their children.

DEATH OF FORMER SENATOR HATCH, OF NEW MEXICO

Mr. ANDERSON. Mr. President, it is my sad duty to inform the Senate of the death yesterday of former Senator Carl A. Hatch in Albuquerque. Carl Hatch had served in this body from 1933 to 1949. Thousands of people knew him as a fine public servant in both the legislative and judicial branches of our Government and as a warm and considerate man.

Carl Hatch was born at Kirwin, Kans., on November 27, 1889. He served as assistant attorney general of New Mexico in 1917 and 1918. He was then appointed collector of Internal Revenue for the district of New Mexico in 1919. He was later appointed district judge of the ninth judicial district of the State of New Mexico on January 1, 1923, and was elected to the same office in 1924 for a 6-year term. He resigned as district judge to reenter the practice of law on October 1, 1929. Carl Hatch was chairman of the Democratic State Central Committee in 1930. He was the presidential elector for New Mexico in 1932.

Senator Hatch was appointed to the U.S. Senate by Gov. A. W. Hockenhull on October 10, 1933, to fill a vacancy caused by the resignation of the Honorable Sam G. Bratton; and later was elected to fill out the unexpired term in November 1934. He was reelected Senator on November 3, 1936, and served until 1949.

Carl Hatch was best known nationally for his efforts in behalf of improving the character of partisan politics by regulating campaign contributions and political expenditures. The famous Hatch Acts were the result of his activities in this field. But he was also active in the interest of conservation, agriculture, and labor legislation.

After completing his second full term in the Senate, Senator Hatch did not seek reelection. President Truman appointed him a Federal district judge in New Mexico, and he was confirmed by the Senate on January 17, 1949. Carl Hatch brought distinction and diligence to the bench just as he brought them to his tenure in the Senate. He continued to serve as Federal judge until illness led him to retire earlier this year. Thus, Carl Hatch completed some 30 years of faithful and effective Federal service.

I ask unanimous consent that a story about Senator Hatch's passing which appeared in the New York Times be printed at this point in my remarks.

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

EX-SENATOR CARL HATCH DIES; AN ADVOCATE OF CLEAN POLITICS—DEMOCRAT OF NEW MEXICO, 73, SERVED FROM 1933 TO 1949—TWO ACTS NAMED AFTER HIM

ALBUQUERQUE, N. MEX., September 15.—Former Senator Carl A. Hatch died today in a hospital at the age of 73. A Democrat, he served from 1933 to 1949.

Mr. Hatch, who became a Federal district judge after leaving the Senate, retired from the bench about 5 months ago. He had been suffering from pulmonary emphysema, a chronic lung disease, and was hospitalized last week.

He is survived by his widow, the former Ruth Caviness; a son, Stewart; a daughter, Miss Marsha Leet, and nine grandchildren.

BILLS PASSED IN 1939 AND 1940

Senator Hatch was a champion of cleaner elections. He was the author of Hatch Acts of 1939 and 1940, which were intended to prevent what he termed "pernicious political activity."

He seized upon the public sentiment of the time to get the corrective bills passed. The first Hatch bill barred all but top-level Federal officials from political activity and prohibited, among other things, solicitation of funds from employees on public relief projects.

A year later the second Hatch bill was passed to extend the provisions of the first to State employees whose salaries are paid in part from Federal funds. An additional amendment limited the annual expenditure of the national committee of any party to $3 million and individual contributions to $5,000.

However, there has been little pretense that the provisions of the act have been strictly adhered to. Loopholes permit, for instance, the expenditure of much larger sums in national campaigns. After the 1960 presidential race, the Republicans reported that they had spent $10 million; the Democrats reported $9,800,000. Charges of evasion have been made after almost every election since the acts came into force.

Senator Hatch himself said in 1946 that his law was a failure and should be abandoned. He suggested in its place full publicity on campaign expenditures.

The Hatch Acts were amended in 1942 to assure school and college teachers the right to participate in politics. During World War II an amendment prohibiting electioneering through Government dissemination of political literature among the Armed Forces was passed.

BORN IN KANSAS

Carl Atwood Hatch was born in Kirwan, Kans., on November 27, 1889. He was a son of Kansas pioneers, Harley Atwood and Esther Shannon Ryan Hatch.

Shortly after the turn of the century, the Hatch family moved to Eldorado, Okla., a booming young railroad town. Carl Hatch first helped his father in his country store and, after finishing high school, went to work for the town newspaper, the weekly Courier. Later he and a friend bought the paper.

He then decided to study law. He went to Cumberland University at Lebanon, Tenn., and after graduation was admitted to the bar at the age of 23.

In 1916 Mr. Hatch moved to Clovis, N. Mex., to establish a law practice. A year later he became an assistant State attorney general. He served in that post until 1919.

In the following years he was collector of internal revenue, a State district judge, and chairman of the Democratic State committee until, on October 10, 1933, he was appointed to the Senate to succeed Sam G. Bratton, who had resigned.

Less than 4 weeks later he was elected to serve the rest of Senator Bratton's term. He was elected to a full term in 1936 and again in 1942.

Senator Hatch did not seek reelection in 1948, and President Harry S. Truman made him a district judge in New Mexico.

FARM-BLOC SUPPORTER

Mr. Hatch was the center of an influential group during his service in the Senate. Besides his efforts for cleaner politics, he supported the farm bloc and took a strong interest in labor legislation; among other things, he advocated compulstory arbitration in disputes in key industries.

He was also a defender of the U.S. reciprocal trade agreements, and, after World War II, was an outstanding spokesman for the legislation pertaining to the preservation of peace.

Because of his pleasant personality, Mr. Hatch was sometimes called "Smiling Carl." He was always careful not to question a fellow Senator's motives or hurt his feelings. When the Senate was not in session, he went to his ranch and grain farm near Clovis.

Mr. Hatch was a 32d degree Mason. He was also a member of the Knights Templar and a noble of the Order of the Mystic Shrine.

SEAGULL WISDOM

Mr. FULBRIGHT. Mr. President, the discussion in the Senate in the past weeks has been a realistic reminder that we human beings have a very difficult time getting along together on this earth. Controversies and strife are man's daily lot in life. Nearly every day some new crisis arises to threaten the tranquillity and serenity of our society.

Perhaps if we would look about we might learn from other inhabitants of this terrestrial sphere who have done a much better job than we have in learning to live at peace with one another.

I recently came across an article in June–July issue of National Wildlife magazine on the mores and mating habits of seagulls. My initial reaction to the article was that I had learned somewhat more about seagulls than I really cared to know, but on further reflection I realized that I was manifesting the rather stuffy and superior attitude which we humans all too often direct at our inarticulate fellow creatures.

The seagull in fact is a marvelous bird. Unlike many other species, it is entirely free of socialistic tendencies. It is in fact a capitalist bird, a rugged individualist with a highly developed regard for the sanctity of private property. Every family of seagulls has its own nesting land, about 7 feet square, and the family estate is absolutely inviolable. To invade one of these private preserves is the gravest of offenses, punishable by swift and stern retaliation.

In addition to his sound economic doctrine, the seagull is guided by rigorous standards of morality in his private life. Courting is conducted with dignity and ceremony and, once wed, the seagull is monogamous and devoted to family. Divorce is unknown and scandals of the sort which rock great empires in the world of men are considered by seagulls to be in unacceptably bad taste.

More impressive still is the high regard which seagull society holds for the principle of seniority. Every gullery has its venerated senior citizens, newcomers working their way up, and a few members whom everybody is allowed to pick on. Under the seniority system the young chick is required to keep his neck tucked in because a high head and a stretched neck is a status symbol among gulls. Nothing is more infuriating to an adult than the sight of a juvenile with his neck stuck out. This is the ultimate in presumption and the bumptious youngster who holds his head high is likely to be struck dead by an adult who sees him. Where, Mr. President, outside a gullery and the U.S. Senate, is the principle of seniority more faithfully observed?

The most ingenious and civilized of seagull folkways are the rules of chivalrous combat. A head held high is the most heinous of offenses, but so long as a gull holds his neck in, he is immune from attack, even if he invades the private property of another bird. The tucked-in head is a permanently available form of diplomatic immunity, sacred and inviolable. There is no real equivalent to it in human society except for certain rather limited forms of political asylum for heretics and dissenters. Surely with our superior mental endowment we humans ought to be able to devise a form of protection for our free thinkers and dissenters as safe and as convenient as the bulled-in neck.

When seagulls do actually fight, they seldom go beyond ceremonial expressions of hostility. When two enemies face each other, they are likely to stand puffing out their wings until one or the other commits the ultimate provocation of leaning over and pulling grass. So terrifying is this act that the fight usually ends at this point. Only the gravest of conflicts actually reaches the point of whacking and biting.

It takes little imagination to conceive of the benefits which would accrue to humanity if we were able to apply such civilized techniques to our own rivalries. Pulling grass hardly seems an appropriate expression of hostility for so elevated a creature as man, but certainly we should be able to devise suitable forms of ceremonial combat. Consider, for example, the Battle of Agincourt. It would have been almost as exciting and a great deal safer if the English had tipped their arrows with suction cups instead of sharp metal points.

Or consider the hydrogen bomb. Would it not be a fine thing if we could agree with the Russians to replace all our nuclear bombs with smoke bombs—huge smoke bombs which could set off immense unradioactive mushroom clouds and even make a tremendous noise but to do so without a lethal explosion? Surely it is not beyond the genius of modern science to invent such a weapon, one which would permit us the fun and excitement of nuclear war without getting killed.

But all this, I suppose, is idle nonsense, suitable enough for the mindless sea gull but hardly worthy of the most exalted of God's creatures.

And yet, perhaps ratification of the test ban treaty may be one small step toward learning how to keep our necks in.

Mr. McGOVERN. Mr. President, the distinguished chairman of the Committee on Foreign Relations has reminded us of the remarkable performance of the sea gull. I should like to invite attention to the fact that there is another bird which occasionally performs in a most remarkable fashion—the stork.

THE EDUCATION OF AMERICAN TEACHERS

Mr. McGOVERN. Mr. President, once again Dr. James B. Conant, the distinguished educator and former president of Harvard University, has challenged the educational world to achieve

higher standards. After months of study, Mr. Conant has released a report "The Education of American Teachers," which calls for sweeping changes in the preparation, certification, and training of the Nation's teachers.

The highlights of Dr. Conant's study are reported in the Sunday New York Times of September 15, 1963, in an article by Times educational writer Fred M. Hechinger. The Times has also given us the text of 27 specific recommendations by Dr. Conant followed by excerpts from his concluding observations.

I ask unanimous consent that this valuable material be included at this point in the RECORD.

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

[From the New York (N.Y.) Times, Sept. 15, 1963]

TEACHER TRAINING SCORED BY CONANT AS U.S. "SCANDAL"—SWEEPING REFORMS URGED IN CERTIFICATION SYSTEM AND UNIVERSITY PROGRAMS—ON-JOB TRAINING ASKED—NEW BOOK CALLS FOR 4-YEAR PROBATIONARY PERIOD AND BROAD LAYMEN'S ROLE

(By Fred M. Hechinger)

Dr. James Bryant Conant, in a sweeping critique of teacher training in America, has called for the abolition of the existing teacher certification system.

He has proposed measures that would make performance in the classroom the only criterion for licensing the Nation's public school teachers, and he has informed laymen to play a greater role in determining standards.

The proposals were contained in a 275-page book, "The Education of American Teachers," published yesterday.

RECOMMENDATION BY COLLEGE

At the heart of Dr. Conant's proposals is the demand that, for certification purposes, the State shall require only a bachelor's degree from a "legitimate college or university," evidence of successful and properly supervised student teaching, and the endorsement by a college or university vouching for the candidate's teacher preparation in "a designated field and grade level."

Teachers would gain certification with tenure after a 4-year probationary period consisting of on-the-job training directed by specially selected "cooperating teachers."

Anyone thus certified in one State would be considered qualified to teach anywhere in the United States.

STATE ACTION TAKEN

Although these proposals were believed certain to arouse violent controversy, it was learned that, even before publication of the book, New York State's Commissioner of Education had begun to move in the direction of some, but not all of the Conant recommendations.

Immediate reaction to the report ranged from unqualified enthusiasm by Dr. Sterling M. McMurrin, a former U.S. Commissioner of Education who has long criticized existing teaching standards, to a guarded warning by W. Earl Armstrong, director of the National Council for the Accreditation of Teacher Education, that the proposals may lead to low-quality academic programs.

Apparently anticipating the debate, Dr. Conant plans to make his personal services and efforts available to State education authorities interested in implementing his proposals, it was learned.

He will take the controversy to large professional audiences next February and hopes to meet with State education officials across the country in the fall of 1964.

AID TO STATES OFFERED

Dr. Conant is known to have expressed his willingness to guide and advise State education departments in preparing legislation that would make possible the implementation of his report.

A number of his recommendations would require legislative action either by State legislatures or by local school boards. Others would have to be dealt with by trustees and administrations of colleges and universities and by State education commissioners.

The 70-year-old scientist, educator, and diplomat, who was president of Harvard University for 20 years, covered 77 colleges, and universities in 22 States in his 2-year study. He worked with education officials in the capitals of the 16 most populous States in which two-thirds of all teachers in the Nation are educated. The study was financed by the Carnegie Corp.

The report called present State certification procedures bankrupt. It described as frightening the rigidity of many branches of the teacher training and licensing establishment.

SEES NATIONAL SCANDAL

It labeled "as a national scandal" the prevailing practice in most States, including New York, of permitting teachers certified in one subject field to teach practically anything else.

It "contemplates with horror" the fact that, as a result, 34 percent of all seventh and eighth grade mathematics classes in the country are taught by teachers who have had less than two college courses in the subject.

Dr. Conant also called the majority of local school boards scandalously remiss in not providing new teachers with the proper help and opportunities to become expert practitioners.

In sharp contrast to his earlier efforts to reform the high schools without upsetting the existing school pattern, Dr. Conant appeared to be so alarmed by the deficiencies of the teacher training scene that he offered as the basis for improvement the radical suggestion of a break with the status quo. In addition, he demanded that teacher training candidates be selected among the top third of high school graduation classes.

ALLEN HAILS PROPOSALS

Dr. James E. Allen, New York State, education commissioner, who had discussed the study with Dr. Conant before publication, said yesterday: "Once again Mr. Conant has designed a constructive program for the improvement of American education."

He added that he liked many of the recommendations. He considered plans to shift to the colleges responsibility for certification in general, sound, provided these institutions are ready to accept the wholehearted commitment outlined in the Conant plan.

He warned, however, that in his opinion many colleges are not yet ready or willing to do this.

Dr. Allen urged colleges and universities to make proposals for carrying out the Conant plan.

Adding full endorsement to the need to improve practice teaching, he said that the State's 1964–65 budget includes a request for funds to assist local school systems to establish an effective partnership with teacher training institutions, as proposed by Dr. Conant.

WILL DISCUSS IMPLICATIONS

Earlier this month, Dr. Conant said, he invited the heads of a number of colleges and universities in New York to confer with him during the remainder of the year to consider ways of improving the teacher training and certification picture. "In these conferences we shall discuss the implications of Mr. Conant's recommendations," he said.

Edgar Fuller, executive secretary of the Council of Chief State School Officers, who had only read the single recommendation concerning certification requirements, said the proposals might work fairly well for teachers who get all their training in one university but warned that it might be difficult to assure competence for those who have moved from State to State in their schooling.

He expressed serious concern over the idea of reciprocal recognition of certificates between States, considering the extent of the qualitative discrepancies between States and regions.

Until those discrepancies are eliminated, he warned, the proposals would result in "lower requirements" and would "put teaching on a lower level as a profession than it should be."

Dr. McMurrin, who has returned to the teaching of philosophy at the University of Utah, said, on the other hand, that "to adopt Mr. Conant's general principles would be a great step forward."

Dr. Armstrong, who had not yet read the full report, believed that leaving the responsibility to the colleges and universities might encourage them to be too loose and easy going in granting statements of certification.

MEANINGLESS SPECIFICATIONS

Dr. Conant argued that the present system under which State education departments list a certain number of courses in specific fields as certification requirements amounted to meaningless paper specifications.

He argued the substitution instead of pinpointed responsibility—by the college for the quality of the academic preparation, by the State education authorities for the quality of practice teaching, and by local school boards both for the selection of teachers and their continuing on-the-job training.

The book was sharply critical of courses in educational history, philosophy, and psychology unless they are taught by persons who have completed basic academic work in history, philosophy, and psychology.

Instead of leaving the teaching of education methods courses—often the center of controversy—to professors who have had little, if any, public school teaching experience, Dr. Conant urged the creation of the post of clinical professor of education.

These experts would be outstanding classroom teachers, who would supervise student teaching, preside over "methods" instruction and, in addition, continue their own teaching. They would, however, receive the full standing and pay of professors and would be employed jointly by the cooperating college or university and the public schools.

NEW TEACHER PLAN

Another new category of "cooperating teachers," also selected for outstanding performance in local schools, would train all newly licensed teachers on the job in regular public schools, during a 4-year probation period.

The newly appointed "junior teachers," according to the Conant plan, would work in teams. At the end of the probation period, they would be carefully appraised, with a conscientious weeding out of those unsuited for the career. At the point of full certification of "career teachers," with tenure, salary scales would jump steeply.

The creation of the new teacher categories, based largely on the pattern of medical education, would significantly change the teacher salary structure. A considerable number of teachers, without giving up the classroom for administration offices, could command salaries equivalent to those at universities.

At the same time, Dr. Conant called for a wiping out of all future salary increment benefits based on what he calls "odd lot" courses, taken in university extension courses in the afternoon and on Saturdays.

Referring to many of these offerings as "Mickey Mouse" courses, he compared teach-

ers enrolled in them to "opium smokers who were praising the habit of which they had long since become the victims."

Salary stepups, he said, should be earned only through full-time study, financed in part by the local schools, or through summer courses, leading to master's and doctor's degrees designed specifically to improve the teachers' classroom effectiveness.

He admitted that since universities have been doing "a landoffice business" in such courses, his recommendations would be violently opposed. But he insisted that teacher training should not have the responsibility of keeping academic institutions operating in the black.

Dr. Conant's earlier reports, especially his book on "The American High School Today," published in 1959, have been given credit for significant improvements in the quality of American public education.

Much of this success has been attributed to his missionary zeal and his readiness to take his message to school systems across the country, to confer with professional and lay people, and to answer questions arising from local problems.

Although he is now in West Berlin as an adviser to the Ford Foundation, he will deliver two major addresses next February in Chicago, to take his proposals personally to the American Association of Colleges for Teacher Education and to the National Association of Secondary School Principals.

FIVE THOUSAND COPIES MAILED

About 5,000 specially printed paperbound copies of the book were mailed to leading educators all over the country last week; but a paperback edition for general distribution will not be printed until next year. By now all college presidents, deans of schools of education, and 131 school superintendents in major cities as well as important State education officials have received their free copy in envelopes labeled "Conant Report."

The 6 years of Dr. Conant's appraisals of American education have been underwritten by the Carnegie Corp. of New York, at a cost of about $950,000.

[From the New York (N.Y.) Times, Sept. 15, 1963]

TEXT OF DR. CONANT'S RECOMMENDATIONS FOR THE BETTER TRAINING OF TEACHERS

1. Certification requirements: For certification purposes the State should require only (a) that candidate hold a baccalaureate degree from a legitimate college or university, (b) that he submit evidence of having successfully performed as a student teacher under the direction of college and public school personnel in whom the State department has confidence, and in a practice-teaching situation of which the State department approves, and (c) that he hold a specially endorsed teaching certificate from a college or university which, in issuing the official document, attests that the institution as a whole considers the person adequately prepared to teach in a designated field and grade level.

2. Collegiate or university responsibility: Each college or university should be permitted to develop in detail whatever program of teacher education it considers most desirable, subject only to two conditions: first, the president of the institution in behalf of the entire faculty involved—academic as well as professional—certifies that the candidate is adequately prepared to teach on a specific level or in specific fields, and second, the institution establishes in conjunction with a public school system a State-approved practice-teaching arrangement.

3. Cooperating teachers in practice teaching: Public school systems that enter contracts with a college or university for practice teaching should designate, as classroom teachers working with practice teaching, only those persons in whose competence as teachers, leaders, and evaluators they have the highest confidence, and should give such persons encouragement by reducing their work loads and raising their salaries.

4. State financial responsibility for practice teaching: The State should provide financial assistance to local boards to insure high quality practice teaching as part of the preparation of teachers enrolled in either private or public institutions.

5. Programs of practice teaching: The State should approve programs of practice teaching. It should, working cooperatively with the college and public school authorities, regulate the conditions under which practice teaching is done and the nature of the methods instruction that accompanies it. The State should require that the colleges and public school systems involved submit evidence concerning the competence of those appointed as cooperating teachers and clinical professors.

6. State information service: State departments of education should develop and make available to local school boards and colleges and universities data relevant to the preparation and employment of teachers. Such data may include information about the types of the teacher education programs of colleges or universities throughout the State and information concerning supply and demand of teachers at various grade levels and in various fields.

7. Assignment of teachers by local boards: The State education authorities should give top priority to the development of regulations insuring that a teacher will be assigned only to those teaching duties for which he is specifically prepared, and should enforce these regulations vigorously.

8. Composition of NCATE: The governing boards of the National Council for the Accreditation of Teacher Education and the regional associations should be significantly broadened to give greater power to (a) representatives of scholarly disciplines in addition to professional education, and to (b) informed representatives of the lay public.

9. Function of NCATE: NCATE and the regional associations should serve only as advisory bodies to teacher-preparing institutions and local school boards. They should, on the request of institutions, send in teams to study and make recommendations concerning the whole or any portion of a teacher education program. They should, on the request of local boards, evaluate employment policies. They should provide a forum in which issues concerning teacher education and employment are debated.

10. Certification reciprocity among States: Whenever a teacher has been certified by one State under the provisions of recommendations 1 and 2, his certificate should be accepted as valid in any other State.

11. Initial probationary period of employment: During the initial probationary period, local school boards should take specific steps to provide the new teacher with every possible help in the form of: (a) limited teaching responsibility; (b) aid in gathering instructional materials; (c) advice of experienced teachers whose own load is reduced so that they can work with the new teacher in his own classroom; (d) shifting to more experienced teachers those pupils who create problems beyond the ability of the novice to handle effectively; and (e) specialized instruction concerning the characteristics of the community, the neighborhood, and the students he is likely to encounter.

12. Loan policy for future teachers: Each State should develop a loan policy for future teachers aimed at recruiting into the profession the most able students; the requirements for admission to the teacher-training institutions within the State should be left to the institution, but the State should set a standard for the recipients in terms of scholastic aptitude; the amount of the loan should be sufficient to cover expenses, and the loan should be cancelled after 4 or 5 years of teaching in the public schools of the State.

13. The all-university approach to teacher training: If the institution is engaged in educating teachers, the lay board trustees should ask the faculty or faculties whether in fact there is a continuing and effective all-university (or interdepartmental) approach to the education of teachers; and if not, why not?

14. Requirements for collegiate or university teacher education programs: The board of trustees should ask the faculty to justify the present requirements for a bachelor's degree for future teachers with particular reference to the breadth of the requirements and to spell out what in fact are the total educational exposures (school and college) demanded now in the fields of (a) mathematics, (b) physical science, (c) biological science, (d) social science, (e) English literature, (f) English composition, (g) history, (h) philosophy.

15. Foreign-language preparation: If courses are required in a foreign language, evidence of the degree of mastery obtained by fulfilling the minimum requirement for a degree should be presented to the board of trustees.

16. The establishment of clinical professors. The professor from the college or university who is to supervise and assess the practice teaching should have had much practical experience. His status should be analogous to that of a clinical professor in certain medical schools.

17. Basic preparation of elementary teachers: (a) The program for teachers of kindergarten and grades 1, 2, and 3 should prepare them in the content and methodology of all subjects taught in these early school years. Depth in a single subject or cluster of subjects is not necessary.

(b) The program for teachers of grades 4, 5, and 6 should provide depth of content and methods of teaching in a specific subject or cluster or subjects normally taught in these grades with only an introduction to the remaining elementary school subjects.

18. Practice teaching for elementary teachers: All future elementary teachers should engage in practice teaching for a period of at least 8 weeks, spending a minimum of 3 hours a day in the classroom; the period must include at least 3 weeks of full responsibility for the classroom under the direction of a cooperating teacher and the supervision of a clinical professor.

19. Adequate staffing of small colleges training elementary teachers: Those responsible for financing and administering small colleges should consider whether they can afford to maintain an adequate staff for the preparation of elementary school teachers. Unless they are able to employ the equivalent of three or four professors devoting their time to elementary education, they should cease attempting to prepare teachers for the elementary schools.

20. Single-field diploma for secondary school teachers: An institution should award a teaching certificate for teachers in grades 7 to 12 in one field only.

21. Clinical professors in institutions educating secondary teachers: Every institution awarding a special teaching certificate for secondary school teachers should have on the staff a clinical professor for each field or combination of closely related fields.

22. Teaching diploma for art, music, and physical education teachers: An institution offering programs in art or music or physical education should be prepared to award a teaching diploma in each of these fields without grade designation; institutional programs should not attempt to develop competency in more than one field in 4 years.

23. Revision of salary schedule by local school boards: School boards should drastically revise their salary schedules. There

should be a large jump in salary when a teacher moves from the probationary status to tenure. Any salary increments based on advanced studies should not be tied to course credits earned (semester hours), but only to the earning of a master's degree, based normally on full-time residence or four summer sessions in which the program is directed toward the development of the competence of the teacher as a teacher. Such a salary increment should be made mandatory by State law.

24. Financial assistance to teachers for study in summer schools: School boards or the State should provide financial assistance so that teachers may attend summer school after enrolling in a graduate school for the purpose of completing a program of the type stated in recommendation 23.

25. Leaves of absence for further education of teachers: School boards should provide leave of absence with salary for a full-time semester residence at a university to enable teachers to study toward a master's program, provided this program is designed to increase the competence of the teacher; State funds should be available for this purpose.

26. Master's degree programs: The graduate schools of education or their equivalent (in universities organized without such separate degree-granting schools) should devise a program for increasing the competence of teachers as teachers with the following characteristics:

1. It should be open to any graduate of the same institution in the same field of endeavor (e.g., elementary education, secondary school social studies, etc.).

2. Courses should be allowed for credit toward the 30 semester hours whether or not the courses are of an elementary nature, provided they are clearly courses needed to increase the competence of the teacher.

3. No credit toward the degree should be given for extension courses or courses taken on campus while the teacher is engaged on a full-time teaching job.

4. Passing of a comprehensive examination should be required for the master's degree, as is now the case in some institutions.

5. The summer school sessions should be arranged so that four summer residences will complete the degree requirements, or two summers plus one full-time semester residence.

6. If the offering in the arts and sciences is not wide enough to provide meaningful work in the summer session (as it would not be in some State colleges), arrangements should be made for the transfer of credit from a university summer school with a good offering of courses in subject-matter fields.

7. For elementary teachers, the degree should be master of education in elementary education; for secondary teachers, master of education in English (or science, or social science or modern languages or mathematics).

27. In-service education of teachers: To insure that the teachers are up to date, particularly in a period of rapid change (as in mathematics and physics), a school board should contract with an educational institution to provide short-term seminars (often called workshops) during the school year so that all the teachers, without cost to them, may benefit from the instruction. Such seminars or workshops might also study the particular educational problems of a given school or school district. (No credit toward salary increases would be given.)

CONCLUSIONS

When one examines the courses in education, one finds almost as much confusion as exists in general education. Here the cynic might well say that the professors are jealous of their share of the student's time but are ill prepared to use it well.

Academic professors and professors of education are in complete agreement only on one point, that practice teaching, if well conducted, is important. Aside from practice teaching and the accompanying methods course, there is little agreement among professors of education on the nature of the corpus of knowledge they are expected to transmit to the future teacher.

In view of the great diversity of opinions and practices to be found in the leading institutions, I conclude that neither a State authority nor a voluntary accrediting agency is in a position to specify the amount of time to be devoted to either academic or educational courses. What is needed is, on the one hand, for the State to allow freedom for institutions to experiment, and on the other for the academic professors and professors of education in each institution to take joint responsibility for the reputation of their college or university in training teachers.

What I have been arguing for in essence is a competition to see which institution will quickly earn a high reputation for preparing well-trained teachers. Once free competition becomes possible in any State, there will be every reason for the academic professors and the professors of education in each college or university within that State to join hands to enhance the reputation of their particular institution. Before that day arrives, however, laymen will certainly have to enter into the fray in many States, and public opinion must be aroused.

Yet in any such endeavor the quarrel among educators must not be made more bitter; the goal is not victory for either side but mutual respect and complete cooperation. Thus while this volume is a call for action, it is also a call for reconciliation. Once the quarreling educators bury their hatchets, the layman may put his present worries aside. That united efforts to prepare better teachers would result in better schools requires no argumentation; that the Nation would be the beneficiary of such a revolution is a self-evident proposition.

DATA ON EDUCATION OF TEACHERS

The following table is included in the Conant report to illustrate that many teachers offer instruction in subjects in which they have had little college education. It estimates the percentage of classes across the country that are taught by teachers with various hours of credit for college preparation in a specific subject. Six hours of credits represent about a 1-year college course.

	Hours	9 to 17	18 to 29	30 or more
Biology	8	13	22	57
Mathematics 9–12	11	12	32	45
Chemistry	14	20	32	34
Mathematics 7–8	34	19	26	21
General science	31	21	20	28
Physics	23	43	20	14

DECLARATION OF INTERDEPENDENCE

Mr. SCOTT. Mr. President, I have been shown an interesting and thought-provoking article on a Declaration of Interdependence, written by Robert Rosamond, which should be of interest to the Senate. Mr. Rosamond is the author of the fine book, "Crusade for Peace; Eisenhower's Presidential Legacy."

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

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

THE DECLARATION OF INTERDEPENDENCE

(By Robert Rosamond)

Thirteen and one-half years ago on February 2, 1950, Senator Brien McMahon, then chairman of the Joint Committee on Atomic Energy, rose to the floor of this Senate and spoke prophetically:

"Building hydrogen bombs does not promise positive security for the United States; it promises only the negative result of averting for a few months or years well-nigh certain catastrophe.

"We are plunged into a truly terrible arms race.

"There are really, I suggest, no more than two broad policies from which to choose. One consists in resigning ourselves to a generation of waging the cold war—that is, striving endlessly to contain Russia's outward pressure, pouring out our substance to stay ahead in the weapons competition even after the Kremlin becomes armed with hydrogen bombs, and cherishing indefinitely the hope that Soviet tyranny will somehow see the evil of its ways and reform itself from within. Arrayed against the choice of such a policy is 5,000 years of recorded history, which teaches again and again that armaments races lead to war—under today's conditions—hydrogen war.

"The other broad policy which we may choose consists in moving heaven and earth to stop the atomic armaments race, to establish worldwide atomic peace, and to make possible atomic-created abundance among all men. In pursuing that policy, we would tap to the roots the resources of our ingenuity and imagination; we would regard no suggestion as too startling or unconventional for careful consideration; and we would be guided, disciplined and inspired by our code of ethics and democratic, peace-loving decencies.

"It is my intense conviction that our decision, born of necessity, to build the hydrogen bomb must be accompanied by the immediate initiation of a moral crusade for peace having far greater potential effect than any physical weapon.

"Mr. President, if we should fail in the business of working in a crusade for peace, we would deal a severe blow both to our moral position and to our fervent hopes for a secure future.

"We now spend about $15 billion annually for armaments. Why not offer to take two thirds of this sum, or $10 billion, and, instead of amassing sterile weapons, use it to foster peace throughout the world for a 5-year period?"

Suppose we apply Senator McMahon's principle to the present time. We now spend about $50 billion for defense. Suppose we offered two-thirds of this sum each year, $33⅓ billion, for world economic development. Over a 20-year period instead of 5 years. That would be a tremendous $666⅔ billion total in 20 years.

Senator McMahon gave us the main advantages of such a program in that memorable address:

"Such a global Marshall plan might combine with the marvelous power of peacetime atomic energy to generate universal material progress and a universal cooperative spirit. In exchange for our own contribution * * * which we would save from the military budget, we would ask, first, general acceptance of an effective program for international control of atomic energy, and second, an agreement by all countries, enforced through inspection, that two-thirds of their present spending upon armaments be devoted toward constructive ends.

* * * * *

"Such a proposal, if advanced by our Government, might vividly bring home to all the world's population—in a manner far more successful than we have so far used—the profundity of our desire for peace. It would accomplish this result even if it accomplished nothing else. Perhaps through atomic power for industry and agriculture we can transform the deserts of Africa, Asia, and the Americas into blooming crop-producing acres, and the arid hills of the world

into gardens. It is almost impossible to overestimate what all-out concentration upon atomic energy for peace might accomplish in terms of remaking and improving the physical environment of mankind."

The years have not dimmed the impact of the late Senator McMahon's speech. It lives with us yet as a cogent, urgent reminder of our present worsening predicament. The Senator pioneered a new principle which we may now call "wage total peace." This vision of decisive action was approved by the Senate in 1953, in 1955 and again in Senate Concurrent Resolution 48 passed by voice vote, August 6, 1959.

Similarly on November 20, 1959, the United Nations General Assembly adopted unanimously in its resolution 1378 "the goal of general and complete disarmament * * * and to use resources thus released for the benefit of mankind."

The Western powers referred to this resolution as the basis for their program of disarmament. On June 27, 1960, Frederick Eaton, President Eisenhower's representative on the United Nation's 10-nation Committee for Disarmament presented the official U.S. proposal for "general and complete disarmament." With few changes President Kennedy adopted these proposals as his own in the new administration's program for "general and complete disarmament" given to the United Nations, September 25, 1961, when the President called the world to a "peace race." The Soviet Union has also accepted the "wage total peace" principle, although it does not yet agree upon the details of inspection controls.

Good Pope John XXIII's papal encyclical "Pacem in Terris" harbinger of peace on earth also included the "wage total peace" concept. Pope Paul VI as recently as June 24 promised to launch a crusade for peace based on his beloved predecessor's history-making document.

Thus mankind has both the method and the goal before it, "wage total peace." Yet we see the terrible situation facing us: literally that of our extinction, of the possible thermonuclear ruin of this Nation, indeed of civilization, within a few hours, or days, or weeks. Therefore, as on the day Senator McMahon opened up a new frontier of ideas for mankind, the all-important question remains—more urgently than then—How can we begin to actually "wage total peace"?

What we require for the complex but absolutely necessary task of "general and complete disarmament" is the universal acceptance of a set of principles and plans governing the process of "wage total peace."

For there is no alternative as President Eisenhower said in his 1958 state of the Union message: "The only answer to a regime that wages total cold war is to wage total peace."

We must indeed forge a new public philosophy; formulate new principles, new standards of personal, national, and international conduct for the atomic era. We need a fresh charter, a new guide for mankind. The United Nations Charter was adopted before the agonizing birth of this new age at Hiroshima; and before the post-World War II expansion of communism. Since the end of that conflict, Communists have tightened their iron grasp of Eastern Europe including their coup d'etat in Czechoslovakia, their sweeping conquest of mainland China, their complete subversion of Cuba, and the strengthening of their Communist Party organizations around the world so that now there are approximately 40 million party members opposing us in 100 nations and territories. Truly a global struggle. Let there be no doubt in anyone's mind: we have not yet adequate relationships for survival with each other, as nations, as peoples.

The great and small countries of the world must recognize their interdependence, how deeply we are involved with one another; as well as their independence, their right to stand alone if they believe it vital to their interests. Therefore, we need a charter of interdependence, a declaration of interdependence to bridge the chasm in ideas, in ideologies; to give the formula or procedure of how we bind up the wounds in the world body politic.

As long ago as December 1952, the then President-elect Eisenhower, in a letter, thought of the declaration of interdependence as "a significant and provocative proposal," as the focal instrument for the proclamation of world brotherhood.

Again last winter Dwight Eisenhower wrote:

"We should like to proclaim an international brotherhood of freemen and see this idea take fire around the world."

One year ago on July 4 in my own Philadelphia, the City of Brotherly Love, at the cradle of liberty, the President of this Nation spoke out across Independence Mall, "The United States will be ready for a declaration on interdependence."

We are ready for that new declaration. The confluence of events, the seriousness of our position, of indeed all mankind, our need of one another, our feeling that we are but at "the dawn of our destiny" as Eisenhower phrased it, impel us to principles and procedures and action that will lead the world toward peace. The ideas and inspiration generated by dedicated men and women can cross borders, penetrate minds, persuade. Pope John XXIII is a superb example, his "Pacem in Terris" being absorbed into the world conscience.

In addition to waging total peace, what are some of the essential new principles for living harmoniously in the atomic age that should be woven into this new declaration of interdependence? Strangely enough many of these formulations have been stated and stated well where everyone could observe and measure them.

Yet few of us recognized their relevance. Always the sublimely useful comes upon us gently, with humility and selflessness; waiting upon us, our response, our initiative.

Now I think it is time we bring these new treasures of the human spirit into a focus where all can see their clarity, their many faceted practicality; and the urgency of their adoption into the fabric of our lives.

I shall not hold you in suspense any longer. Over the 8 years of his Presidency and since his farewell address; in speech, in letters, in significant formal messages: Dwight Eisenhower gave us in simple eloquence, comparable to Abraham Lincoln's wisdom, the foundation of an atomic age society:

"So we voice our hope and our belief that we can help to heal this divided world * * * thus may the weight of fear and the weight of arms be taken from the burdened shoulders of mankind * * * when men and nations shall share a life that honors the dignity of each, the brotherhood of all.

* * * * * *

"The building of such a peace is a bold and solemn purpose. To proclaim it is easy. To serve it will be hard. And to attain it we must be aware of its full meaning—and ready to pay its full price."

* * * * * *

"We must face up to these problems for the only alternative is a world living on the edge of disaster.

* * * * * *

"The atomic age has so greatly increased the destructive power of weapons that we sometimes visualize in a single and destructive surprise attack, almost a decisive act in the event of an outbreak of hostilities.

* * * * *

"No other aspiration dominates my own being so much as this: That the nations of East and West will find dependable, self-guaranteeing methods to reduce the vast and essentially wasteful expenditures for armaments, so that part of the savings may be used in a comprehensive and effective effort for world improvement.

* * * * *

"The sum of our international effort should be this: The waging of peace with as much resourcefulness, with as great a sense of dedication and urgency as we have ever mustered in defense of country in time of war.

* * * * *

"We are ready, in short, to dedicate our strength to serving the needs, rather than the fears, of the world.

* * * * *

"And the concept of the open society is the ultimate key to a system of arms control we all can trust. We must, then, seek with new vigor, new initiative, the path to a peace based on the effective control of armaments, of economic advancement, and on the freedom of all peoples to be ruled by governments of their choice. Only thus can we exercise the full capacity God has given us to enrich the lives of the individual human beings who are our ultimate concern, our responsibility * * * and our strength.

"The nature of today's weapons, the nature of modern communications and the widening circle of new nations make it plain that we must, in the end, be a world community of open societies.

* * * * *

"People everywhere must now achieve an allegiance to the wider, free-world community, and doing so they will thereby strengthen, make more meaningful—their devotion to family, to state, and nation.

* * * * *

"This is our home—yet this is not the whole of the world. For our world is where our full destiny lies—with men, of all peoples and all nations, who are or would be free. And for them—and so for us—this is no time of ease or rest.

* * * * *

"The greatest change of all is the development of an exacting interdependence between free nations that involves the oldest and the youngest nations, the largest and the smallest, the most prosperous and the least developed of nations.

"This interdependence calls for new thinking, new institutions, new vision.

* * * * *

"Everywhere knowledge and ideas * * * are routing centuries of ignorance and superstition * * * peoples now know that poverty and suppression are neither universal nor are they inevitable * * *. For if the growing power of freemen is wisely and skillfully applied toward the common aspirations of humanity, then a world of peace and plenty becomes a high probability * * *. Our own economy will soar to new heights.

* * * * *

"The world must learn to work together—or finally it will not work at all * * *. The task ahead is not for the fainthearted.

* * * * *

"We know—and all the world constantly reminds us—that the future well-being of humanity depends directly upon America's leadership * * *. I say emphatically that this leadership depends no less directly upon the faith, the courage, the love of freedom, and the capacity for sacrifice of every American citizen, and every American home, every American community.

* * * * *

"Our responsibility in the search for solutions is inescapable. And, since, in our country the basic social power is in the hands of all the people, each citizen bears directly a part of the responsibility for right action. Each of you here today must help make the fateful (world) decisions of the future.

* * * * *

"We cannot look to one man, no matter how great he could have been—a man with the wisdom of Solomon, the patience of a Lincoln, the military genius of a Napoleon, the philosophical insight of a Socrates. Even such a man could not carry on this crusade and this necessary work by himself.

* * * * *

"In the councils of Government, we must guard against the acquisition of unwarranted influence, whether sought or unsought, by the military-industrial complex. The potential for the disastrous rise of misplaced power exists and will persist.

* * * * *

"I like to believe that the people, in the long run, are going to do more to promote peace than our governments. I think people want peace so much that one of these days governments had better get out of their way and let them have it.

* * * * *

"We need more individual diplomats from Main Street, from our farms, schools, laboratories—from every walk of life.

"PEOPLE TO PEOPLE IS WHAT WILL SAVE THE WORLD

"The world is astir today with newly awakened peoples. By the hundreds of millions, they march toward opportunity to work and grow and prosper, to demonstrate their self-reliance, to satisfy their aspirations of mind and spirit. Their advance must not and cannot be stopped.

"These hundreds of millions help make up the jury which must decide the case between the competing powers of the world.

"The system, or group of systems, which most effectively musters its strength in support of peace and demonstrates this ability to advance the well-being, the happiness of the individual, will win their verdict and their loyal friendship.

* * * * *

"But we must never agree to injustice for the weak, for the unfortunate, for the underprivileged, well knowing that if we accept destruction of the principle of justice for all, we cannot longer claim justice for ourselves as a matter of right.

* * * * *

"And opposed to them, the Communists, there is no single, global effort to promote knowledge and cooperation. To give the world the truth, the free nations rely largely on the volunteer efforts of individuals—efforts often weak because they are uncoordinated.

* * * * *

"Today, there is no more important knowledge for each of us to understand than the essential characteristics of this struggle (communism vs. democracy)."

President Eisenhower's reasoning leads us to new action. It is long past the time when we should have had a worldwide organization of consecrated men and women to contend successfully with the long established, heretofore expanding Communist world movement—in the framework of an emerging global two-party political system. Surely, this Senate, this Nation, understands the function of a responsible opposition, a responsible two-party, or diverse political exchange. For out of that vigorous dialog usually always comes a peaceful consensus.

We must become not only a united people here in America but united peoples everywhere in the world to change the course of communism to constructive ends. For there is this hope in unity as expressed by Eisenhower when President:

"There lies before the free nations a clear possibility of peaceful triumph. There is a noble strategy of victory—not a victory over any peoples, but victory for all peoples.

* * * * *

"We seek victory not over any nation or people—but over the ancient enemies of us all; victory over ignorance, poverty, disease and human degradation wherever they may be found.

* * * * *

"We must seek, by every peaceful means, to induce the Soviet bloc to correct existing injustices and genuinely to pursue peaceful purposes in its relations with other nations.

* * * * *

"What we must do is to widen every possible chink in the Iron Curtain and bring the family of Russia, or any other country behind that Iron Curtain, that is laboring to better the lot of their children—as humans do the world over—closer into our circle, to show how we do it, and then to sit down between us to say, 'Now, how do we improve the lot of both of us?'

* * * * *

"The world knows that an era ended with the death of Josef Stalin. * * * The Soviet system shaped by Stalin and his predecessors was born of one World War. It survived with stubborn and often amazing courage a Second World War. It has lived to threaten a third.

* * * * *

"Now a new leadership has assumed power in the Soviet Union. Its links to the past, however strong, cannot bind it completely. Its future is, in great part, its own to make. * * * This we do know: A world that begins to witness a rebirth of trust among nations can find its way to a peace that is neither partial nor punitive.

* * * * *

"We honor, no less in this divided world than in a less tormented time, the people of Russia. We do not dread, rather do we welcome, their progress in education and industry.

* * * * *

"We knew that every negotiation with the Communists would be fraught with traps and pitfalls, but we knew, too, that positive determined day-to-day toil would pay real dividends among the free nations. We sought a rebirth of trust among all nations—not a mere breathing space from imminent crisis.

* * * * *

"How can a few men thwart the will of hundreds of millions?

* * * * *

"It is perfectly clear that he (Nikita Khrushchev) is the only man who has the opportunity, let us say, the authority really to negotiate.

* * * * *

"In this memorable task (a peace based on the control of armaments, on economic advancement and on the freedom of all peoples) there lies enough work and enough reward to satisfy the energies and ambitions of all leaders everywhere."

I would deduce from Mr. Eisenhower's conclusions that it is essential to consciously guide the Soviet leaders into the ways of peace—which simplifies our task over the short term. Persuade a few men. At the summit or wherever they may be found. It is absurd that one man or a few men hold all humanity in constant fear of war.

Toward a more permanent structure of peace it is only proper that the people of the world have their part in putting together this new declaration of interdependence. You can trust the people with our world policy for after all it is their destiny.

Let us tap the almost unlimited reservoir of the energies of the peoples of the earth including that unused leadership among us. I can think of no more competent person to preside over the drafting of these principles in the form of the declaration of interdependence than Dwight D. Eisenhower.

He is chairman of the board of trustees of the people-to-people organization which has its headquarters in Kansas City, Mo. It is now time to arrange a world people-to-people convention of recognized leaders and dedicated people to consider and to adopt the declaration of interdependence proclaiming the brotherhood of man. May the President and Congress of the United States lend their encouragement and participation.

I am convinced of the immediacy and urgency of this people-to-people convention beyond any doubts, objections, or reservations that have yet been offered.

Forty million members of the global Communist political organization compared to our practically nonexistent counter organization should be reason enough for us in addition to the unanswerable demand for survival.

New York City is an ideal location because the United Nations would probably make some of its facilities available to the convention. During the next 2 years of the New York World's Fair in 1964 and 1965, tens of millions of people could take advantage of the opportunity not only to learn what they can do for peace but also to join this crusade as members of people to people. Chairman Eisenhower's present request for people-to-people membership is a stirring call to action: "I invite you * * * in fact, I urge you to join me in the greatest effort ever undertaken to build a world in which people can live in freedom and security."

One of the ingrained advantages of this impending declaration is placing in proper perspective the priorities. For example: the passion for racial equality depends upon peace. Inevitably, the declaration of interdependence should—without coercion—establish human brotherhood as a national goal as well as the aim of the world; carrying us far closer to equal opportunity for all races and creeds.

Naturally, we should codify some of these aspirations into legislation. Nevertheless, the moral conscience and spirit of reconciliation will make a firmer basis for law: and better than that this new declaration will stimulate a more cordial understanding and appreciation of one another.

I hope, I believe, I pray, that the Senate, the Congress, this Nation, the world will welcome our declaration of peace. For though the Congress constitutional power to declare war is now largely in the hands of the President, due simply to the probability that there may be little or no time to consult the Congress in the event of enemy attack; this representative body still has the power to declare peace in cooperation with the administration.

Let them then say of this day, "peace was declared."

I urge the Senate and House to enact a joint resolution entitled: "Declaration of Peace."

THE SITUATION IN SOUTH VIETNAM AND AMERICAN POLICY IN SOUTHEAST ASIA

Mr. JACKSON. Mr. President, this country and the Government of this country are now engaged in a full-scale discussion of the situation in South Vietnam and of American policy in southeast Asia.

I ask unanimous consent to include in the RECORD at this point, as a contribution to this discussion, a statement by the Veterans of Foreign Wars supporting President Kennedy's argument for a strong U.S. policy against Communist aggression in South Vietnam.

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

STATEMENT FROM THE VETERANS OF FOREIGN WARS OF THE UNITED STATES, SEPTEMBER 10, 1963, WASHINGTON, D.C.

Veterans of Foreign Wars Commander-in-Chief Joseph J. Lombardo, Brooklyn, N.Y., today notified President Kennedy of the VFW's full support for his policy to continue U.S. assistance to the South Vietnam Government in its war against Communist aggression.

Commander Lombardo, who traveled extensively in South Vietnam last May, told President Kennedy by telegram, that VFW support was based upon a resolution, unanimously adopted by the recent 1963 convention of the VFW in Seattle, Wash., urging the United States to take whatever steps are necessary to win in South Vietnam.

The text of Commander Lombardo's telegram to President Kennedy follows:

"Dear Mr. President: The Veterans of Foreign Wars of the United States congratulates you and pledges its full support for your decision to support the South Vietnam Government's efforts to defeat Communist aggression. During the recently completed national convention of the Veterans of Foreign Wars in Seattle, the thousands of delegates unanimously adopted a resolution urging whatever action is necessary, both economic and military, to defeat Communist aggression in South Vietnam. We thoroughly concur in your opinion that a reduction of aid to South Vietnam could weaken the anti-Communist government of that nation and bring about its collapse.

"On the basis of my personal observation of conditions in South Vietnam only a few months ago, I am of the firm opinion that U.S. policy there is basically sound and that the determined effort by the South Vietnamese, with U.S. advice and assistance, can defeat Red aggression against that country. Such a vital victory for the free world can be achieved if our Nation adheres to your policy of getting on with the main effort there which is the defense of freedom and the defeat of communism. The Veterans of Foreign Wars deplores the statements and efforts of those in this country who call for reduction of U.S. aid and partial or complete withdrawal of our effort from South Vietnam because of internal difficulties. Such reduction in aid as well as withdrawal would, as you indicated, set the stage for Red conquest of South Vietnam. This in turn, the VFW is convinced, would undermine free-world defense throughout the entire southeast Asian area.

"On behalf of the 1,300,000 oversea combat veterans of the Veterans of Foreign Wars, I pledge you our support of whatever action is necessary to win in South Vietnam.

"Respectfully yours,

"JOSEPH J. LOMBARDO,
"Commander-in-Chief, Veterans of Foreign Wars of the United States."

SPEECH BY SENATOR JAVITS ON CIVIL RIGHTS

Mr. PELL. Mr. President, yesterday I had the pleasure and privilege of hearing a really remarkably fine speech by our able colleague Senator JACOB K. JAVITS at the bicentennial celebration of my own Newport's beloved Touro Synagogue.

Senator JAVITS, who is both articulate in his thoughts concerning civil rights and a leading fighter in their cause, whose civil rights record I had long admired before joining this body and enjoying his friendship, emphasized the danger of silence. As he pointed out, most totalitarian movements, most injustices, result from silence on the part of the majority of normal law-abiding, conscience-filled citizens. And, it was this point that he emphasized in Touro Synagogue.

Accordingly, I ask unanimous consent that Senator JAVITS' speech may be inserted in the RECORD at this point.

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

THE FIGHT TO FREE OURSELVES

When this small synagogue was dedicated in Newport 200 years ago, liberty was the theme of our age. This temple was born and nurtured in a setting that was as inspirational as it was historic.

This site in the colony of Rhode Island—which Roger Williams founded as a citadel of religious liberty, opening its arms to the oppressed from across the seas—is as symbolic of the heritage of our Nation as any piece of earth could be.

The letter to this congregation from George Washington, with the immortal words that the United States "gives to bigotry no sanction, to persecution no assistance"—words that were written before even the Bill of Rights in the Constitution was adopted—is as symbolic of the soul of our Nation as any document could be.

Thus, on this bicentennial celebration, we can look at this splendid temple with passion and with pride; and with the knowledge that in places such as this, the human spirit was first ennobled in the United States; and the American dream was first articulated.

We also cannot help but be reminded of a tableau 3 weeks ago at another shrine, in Washington, D.C., when liberty was again the theme. There, the spiritual leader of the current civil rights revolution cried to us that the American dream was too long forgotten by too many and too long denied to those so ardently reaching for its realization.

And so, the fight for liberty continues; the crusade for human dignity goes on; the struggle to bring meaning to the American promise is still far from won.

This is a struggle which we must face in the communities no less than in the Congress, in our synagogues and churches no less than in our business establishments and recreational facilities. And as Jews we have a special responsibility to set forth by example and in highly positive deeds the great religious and prophetic tradition to which we are the heirs.

The extent to which this crusade is the major unfinished business of our society was never more dramatized than by published polls this past week which declared that 50 percent of our Nation believes that integration is moving too fast.

Just think of it—if these polls really reflect deep convictions, it means that half of our Nation may not yet have freed itself of this sorrowful irrationality.

The synagogues and churches of our land will not be persuaded by such polls; and I hope politicians will not either. For I believe that while the 50 percent of those questioned may have said too fast, the consciences, when properly appealed to, of those same Americans will give a different answer.

This is the most powerful force in this current struggle—that the deeply held conscience of the white American is on the side of the Negro, whatever may appear to be his off-the-cuff emotions.

This is why every level of our society must be enlisted to bring about a moral awakening among the American people—to or to put it more bluntly, to stir the uneasy conscience of every white American so he may free himself of bias.

This fight to free ourselves is the great, unwritten struggle being waged today in the depths of each individual soul. It is a battle for survival of the American dream, and of the human spirit.

Our minds hear the message: When freedom is denied to one man, it is denied to all; for freedom is noble and indivisible. If we want to enjoy it, it must be extended to everyone; if we want to maintain it, we must fight for it.

These simple truths are enshrined in this synagogue, as they are enshrined in the hearts of every Jew. The accumulated experience of centuries of persecution have equipped the Jewish community—perhaps more than most—with the ability to understand that the security of one minority is no greater than the security of any other minority just as the denial of liberty to one American threatens the liberty of every American.

It is this identity of interest between the Negro minority and other minorities in the United States which gives this 1963 civil rights revolution strength and effectiveness. It is this identity of interest which should make possible joint and interdependent action to eliminate these injustices from American society.

We cannot allow ourselves to be barred from this struggle, as some misguided Negroes suggest, for an American struggle for the soul of our Nation is neither for whites only nor for Negroes only.

The rabbis and priests and ministers who joined the freedom marchers in Birmingham; in Gwynne Oaks, Md.; in Albany, Ga.; in Jackson, Miss.; and in the other towns and cities—they gave substance to this truth. The 200,000 men and women of all faiths and color who participated in the August 28 march on Washington—a demonstration which enriched our democracy as few events ever have—they recognized this, too.

But not everyone has to march or to picket or to demonstrate in order to make an effective contribution to this fight. But neither can anyone remain aloof—every American must speak his conscience and act its dictates on this racial crisis. Silence has been the greatest weapon for the demagogs. It has caused mankind's darkest hours—as no Jew of modern times can ever forget.

The problem is not confined to the South, as we all know. In the North and among all groups, there are problems of "silence," too—of an unwillingness to implement convictions, a reluctance to be the first to tread on unwalked paths.

A Negro leader once confessed to me, "In the South, we know our enemy; in the North, we don't always know—and that is sometimes more difficult."

This struggle is more than just the number of votes that are needed in the Congress to pass civil rights legislation; and that it is more than the dramatic confrontations between State and Federal power which we have seen in Mississippi and Alabama.

It is, above all, an enormous battle of conscience—which will not be resolved until each individual is willing to take inventory, to realize that the resolution cannot be put off for another day or for another generation; and that now is the time to commit our hearts as well as our minds.

I feel the stirrings of this battle of conscience.

I see it in the letter a woman wrote to the New York Times, telling of her search for a way to implement her convictions. She wrote that she went "rather impulsively, to the evening service at a local Negro church * * * I was welcomed * * * and I recommend such activities to friendly white Americans. Don't be afraid to go it alone at first. Others will follow. And if enough of us show our spirit in some such way, no longer can our Negro leaders feel that there has been no moral awakening or conversion among the American people."

I feel this stirring, too, in the mail coming into my office. Few people realize that

even a Senator from New York—for 6 years until this year—had received more mail opposed to civil rights than mail favoring it. But this summer, that trend has sharply reversed. The "good people" are beginning to write, to speak out on what bothers their consciences and what they know is right.

I feel these stirrings, too, on the floor of the Senate. There have been days in my 15 years in Congress when to plead for civil rights was a lonely battle, irritating to the establishment; and the coldness of the reception would hang icily in the air. Today, there is warmth and great understanding that this battle has to be waged now for it relates to the very destiny of our Nation.

It is the stirring of conscience, too, on equal opportunity which is forcing businessmen to review their hiring and promotion practices; which is forcing labor unions to review their admission and apprenticeship policy; which is forcing others to examine their reasons for patronizing particular stores, hotels, or restaurants, or for deciding in what community they will live; and what schools they want their children to attend. It is this stirring of conscience which is awakening Americans to their personal opportunities to afford equal opportunity to our fellow Negro Americans in myriad ways not affected by laws.

The battle will be won when this conscience can be translated into action. If we can succeed in doing this now, our Nation will be nourished and enriched; our society will be fuller and stronger. And we will free ourselves at last.

The founders of the Touro Synagogue 200 years ago helped launch our Nation upon the noble principle of religious liberty and brotherly understanding. Today, as we honor their memories, let us take a solemn pledge to emulate their courage and their convictions by pushing toward a goal of equal opportunity for all Americans with our personal as well as public commitments clear and unequivocal.

To recapture their vision of America, we must speak out and act as plainly as did our forefathers here.

LOCAL SERVICE AVIATION

Mr. McINTYRE. Mr. President, I am most gratified by the nationwide favorable reaction to suggestions that Government should join with airplane manufacturers and airlines in an accelerated effort to develop a short-haul passenger aircraft. The chairman of the board of a southwestern airline writes that his company is presently serving small cities without subsidy or mail pay, and at a profit because he can offer frequent service with good load factors in small planes. He terms the short-haul airplane "the real key to success to airline service for more cities in the Nation, and not to just a select few."

Considerable interest has been expressed in the possibility of licensing American manufacturers to produce such planes as the Fairchild F–27, the Potz 840, and the Nord 262. The low-cost plane design committee of the Association of Local Transport Airlines and the National Association of State Aviation Officials are representative of the national groups that have become interested in the potential of such an airplane. I hope the development of such an aircraft, or several competing versions, will stimulate our lagging airframe industry. In its September 14 issue, the Economist notes the withdrawal of Douglas Aircraft from the supersonic airliner competition, and makes some sobering comments on the state of this industry in America. I ask unanimous consent that this 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:

[From the Economist, Sept. 14, 1963]

DOUGLAS DECLINES

The Douglas Aircraft Co., dying limb by limb like a great oak, has told the Federal Aviation Agency that it will not be taking part in the design competition for a supersonic transport. The announcement cannot have surprised those who have watched Douglas' efforts to raise sufficient money to finance the development of such a relatively simple aircraft as the little jet DC–9. It has achieved this only by persuading its many subcontractors to carry the development costs of their own separate components and the company frankly admits in its letter to Mr. Halaby, the head of the FAA, that its resources will not stretch to supersonic design as well. But it is still a shock to see one of America's three great builders of civil aircraft bow itself out of the market. For 30 years Douglas aircraft have dominated civil flying. Now the company is holding on with a trickle of repeat orders for DC–8 jets while it hopes sufficient buyers will come in to justify going on with production of the DC–9. If they do not, Douglas could retire from the aircraft business altogether and become exclusively a builder of missiles. Its decision not to submit a supersonic bid, after a great deal of preliminary work and the construction of a fantastic fairyland of a new engineering office, means that it will in any case not build a big civil aircraft again in this generation.

Not that any of the big aircraft builders are exactly falling over themselves to take up Mr. Halaby's invitation to tender by next spring. The Lockheed Aircraft Corp. has been out of the civil market since the jets were introduced in the late 1950's, while the Boeing Co., although it has not made losses comparable to those that Douglas has suffered on DC–8 production, will still not recoup its investment in the fabulously successful 707 jet for another year or so, when the aircraft may be near the end of its production life. General Dynamics is still winded from the $400 million cropper that it came over its own medium jet airliner. North American Aviation, the only company actually to have built (or tried to build) a big mach 3 aircraft, the B–70 bomber now downgraded to experimental status, is in deep technical trouble that may lead it to scrap both B–70 wings and start again on a new design. The last thing that any of these companies want is to take part in a supersonic race to beat the Anglo-French Concorde at Mr. Halaby's bidding unless he is prepared to shoulder the whole of the cost, which he has said specifically that he will not do. There is a good deal of irritation inside the industry on the ground that Mr. Halaby is attempting to force the pace before the industry is ready for it. Had any of these companies thought the Concorde was the right kind of supersonic aircraft to build, they would have said so long ago. But the alternative takes a bit of thinking out.

Mr. McINTYRE. Mr. President. I do not intend to criticize the decision to press forward with the development of a supersonic transport. The advance of technology often requires deep faith in the ability of manufacturers and users to avoid difficulties apparent at the beginning of the development process. But I do wish to observe that such difficulties do exist, and that our planning for an American entry into this field indicates the strength of our faith and the depth of our determination to overcome obstacles. As an indication of what these obstacles may be, I ask unanimous consent that an article from the Washington Post of September 15 be printed at this point in the RECORD.

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

IS THIS 1,400 M.P.H. AIRLINER REALLY NECESSARY?

(By B. K. O. Lundberg)

LONDON.—For the past few years there has been a controversy raging, essentially within the aviation community, whether or not to introduce civil supersonic transports—SST's.

Now that the British and French Governments have decided to build the mach 2.2 Concorde, and President Kennedy has proposed a supersonic transport development program, it might seem that there is no point in continuing the discussion. In my opinion, however, the launching of supersonic aviation would have such serious consequences—for civil aviation and for virtually the whole of mankind—that the discussion must not stop at this point.

SAFETY IN QUESTION

The prospective supersonic transport manufacturers have declared repeatedly that supersonic airlines will be at least as safe as the jets of today. The facts, however, suggest otherwise.

An aircraft designer can normally do a great deal to minimize foreseeable risks. When working on a new aircraft, past experience and laboratory tests help him to exercise this all-important foresight. But he can do nothing about risks that he fails to foresee.

The number of such risks increases rapidly with the number of radically new design features that are introduced. Supersonic transports cannot be built without introducing a host of radically new features simultaneously.

Furthermore, the supersonic transports will operate at exceptional altitudes where atmospheric conditions are still largely unknown. Hail and rain may be present in clouds up to at least 75,000 feet. Collision with hail at supersonic speed can undoubtedly be catastrophic; even flying through heavy rain might be serious.

Improvements in radar seem unlikely to solve these problems, so elaborate control from the ground will be essential. For instance, the aircraft will need very wide and deep flight corridors along the whole route. Weather conditions will often compel rerouting just before or during flight. There will also be unpredictable conditions; clear air turbulence and jet streams are not, so far, detectable by ground radar or weather satellites.

For the first time in the history of transport, therefore, passengers will be carried in a vehicle whose crew is virtually blind.

TEN YEARS OF TESTING

Another hazard facing the SST's is structural fatigue. Friction of the air on wings and fuselage will produce aerodynamic heating and hence thermal stresses, also possibly creep. These effects will be far more complex and difficult to predict than in the case of subsonic aircraft.

Laboratory tests will be much more extensive but will be of rather limited value. This is because when high temperatures are involved, the duration of exposure is significant.

To sum up, the SST safety level—contrary to the case of a new type of subsonic aircraft—can be assessed only by actual service experience.

The present overall safety level in scheduled aviation is about one fatal accident in 300,000 hours of flight. Thus no clear indication of whether or not the SST safety level is of the same order can be obtained until a multiple of 300,000 hours has been flown. For reasonable confidence, at least 1,500,000 hours—or 50 SST's entire service life of, say, 30,000 hours—will be required. In other words, the testing time will be over 10 years.

Therefore, assurances that SST's will be as safe as subsonic aircraft can be nothing but wishful thinking.

BILLION-MILE GOAL

The need for higher safety standards is becoming urgent. In scheduled commercial aviation, the deaths per passenger-mile are some 5 to 10 times higher than for commercial surface transportation. Deaths per travel-hour are 30 times higher. The situation for charter aviation is even worse.

The safety of civil aviation improved steadily until 1953, but has since remained virtually static. The result has been a steady increase in the annual total of passenger deaths in proportion to the growth of civil aviation. If present trends continue to the end of the century, there will be some 60,000 passenger deaths a year.

In "Speed and Safety in Civil Aviation," I have proposed a new long-term policy designed to achieve a radical improvement in the safety level. I have suggested a 1980 target of not more than one passenger death per 1 billion miles—i.e., one-tenth of the present rate.

The fundamental feature of the method—too technical to describe in detail here—is to divide up the various categories of aviation risk and allocate numerical safety standards to each based on a statistical probability analysis. This could, I think, be a useful tool for controlling and regulating safety standards with the help of airworthiness and flight operations regulations.

The continuous improvement of the safety level in this or any other way calls for immediate international planning. The next 5 to 10 years are critical. There can be no doubt that an all-out effort in the next decade to develop and introduce SST's will seriously hamper the prospects of improved safety.

Passenger safety is not the only serious hazard. There are two other grave problems: cosmic radiation and the sonic booms.

Two classes of radiation need to be taken into acount: background cosmic radiation, which is always present, and sporadic bursts of radiation from solar flares.

The latter can be intense, although below 55,000 feet most of it is absorbed by the atmosphere. It appears that passengers in an SST flying above 55,000 feet during the most severe solar flares might receive a dose of the same order as the maximum permitted for a radiation worker in the course of 3 months.

The proposed solution is that the SST's should dive below some 40,000 feet when instruments show a rise in radiation level and continue the flight at subsonic speed. The decision to dive would have to be made in a matter of minutes because the radiation dose builds up very quickly. But permission to leave the SST flight corridor will probably have to be obtained from Air Traffic Control. Thus even prompt action may not avoid exposure to an appreciable radiation dose.

An aircraft flying at supersonic speed produces a continuous shock wave which is heard on the ground as a sonic boom.

The boom strikes everywhere along a boom carpet varying from 25 to 100 miles wide according to the weight and height of the SST.

The effects of this manmade thunder range from annoyance to severe shocks for people taken unawares, as well as broken windows and other property damage.

If supersonic flying becomes widespread, the globe will be banded with boom carpets. It is a frightening prospect.

Advocates of SST's assure us that everything will be done to keep the boom intensities within tolerable limits by limiting supersonic flight to 35,000 feet and above. The tolerable limit is usually defined as an overpressure not more than 1.5 pounds per square foot. This will be produced by a mach 2.2 SST weighing 220,000 pounds and cruising at 60,000 feet.

One may well ask: Who has accepted this limit? Certainly not the victims—the general public; nor the International Air Transport Association; nor the International Civil Aviation Organization; nor, to the best of my knowledge, any government. And why should any nonmilitary boom disturbance be tolerated at all?

Then what should be the criterion? I suggest that the average boom intensity must be low enough not to wake up more than a small percentage of people sleeping in bedrooms with open windows where the background noise is low. Furthermore, the average boom intensity must not be appreciably higher in daytime.

Focusing effects of the atmosphere and maneuvers by the aircraft can frequently magnify the average bang two or three times. "Super bangs," perhaps 5 to 10 times more powerful than the average, will occur occasionally. Thus the average must be kept low enough for serious local magnifications not to occur too often.

The above conditions indicate that a higher average boom intensity than about 0.3 pound per square foot will probably not be acceptable. The only way to achieve this is to reduce the gross weight of the SST. But even if the average intensity were allowed to be as high as 0.5 pound per square foot, the aircraft would have to be so small that it could carry only a handful of passengers.

The suggestion that SST's should fly only over sparsely populated areas seems to me a ruthless proposition. If sonic booms are unbearable for people in cities, they are equally unbearable for people in the country.

Practical routes confined to sparsely populated areas would in any case be few, and scarcely economic. Even so-called sea routes cross many populated areas, and besides, there are limits to the boom disturbances that can be accepted by ships.

The SST's now being designed might not be permitted to fly at all outside the SST manufacturing countries.

PASSENGERS UNCONSULTED

Do passengers want to fly supersonically? It is remarkable that they have not been asked whether they wish to be shot rather than flown through the air.

The airlines did not demand supersonic aircraft. Indeed they have expressed great anxiety about the premature introduction of these machines.

Let us not be misled by the tentative orders that have been placed for Concordes. These are nothing but options to secure a place in the production line, and are the result mainly of the airlines' fear of falling behind their competitors.

The main pressure has come from large aircraft manufacturers on both sides of the Atlantic. But neither they nor the governments concerned have carried out any market research to discover what the passengers really want.

Aviation has brought about spectacular reductions in traveling time. It is natural to think of days and nights spent on trains and ships as lost time and the hours gained by flying as saving. Is this outlook valid when estimating the value of further increases in flight speed?

The few hours now spent in jet flights cannot be counted a complete loss to the passenger since the flight offers opportunities for relaxation and eating. The by now classical story of the man who, upon landing after a jet flight across Europe, refused to leave the aircraft until he had had time to finish his dinner is, I think, a most important lesson for the supersonic enthusiasts.

In contrast to flight time, ground time must be regarded as a 100-percent loss. The time spent in taxis and buses, waiting at terminals and airports, is thoroughly inconvenient. This is the field where improvements are really wanted.

Compare a subsonic and a supersonic flight of 1,500 miles, such as from London to Athens. Assuming the airport distance at each end to be 20 miles, the total ground time is almost 3 hours.

The flight time is 1½ hours shorter for the SST. Thus, while the SST is 150 percent faster, it will cut the total journey time by only 25 percent.

This might seem to be a real advantage, nevertheless, but other factors must be taken into account. To begin with, it seems inevitable that the SST will be substantially less comfortable than the subsonic jets for these reasons:

"Seat-belt time," when passengers have to keep their seat belts fastened, will be three or four times longer in the SST's. There will also be greater discomfort as a result of the high acceleration and deceleration and steep angles of climb and descent.

Jet passengers at present can expect to remain unbuckled for almost 3 hours of a 3¼-hour flight, ample time to serve and eat a meal. But SST passengers on a 1,500-mile flight must expect to be strapped in for all but some 45 minutes. This will leave little time for a meal, so passengers will have to eat after arrival. If time for a meal is added, practically all the SST's time advantage is dissipated.

Supersonic aircraft are likely to be noisier inside, mainly because of greater boundary layer sound of air rushing over the fuselage.

Space will be at a premium on these expensive aircraft, so passengers will sit closely packed.

SST passengers are likely to be subjected to a greater number of severe bumps because of the high speed at which turbulent regions will be encountered.

PREMIUM ON DISTANCE

For very long ranges—say, on routes of 2,000 miles or more—most passengers might prefer the SST provided that it offered equal fares, equally convenient arrival and departure times and equally accessible airports.

Let us consider the last point first. Many cities will have to build new airports when the existing ones become saturated. For noise reasons, the SST's will no doubt normally use the more distant airports.

The importance of reduced airport distance can be seen by comparing an SST using airports 20 miles from city centers and a jet operating only 5 to 10 miles from those centers. The gain in ground time would be more than an hour.

Next, fares. It is claimed that the "seat-mile" costs for SST's will be no higher than for present jets. Although this is open to doubts it is only part of the story.

To begin with, SST's sheer complexity, coupled with the effects of aerodynamic heating, will substantially increase maintenance times as well as costs.

Second, convenient scheduling of SST flights "around the clock," essential if the aircraft is to be used economically, will not be easy. Passengers may prefer SST's when their departure and arrival times do not encroach on the normal sleeping hours. But an Atlantic night flight on an SST will allow practically no time for sleep.

It seems unlikely that passengers will prefer SST night flights or very early or late SST flights to conveniently scheduled subsonic flights unless they can fly at an appreciably reduced fare. But the SST's will be helpless in a fares war.

RANGE FLEXIBILITY

A further great advantage of the subsonic aircraft is its superior "range flexibility." Whereas the SST will not be practical for ranges under 1,500 miles, long-range subsonic jets can fly economically over very short distances. On the many routes where there is too little traffic for profitable direct flights, they can thus make one or more intermediate stops.

Finally, some of the present subsonic jets fly nonstop over very long distances—up to 6,000 miles. This will be quite beyond the SST's, so that on routes such as London to Los Angeles, where their speed advantage would be indisputable, they will not be able to offer a direct service.

To sum up, the "standard seat-mile cost" of the SST will have to be well below that of the present jets to compensate for the lower annual utilization higher depreciation rates, higher maintenance costs and lower overall payloads.

On present knowledge, a sufficiently low seat-mile cost seems unattainable. It will certainly not be realized by current SST projects. Therefore, unless supersonic aviation is heavily subsidized, SST operators will lose money, either by charging "subsonic" fares which do not cover the seat-mile costs or by applying SST surcharges which will discourage potential passengers.

The long-term indirect consequences of supersonic flight are about as serious as its direct shortcomings. The enormous investment and effort needed to develop SST's will hamper the brilliant prospects now in sight to make aviation a really safe, cheap, and convenient means of mass transportation.

The governments concerned might, for instance, find it unwise to support energetically projects to reduce fares and airport distances which would effectively kill any chance of profitable SST operations. These governments will also be tempted to conceal an economic failure of SST's and to prop up supersonic aviation with special fare policies and trade agreements.

A SNOWBALL DANGER

Civil aviation has, indeed, come to a crossroads. It might seem that with the decision to build the Concorde, a point of no return has already been passed. This is not so, since not a single airline has signed a firm contract.

Nevertheless, there is a danger that one airline after another may feel compelled to secure a place in the Concorde production line—and later on become firmly committed. Thus, even if there were no landslide, there might be a snowball effect pushing us inextricably into the supersonic adventure.

What, then, should be done? For a start, the United Nations might be able to use its influence to prevent supersonic aviation being regarded as "inevitable" merely because development work has started on the Concorde. At the same time, several governments might announce that they will prohibit SST's from flying over their countries until the sonic-boom implications have been assessed and provided acceptable to the public.

Then the still uncommitted airlines might discover that they would be much better off if they waited to see whether SST's would be permitted to fly on the intended routes.

This would give them time to carry out really thorough studies of the passenger appeal and economics of these aircraft.

Mr. McINTYRE. Mr. President, commonsense dictates that we apply ourselves to providing for the local service needs of the future with a determination equal to clearing the obstacles from the path of the short-haul aircraft, just as we are apparently determined to do in the case of a supersonic transport. Last week, I introduced S. 2143, a local service aircraft development bill, which is now at the desk should other Senators desire to cosponsor. It is frankly a study bill, patterned after similar bills which have been introduced in the past. Consultation with agencies and private groups will establish the cost of this effort and the conditions under which it should go forward. Let me say at the outset, however, that the program should be modest, although urgent. It should make optimum use of existing facilities, agency competence, and aircraft design. It is in no sense an "attack" upon the supersonic transport concept. At this stage in the effort, the interest of other Senators would be a helpful indication that Congress is indeed interested in aircraft development for local service situations. Their cooperation in introducing this bill would speed action and promote discussion among all who share my interest in this subject. I ask unanimous consent that the text of the bill be printed at this point in the RECORD.

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

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it is hereby declared to be the policy of the Congress to promote, in the interest of safety, the national air transportation system, and the national defense, the development of improved local-service aircraft, especially adapted to and suitable for economical local-service operation, by providing for temporary Federal assistance in the development, testing, and modification of such aircraft.

SEC. 2. (a) The Administrator of the Federal Aviation Agency (hereafter in this Act referred to as the "Administrator") is authorized to carry out the purposes of this Act by—

(1) preparing broad operating and general utility characteristics and specifications for a type of local-service aircraft which he finds represents a potential advance over existing aircraft available for local-service operations;

(2) providing for the operation, by contract or otherwise, of aircraft developed pursuant to this Act under conditions simulating, to the extent practicable, the conditions under which local-service aircraft operate; and

(3) providing, by contract or otherwise, for the testing and modification of such aircraft which, in his opinion, best meet the operating and utility characteristics and specifications established by him in accordance with this section.

(b) In carrying out his functions under this section, the Administrator shall consult with interested Federal agencies, including the Department of Defense and the Civil Aeronautics Board, and with representatives of labor groups, of the aviation manufacturing industries, and of the air transport industry.

SEC. 3. (a) The Administrator is authorized, subject to the civil service laws and the Classification Act of 1949, as amended, but without regard to any provision of law limiting the number of personnel which may be employed by the Federal Aviation Agency, to employ and fix the compensation of such personnel as he may deem necessary to carry out his functions under this Act. To the extent practicable, and consistent with other duties and assignments, the personnel and facilities of existing Federal agencies shall be used in carrying out the responsibilities of the Administrator under this Act.

(b) In carrying out the provisions of section 2 of this Act, the Administrator may enter into contracts or other arrangements, or modifications thereof, with or without (1) legal considerations, (2) performance or other bonds, or (3) competitive bidding. In carrying out such contracts, arrangements, or modifications thereof, the Administrator may make advance, progress, and other payments without regard to the provisions of section 3648 of the Revised Statutes of the United States (31 U.S.C. 529).

SEC. 4. As used in this Act—

(1) the term "aircraft" shall include engines, airframes, propellers, rotors, instruments, accessories, and other equipment;

(2) the term "testing" means the operation of an aircraft incident to the procurement of a type certificate for such aircraft, and the operation of an aircraft, whether type certificated or not, in actual or simulated local-service operations for the purpose of determining the operating and utility characteristics of such aircraft; and

(3) the term "modifications" means any adjustment or change necessary and incident to carrying out the development and testing of local-service aircraft under this Act.

SEC. 5. The Administrator shall submit to the Congress on or before June 15 of each year, a report on the progress made in the accomplishment of the purposes of this Act, and the amounts of the expenditures made pursuant to this Act, together with recommendations as to such additional legislation as he may deem necessary.

SEC. 6. This Act shall terminate upon the expiration of the five-year period beginning on the date of its enactment.

KNOWLES DAM

Mr. METCALF. Mr. President, on August 19, comment was made in the other body—it appears on pages 15349–15353 of the CONGRESSIONAL RECORD—about Knowles Dam, which the Senate has twice approved. The statements made in the House regarding Knowles Dam are, in summary, 36 points, which I ask unanimous consent to have printed at this point in the RECORD.

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

SUMMARY OF STATEMENTS IN CONGRESSIONAL RECORD OF AUGUST 19, 1963 (PP. 15349–15353) ON THE KNOWLES PROJECT

1. The project will take 20,000 acres of valuable Indian land and flood two and possibly three damsites owned by the Indians.

2. It is proposed in face of strong Indian opposition and violation of their treaty rights.

3. Indians state that treaty guarantees them the right to refuse giving their land to the Knowles project.

4. Treaty recognizes rights of Indians to development of the powersites, and Congress has on numerous occasions and by section 10(e) of Federal Power Act required approval of Indians before tribal lands may be used for power development.

5. Democratic Party promised no change in Federal-Indian treaty without consent of Indian tribes concerned.

6. Inconsistent position of Secretary of Interior as between its Bureau of Reclamation to build the dam and its Bureau of Indian Affairs which acts as trustee in the best interest of his wards, the Indians. They have indicated construction of Knowles not

in their best interests; that they wish to develop their own properties.

7. Secretary of Interior's position that, inasmuch as Indians want development it is up to Congress to determine which is best development, completely misses the point that Buffalo 2 and 4 would develop their properties, provide annual income, and would not flood 20,000 acres of their land.

8. Knowles would not provide greater benefits to Indians than would development of their own resources or renting their resources.

9. Assignment from Knowles of 1.1 billion kilowatts to Indians (equivalent to Buffalo 2 and 4 production) deducted from Knowles revenues would make B/C ratio 0.42 (50 year life, 2⅝ percent).

10. Project should not be recommended in light of strenuous opposition of Indians.

11. Project is of most questionable feasibility and should not be authorized.

12. This project is not multipurpose. Over 95 percent of benefits are power. Congress should not authorize purely power projects under the guise of multipurpose.

13. Project actually loses $12 million annually, equal to $700 million in 50 years, over $1 billion in 100 years. This is so because corps evaluates power benefits at 6 mills/kilowatt-hour and it will be sold at a net revenue of 1.29 mills/kilowatt-hour.

14. Standards should be set by Congress so that projects would not be feasible on a B/C ratio when they actually lose $700 million to $1 billion.

15. Taking of 20,000 acres of Indian land will have very serious effect on economy and development of Indians.

16. Cost of payment to Indians not considered in B/C ratio. Cost of acquisition of Indian lands is not considered. If cost considered, including cost of powersites which they could develop or lease, project would not be justified.

17. Indians are receiving $238,000 annually from Kerr Dam. Considering Indians here have two sites, payment would be far beyond the $30 million involved on Kinzua Dam.

18. Knowles would be highest cost per kilowatt-hour of any electricity in United States.

19. It is not for flood control, not for irrigation, purely for power.

20. Revenues from power sales will be $2,232,000; flood control benefits $447,000; recreation $58,000—total $2,733,000. That is the revenue. Costs are $13,739,000. Loss which taxpayers must pay is $11,002,000.

21. We are taking from the Indians 19,000 acres and their only chance for a livelihood.

22. Presentation of project has gone around proper committee of Congress and Secretary of Interior has passed his responsibility over to the Corps of Engineers.

23. We may also be violating the treaty with Canada whereby there can be no storage projects on this river without the consent of the Canadian Government.

24. Cost estimated at $272,964,000 (with interest/construction) but NP witness testified that railroad relocations understated by $32,970,000.

25. The project would flood 59,000 acres including 9,000 acres of irrigated lands.

26. It would cost from $1,066 to $1,195 per kilowatt installed capacity, making it most extravagant project in Columbia Basin.

27. Flood control objective can be met by Canadian Storage Treaty and by other projects in basin with higher B/C ratios so it is not needed for flood control.

28. Current B/C ratio unrealistic because (1) power benefits based on steam-electric plant cost rather than revenues; (2) because interest rate of 2⅝ percent way too low; (3) because no compensation included for Indians, and (4) because 100-year life not justified inasmuch as nuclear power will make the plant obsolete before then.

29. If 4-percent rate used and revenues project would produce, loss would be $10 to $11 million per year.

30. It would flood out Buffalo 2 and 4 which would result in savings to the Federal Government, taxes to Federal, State, and local governments and compensation to the Indians.

31. Buffalo Rapids would have 240,000 kilowatt capacity, almost the same as Knowles, and it would produce tax revenues of $2,772,000 annually.

32. Buffalo would cost $175 per kilowatt—Knowles 7 times this.

33. Because Knowles would operate at a loss, it would not provide any irrigation assistance anywhere.

34. It would destroy the Bison range.

35. It would flood out feeding grounds, nesting areas for pheasants, winter range for deer and elk, and destroy fine game fishing.

36. It would disrupt economy, peoples, buildings, etc.

Mr. METCALF. Mr. President, I asked the Corps of Engineers to comment on 33 of those points, excepting those numbered 5, 6, and 7, which involve the Democratic Party and the Secretary of Interior. I ask unanimous consent to have printed in the RECORD at this point the corps' excellent statement.

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

STATEMENT ON THE KNOWLES PROJECT

The Knowles project was recommended by the Chief of Engineers in his review report on the Columbia River and tributaries in the interest of flood control, power generation, recreation, and other related water uses. With 3,080,000 acre-feet of usable storage for flood control, it was proposed as one of the key elements in the major water plan for control of lower Columbia River floods. Subsequent to the initial recommendation of the project by the division engineer, negotiations with Canada concerning the Columbia River Treaty had proceeded to the point that the potential contribution which Canadian storage including Libby, might make toward the flood control and power requirements of the U.S. portion of the Columbia Basin had to be assessed. The Knowles project along with all other projects previously recommended, was reevaluated in a system with Canadian storage, with their justification tested on the basis of meeting the flood control objectives, the power requirements, and the other water resources needs that would not be served by Canadian storage. Complete control of lower Columbia River floods will not be achieved by Canadian storage and additional projects will still be required in the United States. The Knowles project's flood control potential is less in a system with Canadian storage because the flood control requirements are less. However, as the only remaining storage above the confluence of the Snake River economically justifiable at this time and acceptable or feasible from the viewpoint of recreation and fish and wildlife interests, its 3,080,000 acre-feet of usable storage constitute a significant resource. Its development will not be solely in the interest of power. It will still be effective in contributing to complete control of lower Columbia River floods and will as well reduce flood damages sustained in the local basin area.

The Corps of Engineers' flood control objective is to control a flood of 1894 magnitude to 600,000 cubic feet per second at The Dalles. In addition to Canadian storage and Libby, an additional 7.6 million acre-feet properly located in the basin will be required to meet the objective. Of all the projects analyzed in connection with the flood control objective, Knowles is the only project remaining that is located above the Snake River in the Columbia River Basin in the United States that can be developed to provide the needed flood control regulation. Alternative plans considered included: (1) Paradise project which is not economically feasible when added after Canadian storage, (2) Smoky Range, dropped from consideration at the request of the Secretary of the Interior because of adverse effect on Glacier National Park, (3) Ninemile Prairie, located on the Blackfoot River, and Enaville, located on the Coeur d'Alene River were both found to be uneconomical when considered after Canadian storage.

In summarizing, there are no other projects having a higher benefit-to-cost ratio located above the Snake River that are feasible for early consideration. Moreover, the value of storage for other uses such as domestic and industrial water supply, water quality control and fish and wildlife and recreation in subsequent years can be expected to become much more important and will considerably enhance total project benefits over the useful life of the project.

The Knowles project, with its 3,080,000 acre-feet of storage and development of 234 feet of head, will in the system with Canadian storage add some 517,000 kilowatts of salable firm power (at 71-percent load factor) to the Northwest system resources. A block of power of this magnitude will be required to meet regional loads by 1972–73. Justification for supplying power by development of the Knowles project is based essentially on findings that the costs are less and will be less than costs of development of any available alternative sources of supply. In other words, the project is economically justified and constitutes a logical and supportable development for meeting regional power needs. This in no way is intended to imply that the production cost per kilowatt hour is as cheap as some previous projects built in the Northwest 20 to 30 years ago. We hardly expect to find any resource development or other productive values to be attained at those historical unit costs. What is shown by the justification analysis is that it is a good project for construction now, and is competitive costwise with alternative sources of power presently available. The Pacific Northwest has been fortunate, compared to some other sections of the country, in having vast hydroelectric power resource that could furnish low-cost energy. This is particularly true because of the dearth of cheap energy fuels in the region compared to other areas more amply endowed with such resources. The Northwest is fortunate still to have the hydroelectric power potential of the Knowles project, for the power produced at Knowles constitutes a cheaper source of energy than that now or in the future available in many other parts of the country.

The Columbia River power system today is 100-percent hydro but the time is approaching when all economical hydro will have been developed and thermal plants will be required to meet the continued load growth demands. Costs of alternative sources which will constitute the only remaining source of energy for the region are the yardstick used, the measure of benefits, to determine whether Knowles or any other hydro project now being considered for development is justified. This alternative cost value in the Pacific Northwest is approximately equivalent to non-Federal publicly financed steamplants. Development of this benefit value by the Federal Power Commission and its application as a feasibility test, that is, as a measure of benefits, is in accordance with the accepted and usual standards for evaluation of hydroelectric resource projects and is clearly set forth in Senate Document 97, 87th Congress.

Senate Document 97 standards also prescribe the policies and procedures for evaluating project costs, including the interest

rate to be used, the treatment to be accorded taxes and other matters. The Knowles evaluation conforms to Senate Document 97 requirements in all aspects of the cost analysis including utilization of the interest rate as prescribed. It is a rate determined by the Bureau of the Budget and used by all agencies in analysis of water resource development projects.

We find numerous statements being made that the Knowles project will lose millions of dollars annually because revenues, measured by the present BPA system rate, are not equal to benefits and because the interest rate used in the project analysis is too low. This represents a completely erroneous and misleading view of the relationship of justification analysis and financial feasibility analysis.

In all power systems throughout the country, system rates reflect the average or composite of costs of all its energy-producing plants. The marketing of power from the Knowles project will be no different in this respect when it is added to the Columbia River power system. The Bonneville Power Administration which markets and distributes power from all Federal projects in the Columbia River system establishes a composite rate which reflects the varying production and transmission costs of all the components. The present Federal system comprises 12 operating hydroelectric projects. The unit cost of providing energy at the individual projects varies from about seven-tenths mills per kilowatt-hour at Grand Coulee which was built some 25 years ago up to about 5 mills per kilowatt-hour at Lookout Point in Oregon. For marketing and revenue purposes, however, the entire system must be treated as a unit. It would be prohibitively complex, inefficient, and expensive to tailor each customer's rate to reflect the cost of energy used on the assumption that it was generated at one particular project. The BPA wholesale rates are established on a system basis, so that the total power revenues will pay the total system expenses. The rate so established will understandably exceed the unit cost of production at a number of the projects in the system and will be lower than the cost at others. The power to be generated at Knowles and downstream therefrom will be absorbed into the BPA system and marketed at established system rates. The production expenses will be offset in their entirety by revenue credits equal to the costs. By law, the BPA rates must be set so that total system power revenues will repay all system power costs, including marketing, metering, transmission, etc.

The allegations therefore that the Knowles project will lose $12 million annually, $11 million annually or any other amount is without foundation. With a system rate established and adjusted as necessary from time to time to insure that total costs of all projects in the system are covered, no project loses any money annually. Computation of a loss can be imputed only on the assumption that Knowles power would be sold independently of the Columbia River power system but at that system's present rate. To the contrary, Knowles will be incorporated in the Columbia River system, its power output will be sold at the then prevailing system rates and it will receive whatever share of system revenues are required to fully pay off the project costs allocated to power over the repayment period established by Congress.

Once the reimbursement requirements of power have been discharged revenues assignable to the project will be available for irrigation assistance or such other use as the Congress of the United States deem fitting and proper. The standards used in evaluating Knowles project justification and its financial feasibility are the sound and approved policies and procedures applicable to all water resource development projects as set forth in Senate Document No. 97 and followed by all water resource development agencies.

Although the cost of power from Knowles, when considered after Canadian storage and Libby, will be higher than the other hydro projects recommended in the Columbia River review report, it is a fully justified and feasible project, both economically and financially, and supportable as a logical addition to the regional power resources at this time. Therefore we should not be misled by statements that this is a high cost project, compared to others, or the most extravagant project in the Columbia Basin, particularly when the figures cited to establish this misconception are based on a comparison of total project costs per kilowatt of installed capacity. For instance we have had statements made time and time again that Knowles power would cost from $1,066 to $1,195 per kilowatt of installed capacity or that it would cost seven times as much per kilowatt of installed capacity as the alternative Buffalo Rapids development.

Such analyses completely disregard the large expenditures included in the cost estimates for other uses such as flood control, recreation and storage for downstream power generation. The cost estimate for Knowles also provided for foundation and skeleton structures so that future power generating units which will double the plant capacity can be installed cheaply and readily. Such analyses also give no consideration to the power produced. For example, if Buffalo Rapids were in existence today it could produce only 1,297 million kilowatt-hours of net salable energy annually. On the other hand, if Knowles were in existence today it could produce 8,348 million kilowatt-hours annually, or nearly 6½ times as much salable energy to system resources. In the modified major water plan with Canadian storage, Knowles would produce 2,015 million kilowatt-hours of energy annually whereas Buffalo Rapids would produce only about one-half this amount.

We have frequently heard the statement, as a further argument against Knowles, that nuclear power will make the project obsolete before its useful life is expired. This of course is not an argument against Knowles alone, but against the development of any additional hydroprojects anywhere. Nuclear powerplants will not make hydroplants obsolete but will increase their value. The remaining economical hydrosites are being rapidly depleted as powerloads increase, and in a few years the only possible source of additional electric energy will be conventional steam or nuclear. Whether conventional steamplants or nuclear plants are developed, both will operate in the base of the load while hydro will be designated to carry the peaks. This is the most economical method to operate a large system. Good examples of the forthcoming role of hydroplants can be found in the East where the utilities are constructing pumped-storage hydroplants for peaking. Under no instances has it ever been expressed by experts in the electric utility field that nuclear energy will make hydroplants obsolete.

The construction of Knowles entails substantial relocations, principally railroads and highways. Disruption to the local economy and relocation of individuals and their homes and towns are not excessive compared to other projects of comparable size which have been developed throughout the country at great benefit to the Nation. The project will flood 59,000 acres of land, of which 9,000 acres are under irrigation. Approximately 1,300 people will be displaced and 527 buildings destroyed. Lands and buildings would be purchased and the project cost estimate includes these purchases appraised at fair market value as is customary in all projects of this type. Many of the persons displaced would relocate in the general area and they will be served by relocated railroads, highways and utilities comparable in serviceability and utility to the present facilities. New industrial and business development resulting from the project can be expected to have a favorable long-term effect, offsetting any initial adverse impact from lost taxes. Availability of water from the reservoir for additional irrigation, either through pumping or by gravity diversion from the pool, would offset lost income from cultivated and irrigated land flooded by the project. The Bureau of Reclamation has testified that there are 21,000 acres of land adjacent to the reservoir that could be reached by pumping and further has pointed out that pumping energy from the project also would be available for irrigation pumping at other more remote areas.

Extensive railroad relocations will be required by construction of the Knowles project. Estimated relocation costs were reanalyzed by the Corps of Engineers after portions of the proposed plans were questioned by the railroad and these further studies confirmed their earlier findings as to proposed relocation routes. When the project cost estimate was updated in 1961, increased allowances were made both for highway and railroad relocations. Railroad relocation costs included in the Corps of Engineers 1961 project cost estimate amount to $91,395,000 direct, and the total, direct and indirect, is $100,535,000. The Northern Pacific Railroad witness indicated railroad relocation requirements would be $116,056.000, although this amount, according to his testimony, included $8,801,000 more than actually considered necessary by the railroad company. This additional amount was included because the Corps of Engineers estimate for relocating the branch line exceeded that of the railroad company by that amount. It is apparent that the difference in estimates by the Engineers and the railway company is not of great magnitude, and certainly not approaching the cited figure of $32,970,000.

The Knowles project would not destroy the National Bison Range and the Fish and Wildlife Service has testified to this effect and I quote: "Although a part of the scenic and esthetic value of the National Bison Range would be destroyed, suitable replacement of lands and facilities is considered feasible." The project would inundate 1,990 acres of the range and make another 1,460 acres unusable through railroad relocation and fencing. Lands suitable for replacement adjoining the east side of the range are proposed for acquisition by the Service and the project cost estimate includes funds for acquisition of approximately 5,000 acres of replacement lands.

Other lands proposed for acquisition and provided for in the cost estimate will replace upland game range and nesting areas for waterfowl that will be inundated by the project. Corrective measures for protection of the fishery resource, consisting of chemical treatment of the river and tributaries above the damsite, developments to replace lost spawning areas, hatchery facilities and restocking of the reservoir are included as a part of the proposed project plan.

In presenting the plan for the Knowles project, the Corps of Engineers recognized the special consideration warranted the Confederated Salish and Kootenai Tribes of the Flathead Reservation by reason of inundation of two powersites on their reservation. Based on precedent in similar cases the Engineers suggested that the question of just compensation be determined by the Congress of the United States. The Knowles project was recommended because it was found to provide the most complete resource development justifiable and in this respect was superior to alternative run-of-river projects at the Buffalo 2 and 4 sites proposed for development by the Indians and by the Montana Power Co. It never was contemplated,

however, that an equitable settlement would not be made to the Indians for their compensable rights.

We have a number of precedents where Indian lands required for water resource developments have included powersites comprising special and significant value to the Indians over and above the mere land values. In such cases the water resource development projects have included in the cost estimate payment for the fair market value of the lands but compensation for powersite values has always been a matter of negotiation, following project authorization, between Congress and the Indian tribes involved. Such compensation, moreover, has traditionally been a special cost not considered chargeable to the water resource project. This is consistent with and parallel to other programs and expenditures of the U.S. Government on behalf of the Indians which are incurred because of the special trustee-ward relationship between the U.S. Government and the Indians. Such expenditures are made to benefit or to protect and promote Indian welfare because our Government has recognized that we have a special obligation in this respect and such expenditures are nonreimbursable, justified by these obligations and benefits.

Most water resource development projects are recommended after evaluation and consideration of a number of alternatives, with selection of that project or projects which represents the optimum development of the resource. In many cases, the alternatives considered are in the same reach of the river as the selected project and are inundated by the selected project. No payments are made for inundation of these other sites and no charge is made against the project for values of alternative sites inundated. The fact that we do make payment to the Indians for their powersites is only because of their special rights and the special relationship between the Government and the Indians and in nowise indicates that such payments should be charged against the water resource project. Normally, the Federal Government, in the exercise of eminent domain, would institute condemnation proceedings in the local U.S. district court and the court would determine the amount due the Indians as "just compensation," as provided in the fifth amendemnt to the Constitution.

If the Federal Government's action progresses to the point that it constitutes an actual or constructive taking of Indian lands, the Indians could proceed against the Government in the U.S. Court of Claims. However, in this event, the measure of damages would be the same as under normal condemnation proceedings; i.e., "just compensation" as provided in the fifth amendment to the Constitution.

Also, as indicated in House Document No. 403, 87th Congress, 2d session, volume I, "Columbia River and Tributaries." Under the heading "Special Considerations" on page 178, there is a discussion of "equitable settlement" for powersites. If such a settlement can be negotiated, it would not be necessary for the Federal Government to institute condemnation proceedings or for the Indians to proceed in the Court of Claims.

It has been alleged that the Knowles project should not be built because of Indian opposition, because of violation of their treaty rights and because development of alternative powersites would provide greater benefits to the Indians. In this regard article VI of the Constitution provides three things which are the supreme law of the land:

1. "This Constitution, and
2. "the laws of the United States which shall be made in Pursuance thereof; and
3. "all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; * * *."

The Constitution does not provide for situations where there is conflict between two or all three of these elements. However, the Federal court has said "A treaty with the Indians cannot rise above the power of Congress to legislate" (161 F. Supp. 376) (Jan. 11, 1957). (This was a condemnation action brought by the Federal Government against the Seneca Nation of Indians in connection with the Allegheny (Kinzua) Dam and Reservoir project. The above is quoted from the opinion of the U.S. District Court for the Western District of New York, dated January 11, 1957. The Seneca Nation moved, in the U.S. Circuit Court of Appeals, to stay the district court's order of possession. The circuit court of appeals, without a written opinion, rejected the plea of the Seneca Nation.

As a corollary, the court also held in January 11, 1957, opinion referred to above that: "The Secretary of the Army has the power to take Indian lands for flood control purposes, provided Congress has authorized the project, and

"Congress had authorized construction of the project, not only with the presumed knowledge but with actual knowledge of history of the lands within the Indian Reservation and particularly as to the so-called Pickering Treaty of 1794, and the proclamation by Congress of such treaty with the Six Nations on January 21, 1795."

Another related action was an injunction proceeding in 1958 filed by the Seneca Nation to enjoin the Federal Government from constructing the Allegheny Reservoir project. The U.S. District Court for the District of Columbia held, in a decision rendered on March 24, 1958 (162 F. Supp. 580), that:

"The construction of the project is authorized by law.

"The action of the Government was lawful.

"The Seneca Nation was not entitled to an injunction or any other relief in the action.

"The complaint should be dismissed."

The Seneca Nation appealed to the U.S. Court of Appeals for the District of Columbia, which held, in a decision in November 1958 (262 F. 2d 27), that the Seneca Nation was not entitled to the injunction notwithstanding the proposed flooding would infringe Indian rights acquired by the treaty in 1794, where Congress showed by legislative history a clear and specific intention to authorize the taking of the Indian lands by eminent domain despite the treaty, as it was authorized to do. The U.S. Supreme Court in June of 1959 refused to grant a writ of certiorari (360 U.S. 909).

Congress has the responsibility not only of promoting and protecting the rights and welfare of the Indians, it has the responsibility in this particular instance of promoting the optimum resource development plan for the national benefit. In past cases this twofold responsibility has been discharged, not by endorsing a less than optimum development but by recommending the best project, in terms of regional and national goals, and in addition, making just and equitable settlement to the Indians for their special treaty entitlements. This can be done again in the case of Knowles and the benefits to the Indians, either in the form of assignment of annual power or rentals, or by income derivable from a negotiated lump sum payment, can be expected to be fully equivalent to the net benefits which they would derive from their own development of the alternative sites.

There has been a statement made to the effect that the Hellgate Treaty is the same type of treaty and should merit the same concern and treatment as is presently being given the test ban treaty. It is unalterably clear that there is a basic difference between the two treaties. The test ban treaty is with other sovereign nations, not subject to the provisions of the Constitution of the United States of America, laws of the Congress of the United States of America or action of the courts of the United States of America. The Hellgate Treaty is with the Flathead Tribe who are subject to the provisions of the Constitution, the laws, and the courts of the United States of America.

It has been suggested, as a further argument against Knowles, that construction of the project may be a violation of the treaty with Canada on the grounds that no storage projects can be built in the Clark Fork watershed without the consent of the Canadian Government. The treaty contains no such proviso. Perhaps the reference is with respect to the stipulation in the treaty which prohibits diversions except for consumptive uses (and other than those specifically provided for in the treaty) which might alter the flow of any water as it crosses the boundary within the Columbia River Basin. The treaty in no way limits or restricts the development of storage where no diversion is involved and Knowles, of course, involves no diversion.

Mr. METCALF. Mr. President, one of the witnesses before the House Public Works Committee this year was Archer S. Taylor of Missoula, Mont. He is a supporter of Knowles Dam. Some Senators are acquainted with his brother, Walter Taylor, who currently is engaged, under the auspices of the Philadelphia Yearly Meeting of the Society of Friends (Quakers), in working with the Senecas, in connection with Kinzua Dam. Both Archer and Walter Taylor are known as fair and knowledgeable supporters of Indian rights.

Archer Taylor has given me permission to have printed in the RECORD his testimony this year before the House Public Works Committee and a letter to his brother, Walter. Both documents deal with the Indian-rights aspect of the Knowles controversy.

Mr. President, I ask unanimous consent to have these two documents printed at this point in the RECORD. I commend them to those who desire a clearer understanding of the Indian-rights question in connection with Knowles Dam and the degree to which a well-intended organization, from which some Senators have heard, was misled by its reliance on data furnished by the Montana Power Co.

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

STATEMENT OF ARCHER S. TAYLOR, MISSOULA, MONT., TO PUBLIC WORKS COMMITTEE, HOUSE OF REPRESENTATIVES, WASHINGTON, D.C., JUNE 4, 1963

Mr. Chairman, my name is Archer S. Taylor, and I live at Missoula, Mont. I am a professional engineer, practicing as a consultant in the field of radio and television. I was one of the original organizers and the first secretary-treasurer of the Committee for Paradise Dam. My wife is today the treasurer of the committee. I am strongly committed in favor of the authorization and construction of the Knowles Dam, or if subsequent studies should indicate feasibility, the larger Paradise Dam.

However, I am not here today to present testimony on the merits of the project itself, but rather to discuss the matter of Indian rights involved in the Knowles project. My brother, Walter Taylor, is currently engaged,

under the auspices of the Philadelphia Yearly Meeting of the Society of Friends (Quakers) in working with the Senecas in western New York in their adjustment to the Kinzua Dam. Some of you may have met him as he tried in vain to prevent the taking of Seneca lands by condemnation without consent. I am here today to support the rights of Indians with respect to our obligations under treaties made in the early years of our history.

There has been considerable testimony and editorial opinion expressed by various persons and groups opposing the authorization of Knowles Dam because of alleged violation of Indian treaty rights. I am not a lawyer, and cannot argue the legal question of whether the mere authorization would constitute violation in itself as contrasted with actually taking land without treaty negotiations.

However, I am ashamed, as an American citizen, of the cavalier treatment we newcomers to this continent have given the native population who inhabited this beautiful country long before our ancestors even knew it existed. And I am every bit as concerned as the Indian Rights Association or the Christian Century or the other church groups that further violations of our sacred promises be prevented.

But even so sacred an obligation as the treaty rights of the Indians must be supported and defended by truth, or at least man's best effort to arrive at the truth. The rights of Indians are not effectively nor worthily supported by arguments in opposition to the Knowles Dam which are demonstrably false, or based on misinformation, or partisan political propaganda of vested commercial interests. This is my deep concern; and it is with considerable discomfort to myself, and to all of my friends who have been active on the Committee for Paradise Dam, that we find ourselves in disagreement with the leaders of the Confederated Tribes of the Flathead Indians. It appears to us, and to some members of the tribes who are not represented in the tribal leadership, that the tribal leaders have been somehow lead by the utility company into an alliance which will once again demonstrate the perfidy of the *white man in his* commercial dealings with the Indian.

The arguments used by the Indian Rights Association and its supporters against the Knowles Dam are not arguments in defense of Indian treaty rights, but are the partisan, vested interest arguments of the Montana Power Co.

They say: "Actual cost of Knowles would exceed benefits" if the Indians are compensated for damsites. This argument claims a benefit-cost ratio of 1.08:1, but ignores the fact that the latest official figure on the benefit-cost ratio is 1.2:1 if constructed after Libby Dam, and 2.31:1 if constructed before Libby Dam. It is based on an appraisal figure for damsite value which far exceeds the revenues which the Indians might actually obtain for their power, if they themselves built the dams, since it is based on the cost of steam generation. The extent of these distortions has been thoroughly presented by Senator METCALF and by numerous witnesses in the various hearings concerning the water-use project, and I will not enlarge on them here.

I would submit that the Indian Rights Association is not itself qualified to make a judgment as to the correctness of the official figures presented on benefit-cost ratios. I would further submit, that whether or not the dam is economically sound has precisely nothing to do with Indian rights. The only proper question is whether or not the "authorization" in this bill constitutes in itself a violation of the treaty rights—not whether the project is sound.

They say: "The bison range would be destroyed, or severely damaged" by the flooding of Knowles Dam. The record shows, without contradiction, that only a small fraction of the bison range acreage would be flooded. The official position of those charged by law with administering the bison range is that adequate replacement for the lost acreage is available and will be obtained. There are technical arguments in which unofficial supporters of the bison range contend that the loss of headquarters pasture would be irreplaceable. This has been studied by the National Wildlife Service, and their testimony is otherwise.

In any event, the Indian Rights Association is not competent as experts on bison grazing, etc. Furthermore, the question as to what happens to the bison range is immaterial to the central question of Indian rights. As a matter of fact, the official resolution of the tribes opposing the Knowles Dam states that the bison range itself was built on Indian lands without the consent of the Indians. The only proper question is whether or not the authorization of Knowles Dam constitutes a violation of Indian rights, not whether or how much the bison range will be, or should be affected by the dam.

They claim that: "Knowles is not the best plan for full development." This argument is based on studies by private engineers. No matter what the controversy, of course, it will always be possible to find expert opinion to support both sides. Furthermore, when unofficial evidence is being considered as valid on one point, it must also be considered on other points. Thus, the Committee for Paradise Dam several years ago engaged a private engineer who testified that the railroad relocation costs of the Corps of Engineers were grossly overstated. Since railroad relocation is the largest part of the cost of the Knowles Dam, it is apparent that this private engineering study has as great a bearing on the benefit-cost ratio as the Indians' "private engineering" studies have on appraisal of full development. The official agency, charged by law with responsibility to the Congress and to the people of the United States with determining these matters appears to disagree with the Indians' engineers on this matter. In any event, the Indian Rights Association does not claim competence in the matter of conservation or full development of water resources, and relies merely on hearsay in making the claim that Knowles is not the best plan for full development. And again the question of full development is not relevant to the central question of whether or not the Indians' treaty rights are being violated by the mere passage of the authorization bill.

They say: "Knowles would hurt recreational areas." This argument is based on three points: (1) the drawdown and "mudflats"; (2) the injury to the bison range; and (3) a vague reference to the maintenance of wildlife habitat. The drawdown and mudflat argument is an emotional one, which suggests ignorance of the facts that maximum drawdown is a rare occurrence in multipurpose dams, that the full pool period will coincide with the summer-fall recreational period, and that most of the pool shoreline is steep sided with only the Moiese Valley area being subjected to significant mudflat formation. The implication is that the bison range may be of value to Indians for hunting or fishing, but it must be obvious that it is closed to such activities at all times. In order to control overgrazing, the herds are thinned each year by range personnel, but hunting is never permitted to Indians or others. It is further made clear by testimony in the several hearings on the Knowles Dam that the alternate proposal of the Indians for Ninemile Prairie and Smoky Range would have vastly more impact on wildlife conservation and on wildlife interests generally than would Knowles. The two small dams which the Indians say they want to build would produce two small lakes, little wider than the river channel itself, in almost treeless areas where access roads are almost nonexistent. It is difficult to see how this could offer recreational attraction superior to the wooded shoreline on the south side of the Knowles pool, along which U.S. Highway 10–A would be built, and which is also on the reservation.

In any event, the Indian Rights Association has made no study of recreation in the area, and does not claim any special competence in the field of recreational uses of lands. This question is also immaterial to the central question of whether the authorization of Knowles is a violation of Indian rights.

5. The questions as to the taking of Indian lands, valuable for grazing, for power, or for recreation, and the claim by the Indian Rights Association that the authorization of Knowles Dam would cripple the Indian economy in violation of President Kennedy's pledge to develop Indian resources, simply assume that the Knowles Dam would be built by condemnation without adequate compensation to the Indians and without their consent.

I am here today to do what I think the Indian Rights Association has failed to do. I fully support the authorization of the Knowles Dam. I think the Indians are wrong in their judgment that the passage of the authorization bill is tantamount to the confiscation of their lands and values without consent.

But, I think that all of us in the United States may well hang our heads in shame at the repeated instances of improper and unjust intrusion on Indian rights. I believe that once authorized to do so, the Bureau of Reclamation, the Bureau of Indian Affairs, and Senators MANSFIELD and METCALF, of our State of Montana, will sincerely undertake, as they have promised, to arrive at a mutually acceptable modification of the Indian treaty terms which will permit the Knowles Dam to be built. Obviously, such treaty amendments cannot be arrived at agreeably without including compensating payments in money, or in power, or other things of value for the power damsites on the tribal lands, nor without arrangements to replace or compensate for the loss of the grazing lands, nor without arrangements to relocate equitably those Indians who would be moved fom their present homes.

I think the Indians have some cause for distrust, and some cause for fearing that our promises to them may not always be honored. I realize that it is impractical to include such promises in the line item of an omnibus public works bill, but I would hope, and urge, that in the legislative history of this project it be made abundantly clear that the Knowles Dam will be built only after negotiating an agreement with the Indians, on terms which make it possible for them to realize the full benefit of the development of the power and water resource which is within their reservation.

Others who have, or will, testify in this hearing will have shown the distortions of fact, the misrepresentations, and the apparent abuse of the truth which have constituted the bulk of the argument by the private power utility and their agents (some unwitting) against the Knowles project. Neither these arguments, nor in fact the supporting arguments of the Committee for Knowles Dam, have any bearing on the question of a violation of Indian treaty rights.

It is my own opinion that the Knowles Dam actually constitutes the best guarantee the Indians have of receiving value for their power damsites. They know they have had to take the Montana Power Co. to court to compel payment of additional rent for the third generator installed at Kerr Dam on the reservation. Their attorney, Mr. Cragun, testified in the Senate hearings that "it is legally impossible for (the Indians) to get

as good a deal from Montana Power Co. as they could get from building the dams themselves." What remains, then, is to determine, by negotiation, whether compensation can be given to the Indians equivalent to what they could get by building the dams themselves. This authorization bill will have to be passed before serious commitments on this matter can be made.

It is worth noting that in 1957 Senator Jim Murray of Montana together with then Congressman LEE METCALF sponsored a bill to provide for the construction of Paradise Dam which included a requirement that the Secretary of the Interior negotiate a contract with the Confederated Tribes providing for the payment of just compensation, on the basis that the owners of any property shall be at least as well off economically after the transaction as before. At that time, the tribal council supported the Montana Power Co's. proposal to build the small dams, and opposed the Paradise bill.

In any case, it would appear that the power resource which the Indians would have without the full development of Knowles might be insufficient to attract commercial users except Montana Power Co. It would indeed be ironic to find the Indians resisting both the Knowles development and the Montana Power Co. development, only to find themselves captive producers of power with only Montana Power Co. as a customer. Under the Knowles development, this would not happen, if the treaty negotiations are properly handled. Under Knowles, the Indians could be virtually guaranteed returns on their damsite values.

None of us can truly, in our hearts, criticize the Indians for not trusting our word, nor could we expect them to weaken their leverage for subsequent negotiation by making premature concessions. It is nevertheless disturbing, and disheartening, to me that their position as represented both by their tribal leaders and by private agencies such as Indian Rights Association has been to pick up blindly the vested interest arguments on the public merits or lack of merit of the project itself. They seem to have overlooked, or minimized, to a large extent that history has provided ample cause for them to fear that Congress and the administration may speak with "forked tongues" as have many Congresses and administrations in the past.

I have no doubt but that the Knowles Dam can be built without infringing on Indian rights. I have every confidence that an equitable agreement can be achieved by this Congress, with men like our Montana Representative ARNOLD OLSEN, Senator MANSFIELD and Senator METCALF working through and with the Kennedy administration, which has pledged itself to the protection of the Indian land base and to no changes in treaty relationships without the consent of the tribes concerned.

Thank you for this opportunity to be heard.

MISSOULA, MONT.,
April 29, 1963.

WALTER TAYLOR,
Salamanca, N.Y.

DEAR WALT: I saw Lawrence Lindley in Philadelphia Friday. It was a short visit but long enough for me to get pretty well to the meat of the problem, as I think he would agree. At that time, I had not yet received your letter of April 24, containing Harry Burks' correspondence.

Frankly, I am much relieved that Harry's attitude was as objective as it seemed to be in his letters. I am encouraged to think that had he lived, he would have taken what I would consider to be a more tenable position than the Indian Rights Association has taken, no matter how far he dug into the conflicting points of view. So much for your first point. Later in this letter I will outline what I mean by "tenable position." I do not mean, necessarily, one which either agrees with me, or even supports the present bill.

On your second point, I can fully agree that Indian internal politics are as complex as non-Indian politics—with right and wrong aspects to both the official and the unofficial position. It is not quite true, however, to charge that the Flathead-Kootenai organization is "nonreservation" Indians. I suspect that it may be weighted with such, but it does include a substantial participation of reservation Indians in opposition to the official governing body of the tribes. In this connection, I would merely like to point out that Lawrence Lindley leans heavily on unofficial testimony as to availability of replacement grazing lands, impact on the National Bison Range, impact on recreational values, etc., paying no attention at all to the official position of U.S. Government agencies which make contrary judgments. It appears to me to be inconsistent to contend that we must consider only the views of official tribal leaders on the one hand, but reject official views of U.S. agencies on the other.

On your third point: The Indian Rights Association has picked up the earlier corps figure of 1.08:1 for benefit/cost ratio, notwithstanding that the revised figure presented in the 1962 Senate hearings was 1.2/1. The revision was based on using a 100-year life rather than a 50-year life. I do not believe the Indian Rights Association claims or has competence to judge the merits of this situation. Furthermore, if we are going to take into account additional factors, such as the special negotiated compensation to the Indians, then we must also consider that the costs of railroad relocation, which were roughly half the total cost of the project, are probably significantly inflated. The corps never made any independent study of this, but merely accepted the figures presented by the railroad itself—and when you realize that the railroad has interlocking directorates with the Montana Power Co., you can appreciate that their figures may well be inflated. The Indians rely on independent engineering counsel to set a value on their power sites; the committee for Knowles Dam engaged an independent engineering firm several years ago to analyze the railroad relocation costs. If the findings of one are worthy of consideration, the findings of the other are equally worthy. The conclusion of such an analysis including both Indian compensation and true railroad costs would probably be a standoff: little or no change in benefit/cost ratios.

Two years ago, there were extensive hearings in the Senate at which a considerable effort was made by conservationists to get revision of the benefit/cost evaluation formulas to include such things as water pollution abatement and a number of other side benefits. If such revised formulas were to be used, the ratio at Knowles would be considerably enhanced. This is an area where you and I are in complete agreement: The formulas and methods used by the Corps of Engineers are most unrealistic. I am certain, though, this is, of course, not impartial evidence, that a revised analysis of costs and benefits would still show Knowles to be a most worthwhile project.

To show how elusive a matter benefit/cost ratios really are, consider the following. Another dam has been authorized, and appropriations made for it: The Libby Dam on the Kootenai River, which is also in the Columbia basin. The flooding from this dam would cross into Canada, and so requires treaty negotiations and agreements, just as the Knowles requires negotiations with the Indians. For several years, now, the Provincial Government of British Columbia has blocked ratification of the necessary treaty, and there is no clear indication as to whether the new Pearson government will expedite this or not. But if Knowles should be built before Libby, the benefit/cost of Knowles is much greater than the figures used earlier in my letter. Thus, Mr. Holum testified, page 312–13:

"In either event, annual benefits exceed annual costs. The resultant benefit-cost ratios become 1.68 if Knowles is first added, and 1.08 under the extremely conservative assumption that it might be last added. (First and last refer to before or after Canadian storage in Libby Dam.) The above figures are based on an assumed economic life of 50 years. Again, may I say this is a most conservative figure.

"If the economic life of 100 years is used, which is in accord with current criteria, the benefit-cost ratios would be increased substantially."

On page 121 in the hearing record, table 3, line J, and page 122, table 4, line L, Mr. Bloch, the engineer hired by the tribes to present testimony on the value of their damsites and on alternate proposals, has tables showing benefit/cost ratios.

With Canadian storage, he shows 1.20; without Canadian storage, 2.31. The references indicate these are the Corps of Engineer's figures in its June 1958 updated report, based on 100-year amortization. They do not include compensation for power damsites to the Indians. Without Canadian storage, if we add Mr. Bloch's own estimate of the value of the Indian's power, $4.65 million annually, we find that the benefit/cost ratio is still 1.57:1. On the 50-year basis without Canadian storage but after paying for Indian power, the ratio is 1.14:1.

Now, to get to the "nut" of our disagreement with the Indian Rights Association. I told Lawrence Lindley that I would agree wholeheartedly that if Knowles Dam were to be built without negotiating a settlement with the Flathead Indians, this would be a violation of Indian rights and their treaty. I most emphatically do not agree that the passage of the line item authorization of Knowles Dam in the omnibus public works bill is in itself any such violation. I specifically asked Lawrence Lindley if he would be willing to modify his statement along some such lines as: Unless compensation by negotiation with the tribes is provided, the taking of Indian lands for construction of Knowles Dam would be a violation of Indian rights. He would not consent to the qualification—contending that the mere authorization was in itself a violation.

The plain fact is that there is no legal way for the U.S. Government to undertake negotiations with the Indians, or anyone else for that matter—railroad, white man, or Indian—until congressional authorization has been made.

Several years ago, 1958, there was a Paradise bill (now modified to Knowles) written and introduced by Senator Murray of Montana which did spell out in general terms the requirement that negotiations be undertaken with the Indians. Mark this: the Indians—in particular Walter McDonald, then tribal council president—opposed this bill. If Lawrence Lindley's position is consistent, I would believe that he would have had to support the bill at that time—had it been called to his attention. At that time, the Indians favored construction of the two small dams by Montana Power Co. The bill was never reported out of committee—to nobody's surprise.

One further point which you have missed completely in your letter to me of April 24. As far as I can tell, and I am deeply involved in the proponent efforts for Knowles Dam, there is no proponent of Knowles, and no agency of Government which disagrees with the Indian Rights Association on two points:

(1) The taking of land for Knowles Dam must be by negotiation and not by condemnation.

(2) The Indians must be provided with compensation in the form of income or income producing assets replacing the potential value of their power sites.

Lawrence Lindley showed me a letter from the Department of Interior, Bureau of Reclamation, confirming this general approach, though admittedly cautious not to concede specifics prior to the proper opening of negotiations.

Senator Metcalf and Senator Mansfield, and before them Senator Murray, have stoutly insisted on these principles from the very beginning.

The leaders of the citizen's group supporting the Knowles proposal are, without exception, liberals (as Harry Burks found out) who by nature and inclination support these principles.

The Corps of Engineers in its call to hearing in 1958 in Missoula officially stated that the Indians' rights would have to be given full consideration.

There is considerable testimony in the 1962 hearing record in which Senator METCALF makes quite clear his position on this matter. This record becomes part of the "legislative history" of the Knowles bill, and is a very important legal protection against violation of this "intent" by subsequent actions.

Lawrence Lindley quotes Mr. Cragun as saying that the Indians had a change of heart between the 1958 hearings and the 1962 hearings. Whereas formerly they were merely looking for "the best deal for the Indians," they now (after mature consideration) totally oppose Knowles in favor of building the two run-of-river dams themselves. I would quote the following from the hearing record:

(Rather than copying the quotes, see pp. 3, 10, and 11 of Rae Logan's letter to the Christian Century.)

Lawrence Lindley contended to me that he felt that this testimony was somehow or other improperly adduced from Morigeau. But Morigeau said the same thing twice; Cragun confirmed the recognition of Indian rights by the senatorial sponsors of the Knowles authorization; and then there is this, from page 74 of the hearing record:

"Senator COOPER. How long have you been a member (of the tribal council)?

"Mr. MCDONALD. I am starting my 21st year.

"Senator COOPER. You say that in this period in which this project has been under consideration, that the appropriate U.S. agency—what is it, the Bureau of Indian Affairs?——

"Senator METCALF. Yes.

"Senator COOPER (continuing) has not discussed with the council your interest in this land?

"Mr. MCDONALD. Only to the extent that the possibility of Knowles and the Paradise Dam would be built, not to the extent of valuation.

"Senator METCALF. May I interject here.

"As I understand it, Federal agencies would not negotiate with anybody until a dam project is authorized and an appropriation were made, because there is no power to negotiate either with the Indians or with private individuals. However, may I also interject that in the 10 years that I have been in Congress, I have talked to Mr. McDonald and Mr. Morigeau; Senator MANSFIELD has talked to them. We have talked about Knowles and this project.

"We have assured them that if it were authorized, that their interests under the treaty would be protected.

"We have discussed various payments.

"Mr. McDonald testified at Missoula in the Corps of Engineers hearings as the chairman of the tribal council that he and his council did not care what dam was built. (NOTE.—I understand from Lindley's letter that it is Cragun's position that they have changed their stand on this in favor of building their own power dams.) All they wanted was the best deal for the Indians, and of course that is what the Senate of the United States wants too: to treat the Indians in the best way, so he is not being exactly accurate with the committee, when he says there have not been any negotiations. (NOTE.—Morigeau reaffirmed this position on p. 79 of the testimony.) There have been discussions and so forth with him, but there could be no formal negotiation, as I think Mr. Holum will testify tomorrow, until there is authority for the Federal Government to go in and develop this project, and that would have to be an authorization. I say that because over the 10 years I have been in Congress, I have been very much concerned with the interests of the Indians and the Indian people in my State, and I deeply resent this statement that we are trying to set aside treaties, and that any of the congressional delegation is not very much concerned with, and interested in, protecting and leaning over backward to protect the rights of the Indians, as we have done at Yellowtail Dam over in the other area. And Mr. McDonald knows that; he knows about those conversations; that is why I asked him to come forward and testify.

"Senator COOPER. I am sure of that. This is again a field in which I have no knowledge, and I am sure all of us agree with our chairman that he is concerned about this, as is Senator MANSFIELD and Members of the House. But I do assume, then, that in the hearings that were held, council representatives did appear at the Corps of Engineers hearings?

Senator METCALF. Yes, at every one of the hearings, as far as I recall, members appeared; Mr. McDonald appeared and testified.

He appeared at Missoula; is that not right Walt? (Walter McDonald.)

"Mr. MCDONALD. Yes.

"Senator METCALF, I appreciate what you have said, that that was not quite accurate as to negotiations. It is true, Senator METCALF and I talked this over for many years, you might say, and he always did state that our treaty would be protected.

"But I was a little bit farfetched there perhaps in saying that, and I was thinking of negotiation in other terms and I appreciate that, Senator."

Later, Mr. Holum, Assistant Secretary for Water and Power Development, Department of Interior, testified (p. 311 of the record) in part as follows:

"Provision should be made to compensate adequately the Indian tribes for their flooded lands and all other interests that may be involved. It should be noted that the question of compensation respecting the property and rights of the Indians, and the special relationship of the United States to the Indian people, will require most careful consideration."

In conclusion, on this point then, it seems to me that Lawrence Lindley has a very weak, if not untenable, case when he contends that the authorization of Knowles Dam in itself constitutes a violation of Indian rights. The record is replete with assurances, promises, intentions to undertake negotiations with Indians when authorized to do so. There is no evidence to the contrary. There is precedent for this procedure right in Montana in the Yellowtail Dam. Agricultural value of the lands taken here was $47,000. Montana Senators sponsored legislation based on a negotiated agreement with Crows, for a $5 million payment. The bill passed. President Eisenhower vetoed it. After further negotiation with the Crows, Senator METCALF then sponsored a bill for $2.5 million, with an express provision authorizing the Crow Indians to sue the U.S. Government in Federal court for an additional $2.5 million. This bill passed, and was signed by Eisenhower, notwithstanding some contention that the Indians ought to be paid only land values. The Crows have filed suit for the balance, and the outcome is not yet determined.

Now, I want to move on to another area which disturbs me tremendously. In Lawrence Lindley's letter of January 2, 1963, to Harry, second page, he says: "I think you will find that there is considerable partisan politics mixed in with this Knowles Dam situation. This, to me, is unfortunate."

He is absolutely right. But what disturbs me is that the Indian Rights Association has not taken the trouble to separate out the partisan political arguments. It has picked up a most partisan and distorted set of arguments for opposing Knowles, which at best are only one side of some very complex matters—and I might add a very partisan side of the story. It has not supported or defended its basic contention that the mere authorization is a violation of rights. Here are specific examples:

1. The map used on the brochure you sent me is exactly the map used in what I consider to be a scurrilous brochure of the Montana Power Co., copy of which is enclosed.

Now, this would not be quite so serious, except that the map is a gross exaggeration of the size of the Knowles Lake. I am enclosing another quite partisan anti-Knowles brochure which shows the lake more nearly in its true size, though even this one is larger than the fact, simply because the problem of drawing the lake to true scale is a little difficult—it is hardly the width of a visible line in some places.

I don't know whether the map itself causes any crucial misunderstandings, but it certainly does make it look like much more of a flooding problem than it really is. And it puts Indian Rights Association squarely in a partisan camp—a corporate vested interest camp where it ought not to be.

2. Two or three times the Montana Power Co.'s brochure claims the national bison range would be destroyed. Indian Rights Association backs away slightly from this position and says that it would be "severely damaged." The facts are that not more than about 10 percent of the area of the range would be flooded, and the only part of this 10 percent that is of bison grazing value is the headquarters area and display pasture. An additional 7 percent or so may be made inaccessible to the bison by a new railroad line with no satisfactory way yet proposed to get the buffalo across the tracks. But even so, 83 percent of the acreage for grazing, wintering, etc., of bison, elk, deer, birds, etc., remains. Furthermore, the Corps proposal, and the Fish and Wildlife proposal, both contemplate adding acreage to the bison range—in fact they will add 4,500 acres to replace loss of 3,450 acres. There are some unanswered questions as to where a new headquarters might be located and where a new exhibition pasture might be found. The fact of the matter is that the present headquarters and pasture are most inaccessible to the touring public, and it would be my hope that they might be relocated closer to the highways.

The argument that the range would be destroyed is supported by a number of groups who oppose Knowles for other, and often partisan political reasons. The argument that the range can be accommodated comes from the official agencies responsible. If we are going to accept the arguments of unofficial groups on this matter, then we must also give credence to "splinter Indian groups" who favor Knowles and oppose their official leaders. In any case, Indian Rights Association is not competent to make a judgment on this.

3. On the grazing lands, I do not have an authoritative answer. I do know that evidence has been submitted that 35 Indians use these lands—this evidence is, I believe, from the Indians themselves in the hearing. I understand that replacement grazing lands are available, and will be offered in treaty negotiations. I believe that in the House

hearings held in June there will be testimony from the Reclamation Bureau as to the quality of the substitute lands compared with the inundated lands. It is very easy to say "There are no substitute lands available to the Indians," but it is much more difficult to prove this statement. I believe that the facts will subsequently show that there are substitute lands, so that the only true statements that can be made would have to relate to comparisons. Then, you will no doubt get into such esoteric problems as to how many acres of bottom land are equivalent to how many acres of higher land, etc., and whether compensation can be on the basis of providing for, or paying for, winter feed by other means than bottom land grazing. Again, Indian Rights Association is not competent to make a judgment on this technical agricultural matter.

4. The argument about "crippling Indian economy" is based on the initial assumption that the Knowles Dam will be built without providing the Indians income commensurate with that which they could derive from the two small dams. Since Lawrence Lindley and I could not agreeably rephrase the original premise, I suppose this argument flows naturally from what I initially objected to. It is nevertheless an insulting implication that we who favor Knowles Dam are unconcerned about the Indian economy.

5. I have already demonstrated that the benefit/cost ratio argument is at least very tricky. It simply is not true to categorically state that cost will exceed benefits if Indians are compensated. The statement that the ratio is 1.08:1 is a misrepresentation of the fact, and puts the Indian Rights Association directly into the partisan politics which Lawrence Lindley abhors.

6. For every private engineer who can be found to state that Knowles is not the best "full development" plan, there can be found other private engineers to disagree. The plain fact is that the Indian Rights Association is not competent to make this judgment. The private engineers are not responsible for making a recommendation based on having to support it and, what is more, do not have to actually produce results based on it.

Specifically, the alternate Indian proposal would provide only about three-fourths of the storage of Knowles. The Corps of Engineers has a goal for storage in order to protect the entire Columbia Basin against disastrous floods like the 1948 one which killed 30 to 40 people. This goal is not even satisfied by Knowles and Libby combined. Furthermore, the alternates proposed by the Indians would have many times as much impact on wildlife, and I have never heard anyone say otherwise. So, the Indians, in Lindley's brochure, complain about damage to the bison range, and loss of that game preserve, but turn around and propose as an alternate two dams which would much more seriously injure wildlife and game. One of the Indian alternate dams, Smoky Range, would seriously damage the recreational value of Glacier National Park—much more seriously than Knowles would damage the bison range, by anyone's testimony.

This, then, leaves the argument in this position: If the Indians can be agreeably compensated with income equivalent to the income they can reasonably anticipate from their own dams, which proposal should be considered? From the storage, recreational and wildlife points of view there is no argument: Knowles is superior on all counts, and there is no countertestimony. On power, the two proposals appear to be about equivalent, though there may be a more complex transmission problem, and possibly a more complex operational and control problem with the alternates than with Knowles.

So, even this point boils down again to the same basic argument: does the omnibus public works bill authorizing Knowles Dam preclude, or even jeopardize the adequate compensation of the Indians for their full value?

7. Another pet argument of the partisan political opponents of Knowles which IRA has picked up is the mud-flats. This is an emotional issue which stirs the imagination to all kinds of horrors. It is largely false, and based on ignorance of the area to be flooded, with which I am intimately familiar.

The facts are as follows. First, the 80 foot drawdown is the absolute limit of potential drawdown. Perhaps the pool would have been drawn down like that to prevent the 1948 flood, but in 15 years since (I have been here since 1947) there has not been a recurrence of this extreme situation. This 80-foot drawdown is not an every year occurrence—but rather a rare extreme situation, which I would suppose would not happen more than once in 25 years, though I do not have official estimates on the frequency of occurrence predicted on the basis of past experience. This is available, however. I do not know what the average drawdown will be, but suspect it will not exceed 10 to 20 feet.

Secondly, the Columbia River is different from most U.S. rivers in that flood crest occurs in June, with run-off starting in May or April. If the storage in the dam is to be useful, it will have to be holding its 3 million acre-feet of water during the flood crest on uncontrolled rivers. The point being, that by the time the recreation season starts actively, the pool will be filled and mudflats will be gone. Dropping the pool level will not take place until January or so, to a predicted level based on anticipated run-off determined by snow water studies which are made throughout the basin every winter. This is the practice on Flathead Lake with which we are all familiar in this area, and which has not damaged recreational property values.

Thirdly, the pool area, for the most part, is steep-sided, as a reference to the USGS topographic maps will show. The area on the east side of the pool between Moiese and the Buffalo Rapids No. 4 damsite, is a gently sloping, clay soil, and will indeed be mudflats whenever there is any drawdown. This is but a small portion of the pool area or the shoreline.

The south shore of the lake, from Ravalli to Knowles, is largely wooded, and steep sided. Except for a few areas, it will not be mudflat even at low water in the winter and early spring. It is on Indian reservation, and in my opinion constitutes the prime recreational area. This area has no recreational value of any significance now, so that what recreational value will exist will be created by the Knowles Reservoir, and will be on the Indian reservation. Now, I do not know how much of this land has already passed to non-Indians, or is out of tribal control. This is a matter of record, however, and some research will produce the facts. But I know that much of it is still under tribal control.

There is almost no recreational value to the two Buffalo Rapids Dams proposed by the Indians. For one thing, there are no trees in the area at all. A lone cottonwood, perhaps here and there. The canyons are very steep sided, the lake will be little wider than the present stream. One has to actually see this to appreciate the truth of what I say. I simply do not see how there could be much recreational use made of these two small pools, other than perhaps boat fishing. But this will be merely pennies compared with the land value enhancement that comes from the realistic possibilities of summer cottages, homes, motels, etc., that will be available along the south shore of the Knowles pool. Furthermore, U.S. Highway 10–A will be built along the south shore of the pool providing ready access to the lake. If it is built—at least in part—far enough up from the lake to provide some privacy to summer homes, there will be some terrific land values created here by the lake. The pools the Indians would create would be in areas in which there are now no roads. We have tried to get in there to make an on-the-spot count of homes in the pool area, but could not. Roads can be built, but there is simply no attraction there in the hot summer to bring people so far off the beaten track.

Well, there is the whole ball of wax. I thought I could answer your letter with a two-pager—but I missed by a few hundred percent.

The Indian Rights Association is, of course, perfectly entitled to disagree with me, or Senator METCALF, or anyone else. I consider their statement that "the proposed Knowles Dam—would violate rights" to be a false statement unless it is qualified by an "if" or an "unless" clause. However, I suppose that they may properly quote the tribal council on this score. (Their pamphlet does not quote, however.)

But, when Indian Rights Association supports its thesis with partisan political arguments, which are demonstrably either false or misleading, or misrepresentative of the facts, without at the same time presenting the other side, then I am greatly hurt, disturbed, and a little sick at heart to think that Indian rights are not being defended on more logical and sound bases.

My alternate suggestion—which I only had a chance to hint at when I met with Lawrence Lindley—would be along these lines:

1. Put out a brochure with an honest map of the lake.

2. Make the statement which they seem to feel is necessary to make, that Knowles would violate Indian rights.

3. Support this statement with an acknowledgment that there have been numerous "promises, assurances, etc." of negotiation, but no concrete dollar or kilowatt-hour figures, no specifics on other matters. Then cite the sad and sordid record of the past—and I can only assume because I do not know that there is a record of taking Indian treaty land by condemnation and without adequate compensation. Cite the record of the U.S. Government to make us all ashamed of ourselves: the Indian irrigation project which was undertaken on Indian lands without Indian consent (Flathead); the national bison range itself was apparently established without Indian consent (yet now they oppose Knowles by referring to the severe damage or destruction of the bison range); the Homestead Act which opened reservation lands to white ownership; the establishment of wildlife refuges without Indian consent at Ninepipe and Kicking Horse.

But to try to support Indian rights by taking one side of a partisan political argument, after starting from at best a misleading premise, is to me unconscionable, and does Indian rights as represented by the association almost irreparable harm.

I think the Indians have put themselves in a bad spot by working so closely with Montana Power Co., when, as Mr. Cragun testified in the hearings, they cannot possibly get as good a deal from Montana Power Co. as from building their own dams. I think there is a very real possibility that if they are left to their own to develop the two low dams, they will find themselves prisoners of Montana Power Co. in the end. And as between friendly Senators and a friendly Kennedy administration, as compared with the unscrupulous Montana Power Co., I do not have much trouble choosing where the Indians' best interest lies.

But notwithstanding, I agree that the Indians themselves have a right to be wrong—just like the rest of us.

I do not agree that the Indian Rights Association has a right, or can even be condoned, in the kind of propagandizing political partisanship which is evidenced by the pamphlet against Knowles. Furthermore, I find I shall in the future hold as suspect other positions of the association because they have not acted responsibly in this case.

May I repeat—that I do not mean they have to agree with me to be responsible. I have suggested an approach which would oppose the Knowles Dam—even oppose the authorization bill which I want to see passed in the worst way. But oppose it on the real grounds of Indian rights—even go to the extent of documenting and dramatizing the reason for failure to trust and rely on the assurances of LEE METCALF, the Kennedy administration, the good will of the citizens' committee for Knowles Dam, and the cautious indications of official agencies.

What I object to is the effort to oppose Knowles on its merits—bison range, mud flats, benefit/cost ratio, "full development plains," etc. The Indian Rights Association is not qualified to make judgments on these matters, but is eminently qualified to state the case for Indian rights. All of its statements on the other issues are merely repeating partisan arguments about which they have no way of knowing the truth.

I hope the above gives you a clearer picture of this situation, and my concern about the Indian Rights Association's position. I really think you and I and Lawrence Lindley are not very far apart on our basic concern with Indian rights.

As I said when I saw you, I stayed out of the Kinzua matter because I did not understand it. I have participated in legal proceedings enough to have learned quite a bit about evidence, hearsay, opinion, expert opinion, etc. I have learned how much easier it is to make flat statements when you are not fully responsible for the project, and are not subject to cross-examination. I do not know what are the merits of Arthur Morgan's alternate for Kinzua—it may have been very good. If, however, it was like Mr. Bloch's alternate for Knowles, it would be but an incomplete and unsatisfactory answer. I simply have no knowledge, and did not want to inject myself into the case without adequate knowledge. As to Senator METCALF's lack of support for your case on Kinzua, I find that Senators are very sensitive to public works in their own State—they do not care to have projects in their State taken up by out-of-State Senators—either for or against—as they properly feel they have more knowledge and more at stake than out-of-State Senators would have. It would have been unwise, and probably unsuccessful from your point of view, had METCALF attempted to go over Senators JAVITS' and KEATING's heads on the matter. I have had some notion that there may have been some vested interest complications in the matter, so that it became much more complicated than merely a matter of Indian rights.

I am enclosing some materials, and sending copy of this letter to Lawrence Lindley. I do hope you will read carefully both my letter and Rae Logan's. I do not expect, nor ask, that you take a position—for much the same reasons that I did not take a position on Kinzua.

I do hope that you can understand and appreciate my position, my disappointment that such a respected organization as Indian Rights Association should handle this matter with such little understanding of the real issues involved, and the complexity of the many, many issues not directly involving Indian rights, and my hope and concern that Quakers, as represented by Ray Wilson, Ed Sanders, and AFSC, take a more sound position without becoming parties in the spreading of the Montana Power Co. false gospel.

As surely as I understand the operation of Montana Power Co., I know that they will do all in their power to take away, dissipate, or steal for themselves the damsite values which the Flathead Indians are so concerned about. It is my opinion, which you and Lawrence Lindley are of course at liberty to disagree with, because only time can prove it, that the Knowles Dam is the very best protection the Flatheads have for their powersite values. They will derive more from negotiated compensation than they can ever derive from Montana Power Co., and I have no confidence that they can beat Montana Power Co. by building the dams themselves. (After all Montana Power Co. beat the U.S. Government at Canyon Ferry—a public dam, but Montana Power Co. got the right in the Eisenhower administration (partnership, you know) to build the transmission lines. So the only customer the Federal power generators at Canyon Ferry can have are Montana Power Co.)

Next time I write, I will try to avoid this subject, and get to more personal matters.

Sincerely,

ARCHER TAYLOR.

Mr. METCALF. Mr. President, portions of points No. 6 and No. 7 in the summary which I have inserted in the RECORD allude to the desire of the tribes to develop their own properties. As I reported to the Senate last week, the Flathead Indians have retreated from their statements to both the Senate and House Public Works Committees, to the effect that they planned to finance and construct Buffalo Rapids No. 2 and No. 4. The official representative and former chairman of the tribe is now soliciting throughout the Northwest editorial endorsement, of an arrangement under which the Flathead Tribe would develop these dams in cooperation with the Montana Power Co., instead of on its own. Mr. President, I ask unanimous consent to have printed at this point in the RECORD my comments on the new position of the Flathead Indians, the August 30 memorandum to Northwest newspaper publishers from Walter W. McDonald and the August 25 editorial, in the Wyoming State Tribune, entitled "The United States Is Breaking a Treaty, Too."

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

[From the CONGRESSIONAL RECORD, Sept. 12, 1963]

THE CAT IS OUT OF THE BAG

Mr. METCALF. Mr. President, I wish to bring to the attention of Members of both the Senate and House of Representatives a significant development concerning authorization of Knowles Dam.

The Knowles project, on the Flathead River in western Montana, was one of the projects added by the Senate to the omnibus bill, which has now been returned to the House of Representatives.

During the hearings on this project before the Senate Committee on Public Works last year, it became clear that there could be three possible developments. One possibility could be the Knowles storage project, which I favor. Another could be construction of two run-of-the-river dams, at Buffalo Rapids sites 2 and 4, by the Montana Power Co. The third possibility could be construction of the two run-of-the-river dams at the Buffalo Rapids sites by the Confederated Salish and Kootenai Tribes, which have applied to the Federal Power Commission for a preliminary permit, as has the Montana Power Co.

At the hearing, the desire of the tribes to construct the dams was emphasized by John Cragun, counsel for the tribes, in these words:

"It is legally impossible for (the tribes) to get as good a deal from Montana Power Co. as they could get from building the dams themselves. There would be a sharing of benefits with Montana Power Co. which would cut in half the exploitable value of those sites to the tribes. Those sites are so valuable in comparison with any other sites, probably, in the whole United States that the matter of the tribe's financing and building them presents no problem, and they could get the entire value from them, which they could not do if Montana Power Co. builds them. The tribes have definitely instructed me to oppose the Montana Power Co. application with every means at our hands. We have done considerable engineering work in preparation for that."

Mr. President, the Flathead tribes took a similar position at the hearings on Knowles conducted by the House Public Works Committee this year.

The prepared statement of Walter W. McDonald, official delegate and former chairman of the Flathead Tribal Council, refers to the tribes "own Development of the Buffalo Rapids sites."

The prepared statement of Counsel Cragun concludes that the tribes "wish to rely on their own applications before the Federal Power Commission for a preliminary permit to build their own damsites."

Additionally, Mr. Cragun placed in the hearing record a resolution of the Affiliated Tribes of Northwest Indians, adopted August 18, 1962, and signed by its president, the same Walter McDonald who appeared as a witness for tribal development of the sites. The resolution states that "the Confederated Salish and Kootenai Tribes intend to develop these damsites and have filed an application for preliminary permit on these sites with the Federal Power Commission."

Mr. President, I am aware that many of my colleagues, in both the Senate and House, have had the impression, as I have until now, that three developments were possible—the Federal Knowles Dam, construction of Buffalo Rapids 2 and 4 by the Montana Power Co., or construction of Buffalo Rapids 2 and 4 by the Confederated Flathead and Salish Tribes.

It now appears that the alternatives have been reduced to two, that a deal has been made between the Montana Power Co., and the Confederated Salish and Kootenai Tribes.

I have been privileged to receive a copy of the memorandum which is being distributed to editors in the Northwest by Mr. Walter McDonald. This memorandum is written in his capacity as president of the Northwest Affiliated Indian Tribes. It accompanies an editorial from the Wyoming State Tribune. The Tribune, discussing the run-of-the-river alternatives to Knowles, reveals that the Flathead Indians "plan this development in connection with the Montana Power Co."

Mr. McDonald, in sending this editorial to newspaper editors, asks them to "please reprint it, condense it, comment on it, or write one of your own."

Mr. President, the cat is out of the bag. The expensive cultivation of Flathead Indian officials by the Montana Power Co., has borne fruit. The tribe's and its counsel's strong statements to Congress about opposition to the Montana Power Co., that tribal "financing and building—the dams—presents no problem," are now meaningless.

And so, Mr. President, we now have but two alternatives, full development of the Federal Knowles project, or underdevelopment by the Montana Power Co., which charges exorbitant rates and ships its millions of dollars in annual overcharges to the out-of-State stockholders.

AUGUST 30, 1963.

DEAR NORTHWEST NEWSPAPER PUBLISHER: Would you please allow me 5 minutes?

I am an Indian. I have lived all my life in my native Pacific Northwest (I was born and raised in western Montana, where I operate a successful cattle ranch near St. Ignatius). At the present time I am president of the Northwest Affiliated Tribes and president of the Montana Intertribal Policy Board. I am a member and former president of the Flathead Tribal Council. We have just concluded a convention of the Affiliated Tribes here in Spokane, Wash.

In this era of talking about treaties and civil rights, we Indians are happy to find that people are waking up to something we have been shouting about for many years.

We believe:

Treaties are made to be kept. We expect our country to keep its end of the bargain, just as we expect other nations like Russia to respect treaties.

The Negroes are not the only people being deprived of their civil rights. We Indians have faced this problem for many years, too.

In both of these respects—treaties and civil rights—members of the Flathead Tribe (Confederated Salish and Kootenai Tribes) in western Montana are in danger of being shortchanged as a result of the proposed construction of Federal Knowles Dam. It would flood out much of our land (16,000 acres) including damsites in whose development we are vitally interested.

The enclosed editorial from the Wyoming State Journal of August 25, 1963, tells the story of the courageous stand by Representative BATTIN of Montana in describing our plight. Please take time to read this editorial. If you would, please reprint it, condense it, comment on it or write one of your own.

We Indians need your help in making known the threatened violation of our treaty and civil rights by Knowles Dam legislation now in Congress.

Won't you help us?

Very truly yours,

WALTER W. McDONALD.

[From the Wyoming State Tribune, Aug. 25, 1963]

THE UNITED STATES IS BREAKING A TREATY, TOO

"Mr. Speaker," said Montana's Representative JAMES FRANKLIN BATTIN in the U.S. House of Representatives this past Monday, "the Senate of the United States is currently engaged in hearings and debate over the recent test ban treaty entered into by the United States with Russia and other foreign powers.

"Much of the discussion over the usefulness of this treaty and its benefit to the United States has centered around the reliability of Russia to live up to its treaty commitments," observed Montana's Second District Republican Congressman.

"Performances of Russia in the past," he continued, "have certainly justified the wariness of the American people to accept the solemn promises of Russia when they are broken at will by the Soviet Government."

Mr. BATTIN reminded his listeners that the Constitution of the United States makes our treaty obligations the supreme law of the land.

Was Mr. BATTIN concerned with the test ban treaty?

Not in this specific instance; what he was getting around to saying is that while we are pondering the good intentions of the Soviets in carrying out the terms of a treaty negotiated with this country, the United States itself is in the process of violating one of its own solemn commitments—made over a century ago with the Flathead Indians.

It is doing so in proposing to build on their lands, reserved to them by treaty, and against their wishes, the so-called Knowles Dam project, a 95-percent public power undertaking of the U.S. Department of the Interior, which also has jurisdiction through its Bureau of Indian Affairs over the welfare of these very same Indians.

The treaty involved is the so-called Hellgate Treaty signed with the Flatheads on July 16, 1855; the treaty subsequently was ratified by the United States 4 years later and is in force and effect today. It reserved certain lands for the use and occupation of the Flathead Tribes.

"It is the same type of treaty and should merit the same concern and treatment as is presently being given the test ban treaty," said Mr. BATTIN, a 38-year-old Billings attorney who is serving his second term in Congress. "Yet the Senate of the United States, the same body which ratified the treaty with the Flathead Tribes, completely ignored that treaty and proposed the authorization of the Knowles Dam in Montana in face of the strong and emphatic opposition of the Flathead Tribes who charged that such action is a violation of their treaty rights."

The Indians, it turns out, possessing natural damsites within their reservation, wish to develop their own hydroelectric power projects that will be smaller in scope than Knowles, will not inundate some 20,000 acres of rich irrigated farming lands owned by the Flatheads, who wish to preserve their agricultural industry, and which will bring a profitable return from power revenues. They plan this development in connection with the Montana Power Co.

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

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

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

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

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

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

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

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

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

THE NUCLEAR TEST BAN TREATY

Mr. THURMOND. Mr. President, in previous issues of the CONGRESSIONAL RECORD I have had printed a number of news columns, editorials, and other materials expressing concern or criticism about the proposed Moscow test ban treaty. I have done this in an effort to present to the Members of the Congress, and particularly the Members of the Senate who are now considering this treaty in debate on the Senate floor, an indication of the widespread concern over the efforts to ratify this treaty.

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

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

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

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

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

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

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

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

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

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

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

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

SUPERIORITY OR SURRENDER

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

SEPTEMBER 16, 1963.

Debate in the U.S. Senate over ratification of the Moscow test ban treaty is waxing

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

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

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

(1) We probably will be unable to duplicate Soviet achievements in very high-yield weapon technology;

(2) We will be unable to acquire necessary data on the effects of very high yield atmospheric explosions;

(3) We will be unable to acquire data on high altitude nuclear weapons effects;

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

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

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

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

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

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

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

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

Sincerely,

STROM THURMOND.

RADIO STATION KGAF EDITORIAL,
SEPTEMBER 10, 1963

The Senate is now debating whether to ratify the recent Moscow treaty—or the so-called test ban treaty. The investigations held concerning this treaty have exposed serious deficiencies and threats to the security of the United States if this treaty should be ratified in its present form. Close examination of the testimony given in the hearings has revealed that the treaty can be expected to materially help the Soviets to increase their military strength in relation to that of the United States, while preventing this country from making the necessary progress to simply hold our own in the current military relationship with the Russians. In fact, the most damaging testimony of all was that given by Secretary of Defense McNamara himself, who was testifying for the treaty. McNamara's testimony, however, reveals serious contradictions and unwarranted assumptions by the Defense Department and the administration concerning our national defenses in relation to the Communists.

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

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

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

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

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

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

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

ADVISE AND CONSENT—A TEST OF COURAGE

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

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

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

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

The Senators cannot so easily avoid responsibility. The Constitution requires their solemn judgment of the issue and this responsibility will not be served by mere acceptance of the Presidential judgment. They must weigh carefully the full impact of the treaty—military, political and spiritual. If they find it to be against the interest of the United States, they must have the courage to reject it.

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

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

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

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

Since 1946, the United States has been urging atomic arms control under adequate inspection. Refusal of the Soviet Union to accept inspection, even when it was far behind in the race, reflects the Communist determination to prevail. Khrushchev is not withdrawing from the race.

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

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

Our Senators are called to vote. Will they give the seal of their approval to a policy of granting concessions to communism, and thereby assure its continuance? Will they

reject the treaty and call upon the Soviet Union to accept full inspection of nuclear activities? Will they attach protective clauses to the treaty to limit the ban to testing which can be positively identified without inspection at the testing site? Each Senator must decide for himself and for our country.

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

A FAREWELL TO ARMS?

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

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

This is no speculative assertion on our part: It is spelled out in exact language in the preamble of the treaty itself. Somehow, in both the political and public debate over the treaty, little attention has been paid to that preamble, but those preliminary words embrace a threat to this Nation's defense which goes far beyond the particulars of the treaty itself.

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

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

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

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

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

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

THE BREWERY GULCH PHILOSOPHER SAYS—

(By Fred McKinney)

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

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

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

WE TRUST THE REDS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

TO VOTE WITHOUT FULL KNOWLEDGE

(By Bill Henry)

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

THEY ALL HAVE RESERVATIONS

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

Teller was right. That's grounds for believing that he might be right this time, too.

PEACE OF MIND VERSUS SURVIVAL

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

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

Produced by Lawrence E. Spivak.

Guest: Dr. Edward Teller.

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

Moderator: Ned Brooks.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Mr. SHACKFORD. Dr. Teller, during the Senate hearings many of your fellow scientists who disagree with you were asked why they thought you took such an opposite point of view. One of those was Dr. Kistiakowsky, who was President Eisenhower's scientific adviser, and he told the committee, "Dr. Teller has been extraordinarily single minded in his devotion to one project; namely bigger and better nuclear weapons and specifically the H-bomb, for 20 years."

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

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

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

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

What led you to this sort of a conclusion?

Dr. TELLER. The treaty says, "Each of the parties undertakes to refrain from causing, encouraging or in any way participating in the carrying out of any nuclear weapon test explosion or any other nuclear explosion."

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

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

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

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

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

Dr. TELLER. Certainly not. The administration and everyone in the administration is doing what in his opinion is the best for the country. But the ardent desire for peace, the imagination, the hope, in my opinion the false hope, but nevertheless the hope that this might bring peace closer, it is this that has misled in the past and is misleading now many very excellent people.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Dr. TELLER. I do.

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

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

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

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

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

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

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

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

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

SECURITY ENDANGERED

(By W. D. Workman)

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

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

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

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

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

LOSSES WE FACE

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

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

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

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

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

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

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

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

THE SPECIFICS

The Preparedness Subcommittee, concerned over what seems to be a U.S. lag in the area of high yield experience, listed these eight disadvantages which are expected to stem from our involvement in a test ban treaty:

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

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

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

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

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

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

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

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

WE RISK ALL

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

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

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

TEST BAN TREATY: DR. JOHNSON DISCUSSES ISSUES

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

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

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

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

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

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

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

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

THE STATE DEPARTMENT AND THE CONGRESS

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

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

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

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

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

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

COLD WAR BETWEEN THE HILL AND FOGGY BOTTOM

(By Frederick G. Dutton)

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

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

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

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

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

As with nations, much of the real cause of the trouble has long since been obscured by semantics and stereotypes injected into problems in which they are irrelevant and invoked mostly to vent frustrations. Thus

congressional complaints about world affairs are often dismissed by foreign-policy experts—in the press as well as in Government—as "uninformed," "opportunist," and "special interest motivated." The State Department is recurrently assailed as "weak kneed," "the victim of a plot," "the dupe of foreigners," and with other more lurid charges as old as politics.

So far neither side has given much recognition to the possibility that the other may be only trying to meet its functional responsibility—Congress to represent the diverse views and interests that make up our national society; the State Department to see that the hard complex facts and alternatives of policy concerning the rest of the world are fully considered in the ultimate decisions of the Government.

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

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

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

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

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

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

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

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

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

The limits of legislative and executive reach in this field are indicated in Senator Fulbright's comment that "Congress has neither the authority nor the means to conduct American foreign policy, but it has ample power to implement, modify or thwart executive proposals."

The increasing attention of the legislative branch to international affairs is reflected quantitatively in the growing volume of congressional correspondence with the State Department. Thus, the number of letters from Senators and Congressmen on policy questions (wholly apart from passport inquiries and similar matters) has risen from about 7,600 in 1958 to 11,200 in 1960, to 18,600 in 1962. The trend this year indicates the volume will reach at least 23,000.

Likewise, the range of congressional committees taking up matters involving the State Department has steadily expanded beyond the Senate Foreign Relations and House Foreign Affairs Committees. The number of formal appearances by the Secretary of State before congressional committees now ranges between 25 to 35 a year. Last year, hearings involving other State Department officials rose to an alltime high—over 220. The volume of informal briefings and other congressional contacts with foreign policy experts is also growing.

Potentially, the development that could most significantly affect relations between the Hill and Foggy Bottom is not direct governmental activities but the rapid internationalizing of American politics. Not only presidential but congressional campaigns are focusing more and more on events abroad and this country's part in them.

While individual Senators and Congressmen struggle in their own behalf for a few inches of press coverage or 30 seconds of TV or radio exposure, their constituents are constantly bombarded with what is happening in the world and, by implication, how Americans should be concerned about it. Where public attention thus leads, elected officials are usually not far behind.

At the poll-taking level, Gallup has reported for years that the overriding preoccupation of most voters is the international situation. In last year's congressional campaign, for example, even before the Cuban crisis, he found that 55 percent of those surveyed considered war, peace, and international tensions to be the issues of greatest concern.

Far behind were the 11 percent reported to be most disturbed by the high cost of living and taxes, the seven percent most deeply concerned by unemployment, and the six percent then most alarmed by racial problems.

In 1962, one of the country's most durable political figures, Senator EVERETT MCKINLEY DIRKSEN, of Illinois, was reported by the press to have "opened his campaign for reelection last week with the loud pedal down on the theme that his role as Senate minority leader has armed him with a deep knowledge of foreign affairs. * * * He spoke of trips he had made to see foreign countries at first hand. He asserted that Laos was 'the corridor to control of all of the Far East,' and said that if Laos fell to the Communists, so in time would Japan, Taiwan, and the Philippines."

Although many in the Capitol still look at foreign policy as though it were an alien plague and contend that post offices and other Federal projects remain their districts' abiding interest, newspaper reports on President Kennedy's trip to South Dakota last summer to dedicate the Oahe Dam are worth noting. They observed that the biggest crowd response came not when he referred to what the project would do for the prairie country along the Missouri River, but when he referred to far larger Russian exploits and said he did not want to see the United States second to the Soviets in space, hydroelectric projects or anything else.

All these developments suggest that Members of Congress will concern themselves more and more with the international scene. In view of this, it is essential not only that any partisan differences over foreign policy be moderated, but that executive-legislative frictions be eased as well.

For better or worse and notwithstanding the recent suggestion by the chairman of the Senate Foreign Relations Committee that the President be given significantly enhanced authority over international affairs, no organic change is likely to come soon in the present separation and sharing of the principal governmental powers affecting foreign policy. The existing machinery is going to have to be made to work, however much it sometimes grates.

Thus, both sides need to face up to several hard facts.

First, many in the State Department must learn to accept that Congress has entered into the world as never before, and is there to stay. At the same time, many in Congress must recognize that explosive international problems cannot be handled with the sensationalism or certainty with which politics back home are sometimes treated. Neither can the Foreign Service be used as a favorite political punching bag without impairing its effectiveness.

In addition, substantially more and better contacts are needed between these two distinct, sometimes remote, groups if the underlying attitudes and semantics that breed much of the difficulty are to be straightened out.

In the last year a number of steps have been taken to narrow the gap between the two sides. The results thus far are mixed at best.

For Congressmen, weekly off-the-record briefings are now held by key State Department officials. (Usually only several dozen out of 435 Members have time, or are interested enough, to attend. Some who stay away claim they don't get the unequivocal answers they want.)

A substantially increased number of background papers and special studies of current problems are now sent regularly to congressional offices. ("A snow job," some members snort.) And special question-and-answer sessions have been organized for the administrative assistants to Senators and Congressmen. ("Pure propaganda," the Department's critics complain.)

Missionary work for Congress inside the State Department includes a number of innovations. Thus, three Members of the Senate discussed Congressional criticism of the Foreign Service with over 800 career officers in a closed-door session last summer. And a daily summary of foreign-policy comments in the CONGRESSIONAL RECORD is distributed throughout the department and to posts abroad.

The training of junior Foreign Service officers now includes a 2-week apprenticeship in a congressional office. And all career officers going to or returning from overseas are being urged not only to go and see their Congressmen but to go home and see the people there instead of just coming back to Washington while on leave in this country.

Far more is needed, however, than attention to underlying attitudes. The channels for substantive communication need to be improved so that the insistent critical faculty of Congress can be focused better, and the executive branch can have broader impact in making its case on the Hill. Senator HUBERT HUMPHREY'S proposal that the Secretary of State should regularly be invited for a question period before the full membership of each House is not new. But it recognizes the major communications problem that must be solved.

Even with improvements, however, it has to be recognized that the difficulties between Congress and the State Department will never disappear completely. The basic differences between the two make a considerable amount of contention inevitable.

As is so often the case with foreign policy perhaps the best that can be asked is that the frictions be kept within reasonable limits—and that will have to be worked out day by day, problem by problem, in the way the world's troubles must be attended to.

Finally, the interplay between Congress and the foreign-policy apparatus cannot be looked at alone but must be considered as part of the far broader question that Walter Lippmann raised at the start of this year: "How can democratic government, which was conceived and established in a very different era from this one, be made fit for the crises and the tempo and the conflicts of the present age?"

This is not just a question of constitutional arrangement, but of the capacity of the American people to relate themselves perceptively and with discretion to the rest of the world.

The personal and immediate way that many in Congress look at this problem was summed up recently for a group of Foreign Service officers by one of the younger Members of the House: "The question is not will Congress be responsible on international issues—but can we be, and get away with it?"

The remark reflects in a very practical way that the relationship between Congress and the State Department is not just a matter of whether two key parts of Government are working together with reasonable effectiveness. In the final analysis, it is a question of how well the domestic and international attitudes and interests of American society are reconciled and brought to bear on the many tasks and opportunities that face us.

MEXICAN INDEPENDENCE DAY

Mr. HART. Mr. President, the 16th of September is traditionally celebrated by our Mexican brothers as Independence Day. Once again this year, joyful celebrations will commemorate the heroic struggle of the Mexican people for independence and mastery of their destiny. For 10 years, the Mexican people fought foreign domination armed with little more than their courage, fortitude, and determination. But their victory was worth it: freedom and independence.

Today Mexico is indeed free, independent—a democratic nation rapidly progressing to achieve economic justice for all her citizens, to make available education and opportunity to the most remote village and to achieve a modern technology amid her rich ancient culture.

We have in our country many thousands of citizens of Mexican background. Certainly we in Michigan are proud and strengthened by the presence of many substantial citizens whose heritage is Mexican. These industrious citizens have enriched American life with their language, music, and colorful customs. On the anniversary of Mexican independence, our American citizens of Mexican cultural heritage take pride in the achievements of their forefathers.

Mr. President, on this occasion, I am proud to extend my very good wishes to our Mexican friends south of the border and to join with all American citizens of Mexican background in celebrating this joyful day.

ADDRESS DELIVERED AT BIENNIAL CONVENTION, CENTRAL STATES REGION, INTERNATIONAL BROTHERHOOD OF TEAMSTERS, CHICAGO, ILL.

Mr. MORSE. Mr. President, yesterday, September 15, 1963, I delivered an address before the biennial convention, Central States region of the International Brotherhood of Teamsters. In the main, I explained several bills that I have introduced in the Senate involving the bonding provisions of the Landrum-Griffith law and proposal for amending our Federal code of criminal procedure.

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

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

REMARKS OF SENATOR WAYNE MORSE, OF OREGON BIENNIAL CONVENTION, CENTRAL STATES REGION, INTERNATIONAL BROTHERHOOD OF TEAMSTERS, CHICAGO, ILL., SEPTEMBER 15, 1963

In these brief remarks, I want to cover several legislative issues that are, or should be, of interest to all Americans concerned for the personal liberties of American citizens and concerned for fair and equitable treatment of labor organizations. Over the years, I have given a great deal of time and attention in the Senate to the protection of personal liberties. It is a striking fact that for all one hears these days about alleged encroachments of the Federal Government and about alleged loss of personal initiative, these complaints are mostly made on behalf of the rights of property. The same people who make them have little interest or concern for the rights of persons that so occupied our Founding Fathers that they devoted nine amendments to them in the Constitution, calling them the Bill of Rights.

On June 27 of this year, I did my best to call to public attention a failure on the part of Congress to protect some of these rights of person. Because one of the "horrible examples," I used of abuse of these rights concerned the president of the Teamsters, there were many who cried that these were "Hoffa bills."

Well, that kind of opposition does not impress nor deter me. As a matter of fact, the major source of my research on them came from an outstanding legal scholar at the University of Chicago, Prof. Philip B. Kurland of the University of Chicago Law School. Professor Kurland was at work in the field of legal procedure long before the cases involving Jimmy Hoffa came along. But had Mr. Hoffa never been born, the same issues and the same threat to the personal, procedural rights of American citizens who become involved in Federal criminal proceedings would still exist.

The first of the bills I introduced on June 27 provides that no prosecutor, no defendant, and no attorney or spokesman for a defendant shall publish information not already filed with the court that might affect the outcome of a pending criminal proceedings. To do so would, under my bill, subject such individual to action for contempt of court.

We all know how common is the practice of "trial by newspaper." We all know that crime news attempts to associate or identify at least one suspect with every major crime reported. Legal scholars for years have documented the cases where newspapers have assumed the guilt of a person and have communicated that assumption to their readers, only to have the jury or the judge acquit the accused when all the evidence comes in. We shall never know how many more people have been convicted, rather than acquitted, because of prejudices created by press statements that could not be overcome by evidence.

That is not the kind of trial the Constitution seeks to guarantee. That is not a trial by an impartial jury which the sixth amendment prescribes for Federal criminal prosecutions.

One police reporter for a leading Washington newspaper called my office and later wrote an article about this proposal claiming that it infringed upon freedom of the press. As I pointed out in my Senate speech, the courts have often held that freedom of the press prevents measures from being taken that would assure an impartial trial. But my bill does not even infringe on what is printed: it only limits when it may be printed. The reporter who objected to it was not satisfied by the fact that once a trial is over, anything could be written about it. It was his case that part of freedom of the press includes the right to file a story tonight, before a competitor files it the next morning.

In my opinion, that is not freedom of the press, and it has no right to precedence over the constitutional rights that are supposed to surround criminal proceedings. For prosecutors to send out and have published the kind of material the Justice Department has put out prior to the Hoffa trials, is not even an issue of freedom of the press. It is simply an effort to influence opinion before the case is brought to trial. Such practices do not belong in our judicial system.

The second bill I introduced was designed to carry out another pledge of the sixth amendment, namely, that the accused shall have a speedy trial. What is "speedy" may be a matter of opinion. But when many of our States have undertaken to specify and define "speedy trial" it seems to me that some standards for Federal prosecutions are possible, too.

This bill would provide that—

First. An indictment or complaint shall be dismissed, even where the statute of limitations has not run, if there has been unnecessary delay in making the presentment or filing the information;

Second. Where the Department of Justice files a dismissal of an indictment, except where the defendant consents, it shall serve as a bar to subsequent prosecution;

Third. Where more than one indictment is involved, the person shall be brought to trial on the indictments in the order in which they were returned. When a case goes to trial on an indictment, the court in which earlier indictments are pending against the same defendant shall dismiss the earlier indictments with the effect of a judgment of not guilty:

Fourth. The defendant shall be tried on an indictment no later than 9 months after the indictment was filed, except that the court may extend the time on a showing of good cause; and

Fifth. A defendant who has been found guilty shall be sentenced no later than 60 days after judgment.

It is alleged by counsel for the Teamsters that some of Mr. Hoffa's difficulties have been characterized by untold delays, of a harrassing nature. The Tampa case has been going

on for an extended period, with the result that four witnesses and a codefendant in that case are now deceased.

This bill would effectuate the defendant's right under the sixth amendment to a speedy trial.

Prosecuting authorities of the United States have frequently abused the rights of a defendant to a speedy trial, although that right is purportedly guaranteed by the Constitution of the United States. The States have, by experience, demonstrated that this right, if it is to be meaningful, must be enforced by legislative as well as judicial action. The proposed legislation benefits from the examples set by the States in this area and is the more necessary because the Federal courts have been less diligent than those of the States in enforcing this right.

Mr. Justice Frankfurter's opinion in *Ward* v. *United States*, declared:

"Nothing has disturbed me more during my years on the Court than the timespan, in so many cases that come here, between the date of an indictment and the final appellate disposition of a conviction. Such untoward delays seem to me inimical to the fair and effective administration of the criminal law. * * * I do not mean to imply criticism of any person, judge or court for what is a good illustration of the general leaden-footedness of criminal prosecutions. The fault lies with the habit of acquiescence in what I deem to be a reprehensible system."

It was the scandalous delays of such a reprehensible system that the sixth amendment was intended to avoid, but in fact this provision of the Bill of Rights has never been adequately effectuated by the national courts or the National Legislature.

Despite the constitutional provisions, for a long period of our history there would appear to have been a conflict over the question of power in the Federal courts to use the only sanction that is meaningful to preclude abuse of the defendant's right to a speedy trial: dismissal of the charge. As the court said in the leading case of *Frankel* v. *Woodrough*, 7 F. 2d 796, 798 (C.A. 8th 1925):

"The constitutions of most of the States have provisions similar to the sixth amendment, and many of the States have statutory definitions of the time or number of court terms within which criminal accusations must be tried. Such statutes provide usually for the discharge of accused unless the trial is within the limits so defined. The United States has no such statutory provisions, and we think an accused would not be entitled to a discharge even though he were denied a speedy trial within the meaning of the Constitution. His right and only remedy would be to apply to the proper appellate court for a writ of mandamus to compel trial."

There were contrary indications of the existence of the power of discharge. For example, *Ex parte Altman*, 34 F. Supp. 106, 108 (S.D. Calif. 1940), the court said:

"It is not questioned that the court, in the exercise of its jurisdiction, has the inherent power to order a dismissal for failure to prosecute. * * * We can conceive the anarchy which would result if the power to terminate a criminal proceeding for want of prosecution did not exist. Defendants might have prosecutions hang over their heads, like the sword of Damocles, for years, without an effort being made to bring them to trial. And yet, if the prosecutor should refuse to try them, and the court acquiesce, they would be at his mercy. The constitutional guarantee of speedy trial * * * would be brought to nought, if, when the court set a cause for trial and the prosecutor was not prepared to proceed, the court were powerless to dismiss it for failure to proceed diligently."

The purpose of my bill is to set such time limits as are set in various State statutes, to make them applicable to Federal prosecutions; and further to provide that if the Federal prosecutors did not comply with such time limits, the cases would be automatically dismissed.

It is true that in 1944, the "Federal Rules of Criminal Procedure," rule 48, made explicit the power of the district court to dismiss for want of prosecution. And there have been a few instances where this discretion has been exercised in favor of the defendant. However, the discretionary power in the courts is obviously inadequate as a reading of the annotations to rule 48(d) readily make apparent. Two examples demonstrate the ineffectiveness of the rule. In *United States* v. *Van Allen*, 1961, dismissal was denied under the rule although the indictment was not filed until the very end of the period of limitations and then 6 years elapsed without the case being brought to trial.

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

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

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

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

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

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

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

Again, the 1962 law was flexible in this respect. The Secretary of Labor was given authority to exempt any plan from the bonding requirement if he found that other bonding arrangements would provide adequate protection of the beneficiaries and participants. So I have proposed to amend Landrum-Griffin by adding this same language from the 1962 law.

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

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

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

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

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

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

It is no exaggeration to say that not only was compulsory arbitration forced on railway employees by a union refusal to use voluntary arbitration, but it was accepted by the chiefs of the unions as preferable either to the proceedings of a regulatory agency or to voluntary arbitration by Justice Goldberg. So the crocodile tears shed by the chiefs of the brotherhoods over the fact that

out-and-out compulsory arbitration was applied to their unions for the first time in the history of Congress should not mislead anyone. This result was their own doing.

It was concurred in, too, by much of organized labor. In my opinion, labor did a great disservice to itself, to its members, and to the future of collective bargaining by rejecting all alternative means of handling this particular dispute which would have involved voluntary action on their part. They invited Congress to impose compulsory arbitration upon labor. Let no one doubt that Congress will not need that kind of invitation next time. The press and the Nation knew a precedent when they saw it, and this settlement has already been entered on many books as the way to handle any future dispute that may so much as threaten any substantial portion of the economy.

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

NOTICE OF SHOWING OF FILM ENTITLED "TROUBLED WATERS"

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

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

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

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

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

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

The PRESIDING OFFICER. The Senator will state it.

Mr. KUCHEL. Is there further morning business?

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

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

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

THE NUCLEAR TEST BAN TREATY

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

Mr. McGOVERN obtained the floor.

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

Mr. McGOVERN. I am glad to yield.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

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

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

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

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

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

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

(By Louis Harris)

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

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

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

Attitudes toward test ban agreement

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

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

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

Reasons for favoring or opposing test ban agreement

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

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

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

Much of the opposition was summed up by a business executive in Rochester, N.Y.,

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

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

Mr. McGOVERN. Mr. President, I support the nuclear test ban treaty without reservation of any kind. The weeks of committee hearings—the supporting statements of our top Government, scientific, military, and religious leaders—the specific endorsements by the President, the Secretary of State, the Secretary of Defense, the Joint Chiefs of Staff—all of these have only served to fortify my own longtime convictions as to the logic of the treaty.

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

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

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

Said the President—

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

RADIATION HAZARD OF NUCLEAR TESTING

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

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

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

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

Recent Government surveys have reported radioactive concentrations in some localities two or three times greater than we had previously believed to exist.

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

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

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

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

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

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

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

One final phrase:

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

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

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

(See exhibit 1.)

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

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

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

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

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

The only dependable protection against enemy missiles is the enemy's knowledge that if he destroys our country, we can destroy his simultaneously. We are in a balance of terror today, and neither side has the slightest need to explode another test bomb to demonstrate its enormous killing power. The leaders

of both the United States and Russia already know that a nuclear exchange of a few minutes' duration would incinerate most of the people in both nations. If that is not enough to deter a nuclear strike, then mankind is doomed no matter how many test bombs we explode or fail to explode.

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

Indeed, Mr. President, the administration has been called upon to give so many assurances of our continued nuclear efforts after treaty ratification that a casual observer might assume that we are approving this treaty so that we can accelerate the arms race and beef up the warmaking facilities of our country.

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

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

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

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

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

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

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

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

I agree with the Senator wholeheartedly.

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

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

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

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

THE TREATY AND THE SINO-SOVIET RIFT

All of us would readily agree that the hopes for world peace depend not only on the policy of the United States, but even more significantly on the course which the Communist world follows.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

> The CPSU (Communist Party of the Soviet Union) Central Committee believes it a

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

Two recent actions—to say nothing of the battle of words—of the Soviet Union point up their acute differences with Peiping. Under Secretary of State Averell Harriman has noted that it was the U.S.S.R. which proposed that the successful test ban treaty negotiations should begin in Moscow on July 15. Previously, July 5 had been fixed for the Moscow talks with the Chinese. The Soviet letter—in effect, an attack on the Chinese position, which I have just quoted—was sent on July 14 while talks with the Chinese Communists were in progress. Both the timing of these events and the substance of that letter are less than conciliatory toward the Chinese.

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

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

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

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

Beyond this, it is quite probable that the Soviet leadership should mean in a literal sense what they say about avoiding nuclear war even as they say it for propaganda effect. Why should they not wish to avoid a nuclear war which could destroy most of their country? Why should it not be reasonable to suppose that in the avoidance of nuclear war, at least, we have some common ground with them; that they conceive of this treaty, as we do, as a step—admittedly a limited step—admittedly a step involving some risk—toward that end. Why should we in this country want to give Peiping ammunition to support its loud contention that "peaceful coexistence" as Moscow conceives it, is impossible in relationship to the West? Ever since 1959 we have told the world that we were prepared to stop test explosions in the atmosphere if the Soviets and other countries would agree.

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

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

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

As the late John Foster Dulles said 5 years ago:

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

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

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

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

> Among the many traits the peoples of our two countries have in common, none is stronger than our mutual abhorrence of war. Almost unique among the major world powers, we have never been at war with each other. And no nation in the history of battle ever suffered more than the Soviet Union in the Second World War. At least 20 million lost their lives.

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

Said the President:

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

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

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

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

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

hate beget fear and hate, so may hope and love, however cautious, beget hope and love.

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

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

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

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

EXHIBIT 1

TEST BAN HOPES—LEGISLATORS AT BELGRADE FAVOR TREATY

(By Roscoe Drummond)

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

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

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

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

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

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

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

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

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

In a plenary vote you couldn't beat back such a resolution if you tied Satan's tail to it. That is just about what the Soviets have done. They have imbedded in it a paragraph which has the conference endorsing a nonaggression pact between NATO and the Warsaw countries and to create denuclearized zones in unspecified parts of the world, including central Europe.

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

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

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

Mr. McGOVERN. I yield.

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

Mr. McGOVERN. That is correct.

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

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

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

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

Mr. MILLER. With respect to the statement about drifting into a nuclear war, I hope the Senator from South Dakota will agree that certainly in the present state of affairs, and insofar as the foreseeable future is concerned, in view of the assurances given by the President of the United States, this need be no more of a problem for us—and probably it would be less of a problem for us—than for the Soviet Union because—if I correctly understand the President's assurances—we intend to maintain our deterrent capability to such an extent that if the Soviet Union sees fit to drift into a nuclear war, it will be destroyed.

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

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

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

Mr. McGOVERN. Correct.

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

Mr. McGOVERN. We have an announced policy at present of refraining from testing in the atmosphere so long as the Soviets and other countries refrain from such testing. But the treaty gives us an added bonus, in that we are seeking the signatures of coun-

tries all over the world. Already some 91 countries have added their signatures to the treaty. So we can avoid the proliferation of tests by powers not now members of the nuclear club. As the Senator points out, if the announced policy of banning a nuclear test is good judgment, why would it not be in our interest to formalize that policy in a treaty so that all the countries of the world could be brought under that agreement?

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

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

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

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

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

Mr. MILLER. I suggest that it would be more of a presumption that if we walk out of the Chamber that we will not be struck by lightning than it would be that if we enter into the treaty we would have better relations with the Soviet Union. I share the hope and prayer of the Senator from South Dakota that such would happen. But I am not persuaded in respect to the strong probability that he suggests. There is, indeed, a possibility. But I am unimpressed by the suggestions that this is the first step. It may be; it could be a step the other way, too. In that connection I hope the Senator from South Dakota will recall that several of the proponents of the treaty who are knowledgeable on this subject, not the least of whom is the Senator from Rhode Island [Mr. PASTORE], Chairman of the Joint Atomic Energy Committee of the Congress, indicated that under the treaty we can expect our national defense cost to increase rather than to decrease. If that is so, I am not saying that the fact that it might be a mutual disadvantage is necessarily a reason to reject the treaty. If it will increase our cost, I can see where it would increase the costs of the Soviet Union. I do not believe that the proposal is one sided. I do not believe we ought to be led into voting for ratification of the treaty on the assumption that to do so would reduce our national defense costs. If anything, such action would increase them. The mere fact that we are reducing or eliminating testing in three environments—underwater, in outer space, and in the atmosphere—and limiting the testing to underground, does not mean that national defense costs will not increase. Underground testing is much more expensive. The amount of increased underground testing that we will have to engage in—which the President has told us we will do because he has given us the assurance that he will meet the safeguards of the Joint Chiefs of Staff—does not mean that such testing will not more than offset the reduced cost by eliminating testing in these other three environments. This, I think, might be considered a reason to vote against the treaty. Under the treaty there would be a stepup in our defense costs.

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

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

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

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

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

Mr. McGOVERN. I am aware of that.

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

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

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

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

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

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

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

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

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

I regret that this is the situation in which we find ourselves. I regret that

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

I thank the Senator from South Dakota for his responses.

Mr. McGOVERN. I thank the Senator from Iowa.

Mr. FULBRIGHT and Mr. ROBERTSON addressed the Chair.

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

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

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

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

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

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

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

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

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

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

Mr. McGOVERN. I do.

Mr. ROBERTSON. How much?

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

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

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

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

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

Mr. McGOVERN. I give the Senator that assurance.

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

Mr. McGOVERN. I think that is true.

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

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

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

Mr. McGOVERN. I yield.

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

Mr. McGOVERN. I think that is a possibility.

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

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

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

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

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

Mr. President, I yield the floor.

Mr. ROBERTSON. Mr. President, those familiar with my voting record will, of course, know that throughout my service in the Congress, I have consistently voted for economy. Consequently, I experienced some slight embarrassment when, because of the illness of our esteemed and beloved colleague, Senator Chavez, I was called upon in the middle of the summer of 1961 to serve as Chairman of the Subcommittee on Defense of the Senate Appropriations Committee and to present to the Senate in August of that year the biggest peacetime spending bill in the history of our Nation. In defense of that spending program, I stated that we were threatened by an implacable foe which denied God, repudiated the teachings of the Bible, and was

restrained in its overweening ambition for world domination simply by our superiority in the field of nuclear warfare. I said, under those circumstances, we could not forgo the advantage of superior physical force nor put a price tag upon our survival.

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

The enactment of the bill by the Senate will put Premier Khrushchev on notice that this Nation is determined to safeguard freedom in the world at whatever cost. Thrice within my own lifetime, despots have miscalculated the strength of that determination. Forty-four years ago another despot, in another place, misinterpreted the peaceful aspirations of the American people as a lack of determination to guard their liberties. That miscalculation finally led to our entry into World War I. On a grim day in April 1917, Woodrow Wilson, a great Virginian, came to these Chambers to place before the Congress and the world the American cause. He said:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Now, we hear it said, Mr. President, that what the Soviet Union is doing in Cuba is no different from what the United States is doing in Turkey and in other free countries on the periphery of the Soviet bloc. This is silly. Let me, at this point read the pertinent portions of a couple of paragraphs from the President's speech of Monday night:

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

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

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

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

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

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

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

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

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

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

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

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

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

After I had concluded that defense of a very wise and courageous policy of our Commander in Chief and distinguished President of the United States, what was the deceitful answer of the Soviet delegation? It was a bitter criticism both of me and our Nation. For example, Mr. Spiridonov of the U.S.S.R. said:

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

That is the United States—

are trying, by atomic blackmail and provocations—

That is by us—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

I happen to know John McCloy, of New York. That is one reason why I voted for the Eisenhower program to establish an agency for disarmament. I do not trust the Soviet Union. I do not believe we are going to get anywhere with such an agency. But I do trust John McCloy. He did wonderful work as Assistant Secretary of War in Charge of Manpower in World War II. I visited him when he was High Commissioner in Germany. I worked with him when he was Chairman of the International Bank for Reconstruction and Development. I conferred with him when he was chairman of the board of the Chase National Bank. He is an outstanding man, a great patriot.

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

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

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

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

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

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

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

Mr. ROBERTSON. Let me finish, please.

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

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

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

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

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

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

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

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

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

I have not received any answer to that letter.

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

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

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

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

Second, we took the testimony of all the important and accredited officials of the military. As has been stated in the Senate many times, we heard from all the Joint Chiefs of Staff—the chairman and the other four members. They testified both in public and in private session; and, as the Senator from Virginia well knows, they endorsed the treaty. So how could I "play down" their testimony? The only thing I can do is interpret what it means.

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

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

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

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

Mr. FULBRIGHT. I received no such cablegram.

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

Mr. FULBRIGHT. I do not know.

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

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

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

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

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

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

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

Mr. FULBRIGHT. The Senator can tell him it is a lie. The record shows what happened. Before then, I had seen this treaty. It was brought before our committee before it was even initialed. The Senator from Virginia says he has received a letter in which it is said that I announced my approval of the treaty before I had seen it; but such a statement is nonsense.

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

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

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

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

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

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

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

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

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

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

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

Mr. FULBRIGHT. By the Russians?

Mr. ROBERTSON. They included the provision which would prevent the United States from making tests. Good lawyers have said that means we could not prepare to use nuclear missiles either in our defense or in the defense of our NATO allies. So if the treaty is "so simple," how can the State Department and the distinguished Senator from

Arkansas explain that interpretation away? He said that of course we could use such missiles in our defense. I agree we certainly could. If the Soviets started shooting at us, we would start shooting at them—in self-defense—with everything we have. But how about the position of our NATO allies? If the United States ratifies the treaty, what would prevent the Russians from saying to our allies, "The United States has signed the treaty, and thereby agrees it will not use nuclear weapons in your defense. Now we want recognition of our legal title to all the property we stole after World War II, when we promised to free the countries the Nazis had overrun, but—instead—sent our army there and took possession. If you do not agree, we will seize Berlin." Of course, that would be blackmail. And then the Soviets would say, "And now—by the treaty—you have promised not to use nuclear weapons in either your defense or their defense." Then we would say, "Oh, that part of the treaty does not mean what it says."

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

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

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

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

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

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

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

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

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

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

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

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

Mr. Molnar, of satellite Hungary, said:

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

Mr. Zolkiewski, of satellite Poland, said:

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

Mr. Vanilichi, of satellite Rumania, said:

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

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

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

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

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

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

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

I was attending a meeting of the Interparliamentary Union, the oldest peace organization in the world in Brasilia, when President Kennedy issued the order to blockade Cuba. On the floor of that convention, I stoutly defended the President's action and for doing so was denounced by delegates from the Soviet Union and nearly all of its satellites who in addition to denouncing me also denounced our country in every term of vilification that could be used under the existing rules of parliamentary procedure. Then, their Premier pulled the rug from under them by openly admitting that he had lied to us about the missiles and would promptly withdraw them. He also agreed that he would withdraw all Russian troops from Cuba and give us full and free right of inspection as an evidence of his good faith. Again, he violated that agreement. He did not withdraw Russian troops from Cuba, and

all that we have concerning the withdrawal of the nuclear weapons is his word which to me is of no value whatever. I personally conferred with the admiral of the Navy who supervised withdrawal of the missiles. I asked that admiral if he had been permitted to board the Russian ships taking the missiles out to ascertain whether what was being carried aboard the Russian ship was a missile or a dummy. The admiral replied that he was refused permission to board any Russian ship and that all that could be observed on board the ship was a covered object which the Russians said was a missile. Mark you, not only were we denied the right of inspection but the Russians would not even remove the covering over the so-called missiles being taken out of Cuba to prove that they were not again deceiving us.

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

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

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

I look to our military experts for military advice but not for political advice because that is a field in which I have majored all of my life and in which they have had no experience whatever. Who is it that says that the political advantages outweigh the military disadvantages? It is the State Department that said we have gained political advantages by distributing all over the world $102 billion in foreign aid. It is the State Department that said it is a political advantage to create 19 new nations in darkest Africa which have since been able, by voting with the Communist bloc, to take from the free nations of the world the control of the General Assembly of United Nations; it is the State Department that would relinquish our most valuable Air Force Base in the Azores in order to help a small group of African tribes take from Portugal an area that belongs to Portugal as fully as the area west of the Mississippi that we bought from Napoleon or in Alaska from a Russian czar.

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

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

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

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

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

MILITARY IMPLICATIONS—NUCLEAR TEST BAN TREATY

TEST OBJECTIVES

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Following the abrogation of the moratorium by the Soviet Union, the test and performance records altered drastically. In 1961 and 1962 the Soviet Union conducted in yields above 10 megatons twice the number of tests which had been conducted by the United States in that yield range throughout the history of its nuclear test program. The total number of Soviet tests above 1 megaton was approximately four times that conducted by the United States in the same period (1961–62). In terms of yield-to-weight ratios, the Soviet Union, as a result of its aggressive test program and its concentration on very large yield weapons, has demonstrated clearly superior performance in all yield classes above approximately 15 megatons where the United States has had no testing experience since 1954. It is also worth noting that the scientific witnesses were unanimous in expressing uncertainty about the particular designs employed by the Soviets, to achieve the results observed in their very high yield experiments.

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

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

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

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

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

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

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

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

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

And again:

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

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

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

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

7. The treaty will provide the Soviet Union an opportunity to equal U.S. accomplishments in submegaton weapon technology. There can be no doubt that a treaty limiting testing to an underground environment will tend to favor experimentation at the lower end of the yield spectrum. Economic factors will play a part since costs rise significantly with relatively modest increases in yield for underground tests. There are also testing limitations arising from the type of strata, geological uncertainties, and engineering factors. Whether or not either the United States or the Soviet Union will choose to test underground at yields much greater than approximately 1 megaton is not known. In any case, it appears that the race for nuclear technological superiority will be confined to that area where the United States is believed to now hold a margin of superiority. The result, with time, will probably be the achievement of parity by the Soviet Union in this area without any equivalent opportunity for the United States to attain equality in very high yield weapon technology.

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

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

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

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

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

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

In taking this stand, I undoubtedly shall be called a warmonger, who prefers the continuation of large military installations in his home State to a pro-

gram of peace. In refutation of that charge, I can cite a statement that I made at the meeting of the Interparliamentary Union last October in Brasilia before there was any proposal of the pending test ban treaty. On October 30, last, in addressing the convention on the topic of "Methods and Prerequisites for General Disarmament: Measures for Less International Tension," I said:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Mr. ROBERTSON. The trouble is that we have never tested those Minuteman installations. Everybody concerned would like to have the opportunity to see how they work. That is as much as I can say. I cannot go any deeper than that, because next thing I know, I shall be getting into classified military information.

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

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

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

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

POSITIVE THOUGHTS ON THE TEST BAN TREATY

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

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

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

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

So today, I intend to address myself to the nonmilitary aspects of this treaty—the political and human implications

which, it seems to me, present the hard, overriding reasons for advising and consenting to this treaty.

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

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

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

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

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

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

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

The issue of the test ban treaty is changing. No one now seriously doubts that the treaty will be approved. However, there are some doubts as to whether people will be drawn into approving something in the form of an understanding in the resolution on the theory that "He means it anyway; so why not say it?"

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

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

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

Mr. JAVITS. I yield.

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

Mr. JAVITS. I am grateful to the Senator.

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

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

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

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

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

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

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

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

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

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

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

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

This intensification of the cold war is exactly what the Chinese Communists are urging. This is what is in essence implicit in the doctrine of using the treaty to force other concessions in the cold war. It puts us on the road to ultimatums to the Soviet Union, using the

treaty as a bargaining element to make them concede to us what they consider to be substantive positions in the cold war. It is always our trouble in the cold war that we have vision on only one side. Let us remember that just as some of our people are seeking reservations with respect to the withdrawal of Soviet troops from Cuba, the Soviets have exactly the same type of opposition in their camp—that is, the so-called Stalin party or the pro-Communist Chinese party. They are insisting that the Soviets pull their troops out of Cuba, for example, and the Communist Chinese are putting pressure on the Russians to demand from us the establishment of nuclear free zones in Europe, the removal of foreign military bases, and a paper agreement for a total ban on nuclear weapons and their complete destruction as the price of adherence to the treaty.

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

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

The Chinese broadcast went on to say:

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

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

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

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

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

Fourth, the treaty opens the way for other agreements in areas of mutual self-interest and on the same level of international importance. Such cooperative efforts, similar to the highly successful Antarctic Treaty, are possible, in my judgment, in such constructive fields as the peaceful uses of outer space, on greater cooperation in the acquisition of weather information, and by expanding our agreements made in connection with the International Geophysical Year.

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

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

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

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

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

Mr. JAVITS. I yield.

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

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

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

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

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

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

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

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

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

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

If there be no objection, the treaty will be considered as having passed through its various parliamentary stages, up to and including presentation of the resolution of ratification, which will be read.

The legislative clerk read as follows:

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

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

The Chair recognizes the Senator from New York.

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

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

Mr. JAVITS. I am glad to yield.

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

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

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

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

Mr. MANSFIELD. I thank the Chair.

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

Mr. MANSFIELD. Except amendments.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Mr. FULBRIGHT. I wish the Senator to expand that a little further because I think there is a great misunderstanding. A few days ago the Senator from Georgia used as a precedent what we did in relation to the atomic energy agreement. That was quite a different case. In that case there was good reason for a reservation, because under that agreement, an amendment to the basic document would not necessarily have to be approved by our Government, that is, the Executive or the Senate. In other words, two-thirds of the Members could have put into effect an amendment and we would not have the opportunity to object. All we would be able to do would be to resign from the organization, which is too drastic a remedy.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Among the signers of the public statement are Nathan M. Pusey, Harvard University, Grayson Kirk, Columbia University,

Sarah G. Blanding, Vassar College, Julius A. Stratton, Massachusetts Institute of Technology, Arthur S. Fleming, University of Oregon, and Kingman Brewster, Jr., Yale University.

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

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

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

The complete statement follows:

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

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

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

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

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

"Join us in making your voice heard."

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

Prominent Scientists Urge Test Ban Treaty Ratification

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

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

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

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

Other signers are bacteriologists, biologists, and mathematicians.

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

The full text of the statement follows:

"Here you have a collection of some of the most independent minds in America today.

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

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

"What is it that unites them on this issue?

"These inescapable facts:

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

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

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

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

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

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

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

"Say it now.

"While they are making up their minds."

The full list of scientists follows:

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

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

Dr. K. T. Bainbridge, Harvard University.

Dr. George W. Beadle, University of Chicago.

Dr. Hans Bethe, Cornell University.

Dr. Detlev V. Bronk, Rockefeller Institute.

Dr. Owen Chamberlain, University of California at Berkeley.

Dr. Robert S. Cohen, Boston University.

Dr. Bernard D. Davis, Harvard University.

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

Dr. Jay L. Doob, University of Illinois.

Dr. Freeman Dyson, Institute for Advanced Study.

Dr. Joseph Erlanger, Washington University.

Dr. Bernard Feld, Massachusetts Institute of Technology.

Dr. James Franck, Duke University.

Dr. Donald Glaser, University of California at Berkeley.

Dr. Hudson Hoagland, Worcester Foundation for Experimental Biology.

Dr. Robert Hofstadter, Harvard University.

Dr. David Inglis, Argonne National Laboratories.

Dr. James R. Killian.

Dr. Augustus B. Kinzel, Union Carbide Corp.

Dr. George B. Kistiakowsky, Harvard University.

Dr. Arthur Kornberg, Stanford University.

Dr. Polykarp Kusch, Columbia University.

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

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

Dr. Francis Low, Massachusetts Institute of Technology.

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

Dr. J. Howard Means, Boston, Mass.

Dr. Matthew Meselson, Massachusetts Institute of Technology.

Dr. Phillip Morrison, Cornell University.

Dr. Philip Morse, Massachusetts Institute of Technology.

Dr. Herman J. Muller, Indiana University.

Dr. Jay Orear, Cornell University.

Dr. Edward M. Purcell, Harvard University.

Dr. I. I. Rabi, Columbia University.

Dr. Eugene Rabinowitch, University of Illinois.

Dr. Dickinson W. Richards, Columbia University.

Dr. Bruno Rossi, Massachusetts Institute of Technology.

Dr. Edwin E. Salpeter, Cornell University.

Dr. Emilio Segre, University of California at Berkeley.

Dr. William B. Shockley, Clevite Corp.

Dr. Lyman Spitzer, Jr., Princeton University.

Dr. W. M. Stanley, University of California at Berkeley.

Dr. Robert Szent-Gyorgi, Institute of Muscle Research.

Dr. Edward L. Tatum, Rockefeller Institute.

Dr. Harold C. Urey, University of California.

Dr. Selman A. Waksman, Rutgers University.

Dr. George Wald, Harvard University.

Dr. James Watson, Harvard University.

Dr. George H. Whipple, University of Rochester.

Dr. Robert R. Wilson, Cornell University.

Why These Business Leaders Want the Nuclear Test Ban

Winthrop Aldrich, director, Rockefeller Center.

G. T. Baker, former chairman, National Airlines.

Stephen D. Bechtel, chairman, Bechtel Corp.

Robert S. Benjamin, chairman, United Artist Corp.

William Benton, chairman, Encyclopedia Britannica, Inc.

John D. Biggers, chairman of finance committee, Libbey-Owens-Ford Glass Co.

Harold Boeschenstein, president, Owens-Corning Fiberglas Corp.

Thomas D. Cabot, chairman, Cabot Corp.

William L. Clayton, founder, Anderson, Clayton & Co.

John T. Conner, president, Merck & Co.

John Cowles, president, Minneapolis Star & Tribune Co.

Howard S. Cullman, president, Cullman Bros.

Nathan Cummings, chairman, Consolidated Foods Corp.

Oscar de Lima, chairman, Roger Smith Hotels Corp.
Marriner Eccles, chairman, Utah Construction & Mining Co.
Charles Engelhard, chairman and president, Engelhard Industries, Inc.
Robert V. Fleming, advisory chairman of board, the Riggs National Bank.
Marion B. Folsom, director, Eastman Kodak Co.
Bowman Gray, chairman, R. J. Reynolds Tobacco Co.
Earle V. Grover, chairman, Apex Steel Corp., Ltd.
Robert Heller, president, Robert Heller Association.
Paul G. Hoffman, chairman, Hoffman Specialty Manufacturing Co.
Preston Hotchkiss, president, Fred H. Bixby Ranch Co.
Theodore V. Houser, former chairman, Sears, Roebuck & Co.
Wayne A. Johnston, president, Illinois Central Railroad.
Harrison Jones, retired chairman of board, the Coca-Cola Co.
Devereux C. Josephs, director, New York Life Insurance Co.
Donald P. Kircher, president, Singer Co.
Philip M. Klutznick, president, Klutznick Enterprises.
Sol Linowitz, chairman of the board, Xerox Corp.
Stanley Marcus, president, Neiman-Marcus Co.
Arnold H. Maremont, president, Maremont Corp.
Armand May, president, American Associated Cos.
S. M. McAshan, Jr., president, Anderson, Clayton & Co.
Thomas B. McCabe, chairman, Scott Paper Co.
Charles G. Mortimer, chairman, General Foods Corp.
Robert R. Nathan, president, Robert R. Nathan Association, Inc.
J. Wilson Newman, chairman, Dun & Bradstreet, Inc.
Herman C. Nolen, chairman, McKesson-Robbins, Inc.
William A. Patterson, president, United Air Lines.
Howard C. Petersen, president, Fidelity-Philadelphia Trust Co.
John A. Roosevelt, partner, Bache & Co.
Harry Scherman, chairman, Book-of-the Month Club.
C. R. Smith, president, American Airlines, Inc.
John I. Snyder, Jr., president, U.S. Industries, Inc.
A. M. Sonnabend, chairman, Hotel Corp. of America.
Louis Stein, president, Food Fair Stores, Inc.
Herman Steinkraus, president (retired), Bridgeport Brass Co.; former president, Chamber of Commerce of United States.
Edgar B. Stern, Jr., president, Rohal Street Corp.
William C. Stolk, chairman, American Can Co.
James M. Symes, chairman, Pennsylvania Railroad.
Juan T. Trippe, president, Pan American Airways.
Sidney J. Weinberg, partner, Goldman, Sachs & Co.
David J. Winton, chairman, Winton Lumber Co.
Raymond H. Wittcoff, president, Transurban Investment Corp.

Successful businessmen—and the industrial leaders listed here are certainly that—are not given to wishful thinking.

Their call for a test ban treaty is based on the realities of our nuclear world:

1. Continued nuclear testing holds far greater risks for this country than a test ban.

2. Continued testing would increase the tempo of the arms race and encourage the spread of nuclear arms to nonnuclear powers. This would vastly increase the likelihood of war.

3. The test ban treaty will not threaten our national security. Under the treaty's terms we can resume testing on 3 months' notice if, for any reason, we feel our security is threatened.

4. The treaty will protect us and our children from exposure to further and perhaps lethal radioactive fallout.

5. The treaty will create a better climate on both sides for a slow-up in the arms race. It is a first and necessary step toward a rational, peaceful ordering of our world.

If these realities make good sense to you, say so. Say it to your Senators. Say it by letter, say it by wire.

Say it now.

While they're making up their minds.

Citizens Committee for a Nuclear Test Ban, 130 East 59th Street, New York, N.Y., James J. Wadsworth, chairman.

ONE HUNDRED AND THREE LEADERS IN SCIENCE, ART, MEDICINE, MUSIC, ARCHITECTURE, THEATER, MOTION PICTURES, ELEVEN OF THEM NOBEL LAUREATES, SUPPORT NUCLEAR TEST BAN

One hundred and three distinguished leaders in literature, science, art, medicine, architecture, music, theater, motion pictures, eleven of them Nobel laureates, today expressed support of the nuclear test ban treaty as "a significant first step in arresting the present unlimited competition in nuclear arms."

"Failure to ratify the treaty reduces almost to zero whatever chances may now exist for preventing the spread of nuclear weapons to country after country, with a corresponding danger of a chain reaction effect as the nuclear fuse starts to ignite."

Mark Van Doren, distinguished American poet, author, critic, and teacher, in behalf of the signatories, made the statement public.

In addition to the 11 Nobel laureates in physics, chemistry, medicine and literature, the signatories included 39 writers, 16 painters and sculptors, 11 musicians, 12 leaders in the theater and motion pictures, 10 architects, and 4 other scientists.

Nobel laureates who signed the communication were:

Prof. Owen Chamberlain, 1959 Nobel laureate, physics.
Dr. James Franck, 1925 Nobel laureate, physics.
Dr. Arthur Kornberg, 1959 Nobel laureate, medicine and physiology.
Dr. Fritz Lipmann, 1953 Nobel laureate, medicine and physiology.
Dr. Hermann J. Muller, 1946 Nobel laureate, medicine and physiology.
Dr. Emilio Segre, 1959 Nobel laureate, physics (with Dr. Chamberlain).
John Steinbeck, 1962 Nobel laureate, literature.
Dr. Edward L. Tatum, 1958 Nobel laureate, medicine and physiology.
Dr. Harold C. Urey, 1934 Nobel laureate, chemistry.
Dr. Selman A. Waksman, 1952 Nobel laureate, medicine and physiology.
Dr. James D. Watson, 1962 Nobel laureate, medicine and physiology.

Signatories to the statement are:

Ivan LeLorraine Albright, painter.
Steve Allen, radio and television.
Karen Arden, painter.
Claudio Arrau, pianist.
Boris Artzybasheff, painter.
Tallulah Bankhead, actress.
Margaret Culkin Banning, novelist.
S. N. Behrman, playwright.
Pietro Belluschi, FAIA, architect.
Leonard Bernstein, conductor, New York Philharmonic Orchestra.
Dr. Kenneth E. Boulding, economist and social scientist.
Catherine Drinker Bowen, novelist.
Ray Bradbury, novelist and short-story writer.
Alexander Brailowsky, pianist.
Marcel Breuer, FAIA, architect.
Alexander Brook, painter.
Eugene Burdick, novelist.
Truman Capote, novelist and short-story writer.
Prof. Owen Chamberlain, 1959 Nobel laureate, physics.
Paddy Chayefsky, playwright.
Aaron Copland, composer.
Malcolm Cowley, president, National Institute of Arts and Letters.
Cheryl Crawford, producer.
Russel Crouse, playwright.
Charles C. Cunningham, director, Wadsworth Atheneum.
Marcia Davenport, writer.
Adolph Dehn, painter.
Rene d'Harnoncourt, director, Museum of Modern Art.
Lamar Dodd, painter.
Helen Gahagan Douglas, actress.
Melvyn Douglas, actor.
Samuel G. Engel, producer.
Ernest Fiene, painter.
Dr. James Franck, 1925 Nobel laureate, physics.
Maxwell Geismar, writer.
Percival Goodman, FAIA, architect.
Walter Gropius, FAIA, architect.
Victor O. Gruen, architect.
Judy Holliday, actress.
Edward Hopper, painter.
Fannie Hurst, novelist.
John Huston, director.
James Jones, novelist.
Elia Kazan, director.
Alfred Kazin, writer.
William Melvin Kelley, novelist.
Dr. Arthur Kornberg, 1959 Nobel laureate, medicine and physiology.
Olga (Mrs. Serge) Koussevitzky.
Stanley J. Kunitz, poet.
Dr. Fritz Lipmann, 1953 Nobel laureate, medicine and physiology.
Richard Lippold, sculptor.
Archibald MacLeish, poet and playwright.
Carson McCullers, novelist.
Frederic March, actor.
Lenore Marshall, poet and novelist.
Ludwig Mies van der Rohe, architect.
Arthur Miller, playwright.
Pierre Monteux, conductor.
Marianne Moore, poet.
Robert Motherwell, painter.
Dr. Hermann J. Muller, 1946 Nobel laureate, medicine and physiology.
Lewis Mumford, writer.
Robert Nathan, novelist.
S. J. Perelman, playwright.
Hobson Pittman, painter.
Ralph Pomerance, architect.
Samson Raphaelson, playwright.
Dr. Fritz Reiner, conductor, Chicago Symphony Orchestra.
Elmer Rice, playwright.
Dr. Leo Rosten, short story writer.
Robert Ryan, actor.
Maurice Samuel, writer.
Carl Sandburg, poet.
Dore Schary, playwright and producer.
James S. Schramm, president, American Federation of Arts.
Dr. Emilio Segre, 1959 Nobel laureate, physics.
Irwin Shaw, playwright and novelist.
Sigmund Spaeth, musicologist.
Bella Spewack, playwright.
Sam Spewack, playwright.
Dr. Lyman Spitzer, Jr., physicist.
Edward Steichen, photographer and painter.
John Steinbeck, 1962 Nobel laureate, literature.
Isaac Stern, violinist.
Rex Stout, novelist.

Joseph Szigetti, violinist.
Edgar Tafel, architect.
Dr. Edward L. Tatum, 1958 Nobel laureate, medicine and physiology.
Alice Tokias, novelist.
Louis Untermeyer, poet.
Dr. Harold C. Urey, 1934 Nobel laureate, chemistry.
Mark Van Doren, poet and short story writer.
Dr. Carl Van Vechten, novelist.
Gore Vidal, playwright.
Dr. Selman A. Waksman, 1952 Nobel laureate, medicine and physiology.
Dr. J. C. Warner, president, Carnegie Institute of Technology.
Dr. James D. Watson, 1962 Nobel laureate, medicine and physiology.
Prof. Victor F. Weisskopf, physicist.
Edmund Wilson, essayist.
Frederick J. Woodbridge, FAIA, architect.
William W. Wurster, FAIA, architect.
Bruno Zirato, orchestra manager.
William Zorach, sculptor.

TEXT OF STATEMENT

The call for a test ban treaty is based on the realities of our nuclear world. Such as:

1. Continued nuclear testing holds far greater risks for us than a test ban.

2. Continued testing would increase the tempo of the arms race and encourage the spread of nuclear arms to non-nuclear powers. This would vastly increase the likelihood of war.

3. The test ban treaty will not threaten our national security. Under the treaty's terms we can resume testing on a 3 months' notice if, for any reason, we feel our security is threatened.

4. The treaty will protect us and our children from exposure to further and perhaps lethal radioactive fallout.

5. The treaty will create a better climate on both sides for a slow-up in the arms race. It is a first and necessary step toward a rational, peaceful ordering of our world.

Mr. SPARKMAN. Madam President, on Monday last, during the morning hour, the distinguished senior Senator from Maine [Mrs. SMITH], placed before this body a series of questions relating to the nuclear test ban treaty. A member of the Armed Services Committee, the Senator from Maine directed her attention primarily on military security aspects of the treaty and in doing so did a capable job of focusing on questions that have troubled many Members.

Since the Senator from Maine did not direct her questions to any specific source, I have taken it upon myself to read through portions of the published and classified hearings recently concluded by the Committee on Foreign Relations as well as the committee's 30-page report in order to find some possible answers.

By posing her questions, our distinguished colleague has focused on one of the most difficult problems facing the Senate with regard to this treaty, for there are no single, factual answers available to most of the questions posed. There are only speculative answers, but answers with high probabilities, based on interpretation of available facts. Final resolution of most of the Senator's questions would come, I fear, only from data collected after a full-scale nuclear war between the United States and the Soviet Union.

With this as a background, I offer to the senior Senator from Maine my answers to her questions—answers which have led me to support ratification of the treaty without any reservations, mental or otherwise.

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

Madam President, I give an answer which can be found in the RECORD, from the testimony of the experts.

According to Secretary of Defense McNamara:

In the area of very large yield weapons the Soviets appear now to have some advantage in the area of nuclear technology. They have demonstrated a device of 60 megatons which we believe could be weaponized or turned into a weapon at about a hundred megatons.

As a weapon, the Secretary went on to say, the 100-megaton bomb, delivered by missile, could be detonated at altitudes of 100,000 feet or more above cities to cause significant thermal damage over hundreds of square miles. Or the 100-megaton weapon could be delivered against hard site command posts buried in rock thousands of feet below.

As for our use of such a weapon, the Secretary pointed out the Joint Chiefs have held the position that smaller but still vastly destructive weapons of the 10-megaton range are militarily more advantageous than the 100-megaton weapon the Soviets may develop.

The Secretary concluded by stating:

I point out, therefore, that no consensus has ever been formed with regard to the wisdom of a 100-megaton versus a 50-megaton bomb, for this country and I could not predict with any confidence whether we would make a significant improvement investment in the larger bomb even in the absence of the proposed treaty.

But I can state with full confidence that the absence from our arsenal of a bomb greater than the one we can build under the treaty will not impair the effectiveness of our strategic forces.

There is another aspect of the high yield discussion outside the 100-megaton weapon.

The Joint Chiefs stated the U.S.S.R. is ahead of the United States "in weapons effects knowledge derived from high yield nuclear explosions."

On that point however, Dr. Harold Brown, Director of the Defense Department's Office of Defense Research and Engineering, disagreed and testified:

My interpretation of all the data, and it is available to the Chiefs as well as to me, indicates that although they have done more high yield tests those were no effects tests.

Their geography, and the associated activity does not indicate to me that they are effects tests.

With respect to high altitude blackout, the Chiefs say the Soviets have some data that we do not have. I would say yes, and we have some data that they may not have.

In executive hearings, Mr. John McCone, Director of the Central Intelligence Agency, testified directly on this point and I would suggest to the Senator from Maine [Mrs. SMITH] and all my colleagues who share her desire for further information on this matter, that they read Mr. McCone's presentation in support of this treaty.

Madam President, the entire transcript of Mr. McCone's testimony is available in the files of the committee. though the testimony is confidential, it is permissible for any Senator to go to the committee room and read the transcript.

The second question posed by the Senator from Maine [Mrs. SMITH] was: Are we reasonably confident and secure in the knowledge that our ballistic missile retaliatory second strike force will survive and operate in a nuclear environment?

Again I find an answer as best I can from the testimony given before our committee during the course of the hearings. I quote Secretary McNamara, who testified as follows:

We know, and the Soviets know, that in the event of a surprise Soviet first strike, at least a substantial proportion of our Minuteman missiles will survive. Also we and they know that the Polaris submarines at sea and many strategic aircraft will survive. We can say with assurance, therefore, that even after a Soviet strike the total surviving U.S. strategic nuclear force will be large enough to destroy the enemy.

With regard to operation of our warheads in a nuclear environment, much testimony was received. I would note one statement by Dr. Norris Bradbury, Director of the Los Alamos Scientific Laboratory, to the effect that through underground testing, we can investigate many of the effects of nuclear detonations on other nuclear warheads—information which is useful in connection with the study and design of system requirements for both offensive and defensive nuclear warheads and their delivery systems. Much knowledge already exists here, but much more can be found.

With this question, also I suggest a reading of Mr. McCone's testimony.

Third. In seeking to slow down the arms race as a purported advantage of this treaty, will we adopt nuclear parity as the basis for deterring thermonuclear war rather than nuclear superiority?

Answer. On the general theory of "parity," I would cite General LeMay, who said we could not accept parity but added:

No one is going to start a war unless they think they are going to win.

So I believe, however, that this is not the case, and even if it were, who is to determine whether you have parity or not?

In other words, parity or any state on either side of it, could not be determined by actual warfare.

As to the administration's attitude toward parity, I cite Secretary McNamara's statement:

For even if the Soviets fail to abide by this agreement and even under the doubtful contingency of Soviet testing in the prohibited environments without being detected, the United States will maintain its ability to survive a surprise attack with sufficient power to destroy the Soviet Union.

That, I suggest, is a commitment to nuclear superiority and not nuclear parity.

Fourth. Will the treaty, as claimed, prevent the proliferation of nuclear weapons when France and Red China refused to be bound and when underground testing is sanctioned for all nations whether they sign or not?

Answer. I have been unable to find where Senator SMITH found that proponents of the treaty have claimed it would prevent proliferation of nuclear weapons. It is interesting to note that Dr. Edward Teller, in his appearance before the Committee on Foreign Relations, said:

> The argument, the strongest argument, in my mind, for the treaty is to stop the spread of nuclear weapons. We have been worried about such a spread for many years, and rightfully so.
>
> We know, today, that it is easy to make nuclear explosions, and that any country that can acquire nuclear waterials can make an explosion within a year. Yet it has been claimed that this treaty will stop proliferation.

That claim, lodged in Dr. Teller's mind, is not to be found in the record of administration witnesses.

Who made such a claim?

In his letter to the Senate of August 8, 1963, President Kennedy wrote:

> While it cannot wholly prevent the spread of nuclear arms to nations not now possessing them, it prohibits assistance to testing in these environments by others; it will be signed by many other potential testers; and it is thus an important opening wedge in our effort to "get the genie back in the bottle."

Dean Rusk, in his statement before the Committee on Foreign Relations said:

> The treaty will help contain the spread of nuclear weapons. We cannot guarantee it. Most of the countries with the capacity and the incentive to develop nuclear weapons over the next decade or so have already announced that they will accept the self-denying ordinance of the treaty. These countries do not include, by the way, mainland China or France.
>
> While this does not guarantee that they will never become nuclear powers, their renunciation of atmospheric testing will act as a deterrent by making it much more difficult and expensive for them to develop nuclear weapons.

Secretary McNamara said it in slightly stronger fashion when he said in answer to a question at the committee hearing:

> The treaty does not cover the subject of proliferation. That is clear.

The record therefore is clear that among treaty proponents the understanding is that the treaty, though not preventing proliferation, will act as a deterrent to proliferation. For his own reasons, Dr. Teller apparently read into these statements a claim that the treaty would prevent proliferation, a claim which was easy to attack if one wanted to find some reason to attack the treaty. Senator SMITH's question follows this inaccurate line of thinking which apparently stemmed from Dr. Teller's testimony.

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

Answer. Secretary Rusk testified, and it was made a part of the Committee on Foreign Relations report that "obviously this treaty permits a clear underground test where the explosion is underground, where the testing apparatus is based on that phenomenon, and I would think that we would not think it applied to a surface explosion which was christened by a few shovelfuls of dirt."

Secretary McNamara stated at the hearings in answer to this exact question that:

> I think that it is clear the intent of the parties is to limit tests to the underground environment. And I think that by definition it would be the intent of the experiment to contain the force of the test under the surface * * * and furthermore, I am satisfied that in the event of a test of the type we have discussed—a weapon buried at a very low depth, as I say, covered by a layer of dust—is detonated under the guise of an underground test, we would probably be aware of that through our detection system, and I, for one, would consider it contrary to the intent of the treaty.

Focusing again on this same point, Dr. Harold Brown made the definition more precise when he stated:

> I would view a test that put most of its energy into the atmosphere as an atmospheric test and it would be detected as such.

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

Answer. The most reassuring answers to this question are to be found in the executive session testimony of Mr. McCone and Dr. Doyle Northrup of the Air Force Technical Applications Center, the agency specifically charged with our Government's monitoring program. I doubt if any responsible official would claim we could detect all nuclear explosions in the three prohibited environments.

Dr. Brown testified:

> Underwater explosions of only a few pounds of TNT equivalent can often be detected with hydrophones thousands of miles away * * *. Detections of tests in shallow coastal waters and inland lakes could be done by seismic means, but small tests in inland waters could go unidentified—though they would be seismically detected, because underwater tests couple very well into the earth and produce signals of enhanced coupling which is the opposite of decoupling.
>
> Our detection capacity for tests in deep space is at present rather small in terms of what we actually have deployed.
>
> However, an effective ground-based detection system could be installed rapidly because the basic instrument development work has been largely done, that is, the equipment exists.
>
> With the cooperation of the Western and neutral nations, a worldwide group-based system could be installed with the capability of detecting an unshielded 10-kiloton test at 1 million kilometers, and an unshielded 10-megaton test could be detected at 30 million kilometers, which I think Secretary McNamara mentioned is about 60 times the distance to the moon.
>
> An earth satellite system for detection of deep space nuclear explosions is presently under development (first launch scheduled for September or October this year) and could be made fully operational within 3 years.
>
> In the lower atmosphere, I can summarize the situation quite simply by saying small tests on or above the surface in the Soviet Union are likely to be detected if their yields are in the kiloton range.

Secretary McNamara, in discussing atmospheric tests admitted:

> It is more difficult to detect and identify tests in certain bands of the atmosphere, particularly in this band I am discussing—say roughly from 6 to 20 miles—than it is to detect tests in the low atmosphere.

Dr. Brown amplified this, stating:

> In the band from 6 to about 20 miles, the electromagnetic signal is suppressed somewhat, and therefore you do not have as many techniques, and therefore (detection) is somewhat more difficult. Debris sampling is also harder to do, but it is not impossible. So that even for tests at say 10 or 15 miles there is some chance of being able to collect debris.

At a later point in the hearing, speaking of this 6- to 20-mile band, Dr. Brown stated that with an explosion of a kiloton or more "an acoustic signal will probably be detectable from any test over the U.S.S.R."

Above the 20-mile atmospheric limit, Dr. Brown stated that detection was easier since "you start getting back a different kind of electromagnetic signal. You start getting effects on the ionosphere which cause phase shift and radio signals which you can send through that region. And, also the higher it gets, the easier it is to see visually, as a matter of fact."

I believe the record is clear that neither Secretary McNamara nor Dr. Brown tried to indicate that all nuclear explosions could be detected—in fact, I believe they went out of their way and rightly so to point out the detection risks. I repeat, however, that anyone wanting sincerely to consider a full answer to this question must first read the testimony of Mr. McCone and Dr. Northrup—testimony which I consider reassuring on this point.

Seventh. Can any significant advances in nuclear technology be achieved by clandestine testing in those three environments at yields which may possibly be below our ability to detect?

Answer: As the Committee on Foreign Relations report pointed out:

> The complex subject of clandestine testing * * * was exhaustively discussed in the prepared statements of Secretary of Defense McNamara and Dr. Brown, found respectively on pages 97 and 528 of the printed hearings.

To this question posed by Senator SMITH, I offer this comment by the Joint Chiefs:

> The dangers of detection and the cost and difficulty of testing in outer space would tend to impose severe restrictions upon such clandestine testing. Other clandestine tests in the atmosphere or underwater, depending upon their size, would involve a fairly high probability of detection by our conventional intelligence or our atomic energy detection system. Moreover, the Joint Chiefs of Staff consider the resulting progress which the Soviets might make clandestinely to be a relatively minor factor in relation to the overall present and probable balance of military strength if adequate safeguards are maintained.

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

Answer: Using the above mentioned definitions as to what constitutes an underground test, it is apparent that neither Secretary McNamara nor Dr. Brown would be willing to accept a shallow underground test—at least one which releases energy into the atmosphere—as anything but an atmospheric test—thus the need to differentiate between the two

appears unnecessary. I have already quoted Dr. Brown's testimony at one point on our ability to detect such surface tests. I will quote from a portion of his prepared statement on this point where he stated:

A third type of clandestine tests which might be tried, is surface bursts or very near surface bursts. These are very detectable.

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

Answer: Questioned on this point during the Committee on Foreign Relations hearings, Dr. Seaborg testified:

Our plans are approximately as follows: The time at which we would be able to make our tests, of course, depends on the type of tests, and I mentioned the three types in my testimony, the proof tests, and the developmental tests and the effects tests.

We would propose to maintain a readiness that would make it possible for us, if we desired, to make a proof test in a period of perhaps a month and to make a development test in a period as short as perhaps 3 months, and an effects test in a period of an order of 3 to 6 months.

Now, this would be a readiness posture, and * * * these are the times that would be required or that we could have the capability of resuming tests of those various types if we desired.

It isn't at all clear that we would necessarily want to test that soon. After having tested some 18 years, and having made hundreds of tests, a matter of a few months one way or the other isn't that critical.

I would only remind Senator SMITH that as Chairman of the Atomic Energy Commission, it would be Dr. Seaborg's responsibility to supervise the maintenance of our testing capability.

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

Answer: Again in answer to almost an identical question at the hearings, Dr. Seaborg frankly testified:

I think that there will be a problem in keeping the laboratories going strong and keeping a sufficient number of scientists together but this will be helped under this test ban treaty because of the continuance of underground testing * * *. We didn't lose very many (scientists) before (during the moratorium) and at that time we were not carrying on underground testing.

Asked if the AEC could keep topflight scientists with the test ban treaty in effect, Dr. Seaborg replied:

Yes, I am confident of that.

Dr. George Kistiakowsky, former Chief Science Advisor to President Eisenhower in meeting this question stated:

I would like to say, however, that if the things particularly highlighted by Senator JACKSON, namely the maintenance of a vigorous nuclear weapons laboratory research and development; the conduct of effective underground testing of nuclear weapons; the extention of the depth and breadth of the U.S. detection and identification system directed at clandestine experiments; and the real readiness for effective testing in the atmosphere should the treaty be suddenly abrogated; that all of these things are completely feasible both from a purely technical point of view and from the point of view of the management of the U.S. scientific effort.

To the extent that these things were possible under the terms of the 1958 moratorium, the Eisenhower administration found it quite feasible to carry them out. The weapons development program during that period turned to extensive theoretical research involving the wider use of modern high-speed computers than had ever been a part of the program before.

This resulted in, if anything, an improvement in the effectiveness of the nuclear weapons research effort. The laboratories remained healthy, and far from shriveling and losing substance, they actually grew both in the quantity and the quality of the work done during the period of the moratorium than afterward.

There is no reason why this performance should not be repeated in the present context which is less restraining because of the continuing of underground testing.

In concluding my testimony I want to return to some general comments. Undoubtedly there are risks to our security involved in the ratification of the proposed treaty. But these risks, as other witnesses and I have stated, can be minimized, if we do not fall into a state of euphoria, using Secretary McNamara's word.

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

Answer: To this question Secretary McNamara answered, during the hearings:

There has been some disagreement, I think, as you know, in the Department, as to whether we should or should not deploy antiballistic missile systems.

The Chiefs, themselves, have been uncertain about that. And I know that in testimony before the committees that you have been a member of, you have heard both sides of the argument. And I think the point to emphasize at the moment is that I believe none of us who state that the system we presently have developed—that is to say the Nike Zeus—nor the system which is presently under development—the Nike X—is an effective system in the sense that they can be guaranteed to protect our metropolitan centers against substantial damage from a potential Soviet attack. We haven't reached the end of the developmental process by any means.

And it is to carry on that process that we have asked the Congress to appropriate $450 million. I am optimistic that we will continue to make progress. Whether the progress will be enough to warrant the hugh expenditures associated with such deployment, I don't know. We estimate very roughly that to protect perhaps 20-odd metropolitan centers, containing some 35 percent of the population, perhaps, would cost on the order of $14 billion.

As to the effects of the treaty on ABM development, the Joint Chiefs, as well as others stated:

In the antiballistic missile field, development of the U.S. system does not depend on atmospheric testing.

Twelfth. Will this treaty permit the Soviet Union to achieve equality in the low-yield tactical weapons where it is generally acknowledged that we have an advantage and yet, preclude us from ever achieving equality in the high-yield weapon where the Soviet Union is unquestionably superior?

Answer. As I read an answer to an earlier question, it is clear that we have not in the past, and apparently do not have at present, a military requirement for a high-yield weapon. As to the activity of the Soviets in the low yield tactical weapons, Secretary McNamara put it well, I believe, when he stated:

There is no question in my mind but that without a test ban the Soviets would be able to advance more rapidly and at a lesser cost in the field of tactical weapon technology than they will be under the test ban.

In other words, treaty or no treaty, the Soviets, if they desired, could cut our superiority in the low-yield field—and in all probability, maintain their superiority in the very, very high yield area because it is an area in which we see no military advantage.

I would also suggest reading Mr. McCone's testimony on this point.

Thirteenth. To what extent can we satisfy, through underground testing, the military and scientific requirements which were to have been investigated by atmospheric tests planned for next year?

Answer. Concerning this question, Dr. Harold Brown testified before the joint committees:

I cannot describe in individual detail the tests in open session, but I can tell you what kinds they were * * * the tests which are planned, if atmospheric testing is resumed, and for which preparations are being made, include tests on the effects of surface shots on hard sites.

They are large tests, hundreds of kilotons, and, of course, would be easily detectable.

They include tests on the effects of nuclear explosions in the atmosphere on blackout, and tests on the effects of nuclear explosions on reentry vehicles.

Some of this information can be obtained by underground tests but much of it cannot and the information can be gotten better from atmospheric tests. If the atmospheric tests are not conducted, we are going to go ahead and design our systems so that these uncertainties, which could be reduced with atmospheric tests, are compensated for by the design of the systems, and that is what we would have planned to do anyway.

That way we will have to compensate for slightly greater uncertainties. But there are some uncertainties that we cannot compensate for no matter how many atmospheric nuclear tests were done.

Fourteenth. What is the human tolerance for radioactivity and what is the truth about the danger of atmospheric contamination, even at previous rates of testing, in causing genetic damage and leukemia to the living and yet unborn?

Answer. There is, of course, no answer here; only estimates which vary and the conclusions which stem from them. As Dr. Seaborg testified:

I do not think there is a scientist who could tell you (how much contamination the atmosphere can take before we will reach a point of no return) with any authority, and I, although I said earlier that I felt that the fallout up until now had not led to a serious situation, I do feel that continued testing would lead to an amount of fallout that we certainly should avoid, and it is a statistical matter, of course, and that the fallout that has been—that we have up until now—has certainly led to some adverse health effect, and presumably some genetic effects.

So it is just a matter of a balance of these rather small numbers of people affected against the necessity for testing in order to maintain our defenses strong.

Fifteenth. What will be the effect of ratification upon our Plowshare program—a project designed to deepen harbors, dig tunnels and canals, or other-

wise cause beneficial changes to the topography through controlled and contained nuclear explosions?

Answers: Dr. Seaborg, in his testimony before the committees, replied as follows on the restraints imposed on the Plowshare program if the treaty is ratified:

Specifically, we feel that we could develop the devices themselves which clearly can be perfected by underground explosions, completely contained explosions, and we can also develop a good deal of the excavation technology through properly devised experiments in which these explosives were used for earthmoving purposes.

Also, some of the other experiments having to do with the development of oil resources and water resources and so forth can be carried out in completely contained underground explosions.

President Kennedy in his September 10, 1963, letter to Senators MANSFIELD and DIRKSEN, wrote:

The United States will diligently pursue its programs for the further development of nuclear explosives for peaceful purposes by underground tests within the terms of the treaty, and as and when such developments make possible constructive uses of atmospheric nuclear explosions for peaceful purposes, the United States will seek international agreement under the treaty to permit such explosions.

Sixteenth. Will the participation of East Germany in this treaty constitute even so much as a tacit, implied, or suggestive recognition of that Communist regime, as a sovereign national entity?

Answer: First, both the President and the Secretary of State have publicly stated on numerous occasions that this Government has no intention of recognizing the East German regime. Secretary Rusk also testified to this effect before the committees.

The Secretary's statement is amply fortified by an opinion of the legal adviser found on page 15 of the printed hearings. The committee report, discussing this matter, states that this opinion, together with these public statements of high officials offers reassurance "that the recognition question will not be affected * * * by the treaty. This, indeed, is the committee's understanding."

Thus, the understanding is clearly spelled out in the committee report. In addition, a letter from Senator FULBRIGHT to the Secretary of State, found on page 968 of the printed hearings asks, among other things, whether a legal question affecting recognition arises from the amending procedure of the treaty and whether the United States and West Germany are parties to any international conventions in which East Germany is also a party.

The Secretary assured the committee—in his reply found on pages 968–969 of the printed hearings—that the amending procedures has no bearing on the recognition question. He also replied that the East German regime is a party to 24 international conventions, and that the United States and West Germany are both parties to 11 of these. I would note that all 11 of these treaties have been in effect for more than 10 years and do not imply recognition by us of East Germany. These agreements, together with East Germany's bilateral undertakings, are listed starting on page 969 of the printed hearings.

It should also be noted that East Germany has already acceded to the treaty in Moscow. The process of its accession did not and will not require any official action by the United States even hinting at recognition. The Soviet Union sent a note advising the United States of the accession to the treaty in Moscow of East Germany and a number of other countries. The United States responded by notifying the Soviet Government that since it did not recognize the East German regime as a government, the United States could only take note of the fact that the authorities in that country had signed on in Moscow and could not accept notice of East Germany's signature. Thus, the recognition question remains unaffected by the treaty.

CONCLUSION

Mr. President, I have not resolved any of the questions raised by the senior Senator from Maine for I do not believe they can at this time be resolved by facts but only by well-based opinions. The answers I have given here were selected from many answers that could have been chosen, but having heard most of the testimony and studied the record as best I could, these are the answers that are satisfactory to me and will prove to be correct.

I do not deny there are risks in this treaty. As the distinguished chairman of the Foreign Relations Committee said in opening this debate:

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

There are risks in this nuclear test ban treaty, but they are lesser rather than greater risks and the political opportunities outweigh the military risks. As George Kennan has written: "Whoever is not prepared to make sacrifices and to accept risks in the military field should not lay claim to any serious desire to see world problems settled by any means short of war."

Mr. President, I must say to the Senator from Maine that our national safety and security are already in jeopardy in a world that permits unlimited testing. Ratification of this limited test ban treaty in itself will not make that situation more or less hazardous. If the treaty works, however, it may over a period of time form the basis for further agreements that may bring us peacefully away from this point of jeopardy. If the treaty does not work, then a future nuclear war will in all probability solve all our problems.

Mr. LAUSCHE. Madam President, will the Senator yield?

Mr. SPARKMAN. I yield.

Mr. LAUSCHE. I should like to go back into the first chapter of the Senator's discussion.

Mr. SPARKMAN. Yes.

Mr. LAUSCHE. Is it the understanding of the Senator from Alabama that we have reliable knowledge concerning the tests made by Red Russia with regard to the blackout impact, the weapons effects impact, and the technological knowledge possessed by Russia in all fields? I refer especially to the Senator's suggestion that the transcript of Mr. McCone's testimony be read.

Mr. SPARKMAN. I understand.

Mr. LAUSCHE. To repeat my question, is it the understanding of the Senator from Alabama that we have reliable knowledge concerning first, the status of the development of antiballistic missiles in Russia; second, the blackout impact by high-yield bombs; third, the effects upon weapons of the high-yield bomb explosions; and fourth, the technical knowledge acquired?

Mr. SPARKMAN. Let me call the attention of the Senator to the quotation I gave from Dr. Harold Brown's testimony. We will take high-altitude blackout first. He said:

With respect to high-altitude blackout, the Chiefs say the Soviets have some data that we do not have. I would say yes, and we have some data they may not have.

I do not think it is anywhere plain that we necessarily know everything the Russians learned from those tests; but, on the other hand, I think sometimes we are prone to emphasize what they may have learned from them. There was testimony on high-altitude blackout by Mr. McCone. I recommended that that testimony be read. I think it is quite reassuring.

So far as weapons effects are concerned, the Joint Chiefs of Staff stated that the U.S.S.R. is ahead of the United States in weapons effects knowledge derived from high-yield nuclear explosions. But Dr. Brown said—and this indicates the difference of opinion which arises on many of these questions:

My interpretation of all the data indicates that although they have done more high-yield tests, they were not effects tests.

So I think we must admit that it is not known to an absolute certainty.

Mr. LAUSCHE. To me it seems that we do not have the knowledge, and because we do not have the knowledge we draw the inference that they have not made achievements in these fields. The impression of the Joint Chiefs of Staff, as the Senator from Alabama has stated, is that they have excelled us in certain fields. I know Dr. Brown has taken a different position.

Mr. SPARKMAN. Yes.

Mr. LAUSCHE. I put the question to him: "You do not believe that they developed an antiballistic missile?" and he said, "Yes, that is my belief." I asked him, "Why do you believe that?" His answer was, "Because I do not think it can be done."

Mr. SPARKMAN. If I remember correctly, Dr. Brown's attitude with respect to the antiballistic missile was that the best defense was a penetration of the other side, rather than trying to knock missiles out of the sky after they got over our country.

Mr. LAUSCHE. I was amazed by his idea that the development of an antiballistic missile was beyond the realm

of achievement, but that the research and development should go on because of the particular good that comes from incidental discoveries that are made.

I asked him, "Why do you think that surrounding Leningrad in Red Russia, is installed a system of antiballistic weapons?"

His answer was that he thought somebody had sold a bill of goods to Khrushchev.

I hope so, but Khrushchev is not sold a bill of goods with that ease.

Still, I do not believe that the question which I put, "Do we have reliable knowledge on these items?" can be answered in the affirmative.

Mr. SPARKMAN. I agree with the Senator. Let us consider the high-yield weapons, for example. This is a point everyone should keep in mind. At the time when we were testing, and the whole world was free to test, there was no ban of any kind whatsoever. When we were testing, the military authorities, those on the Atomic Energy Commission, and those in charge of determining what course we should take, including our scientists, all deliberately reached the decision that we did not want to test for high-yield weapons, because we did not want to develop high-yield weapons; that we preferred numerous relatively small-yield weapons. I hesitate to call them small-yield weapons, because they have tremendous impact, but, nevertheless, relatively speaking, they are weapons of small yield. It was felt that such weapons in larger numbers were much better for our purposes than were high-yield weapons.

So it is not a question of the Russians having stepped out ahead of us with their testing; the fact is that we did not want to test and did not test when we had the opportunity to do so. We decided it was something we did not want, and did not test.

Mr. LAUSCHE. May I put a further question?

Mr. SPARKMAN. Yes.

Mr. LAUSCHE. With respect to the 100-megaton bomb, with the added weight that must be thrown into the air, would the Senator from Alabama say that, because of the propulsion devices developed by Red Russia, they are in a better position to throw a heavier bomb into the air than we are?

Mr. SPARKMAN. I believe it is generally admitted that Red Russia is ahead of us at the moment in that respect, but that situation is only temporary. I had the pleasure of seeing something being developed for us recently, in my own home town, that I was told would transcend anything that the Russians have yet developed. I think it is well-known that the propulsion we are getting ready to utilize will go far beyond anything that Russia has available or that she is likely to develop any time soon.

Mr. LAUSCHE. If and when that develops, will it not follow that we may change our attitude and may want to throw bombs of higher yield into the air than we have done heretofore?

Mr. SPARKMAN. The Senator will recall that there was a mass of testimony on that very score, and we were told that such tests could be carried on to a degree—perhaps not as high as 100 megatons. If I remember correctly, it was testified that we could develop bombs as high as 60 megations.

Mr. LAUSCHE. Fifty or sixty.

Mr. SPARKMAN. It is my recollection that we could develop bombs as high as 60 megatons with the knowledge we have, and by making certain tests underground.

In that connection, let me quote something from General LeMay that was rather significant. This had to do with the antiballistic missile. General LeMay said:

> I think both of us are going to develop antimissile systems.

This testimony was taken in executive session, and that part can be published, but there is a deletion.

This was not before our committee; it was before the Armed Services Committee. This testimony was given before the treaty was signed. This was testimony on military procurement authorizations, in February. I quote from it, leaving out the deletions, where confidential information was given:

> I think both of us are going to develop antimissile systems and the first systems that will evolve are going to be very expensive and only defend a small segment of Russia, and the same thing applies to our antimissiles.
>
> I firmly believe that we can keep ahead of them in our offensive systems so we can penetrate anything that they can come up with in an anti-ballistic-missile system.
>
> Let me put it this way, Senator. I think we are relatively in the same ball park as far as ability in anti-ballistic-missile systems is concerned.

Mr. LAUSCHE. Madam President, there is still great difficulty for me in trying to reconcile what General LeMay said about developing an anti-ballistic-missile system with what Dr. Brown said in stating that he did not believe it could be developed.

Mr. SPARKMAN. Dr. Brown takes the attitude that penetration capability is overriding. By the way, General LeMay indicates that, too, if the Senator will notice it.

Mr. LAUSCHE. Yes; I noticed that.

Mr. SPARKMAN. We could build to penetrate anything that they might develop.

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

Mr. SPARKMAN. I yield.

Mr. THURMOND. There is no question that the Russians have developed and have tested, in 1961 and 1962, and have learned information from those test, is there?

Mr. SPARKMAN. That is correct.

Mr. THURMOND. The question has been raised as to whether we had learned as much in testing as had the Soviets, because we tested more atmospheric shots. The United States has conducted no experiments comparable in complexity with those of the Soviet operations. A disturbing number of U.S. high-altitude effects experiments which were conducted were compromised either by considerations of unrelated, technical objectives of the test program, or by inadequate or faulty experiments, or operational inadequacies.

That is true, is it not?

Mr. SPARKMAN. The Russians carried on a great many more tests during that series than we did. We did not carry on an equal number of tests. They carried on high-altitude tests, and they carried on high-yield tests that we did not duplicate when we got around to testing. I admit that.

Mr. THURMOND. The United States would be unable to acquire data on high-altitude nuclear weapons effects unless it tests in the atmosphere, will it?

Mr. SPARKMAN. I believe it is only fair to say that the preponderance of evidence—practically all of it—before the committee was to the effect that for the purpose of developing an anti-ballistic-missile missile—and I presume that is what the Senator is aiming at, and also the high-yield weapon—so far as developing an anti-ballistic-missile system was concerned, we had all the information that we needed so far as effects were concerned, and that what we needed was the work that could be carried on in laboratories relating to guidance, selectivity—if I may use that term, although I do not think that that term was used—for trying to ferret out real missiles instead of the decoys that might be sent out, but that we did not need to do any atmospheric testing in order to study the problems concerned with further development.

Mr. THURMOND. The Preparedness Subcommittee in one of its findings, No. 3, made this statement:

> The United States will be unable to acquire data on high-altitude nuclear weapons effects.

That means without atmospheric testing.

All seven members of the Preparedness Subcommittee agreed to the factual accuracy of the report, even the two members who will vote for ratification, the distinguished Senator from Massachusetts [Mr. SALTONSTALL] and the distinguished Senator from Missouri [Mr. SYMINGTON]. There is no question about that, is there?

Mr. SPARKMAN. I was not a member of the subcommittee. I would rather not be called upon to interpret what the subcommittee said.

Mr. THURMOND. This is on page 7 of the subcommittee's report.

Mr. SPARKMAN. In the testimony before our committee, certain limits were recognized; but, in spite of that fact we were told that research and development could be carried on, and that we did not need to do atmospheric testing in order to carry on effectively. I would like to recall this again.

Mr. McCone, who heads the Central Intelligence Agency, Secretary of Defense McNamara, every member of the Joint Chiefs of Staff, and Dr. Brown—who, I think, will be admitted to be a man of unusual competence in this field—are aware of the same problems; yet they support the treaty and say we ought to ratify it.

Mr. THURMOND. But the fact remains that without testing in the atmosphere, the United States will be unable

to acquire data on high-altitude nuclear weapons effects. Is this not important because such data are necessary to the design of anti-ballistic-missile systems, warheads, and radars?

Mr. SPARKMAN. We were told time and time again in the Foreign Relations Committee—and I believe we were told this many times when the Senator from South Carolina was present—that the design, development, and manufacture of warheads did not present a problem to us, because we already had them; that we had all the information we needed on them, not only with reference to design, but that we actually had them on hand. Such further study of the problems connected with that activity could be carried on in laboratories and with a limited amount of underground testing.

Mr. THURMOND. Does the Senator mean that we now have the type of design of warhead that we need to penetrate the defenses of the enemy?

Mr. SPARKMAN. In the committee report, at the bottom of page 14, and continuing on to page 15, we have this brief statement:

> But in any case, after considering all of the testimony on this subject, the committee agrees with the Joint Chiefs of Staff that "in the anti-ballistic-missile field, development of the U.S. system does not depend on atmospheric testing."

That categorical statement was made time after time before our committee. I think we have a right to rely upon it. I do not believe the Joint Chiefs of Staff would join in such a statement as that if they did not believe it to be true.

Mr. THURMOND. My question was not about the use of the ballistic missile. I was asking about the design of the warhead that is necessary to penetrate the Soviet missile defense. How do we know we have that design? How will we ever know we have it until such a warhead has been designed and has been tested in the atmosphere in which it will have to function when the time comes?

Mr. SPARKMAN. If I interpret the Senator's question correctly, it is the substance of the second question propounded by the Senator from Maine, which was the one I had started to take up when the Senator from South Carolina asked me to yield to him. So if he will permit me to discuss it, we can have a discussion about it later.

Mr. THURMOND. On the same point, about testing, someone has said that we have learned as much about testing as the Soviets, because we have tested more shots than have the Soviets. Is it not true that above values of 10 megatons, the Soviets conducted, in 1961 and 1962, more than twice the number of tests the United States ever conducted in its entire history of testing?

Mr. SPARKMAN. I do not have the figures before me; but I am sure the Senator from South Carolina has, and I am willing to concede that point, if he says it is so. It is highly repetitious. The figures are in the RECORD, but I do not have them before me now.

Mr. THURMOND. In terms of weight and yield, is it not true that the Soviet Union has demonstrated clearly a superior performance in all yield classes above approximately 15 megatons, a field in which the United States has had no experience since 1954?

Mr. SPARKMAN. That is all set forth in the figures we have placed in the RECORD. I do not have them before me at this time. I am sure the Senator from South Carolina has the figures.

Mr. THURMOND. All the scientific witnesses were unanimous in expressing uncertainty about the particular designs employed by the Soviets. Is it not true that above 1 megaton, the Soviets conducted four times as many atmospheric tests in the period 1961–62 as did the United States in the same period?

Mr. SPARKMAN. Those figures are shown in the tables placed in the RECORD. I do not have them before me at this time. But if the Senator from South Carolina says his information comes from those figures, I am willing to accept it as being correct.

Mr. THURMOND. Is it not true that a large number of the U.S. tests have been for the purpose of improving detection capabilities, and for peaceful uses of nuclear explosions—that is, the Plowshare project?

Mr. SPARKMAN. I feel certain that the Senator is again correctly quoting figures that have been placed in the RECORD. I have been reminded by the distinguished Senator from Vermont [Mr. AIKEN], who is not only a member of the Committee on Foreign Relations but also a member of the Joint Committee on Atomic Energy, that the Soviet Union was conducting tests, a great number of which were in the same field in which the United States had conducted tests years before. I am sure the Senator from South Carolina would recognize that fact, would he not?

Mr. AIKEN. Madam President, will the Senator from Alabama yield?

Mr. SPARKMAN. I yield.

Mr. AIKEN. The United States conducted tests with bombs of up to 15 megatons, or possibly a little more, a number of years ago. I do not remember the year. If I had to guess, I would say it was 1954. The Soviets conducted many tests in the past few years with similar-sized bombs, and also one or two tests—I do not know exactly how many—with bombs that were larger. I believe the largest bomb they tested was about 60 megatons.

The Senator may recall that when the United States tested bombs of 15-megaton power, the tests were conducted in the belief that the same principle would apply to larger bombs, and it was decided, rightly or wrongly, that there was no need to test larger sized bombs.

Further than that, the United States would have difficulty in obtaining a place to test them, whereas Russia can test a 150-megaton bomb in her Arctic region without having to clear a space of 300, 400, or 500 miles, which would be one of our handicaps.

However, Russia has tested larger bombs in the last 2 years, while our people did not feel it was necessary for us to do so.

Mr. SPARKMAN. I appreciate the statement made by the Senator from Vermont.

Mr. THURMOND. Is it not true that the Joint Chiefs of Staff have found that the Soviets are ahead of the United States in the development of an anti-ballistic-missile system?

Mr. SPARKMAN. I do not recall. I believe Secretary McNamara said that the Soviet Union could be reckoned as being ahead of us in high-yield weapons. When it came to antiballistic missiles, if I recall correctly, all the testimony was to the effect that the situation was virtually a standoff. Aside from that, I call attention to the fact that whatever the Joint Chiefs of Staff may have found, they have resolved their doubts and differences in favor of the ratification of the treaty, and they recommend to the Senate that it be ratified.

Mr. THURMOND. From a political standpoint. They are taking into consideration the political angle, also.

Mr. SPARKMAN. Let us put it this way: They are taking into consideration the interest and security of the United States, from whatever angle they must be considered, and have recommended the ratification of the treaty.

Mr. THURMOND. They have been told to take into consideration the political aspects. Did they not state that there were military disadvantages to be stressed? If one reads the statement by the Joint Chiefs of Staff, it sets forth that to bring about world stability, it is necessary to take into consideration the political environment.

Mr. SPARKMAN. Does not the Senator believe that consideration should be given to those factors?

Mr. THURMOND. That is all right; but the Joint Chiefs of Staff were told to take the information that had been given to them by the State Department, and assume that it was correct, and then take into consideration the political aspects as well as the military aspects. General LeMay said he was not an expert in the political field, but that he was ordered to take that aspect into consideration. I shall cover that point more fully in a speech I expect to make on this subject, probably tomorrow. But from a military standpoint, not a single one of the military men, as I recall, said that the treaty was advantageous to this country.

On the ABM system——

Mr. SPARKMAN. Is the Senator about to move to another subject?

Mr. THURMOND. No. We had been talking about the anti-ballistic-missile system. With respect to that system, there is no question about the position taken by the Joint Chiefs of Staff. It is in writing. It was made in highly classified hearings before the Preparedness Investigating Subcommittee.

The experts have all agreed that the Soviets are ahead of the United States in the development of an anti-ballistic-missile system. The Preparedness Investigating Subcommittee has that testimony before it.

How can we ever catch up with the Soviets in the development of an anti-ballistic-missile system, which has to be fired in the atmosphere, unless we can conduct tests in the atmosphere, in the

type of environment which the anti-ballistic-missile system will have, in my opinion, if it is called upon in the event of an exchange?

Mr. SPARKMAN. I feel that I have answered that question about three times. I believe this is a fair summarization of the testimony of all the witnesses—Secretary McNamara, the Chairman of the Joint Chiefs of Staff and the staff members of the Joint Chiefs of Staff, Mr. McCone, and those closely connected with this activity. The testimony as a whole was to the effect that in considering the antiballistic missile, they had to take into account the various things that had to be done; and the development of warheads was only one. The testimony was to the effect that we had developed warheads and had an ample supply already on hand, and that the stocks needed with reference to guidance systems, and perhaps with reference to the vehicle to carry them there, could be developed without any limitation whatsoever, so far as the test ban treaty was concerned; and that, therefore, each and every one recommended our approval of the treaty.

Mr. THURMOND. The Senator feels, then, that there will be no handicap to the development of our anti-ballistic-missile system, although we would not be allowed to test in the atmosphere, despite the fact that since these warheads have been built and designed, the Soviets have conducted their large-yield tests with tremendous explosions? How does he know that our warheads will meet that test?

Mr. SPARKMAN. Let me read from the statement of the Joint Chiefs which has to do with the effects of the treaty on the United States-U.S.S.R. balance of military power.

The Joint Chiefs of Staff concluded that the United States would not be able to overtake the present advantage which the U.S.S.R. probably has in the high-yield weapons field, whereas the Soviets, by underground testing probably could retrieve in time any lead which we may presently have in the low-yield tactical field. Both sides could achieve an antiballistic missile, but one with less desirable characteristics than would be the case if additional atmospheric tests were conducted.

That applies to both sides. Of course there would be some handicap; but it would apply to the U.S.S.R., just as well as it would apply to the United States.

Mr. THURMOND. The treaty would freeze it at the point where we have now developed it, would it not?

Mr. SPARKMAN. Yes.

Mr. THURMOND. Who is ahead now?

Mr. SPARKMAN. I should have stated the conclusion they reached as to U.S. weapons capability; this is the one which deals with the anti-ballistic-missile field. The Joint Chiefs of Staff said:

> In the anti-ballistic-missile field, development of the U.S. system does not depend upon atmospheric testing, and hence this treaty will not significantly influence any imbalance that may exist.

That is not a political decision; it is a military decision. That is a decision of those whom Congress, by law, has designated to be the military experts and advisers for the security of the United States.

Mr. THURMOND. The treaty will prohibit that development by both; but the Soviets are ahead now, and this freeze——

Mr. SPARKMAN. The treaty does not say that.

Mr. THURMOND. I am giving the Senator the statement of the Joint Chiefs of Staff.

Mr. SPARKMAN. I can read further from their statement.

Mr. THURMOND. In their statement to the Preparedness Subcommittee, they admitted that the Soviets were ahead; and in their second statement, when they came before us, the Joint Chiefs of Staff admitted that the Soviets were ahead of us in the anti-ballistic-missile field, and that the treaty would tend to freeze their lead, and that the only way we could ever overcome that would probably be by testing in the atmosphere.

Today we may be in the lead, to a certain extent, in testing underground; but the treaty would partially overcome that situation. But we can never overcome the lead that the Soviets now have, unless we test in the atmosphere; and that fact is borne out on page 7 of the report of the Preparedness Subcommittee, as follows:

> An ABM system will be required to function in the nuclear environment created both by its own defensive warhead explosions and those of the attacking enemy. Under such circumstances it is important to be as certain as possible that no element of the system possesses unknown vulnerabilities to nuclear effects. All electronics components of the ground arrays and missiles must function; the missiles must be capable of operating in the presence of nuclear, thermal, and blast effects; the warheads must be resistant to nuclear radiations. It is apparent that unless a system of such complexity is tested in its operational environment, there will be a low level of confidence in its ability to perform the mission for which it was designed and produced. Many unknowns will arise in the course of the ABM development program which can only be explored and satisfied through the medium of atmospheric and high altitude nuclear testing.

I wish to repeat the last sentence; it is important:

> Many unknowns will arise in the course of the ABM development program which can only be explored and satisfied through the medium of atmospheric and high altitude nuclear testing.

That report was agreed to by all of the committee.

Mr. SPARKMAN. From whom is the last sentence quoted?

Mr. THURMOND. That is the conclusion based on the facts presented to us——

Mr. SPARKMAN. By whom?

Mr. THURMOND. By the Joint Chiefs of Staff and by the other military and scientific advisers who appeared before us.

Mr. SPARKMAN. Who made the statement?

Mr. THURMOND. The Preparedness Investigating Subcommittee.

Mr. SPARKMAN. This is its report?

Mr. THURMOND. Yes.

Mr. SPARKMAN. But I have been quoting from the statement of the Joint Chiefs of Staff.

Mr. THURMOND. This statement was joined in by all seven members of the subcommittee. All seven members of the subcommittee agreed on the accuracy of the report; and the Joint Chiefs themselves have admitted, before this subcommittee, that the Soviets are ahead of us in the development of the antimissile system. The Senator can go to the subcommittee and read the classified testimony there for himself.

Mr. SPARKMAN. Madam President, instead of quoting from conclusions by me or from conclusions by members of the Committee on Foreign Relations, I wish to quote from the Joint Chiefs of Staff themselves. They are the ones Congress says should be the advisers to the United States on military and security matters. So I shall quote their own words; and I wish to make that clear. This testimony is to be found on page 273 of the hearings of the Committee on Foreign Relations. Madam President, I wish to call attention to the fact that, under the rules of the Senate, the Committee on Foreign Relations has jurisdiction over treaties. Our committee held hearings on the proposed treaty. We invited members of the Armed Services Committee and members of the Joint Atomic Energy Committee to sit with us, and they did. The Joint Chiefs of Staff testified before our committee, and I shall now read from their statement, as found on page 273 of the hearings of the Committee on Foreign Relations on the treaty.

> (b) In the anti-ballistic-missile field, development of the U.S. system does not depend on atmospheric testing, and hence this treaty will not significantly influence any imbalance that may exist.

I think that is as clear as it could be.

Mr. THURMOND. But will the Senator read the preceding sentence, in which they say the indication is that the U.S.S.R. is ahead of the United States in the high-yield field?

Mr. SPARKMAN. Certainly. I have seen that, and I have already read it. However, again I call attention to the fact that the same members of the Joint Chiefs of Staff testified that when we had free and unlimited testing rights, the Joint Chiefs of Staff, along with the scientists and others in charge of this program, deliberately reached the decision that they did not care to make high-yield tests in the atmosphere.

We had decided that for our purposes a multiplicity of relatively smaller weapons was preferable to massive single-shot weapons.

Mr. THURMOND. Did Dr. Teller reach that decision?

Mr. SPARKMAN. I do not recall Dr. Teller's testimony on that particular point. I know that Dr. Teller testified before us that he had changed his mind from one period of time to another. I do not know whether it was on that particular subject or not.

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

Mr. SPARKMAN. I yield to the Senator from Louisiana, who has been on his feet for a long time.

Mr. ELLENDER. Madam President, the Senator from South Carolina has quoted from the committee interim report on investigation of the preparedness program. I am sure that the same Chief of Staff who testified before the Preparedness Investigating Subcommittee testified before the Committee on Foreign Relations.

Mr. SPARKMAN. The chairman of the Joint Chiefs and each individual chief, including General Shoup of the Marines.

Mr. ELLENDER. To show how the preparedness committee itself was in doubt, I should like to read the last paragraph of their report:

Although we have concluded that there will be a net military disadvantage to us if the treaty is ratified, we recognize the existence of other factors which, while not within the scope of this report, are pertinent to a final judgment on the treaty. Among these are matters related to international affairs, foreign policy, and relations with other countries. When these are taken into consideration the question becomes one of weighing relative risks, and our hearings provide ample evidence that the overall assessment of the relative merits and demerits of the treaty is a complex and difficult matter on which equally patriotic, informed, and dedicated persons may and do disagree. In the final analysis, then, 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.

Mr. SPARKMAN. Yes, I believe that is a very fine and wise statement which the committee made.

Mr. ELLENDER. That is why I submit it. If the Preparedness Investigating Subcommittee had heard all of the witnesses who appeared before the Committee on Foreign Relations, had listened to them carefully and made the same analysis as did the Foreign Relations Committee in connection with that report, it might have come to the same conclusion as did the Committee on Foreign Relations.

Mr. SPARKMAN. The concluding part of the report indicates that their views were reached purely from a military standpoint.

Mr. ELLENDER. Exactly.

Mr. SPARKMAN. And yet in deciding the question from the military standpoint, it is important that the other things that the subcommittee pointed out so well and so clearly be considered.

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

Mr. SPARKMAN. I yield to the Senator from Idaho.

Mr. CHURCH. Madam President, apropos to the discussion of the significance of high yield weapons, I wonder if the distinguished Senator from Alabama recalls that when Dr. Teller was before the Senate Committee on Foreign Relations, I asked him specifically if he felt that the Russian development of high yield weapons was an important factor with respect to the position that he took against the treaty.

In response to that question he said that he did not regard the high yield weapons that the Russians had developed as particularly significant, nor did he feel that they bore importantly upon security considerations. I think it is important that we put the question in perspective, because the one witness who was the most adamant in his opposition to the treaty did not attribute his position to the importance that he attached to the development of high yield weapons by the Soviet Union.

Mr. SPARKMAN. I am glad that the Senator reminded me of that point. Speaking about high yield weapons, at one place in his testimony Dr. Teller said:

But as of today I do not see any overwhelmingly strong reason to argue for the large bombs.

I think that is the point that the Senator from Idaho is making.

Mr. CHURCH. That is the point I am making. I think it is important. He brought out the point that it was not of great significance.

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

Mr. SPARKMAN. I yield.

Mr. THURMOND. I should like to read a quotation from Dr. Teller appearing on page 457 of the hearings:

Dr. TELLER. I have said explicitly that the Russians are ahead of us as far as I can see in one extremely important field, in nuclear—in missile defense, and I said that this specifically requires atmospheric testing if in this important field we should catch up. I did not say that the Russians are ahead of us in all categories. They may be ahead of us in quite a few fields. We do not have definite knowledge, but in the case of missile defense, the indications are particularly strong that they are ahead of us.

Mr. SPARKMAN. It is all right to quote Dr. Teller. Dr. Teller is one of our outstanding scientists. There is no question about that. What he says is entitled to great weight. But I call attention to the fact that some other eminent scientists were on the stand, one of whom was Dr. Harold Brown. I should like to ask the Senator from South Carolina to read the testimony of Dr. Harold Brown carefully.

Mr. THURMOND. I have read his testimony.

Mr. SPARKMAN. Dr. Brown said in so many words——

Mr. THURMOND. He used to work under Dr. Teller, I believe.

Mr. SPARKMAN. He said, "We just do not agree. I think he is wrong and he thinks I am wrong."

Dr. Kistiakowsky, who occupied the high position of science adviser to President Eisenhower, is still an adviser to the present President of the United States, and is professor of physical chemistry at Harvard University, said:

Before leaving the ABM problem, which seems to be, perhaps, the issue of greatest concern to those who question the wisdom of the treaty, I would like to make one other observation. I am not really intimately familiar with this important problem in all its technical details. Neither have been most of the other witnesses who have been heard. I would therefore urge that the committee give special weight to the testimony of Harold Brown, who, to my knowledge, is the only witness so far heard who can speak with real authority regarding the total ABM problem, and the related developments in offensive systems. He has access to all of the intelligence regarding Soviet activities and all of the expertise in the United States on our future capabilities that relate to the problem.

That is certainly a very strong endorsement of Dr. Brown and of Dr. Brown's statement.

Furthermore, there was printed a statement from Dr. Ulam with reference to this matter in which Dr. Ulam was directly opposed to Dr. Teller. They are two outstanding scientists who worked together in the development of the hydrogen bomb.

Mr. THURMOND. The Senator is no doubt familiar with the fact that in the fall of 1949, after the Soviets detonated an atomic bomb, the United States was considering whether to develop a thermonuclear weapon. The official intelligence agency, even after being fooled by the Soviets on the atomic bomb a few weeks earlier, said the Soviets could not develop the thermonuclear weapon until the late 1950's. All the scientists except one agreed with the estimate and opposed U.S. construction of a thermonuclear bomb. The one exception was Dr. Edward Teller, who, in October 1959, urged that if the United States did not hurry with the development of the hydrogen bomb the Soviets would get one first.

Fortunately, President Truman decided against the official estimate and with Dr. Teller's lone scientific opinion. The estimate was wrong. Dr. Teller was right. We exploded a thermonuclear bomb on October 31, 1952. The Soviets followed on August 12, 1953, with a hydrogen bomb explosion.

There is no question that Dr. Teller is regarded by the scientists of this country as the greatest living scientist in this field. If there is any one man's judgment we can accept—in this case, as stated, President Truman accepted his judgment over that of the others—it is Dr. Teller's. It developed in the previous instance that Dr. Teller was correct. We proceeded to develop the hydrogen bomb, fortunately. President Truman followed the advice of Dr. Teller.

Dr. Brown serves in the Pentagon. He is under Mr. McNamara. He is in the administration setup. Naturally, although he wishes to do the proper thing, there is bound to be a certain amount of compulsion on the people who serve in the Pentagon. There is bound to be a certain amount of pressure on them.

I would prefer to take the judgment of Dr. Teller, who is a great scientist, the outstanding man in this field in the world today. That is acknowledged by other scientists. In my opinion, we would be much safer following his advice than the advice of some other scientist.

It is true that Dr. Brown worked for awhile under Dr. Teller, but everyone acknowledges that Dr. Teller is the outstanding scientist in this field.

Mr. SPARKMAN. I wonder if the Senator would mind telling me from whom he is quoting, about the 1949 incident.

Mr. THURMOND. I was stating what happened. I was quoting from a newsletter which I issued on August 31, 1963. I challenge the Senator to deny the accuracy of it.

Mr. SPARKMAN. I am not trying to deny it. I merely wished to know who was the author and what was the authority.

Mr. THURMOND. Madam President, I ask unanimous consent that my weekly newsletter referring to this matter may be printed in the RECORD at this point.

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

[From the Shreveport (La.) Journal, Aug. 31, 1963]

U.S. SENATOR REPORTS: THE $64 QUESTION

INTELLIGENCE ESTIMATES

(By STROM THURMOND)

WASHINGTON, D.C.—Testimony on the Moscow test ban treaty, both in public and secret sessions, reveals that there is one awesome question on which the whole issue precariously hangs. The question—Do we dare risk the entire national security of the United States on the validity of our official intelligence estimates?

All of the intelligence experts admit freely that our intelligence is poorest on what is happening in the Soviet Union and in Red China. By comparison, Cuba is an open book. Our official intelligence estimates do not have a history that exactly inspires confidence. Consider the record.

1. When the Soviets came up with the atomic bomb, it was a complete surprise to the United States. Official estimates took the position that the Soviets could not master the atomic bomb before the mid-1950's, but they tested on August 19, 1949.

2. In the fall of 1949, just after the Soviets detonated an atomic bomb, the United States was considering whether to develop a thermonuclear weapon. The official intelligence estimate, even after being fooled by the Soviets on the atomic bomb a few weeks earlier, said the Soviets could not develop the thermonuclear weapon until the late 1950's.

All the scientists, except one, agreed with the estimate, and opposed U.S. construction of a thermonuclear bomb. The one exception was Dr. Edward Teller, who, in October 1949, urged that if the United States didn't hurry with the development of the H-bomb, the Soviets would get one first.

Fortunately, President Truman decided against the official estimate and with Dr. Teller's lone scientific opinion. The estimate was wrong: Dr. Teller was right. We exploded a thermonuclear bomb on October 31, 1952; the Soviets followed on August 12, 1953, with a hydrogen bomb explosion.

3. When the Communists invaded South Korea in June 1950, the United States was caught off guard. Official intelligence estimates took the position that it wouldn't happen. On the basis of those estimates, U.S. military forces had been withdrawn from the area, making the attack possible.

When the Soviets launched Sputnik I in October 1957, the United States was caught by complete surprise. Official intelligence estimates had let us down again.

4. Along in 1958, official intelligence estimates said the Soviets had a multitude of ballistic missiles, and thus was born the "missile gap." It was such a scare that it became a major issue in the 1960 Presidential election. It then turned out that the whole estimate was phony: the estimates were wrong, and the "missile gap" was a fraud.

5. On September 19, 1962, an official intelligence estimate was issued which took the position that there were no Soviet missiles in Cuba, and that the Soviets would not put any missiles in Cuba. This one got disproved in a hurry. Now it is admitted that missiles were in Cuba when the estimate was written.

The official estimates now admit that the Soviets are ahead of us in some fields of nuclear technology. They also admit that we don't have much hard information on which to base our estimates. In the areas of technology where we have the most information, official estimates admit the Soviets are ahead; in areas of technology where we have the least information, official estimates assume that the United States is ahead.

Gen. Curtis LeMay, who knows something about our intelligence methods in this field, has little confidence in our intelligence estimates. He stated that if the treaty were not already signed, he would recommend don't sign it.

Gen. Thomas Power, who commands the Strategic Air Command, and is even closer to the problem, says the estimates are wrong, and that it's far too dangerous to sign the treaty. The Soviets might well have a clear superiority in technology now. Gen. Bernard Schriever, who commands our missile development, says he can't do his job properly if the treaty is ratified.

Dr. Teller, who has the best experience in the nuclear field, and, who has a history of making correct judgments, says the intelligence estimates are wrong.

What is the difference? If the treaty is ratified, and any significant part of the estimates is wrong again, the United States is finished. Russia will have us hands down in the nuclear field, and the only choice that would be left to us then is surrender or be wiped out.

Mr. AIKEN. Madam President, will the Senator yield?

Mr. SPARKMAN. I yield to the Senator from Vermont.

Mr. AIKEN. I have followed the colloquy which has been going on in recent moments, and found it interesting. Two or three points have been raised which are of more than ordinary interest to me.

The first related to the antiballistic missile system and the assertion that testing in the atmosphere would be necessary in order for us to develop an airtight anti-ballistic-missile system. I listened for many hours to the testimony relating to antiballistic missile systems and to other nuclear weapons in the various committees of which I am a member. It is rather difficult to talk about these things, because much of the testimony was classified, and we were abjured not to go into the details or the facts or to make them public.

I do not think I am betraying any confidence of the classifiers when I say that after listening to all the testimony I could come to no other conclusion than that neither Russia nor the United States has developed an airtight antiballistic missile system up to the present time. If we knew a ballistic missile were to pass at a certain place at a certain time, we have developed weapons which would stand a fair chance of destroying the missile before it reached its target, but the fact remains that we have not developed a foolproof or airtight defense system up to the present time. We do not believe any other country in the world has, either.

A question then arises. If we could continue atmospheric testing, would we then be able to develop a perfect antiballistic missile system which would be sure protection to us or to any other country which happened to possess it? In that respect, I invite the attention of the Senator from Alabama to the testimony of Dr. Foster, to be found on pages 619 and 620 of the hearings before the Committee on Foreign Relations. I was concerned about the question of whether we would show greater progress if we continued atmospheric testing. If the Senator does not mind, I should like to read into the RECORD at this point the short colloquy which took place, which begins near the bottom of page 619.

Mr. SPARKMAN. I shall be glad to have the Senator do so.

Mr. AIKEN. I read from the hearings:

Senator AIKEN. I do not know of anyone who advocates nuclear war. However, if the United States were to engage in nuclear warfare, would it be more advantageous for us to engage in it immediately or would we be in a comparatively stronger position after 5 years of testing and the development of more potent weapons, both offense and defense?

Dr. FOSTER. Well, Senator AIKEN, that is a, both a tactical military question and a question of relative rates of development of the Soviet Union and the United States, as I understand it; is that correct?

Senator AIKEN. When do you think we would be in a stronger position to engage in nuclear warfare?

Dr. FOSTER. Today or in the future?

Senator AIKEN. To engage in it immediately or after the conduct of tests for another 5 or 10 years, assuming that any enemy would also be conducting tests. Do you think we could outrace them?

Dr. FOSTER. That, sir, is, I think, an issue that transcends the treaty. For 18 years the United States, aware and concerned for the potential and growth, actual growth, of armaments, particularly nuclear armaments, has developed in a restrained manner.

We have every year tried our best to reach an agreement with the Soviets and to limit this constant increase in the development of arms.

During that period of 18 years the Soviets have come from a position of relative hopelessness to one that was described by Dr. Bradbury as rough parity, and I do not want to argue whether they are ahead or behind.

The interesting, discouraging to me, the discouraging point, is that currently from their recent atmospheric series and from our recent atmospheric series, I see a very high rate of progress in the Soviet Union compared to the United States. If this were to continue, and I will mark this, Mr. Chairman, as one of the advantages of the treaty, it would be to the detriment of the United States.

We have chosen to limit our efforts; these have been unilateral.

Senator AIKEN. And they have been making progress in the nuclear field much faster than we have?

Dr. FOSTER. Yes, sir.

Senator AIKEN. And there is no reason to believe that that rate would not continue?

Dr. FOSTER. That is right.

Senator AIKEN. Then if we were to engage in nuclear war at all, there would not be much time to lose.

Dr. FOSTER. That is correct.

Senator AIKEN. That is all.

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

Mr. SPARKMAN. I shall be glad to yield to the Senator as soon as the Sena-

tor from Vermont reaches a stopping point.

Mr. MANSFIELD. Did I correctly understand the Senator from Vermont to say that Dr. Foster, the head of the Lawrence Radiation Laboratory, at Livermore, Calif., said that if tests were continued in the atmosphere the Russians would continue to outdistance us?

Mr. AIKEN. He stated that they would gain at a much more rapid rate than we would.

Mr. MANSFIELD. And he said that was the reason why, although he is an opponent of the treaty, this was a good point in favor of the treaty?

Mr. AIKEN. Yes; he said he marked this as a point in favor of the treaty; that if we were to continue testing, the Soviets would make much more progress in that field than we would.

Mr. MANSFIELD. He is an opponent of the treaty?

Mr. AIKEN. Yes. He does not approve of the treaty, and I could not understand from his testimony why he should be an opponent, unless he is some sort of fatalist.

Mr. MANSFIELD. And he is the successor to Dr. Teller and Dr. Brown at Livermore?

Mr. AIKEN. That is correct. I believe he is one of the disciples of Dr. Teller.

I should like to finish one other point I wished to make with reference to Dr. Teller. Dr. Teller has been the chief opponent of the test ban treaty. He has been quoted more than any other member of the opposition. He is a very capable scientist. He is given much of the credit for the development of the nuclear bomb. He seems to have plans or desires for developing much more potent bombs or weapons, both offensive and defensive. Perhaps, if there were no restrictions of any kind, he might be able to do that.

But I am not sure that Dr. Teller is always right, because the other morning I heard on the radio a report of a speech which he made in Texas the night before, in which he said there was no time to lose in sharing our atomic and nuclear know-how with all our allies. We now have 20 or 30 allies throughout the world. If we count only the NATO allies, we have only a dozen. If Dr. Teller can tell me who our allies are going to be 10 years from now, or even 5 years from now, I would know better whether or not I felt it safe to share our nuclear know-how. I can think of one of our allies that would be delighted to share our secrets, and would probably start making missiles in no time at all.

I do not think he was making a sound recommendation when he said we should share our nuclear know-how with all our allies. I suspect his supporters would think that was a good recommendation, but one of the worst things we could do would be to proliferate our nuclear secrets or weapons around the world to those countries which we now regard as allies.

Someone hearing the same radio report I did might suggest that perhaps it would not be well to give those secrets to South Vietnam at the present time. Perhaps it would be good, but I do not think so.

So I do not know why one man, who was instrumental in developing the deadliest weapon the world has ever known, should be regarded as the last word in determining in what direction we should go and how we should go in that direction.

Mr. THURMOND. Madam President, will the Senator yield on that point?

Mr. SPARKMAN. I yield.

Mr. THURMOND. On September 13, I believe, the able and distinguished Senator from Vermont raised this point.

Mr. AIKEN. I raised the point about Dr. Foster.

Mr. THURMOND. About Dr. Foster.

Mr. AIKEN. I read from the report.

Mr. THURMOND. I believe the point was that the Russians had made relatively great gains in 1961 and 1962, and that this proves that continued unlimited testing would bring the Soviets to a parity or into the lead. That was the point that was raised.

In response to that, let me say, as Dr. Foster pointed out, that we have chosen to limit our efforts.

The Senator will find this on page 16988 of the CONGRESSIONAL RECORD for September 13, 1963:

> We have chosen to limit our efforts; these have been unilateral.

Dr. Foster's fear that in the absence of a ban on testing the Soviets would continue to gain in technology was specifically conditioned on the possibility that the United States would continue to drag its feet in testing, while the Soviets went all out.

There is no question that if we go all out, we can beat the Soviets. We have beaten them. We have been ahead of them. So long as we test and go all out, we can stay ahead.

Dr. Foster's point has been that we have been dragging our feet. He says we have chosen to limit our efforts. If we do not limit our efforts, we can go ahead and stay ahead of the Soviets in practically every field; but because we did not carry out tests in 1961 and 1962 and they conducted tests in the atmosphere and conducted tests of high-yield weapons, as the RECORD in the Preparedness Investigation Subcommittee showed, the Soviets have gone ahead of us in this field. The statement of the Joint Chiefs of Staff is there. Anyone can read it. The record of the Preparedness Investigating Subcommittee shows that the Soviets are ahead of us in this and some other crucial areas.

Senators who oppose the treaty are at a great disadvantage, in a way, because the material presented to our Preparedness Investigating Subcommittee is classified, and we cannot go into it, as members of the Foreign Relations Committee can come into the Chamber with a book of testimony and say, "This is what so and so said in support of the treaty." And, unfortunately, the information most detrimental to the administration's position is the most difficult to get the administration to declassify, while most everything that helps the administration's case is generally made public. If we could tell what the scientific and military leaders said against this treaty, I do not think there would be any doubt in the minds of many people.

Dr. Foster says that we are handicapped, and have not done all we could. His thinking is that if we are to follow that kind of course—of not going "all out" in testing to maintain or regain superiority—that is another story.

Mr. AIKEN. I think I heard all the testimony referred to, as a member of the Joint Committee on Atomic Energy. Much of it is, very properly, classified. I listened to Dr. Foster's testimony. It is true that he implied we had been restricted; we had been held back from going ahead and developing as fast as we could.

Mr. SPARKMAN. He said we had limited ourselves.

Mr. AIKEN. But he did not tell us who was responsible for the limitation and what they would do about it if we accepted his recommendations at this time. So far as I know, the same forces that restricted testing in the past 2 or 3 years are still in authority, and hope to be for some time yet. I do not know just what he would do about it.

The Congress has appropriated billions of dollars. For a number of years we have had the ablest scientists, including Dr. Teller, that money has been able to hire or that loyalty has been able to command.

If we have been required to drag our feet during the past, I do not know who is going to make us pick up our feet in the future. It is an interesting question. It is a question which we can argue extensively; and we shall probably be hearing many arguments on it in the months ahead.

Dr. Teller certainly cannot say that there was not money enough or scientists enough. Why did we drag our feet, if we did drag our feet? At least, we all know we have some pretty capable weapons on hand. The military authorities say we have enough to saturate any possible enemy.

Mr. SPARKMAN. And to retaliate.

Mr. AIKEN. And to retaliate. We are short of antiballistic missiles. We believe that no country in the world has air tight protection against missiles—perhaps against one missile, but when there may be 15 or 20 decoys coming from one direction, and all looking alike on the radar screen, we still have no defense against a situation like that.

Mr. THURMOND. Madam President, will the Senator let me quote Dr. Foster on that point?

Mr. SPARKMAN. Briefly.

Mr. THURMOND. On the first point the Senator just mentioned, relating to money and laboratories, and why have we not gone ahead, I can tell the Senator why we have not gone ahead. The scientists have wanted to go ahead. The military people have wanted to go ahead. But because of foot dragging by their political superiors in the executive branch they were not allowed to go ahead.

The military authorities and the scientists desire to make progress in this field, but they must take their orders from those above.

Dr. Foster said with regard to this treaty:

You are taking a risk and you cannot calculate it regardless of these safeguards.

He was speaking on the basis of adoption of certain safeguards.

Mr. SPARKMAN. I wish to make one or two statements in order to clear up some things that have been said with respect to the dragging of our feet in testing. Let us remember that over the past several years testing was open. Before the voluntary moratorium, and after Russia broke the moratorium and testing was resumed, it was up to the United States as to what we could test, where we could test, and how we should test. I wish to make this statement very clear. In spite of what the Senator from South Carolina says, the hearings are literally brim full of evidence that the military—those who are in office now and those who preceded them and those who were in office at the time—deliberately reached the decision that we should not make high yield tests; not only that, but the scientists connected with our Government made the same decision. It was not something that was forced upon them through an executive order.

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

Mr. SPARKMAN. Just a moment. The Chairman of the Joint Chiefs of Staff appeared before our committee. We had the individual Chiefs of Staff. Various scientists came before the committee. The testimony of everyone touching this subject was to the effect that we made it as a deliberate decision that it was not needed for our security, if we preferred to follow the other course that I have mentioned so many times.

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

Mr. SPARKMAN. I have one other point to make, before I yield. It is said that in 1949 and 1950 Dr. Teller was the only one who believed in the hydrogen bomb. Dr. York, whose statement is carried in the hearings, was one of the partners with Dr. Teller in the development of the hydrogen bomb. Not only that, but Dr. York testified before the committee that he supported Dr. Teller. He recognized Dr. Teller as the great scientist that he is, and as being entitled to all the credit that has been given him with reference to the hydrogen bomb.

He would not try to detract one bit. I think he is a great scientist. I enjoyed his testimony. But, as great a scientist as he was, he did not stand alone, like Horatius at the bridge. There were others with him who advocated the same thing that he did.

I sometimes think it would have been a happier world if we had never learned how to split the atom. Nevertheless, we did. When there resulted the terrible weapons that we devised, why should we not have gone on to the hydrogen bomb as well?

I should like to yield first to the Senator from Idaho [Mr. CHURCH]. Madam President, I ask unanimous consent to be permitted to yield to the Senator from Idaho without my losing the right to the floor.

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

Mr. CHURCH. Madam President, first I wish to say a word regarding the discussion that has been in progress concerning the development of an antiballistic missile defense. As the Senator from Alabama has pointed out, the weight of the testimony has been that we can go forward with perfecting such a system without need of further atmospheric testing.

The argument I would urge upon the Senate is that we ought to keep the question of the antiballistic missile defense system in proper perspective. I remember, during World War II, we used to have what was called the blockbuster bomb. Until the first atomic fireball inflicted 128,658 casualties in Hiroshima, the blockbuster was the biggest weapon we had. It would destroy about one city block; hence its name. It had the explosive power of 8 tons of TNT. The atomic bomb which fell on Hiroshima had an explosive power of 20,000 tons of TNT. We have since developed, and have stockpiled in our arsenal, warheads a thousand times more powerful than the first atomic bomb.

It has been estimated that the arsenals of the United States and the Soviet Union now have the equivalent of 60 billion tons of TNT, which is equal to a 20-ton bomb against the head of every man, woman, and child on this planet.

This is a different age, Madam President. It is so different from the Second World War, and the conventional weapons with which we fought that war, that I believe we must think in new terms about the question of national security in the nuclear age.

We speak here of national defense. That term has practically disappeared from the lexicon of contemporary military usage. There is no defense anymore, in terms of preserving our homeland and our people and our way of life, and everything that is worth preserving. Instead of defense, we have what we call a deterrent. Its purpose is not to defend, but to avenge. If it ever has to be used, the country is lost, the system has failed. It is against this background that we must consider the meaning of an antiballistic missile defense system.

I remember, in the Second World War, that if we knocked down 5 percent of the attacking force of enemy bombers, we thought that was pretty good. If we got 8 or 10 percent, it was a day of signal success for one defending forces. Yet, although 92 to 95 percent of our bombers used to get through, we still had to bomb and bomb week in and week out, month in and month out, year in and year out, before we were finally able to pummel the enemy down to defeat.

Today, Madam President, the nuclear firepower of one Polaris submarine is the equivalent of all the bombs that all our bombers dropped on the enemy in all the years of the Second World War.

It is in this perspective that we must judge the meaning of national defense in this nuclear age.

Dr. Teller was before us, and he said, in response to one of the questions put to him, that he could not conceive of any anti-ballistic-missile defense system which would ever protect our cities.

At another place in his testimony, he referred to the Russian cities and industrial centers as the source of their national power and importance. Are not our cities and industrial centers the source of our national power and importance? It is against this that we must judge the significance of an antiballistic missile defense system in the nuclear age.

Suppose we were able to perfect such a defense system to the point where it struck down 25 percent, or 50 percent, or even 75 percent of the enemy's first-strike missiles, if such perfection can ever be attained in a defense system—and all history records that none has ever been attained to this day of that degree of excellence. But even if we were to perfect such a system, what meaning would it have if the 25 to 50 percent of the enemy missiles which penetrated through were sufficient to inflict total damage upon us?

Unless we begin to shake off the thinking of Napoleon's time, and begin to think of defense in terms of military strategy for the nuclear age, we are surely lost.

The Secretary of Defense addressed himself to this point, as did other military witnesses who came before the committee. All of them said that even in the absence of any kind of antiballistic missile system, we today had a weapons mix, including hardened bases and a Polaris fleet, that would enable us to strike back and inflict mortal destruction upon any enemy that engaged in a first strike against us. This capacity is the basis for deterrence. So long as we continue to possess a weapons mix with this retaliatory power, we can hope that the deterrent theory will work. But I think all these factors must be held in mind if we are to place the question of the development of the optimum antiballistic missile defense system in the perspective of the age in which we live.

Mr. SPARKMAN. Madam President, I yield further to the Senator from South Carolina.

Mr. THURMOND. Madam President, I ask the distinguished Senator from Alabama to check with the Pentagon to see if there is not pending for approval a military requirement unanimously approved by the Joint Chiefs of Staff for a high-yield warhead, one for manned bombers and also one for missiles, but that the requirement has not yet been approved at the civilian level. Then he will be able to determine who is holding up this program. The military people want to go ahead. They want to test the high-yield weapons.

Mr. SPARKMAN. There is a difference between the statement made by the Senator from South Carolina and the question of testing at high altitudes or for high yield. This is a question that the distinguished Senator from Ohio [Mr. LAUSCHE] put to General Taylor, Chairman of the Joint Chiefs of Staff:

Senator LAUSCHE. Does that warrant the conclusion that you would be in a better position to judge what we should do if we had enjoyed what you call a 60-megaton test?

General TAYLOR. I attach very little to this, frankly, Senator. The whole very high yield weapons field is one which has very little, if any, military significance.

If I had the time to go through the record of the hearings, I could pick out time after time when we were told by witnesses who appeared before us—military and scientific—that it was a deliberate decision on our part, because we did not feel that we needed high-yield weapons as a part of our military arsenal. That is what General Taylor, Chairman of the Joint Chiefs of Staff, said at that point in the hearings.

Mr. THURMOND. That might have been the case some time ago.

Mr. SPARKMAN. This was in August. I read this from the hearings before the Committee on Foreign Relations on the treaty, held in August, last month, 3 weeks ago.

Mr. THURMOND. I merely asked the distinguished Senator from Alabama to inquire of the Air Force whether there is not now pending, and has been pending, a request unanimously approved by the Joint Chiefs of Staff that there exists a military requirement for a high-yield warhead; but that the requirement has not been approved at the civilian level.

Mr. SPARKMAN. I have no idea where the Senator from South Carolina is obtaining his information; but our committee did its best to go to the best sources. We called upon the Chairman of the Joint Chiefs of Staff, and then we called upon each member of the Joint Chiefs of Staff. I do not see why we should go to some subordinate officer and ask him what his thought is on that point, or what his attitude would be, or what he thinks ought to be done. We had before us the men who, under the law of the land—the law enacted by Congress—are supposed to formulate military policy and military strategy.

Here was the spokesman, the Chairman of the Joint Chiefs of Staff, saying that he attaches no military significance or little military significance to very-high-yield weapons.

We were advised, time after time, by the military authorities who are charged by law with the responsibility of advising us with reference to military strategy, the military measures to take in order to assure the security of the United States. That was what they said to us. I think we have a right to rely on it.

Mr. THURMOND. I do not know whether General Taylor has forgotten, or what has happened, but I say that the Joint Chiefs of Staff have unanimously approved a military requirement for a high-yield warhead, one for manned bombers and one for missiles, but that the requirement has not been approved at the civilian level. If the Senator from Alabama will go to the Preparedness Investigating Subcommittee and he will contact Mr. Kendall, chief counsel, he will find such a statement in the testimony.

This testimony is, of course, classified, but it is there nevertheless. If possible, I am going to get it declassified so the Senate and the public can have full access to this vital information, especially in view of the point raised here today by the Senator from Alabama in reading from the unclassified hearings of the Foreign Relations Committee.

We have been handicapped by not being able to bring all the testimony to the Senate, because that testimony is not printed in the hearings of the Preparedness Subcommittee, because most of it is highly classified.

Mr. SPARKMAN. Madam President, the committee having jurisdiction of the treaty and handling the hearings is the Committee on Foreign Relations. We have brought the hearings here, and we brought them in a way that is presentable, readable, and clear to the Senator. The hearings have been edited, so far as secret or classified material is concerned. The testimony includes that of several persons who are supposed to speak for the defense and security of our country—the scientists; the Chairman of the Atomic Energy Commission, Mr. Seaborg; the Director of the CIA, Mr. McCone; and the top scientists and advisers to the President of the United States. We heard the testimony of all those persons, who under the law, are supposed to speak.

As regards the printed hearings, Senators do not have to go to the committee or anywhere else for the testimony, although a few items are retained as confidential in the committee files. Any Senator can go right downstairs to the committee room and can be shown the secret testimony.

I refer particularly to the testimony of Mr. McCone, Director of the Central Intelligence Agency; I also refer to the testimony of Dr. Northrop; and I also refer to the secret testimony of General Taylor, Chairman of the Joint Chiefs of Staff.

Madam President, many questions which have been asked by the Senator from Maine [Mrs. SMITH] have been brought up in the course of this debate. I should like to refer now to the first and second questions; there are 16 altogether.

We have discussed one, and had just started our discussion of the second. The second one is whether we are reasonably confident and secure in the knowledge that our ballistic missile retaliatory second strike force will survive and operate in a nuclear environment.

Certainly there is no controversy with reference to that. I believe everyone admits that we do have sufficient power to enable us to make a retaliatory strike that would be destructive to any enemy that might attack us.

Mr. THURMOND. Madam President, will the Senator from Alabama yield on that point?

Mr. SPARKMAN. Yes, I am glad to yield.

Mr. THURMOND. Has the Senator from Alabama seen the issue of Missiles and Rockets, dated September 14—last Saturday?

Mr. SPARKMAN. I have not yet seen that issue.

Mr. THURMOND. This magazine contains an article and an editorial on this very question. I hold the editorial in my hand. It reads in part as follows:

The article on page 14 of this issue probably is the most important published by this magazine since its founding. It brings out into the open the critical and highly classified problem which has been at the heart of the opposition to the nuclear test ban treaty by many nuclear scientists and high-ranking Air Force officers. The fact is that the Soviets may have found the answer to their antiballistic missile problem by attaining the ability to render U.S. missiles inoperational in their silos.

The possibility is more than a threat to the effectiveness of U.S. missile forces. If true, it threatens to negate the whole deterrent posture of this Nation by making possible enemy deactivation of the heart of U.S. nuclear strength.

Then the editorial points out the dangers. In other words, if through the tests the Communists have conducted in 1961 and 1962, they have gained technical knowledge that will enable them to drop a bomb, inasmuch as we have said we will not make the first strike, what if they should make the first strike, and if this knowledge has enabled them to drop a bomb that will produce an electromagnetic phenomenon—if we want to call it an electric current—that will blow out the fuses on our missiles, or will fuse the wires in our missiles and thus prevent them taking off or would render ineffective much of the guidance systems, so we never would be able to get them out of the silos properly and on their way to the target. Then the question which would naturally arise is, where would we be? That is a possibility that our military people, I can state, are deeply concerned about; and that is the information that has been gained in the recent tests by the Soviets. If they did gain sufficient knowledge to be able to make our missiles inert or inoperable in the silos, and since Secretary McNamara is "phasing out" our bombers—so that soon we shall not have any bombers, and if, therefore, we do not have any bombers, and if our missiles are made inert and inoperative, where will America be?

I question statements which state unequivocally that we will be able to make a second strike. I should like to have the Senator explain how we shall be able to make a second strike if a missile or missiles are dropped over here by the Soviets which will destroy the electronic systems of our missiles. If the Soviets have gained this knowledge and can manufacture such a weapon, they will do that or threaten to do that; and then where will we be?

The only answer to that question that I know is that we shall have to test in the atmosphere to gain the requisite knowledge to prepare the installations and equipment necessary in order to protect the missiles. Otherwise we may find ourselves in a helpless condition.

That again brings to the forefront the need for atmospheric testing. That is no phony objection raised to the treaty. It is a direct reality. It is a reality that has been pointed out by the magazine Missiles and Rockets, an engineering magazine whose editors feel that the treaty is an extremely dangerous instrument because of the very fact I have mentioned. If the Communists are able to drop a bomb in our country and to neutralize our missiles, we shall not be able to send our missiles over to Russia

to strike their targets in retaliation, and we shall not have the necessary knowledge with which to insulate the missiles and pursue a course which might provide protection for them.

What other course can we pursue to protect our Nation than to test in the atmosphere? That is the only way in which we can get the information.

If the Senator from Alabama can answer or explain away that question, I would certainly like to hear him do so. The military people—and I have talked to them—and some of the scientists are deeply concerned about this question. If the Senator will read the classified testimony given before the Preparedness Investigating Subcommittee again, I believe it will be of great interest to him.

We are handicapped in not being able to bring to the Senate classified information which the people of our country ought to hear so that they could truly know the dangers involved with regard to the very vital point that I am now making. If the people of America knew all of the information, and if they knew the jeopardy in which we would place our country by stopping atmospheric testing when we should go ahead as fast as we can in order to attempt to protect these missiles—because we will be dependent upon them—in my judgment there would be no doubt as to the answer of the American people to the question.

I would be pleased to have the Senator from Alabama read that classified testimony, and after he reads the testimony that was given before the Preparedness Investigating Subcommittee, I would be further pleased if he would come back and express himself.

He may change his opinion. If the Senator from Alabama is completely objective on the treaty—I am not insinuating that he is not—but if he is willing to change his mind when something of great significance and importance is brought out, I believe that the Senator from Alabama might wish to reappraise his position. If he will read carefully the classified testimony in the Preparedness Investigating Subcommittee on this question, if he will talk in person with General Power and some of the other experts, including General Schriever and others, and if he will look into the subject further, he may wish to reappraise his entire position on the treaty because of the one question which I now raise.

Mr. SPARKMAN. Madam President, I doubt that any member of the Committee on Foreign Relations or any other committee heard more of the testimony than I did, with the sole exception of the chairman of the committee, the Senator from Arkansas [Mr. FULBRIGHT]. I believe that he perhaps heard more than any other member of the committee. I listened to the witnesses who came before the committee. We did not merely pass over the question of blackout. We did not pass over the other developments of which the Senator has spoken. We questioned the scientists and the military experts before us. I admit that there was not a great deal of testimony in open session on blackouts, because when the time came for it, it was generally suggested that the discussion should be carried on in executive session.

But the testimony is given in the hearings after having been edited.

Dr. Norris E. Bradbury, Director of Los Alamos Scientific Laboratory, testified before us. His testimony can be found commencing on page 579. On page 581 he said:

> A similar situation exists with respect to what may be called the nuclear blackout phenomena or the effect upon communications or radar of nuclear explosions in the relatively high atmosphere. Again, the phenomena is known, many excellent experiments were conducted to study it during the 1962 oversea operations, as well as earlier.
>
> We are very far from being devoid of knowledge as to the nature of the problems involved. Limiting our knowledge in this area, as we will also have to limit our knowledge to that which we now have of other electromagnetic phenomena associated with nuclear explosions, is one of the risks which we would have to take.
>
> To me, it does not appear to be a great risk, and it will be a challenge to see the extent to which our scientists with the available information can examine it, theorize upon it, and extend its applicability with reasonable confidence.

The subject was discussed in the report. On page 15 Senators will find a reference to it. We quoted from Dr. Harold Brown's testimony as follows:

> With respect to high-altitude tests carried out for the purpose of determining the effects of nuclear bursts on communications blackout, radar blackout, and nuclear weapons vulnerability, Soviet and United States experience appears to be comparable. Each side has had about the same number of tests, over yield ranges and altitude ranges which are comparable though not identical. Enough has been learned in the United States to verify the existence, nature, and rough dependence of blackout characteristics on yield and altitude, although important details still have not been explored. The same is probably true in the Soviet Union. Probably neither side understands the phenomena sufficiently well to permit theoretical extension with complete confidence to some other altitudes, yields, and types of devices; but we have, and presumably the Soviets also have, enough information to enable us to take steps to design around our uncertainties.

That was the deliberate position of one of the leading scientists in our country. It was not a newspaper editor, publisher, or writer of newspaper articles playing on the sensational angle of things. That was the sworn testimony of Dr. Harold Brown, who is one of the outstanding nuclear scientists in the world today.

Mr. HUMPHREY. Madam President, will the Senator yield?

Mr. SPARKMAN. I yield.

Mr. HUMPHREY. Dr. Harold Brown is the present Director of Defense, Research, and Engineering of the Department of Defense; is that not correct?

Mr. SPARKMAN. That is correct.

Mr. HUMPHREY. Does the Senator recall the testimony of the science adviser to President Eisenhower, Dr. Kistiakowsky, as it relates to Dr. Harold Brown?

Mr. SPARKMAN. I do. I made reference to it a while ago. I said that Dr. Harold Brown was an outstanding scientist and that Dr. Kistiakowsky would recommend that we take in full faith what Dr. Brown said.

Mr. HUMPHREY. In exact words Dr. Kistiakowsky said:

> I would therefore urge that the committee give special weight to the testimony of Harold Brown, who, in my knowledge, is the only witness so far heard who can speak with real authority regarding the total ABM problem, and the related developments in offensive systems. He has access to all of the intelligence regarding Soviet activities and all of the expertise in the United States on our future capabilities that relate to the problem.

It seems to me that if a U.S. Senator is to judge the reliability and credibility of testimony, under this type of reference by one of the world's leading scientists—a man recognized in the United States as being one of the most able scientists in the field of nuclear energy and physics, Dr. Kistiakowsky—to accept the testimony of Dr. Brown as compared, I say most respectfully——

Mr. SPARKMAN. With a magazine article.

Mr. HUMPHREY. With a magazine article, even from an outstanding magazine.

I asked the Senator from South Carolina if I could see the article. The article is not at all conclusive. I should like to read the article, if the Senator will be kind enough to permit me to do so.

Mr. THURMOND. Madam President, the Senator has not seen the article. This is an editorial based on the article.

Mr. HUMPHREY. The Senator was looking at the editorial. Let us see what the editorial says. The editorial is not nearly as conclusive and definitive as is the Senator from South Carolina. It reads, in part:

> The possibility of Soviet development of such an ABM system based on high-yield testing that the United States has not matched is not in itself a reason for rejection of the treaty.

Perhaps I ought to repeat that.

Mr. SPARKMAN. I think it bears repeating. People should remember that statement.

Mr. HUMPHREY (reading):

> The possibility of Soviet development of such an ABM system based on high-yield testing that the United States has not matched is not in itself a reason for rejection of the treaty.

I continue to read from the editorial:

> There are alternatives that may be acceptable risks, such as increased procurement of Polaris submarines.

Mr. SPARKMAN. I was about to mention that as a part of the system as to which there is no breakdown.

Mr. HUMPHREY. The Senator from South Carolina was talking about the effects of high-yield explosions on Minuteman missiles and on our silos, yet one of the great developments of our missile capability today—really, the secret weapon, if one can call a weapon a secret weapon—the weapon the Soviet Union has not matched at all, is the Polaris submarine missile system. We are producing Polaris submarines at the rate of one a month. Each Polaris submarine carries 16 tubes. Each one of those Polaris missiles which comes out

of each of the 16 tubes will "lay low" a city of the size of Moscow—will "rub it out."

I often wonder exactly how much explosive power would satisfy the U.S. Senate. We have reached unbelievable megaton ranges. The bigger the megaton range the greater the demand for some kind of acceptable risk.

I am of the opinion that the testimony by Dr. Harold Brown and by Dr. York, both of whom have had most enviable records in highest positions of this Government in the field of research, should be accorded considerable weight by the Senate. It should carry even greater weight than testimony given by a general. A general uses weapons. Scientists make them, measure them, and know what they are about.

With one or two exceptions, scientists who have responsibility for nuclear weapons favor the treaty. I submit that when one is trying to make a value judgment on evidence by the military and scientific experts, any measurement one uses on the treaty will support the treaty, because of all the generals and military men who have spoken out, as the distinguished chairman of the committee has pointed out—I think there were 14 whose voices were heard—only 2 spoke in opposition to the treaty.

I believe that there were only two or three scientists who testified in opposition to the treaty.

When scientists of the quality of Dr. Kistiakowsky, Dr. York, Dr. Harold Brown, Dr. Bradberry, and others testify in favor of the treaty, I do not think we can reject that testimony on the basis of even the best of articles, whether it be published in Missiles and Rockets, or Fortune, or any other magazine. I do not care what magazine it is.

Mr. THURMOND. Madam President, will the Senator yield on that point?

Mr. SPARKMAN. I will yield in a moment.

Since we are speaking of generals who have been heard, I should like to know whether the Senator from Minnesota agrees with me in the contention that although there are hundreds of generals who serve, under our governmental system the military authorities who are charged by law with the responsibility of advising us on military matters—strategy, security, and things such as that—are the Joint Chiefs of Staff, headed by the Chairman of the Joint Chiefs of Staff.

Mr. HUMPHREY. The Senator is obviously correct.

Mr. SPARKMAN. The Senator spoke of 14 generals, and of 2 being against the treaty. I do not remember any general testifying before our committee against the treaty. I do not know where the Senator got his information.

Mr. HUMPHREY. General Power is against the treaty.

Mr. SPARKMAN. Did he testify before our committee?

Mr. HUMPHREY. He is one of the field commanders who were questioned.

Mr. SPARKMAN. By our committee?

Mr. HUMPHREY. By the Joint Chiefs of Staff. The Joint Chiefs of Staff asked all the commanders in the field what they thought about the treaty, and if they had any views on it. As I recall, General Power, the head of SAC, spoke against the treaty. One officer said that he had no opinion, since he had not given it what he thought was adequate consideration. All of the other commanders, as will be seen from page 407 of the hearings, were for the treaty.

The chairman of the committee asked General LeMay a question in this regard. If I may, I will read it for the information of the Senate:

> The CHAIRMAN. General LeMay, do you know whether or not the commanders in the field, I believe they are referred to as unified commanders in the field, such as those at CINCLANT, Admiral Felt and other officers, have been requested to give their personal views on the acceptability of this test ban treaty?
>
> General LEMAY. Yes, sir; the Joint Chiefs asked their views on it and they were forwarded, I think, without exception.
>
> The CHAIRMAN. Could you tell the committee how these commanders in the field felt about this treaty?
>
> General LEMAY. I can't list them all word for word. I think generally most of them were in favor of it.

The testimony then goes on to reveal that one withheld his comment and that General Power, for whom we have great respect, was opposed to the treaty. General Power is commander of the SAC operations.

All the other commanders, all those who read Missiles and Rockets, all those who consult, were for it.

It seems to me that is a reasonably good body of evidence in support of the military aspects of the treaty.

I have constantly heard it said that militarily the treaty involves unacceptable risks. If so, we had better remove the field commanders, because this Senator had to take advice from those field commanders. If the treaty involves unacceptable military risks, and these commanders say that the treaty is acceptable, something is wrong, and the Commander in Chief had better take a look at what kind of commanders he has in the field. I think the Commander in Chief knows what kind of commanders he has in the field. They are reliable, experienced, able, competent commanders. Their advice was asked. Their advice was given. Their advice was in favor of the treaty.

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

Mr. SPARKMAN. Madam President, I appreciate the comments by the Senator from Minnesota in that regard. The Senator referred to General Power as being opposed to the treaty. General Power's superior said that he would favor it.

Mr. HUMPHREY. The Senator is correct.

Mr. SPARKMAN. Taking all military and political factors into consideration.

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

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

Mr. THURMOND. We are all in favor of the Polaris program. I have supported the Polaris program vigorously. I expect to continue to do so.

The Polaris submarine does not fire its missiles at once in a salvo. The Polaris fires only one missile at a time.

Information published in the Washington Evening Star some time ago brought out that the Soviets have an antiballistic missile system at a certain city in Russia. Our intelligence reports showed, according to that article, that the antiballistic missile system at this particular city was capable of knocking down medium range missiles, that is, those with a range of up to 1,200 miles; and intermediate range missiles, that is, those with a range of up to 2,500 miles; and, under certain favorable conditions, intercontinental ballistic missiles, that is, those which will go from 5,000 to 7,000 miles.

If the Soviets continue to develop their present antiballistic missile system as they have already done, we can see that even with our Polaris system, which fires only one missile at a time, we shall be in jeopardy.

With regard to the various officers who testified, General Power testified in the Preparedness Investigating Subcommittee. Much of his testimony is classified. I cannot go into all the details. Again, I refer the distinguished Senator from Alabama to the classified committee testimony and urge that he read it. General Power said—and this is in the report of the Preparedness Subcommittee—that, in his opinion, the treaty is not in the best interest of the United States. That is General Power's statement.

Who is General Power? General Power is the man who is responsible for launching the missiles and the nuclear weapons, and other weapons, against the enemy. He is the one man in the whole free world—not only the United States, but the whole free world—who has a chance to try to save us and the rest of the free world. General Power is the man who would send these missiles through the air; he would send nuclear weapons by manned bombers from different points of the world; and he stated to the Preparedness Investigating Subcommittee, unequivocally, that this treaty was not in the best interest of the country.

I believe the Senator from Alabama said that his "boss" said he went along with the treaty. General LeMay did go along with the treaty, but what did he say? He said he would probably have recommended against the treaty had it still been in the proposal stage—this is, he was told to take into consideration the political aspects which he was not qualified to assess.

I wish to read two or three lines from General Power's testimony, because I think it is important for the people of America to know that this one commander, who is responsible for protecting this country, in delivering weapons on the enemy if an exchange begins, said:

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

So he is very much concerned. He went even further in the Preparedness Subcommittee. I cannot go into his statement there.

We talk about the generals. I come next to General Schriever. Who is General Schriever? He has charge of the development of these missiles. He has charge of the development of our Air Force weapons systems. What did he say? He told the subcommittee that there are definite military disadvantages to the treaty, and that as a military man he felt he could protect the country better without the treaty than with it.

If we want to consider the treaty on political grounds, then one must put it on that basis if he is for the treaty. I say that one cannot consider it from a military standpoint and adopt it. It must be considered from the political aspect; that is, more weight must be given to political rather than military considerations.

There was another general who came before our committee.

By the way, did not the Senator from Ohio request that General Power be heard by the Foreign Relations Committee, and was not that request refused?

Mr. SPARKMAN. I cannot say. I will not say that he did or did not.

Mr. THURMOND. I am informed that that is the case.

Mr. HUMPHREY. Madam President, will the Senator yield on that point? Let us get the record straight.

Mr. SPARKMAN. I yield.

Mr. HUMPHREY. I do not believe that the immediate superior of General Power, who is General LeMay, is anybody's lackey. I do not believe he lies down and plays dead when somebody says, "Take my view." He is a man of conviction. He reported General Power's point of view. He also knew that he had testified before the Preparedness Subcommittee. General Power is an officer in the line. He does not control the country. He is under the command of General LeMay; and I think the chairman of the committee will say under whose command he is. There is a Commander in Chief, after all.

Mr. THURMOND. I feel General LeMay knows in his heart that he did not want the treaty, and that he would not have recommended it had it been in the proposal stage. The chairman of our subcommittee [Mr. STENNIS] pointed out Friday that he did believe the Joint Chiefs had their hearts in their subsequent testimony before our subcommittee in which this time they gave qualified endorsement based on political factors supposedly offsetting the military disadvantage they listed.

Mr. HUMPHREY. I protest that accusation of General LeMay. General LeMay is a man of conviction and honor. I do not think he would have come before 3 committees and testified in behalf of the treaty—recognizing the limitations and risks, but at the same time coming out for the treaty—unless he thought it was all right. These gentlemen are men of conviction. Many of them in the past have resigned when they disagreed with the civilian authorities. The Senator from Minnesota says General LeMay would not tell an untruth; he would not falsify the record; that he said what he believes; and that belief is in the record. He said he supported the treaty. The Senator can twist it and turn it inside out and outside in, but that is General Power's testimony on the treaty.

Mr. THURMOND. I do not twist and turn like the Senator from Minnesota. I am not accustomed to twisting and turning and using a lot of gab like the Senator from Minnesota. I am going to mention facts and not twist words as he has mine.

Mr. HUMPHREY. Madam President——

The PRESIDING OFFICER. The Senator from Alabama has the floor.

Mr. SPARKMAN. Madam President, I have been trying to be quite generous in yielding.

Mr. THURMOND. I want to make this point in reply——

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from South Carolina?

Mr. SPARKMAN. Let us keep to one point at a time. I yield to the Senator from South Carolina.

Mr. THURMOND. There was another general who testified, and that was General Twining. General Twining testified very strongly against the treaty. He is a former Chairman of the Joint Chiefs of Staff. He is not now directly under the gun, but he has been asked by the Air Force to head a committee to study matters of this kind, and they have been studying this question. He has been briefed recently with the latest intelligence. General Twining testified in a very magnificent manner and gave his reasons, very strongly, as to Soviet superiority in certain critical areas of nuclear technology and capability and as to why this treaty should not be adopted. I cannot go into the reasons here because the Defense Department has his testimony highly classified. Again I refer the Senator from Alabama and other Senators to the Preparedness Investigating Subcommittee hearings. All those who know General Twining know, I think, that he is a very able and distinguished man.

Admiral Burke, former Chief of Naval Operations, was before the subcommittee, and Admiral Radford, former Chairman of the Joint Chiefs of Staff, submitted a statement which was included in the record of the hearings of the Senate Foreign Relations Committee.

At least five officers of general or flag rank—General Power, General Schriever, General Twining, Admiral Radford, and Admiral Burke—testified against the treaty. We also received much valuable classified information from other military personnel in key and sensitive assignments.

Mr. HUMPHREY. Madam President, will the Senator yield?

Mr. SPARKMAN. I should like to say just a word on that comment. I have said it many times during the afternoon. I have been referring to the hearings befor the Foreign Relations Committee. I have drawn my citations from those hearings. They are what I consider to be the official hearings. The Foreign Relations Committee is the committee that has jurisdiction over treaties. It held hearings.

When I speak of the various witnesses who appeared, I am speaking about witnesses who appeared before that committee, and not some other committee at some other time, somewhere else. I am referring to witnesses who appeared before the Foreign Relations Committee. Our committee published notice of the hearings before they were started. Anyone could have replied. A bipartisan subcommittee of the Foreign Relations Committee decided upon the witnesses to be called. I believe a logical course was followed. We called first the Secretary of State. Then we took the testimony of the Secretary of Defense. Then we took the testimony of the Joint Chiefs of Staff, the chairman of the Joint Chiefs, the head of the Atomic Energy Commission, and the head of the Central Intelligence Agency. We took the testimony of outstanding scientists. We called in Dr. Teller as an independent witness.

We heard Dr. York. We heard Dr. Bradbury. We heard Dr. Foster. We did not select witnesses who we felt were either for or against the treaty. We selected witnesses who had knowledge and had policymaking responsibilities.

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

Mr. SPARKMAN. I yield.

Mr. CARLSON. I merely wish to confirm what the distinguished Senator has said about the hearings. There were 3 weeks of hearings. As one of the Senators who attended quite regularly, I wish to say that the distinguished Senator from Alabama was one of the most attentive at the hearings. He has just stated that we did not try to select the witnesses. We heard testimony for and against the treaty. We have over a thousand pages of testimony before us in the Senate. I feel that the hearings were very conclusive.

Mr. SPARKMAN. I thank the Senator. I appreciate his remarks. I said a while ago that I believe no member of the committee, except possibly the chairman, who was there practically all the time, heard more of the testimony than I did. I would put the Senator from Kansas in the same category, because he attended regularly. I was impressed by the hearings. I was impressed by the fact that these people were telling things as they saw them and as they understood the facts to be.

Mr. CARLSON. The distinguished Senator from Alabama was present practically all the time. I was not quite as often in attendance as he was, but I did attend most of the sessions.

Mr. SPARKMAN. If the Senator from Kansas was not present as often, he came very close to being there all the time. He was certainly present most of the time. I do not believe I ever attended hearings that were fairer or more adequate than these hearings.

Madam President, I am a lawyer. I practiced law before I came to Congress. I enjoyed practicing law. I was a courtroom lawyer. I know something about preponderance of evidence. Of course there were differences of opinion. Some of the experts saw things one way and some saw them in another way. When

they started to draw conclusions, they drew differing conclusions. Some of the experts saw a risk involved where another expert saw no risk involved. So it went. However, when we look at the subject as a whole, and measure it from the standpoint of preponderance of evidence, I must say that I have never seen a case develop that had greater preponderance of evidence in favor of a matter than this one has in favor of ratification of the treaty.

As the Senator from Minnesota has said, the military experts are the advisers to the United States. The Chairman of the Atomic Energy Commission heads the Commission that has jurisdiction over that awful power. I mean "awful" in the right sense. It has vast powers and responsibilities. We also heard the head of the Central Intelligence Agency.

I wish to stress again that downstairs in the committee room are to be found transcripts of the testimony of Mr. McCone, the head of the Central Intelligence Agency; and any Senator who desires to do so may read the whole, unexpurgated testimony of Dr. McCone. The same is true of Dr. Northrup. His is perhaps among the most interesting of all the testimony given during the entire hearing. It would give a lift to Members of the Senate to go downstairs and read the testimony of Dr. Northrup.

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

Mr. SPARKMAN. I yield.

Mr. CARLSON. The hearings would have been much more voluminous had all the testimony been printed.

Mr. SPARKMAN. Probably twice as big.

Mr. CARLSON. Much of the testimony was in executive session. If all of it had been printed, hundreds of pages of additional testimony would be before us.

Mr. SPARKMAN. Would not the Senator agree with me that it would give Senators a lift to read Dr. Northrup's testimony?

Mr. CARLSON. I agree completely. It was a revelation to me as to what was planned for the future.

Mr. SPARKMAN. When we talk about blackout, I am sure the Senator agrees with me that when we become pessimistic and think we have not been making headway with blackout, we find that there is no cause for pessimism.

The case has been strongly made. I believe it would be a terrible backward step, not only for the Senate, not only for the United States, but also for the world, and not only for this generation, but perhaps for many generations to come, and perhaps even for all generations to come. There might not be too many generations more to come. There may not be, unless we find some way to curb the terrible armaments race.

It may be that nations survive by strength, but not by military strength alone. Strength is to be measured in many different ways. It has been said that the treaty is a small step. It is, but it is an important step, a significant step.

I earnestly hope that the Senate will approve the treaty.

Mr. HUMPHREY. Madam President, will the Senator yield?

Mr. SPARKMAN. I yield.

Mr. HUMPHREY. I wish to read into the RECORD, with the Senator's permission, testimony from pages 354 and 355 of the hearings, particularly the colloquy under the heading "Chiefs' Agreement With General Taylor's Statement." Senator KUCHEL is doing the questioning at this point:

Senator KUCHEL. General LeMay, in the statement which General Taylor read to this committee several days ago, he said in part, and I quote:

"The broader advantages of the test ban treaty have led the Joint Chiefs of Staff to conclude that it is compatible with the security interests of the United States and to support its ratification."

Is that a correct statement of the position of the Joint Chiefs?

General LEMAY. I believe so; yes, sir.

Senator KUCHEL. It is fair to say that every member of the Joint Chiefs does support the ratification of the treaty?

General LEMAY. That is correct.

Then the Senator from California went on to ask whether any pressure had been brought to bear by the administration; namely, by the President, or the Secretary of Defense, on the chiefs of our military services.

The Senator from California said:

But for the record, for the benefit of the people of the country, it is then true without qualification that in acting simply and solely to determine the best interests of the people of the United States, it is true that every member of the Joint Chiefs of Staff supports the ratification of the treaty.

General LEMAY. I would like to amplify a little bit on your question, Senator.

First of all, as to the brainwashing. I would resent very much any attempt to put pressure on me to come up with an answer either way on this treaty. I recognize that I have not only a responsibility to the President and the administration but that I have one to the Congress and to the people of the United States also.

So, I say again that here has been no pressure applied to me in this matter, and I have come up with the best possible answer that I could give based on all of the knowledge that I have in the military profession in nuclear science, and with all of the input that I could get from everyone who could talk intelligently on this subject.

On page 355, General Wheeler said:

Senator, my position as regards pressure is exactly that of General LeMay. I, too, would resent any pressure being put upon me.

He further said:

All of us have reservations in this area. I think the reservations are well spelled out in the paper which we presented to the Congress. In the purest sense of the term any agreement or treaty which limits the manner in which we develop our weapons systems represents a military disadvantage.

On the other hand, there can also be military advantages, and certainly there can be political advantages, to the overall good of the country. I think General LeMay is correct in saying that each of us probably assessed the various risks and the various advantages with a slightly different weight.

However, the net result you can read. We all agreed that in toto the treaty is acceptable.

Then we come to Admiral McDonald:

Admiral MCDONALD. I have nothing to add to what General LeMay and General Wheeler have stated other than to say for myself that no pressure whatsoever was put upon me.

General Shoup, Commandant of the U.S. Marine Corps, also responded.

General Shoup made it quite clear. He said:

NO "PRESSURE" FELT

General SHOUP. I agree with that statement. I would like to—I suppose this is the time, if I came back here to say something this is the time to say it.

I hold a very unique position amongst the other service chiefs inasmuch as the likely value of my views and counsel has been limited by legislation to the matters in which I declare the interests of the Marine Corps are directly involved.

In this particular item I did not take the position of direct concern. However, I did avail myself of the opportunity and privilege of being present during all the discussions.

In addition I was called for by the Commander in Chief and the Secretary of Defense in person and in private and I presume that if pressure was being used I would have found it out.

There was no such indication whatsoever.

I would like to make one other statement. That I believe that there is a possibility of getting our orientation too closely frozen to this business of a nuclear exchange.

Obviously, we want to avoid nuclear blackmail, and it is by these safeguards that are stated here that is intended to be provided for.

FIFTH SAFEGUARD TO FIGHT COMMUNISM

Nevertheless, I would like to point out that I believe one of the main purposes of our Government is to prevent the spread of communism and the Communist system.

Then I would like to call to your attention the fact that communism has not yet been spread by the use of nuclear weapons, and I think a fifth safeguard is an essential one at this time and that is our efforts should be tripled against the spread of communism by methods other than the use or the threat of nuclear weapons.

Senator KUCHEL. Thank you, sir. Both you and Admiral McDonald do then support the ratification of the treaty?

General SHOUP. I do.

Admiral MCDONALD. I do.

Madam President, if we are to talk about retired military officers—and retired military officers have a fine and unique role in American life—I should like to cite a statement by a retired military officer who was not only a five-star general, but also was a commander in chief of the U.S. Armed Forces—General Eisenhower. General Eisenhower was commander in chief when General Twining was chairman of the Joint Chiefs of Staff. General Eisenhower supports the treaty.

If we are to look for retired military officers, I think we can find some quite responsible ones in American society who support the treaty. General Eisenhower supports it. General White, of the Air Force, supports it. The Joint Chiefs of Staff, who have access to intelligence information in the year 1963—not 1953 or 1958—support it.

Mr. SPARKMAN. In connection with the statement by the Senator from Minnesota, not only does General Eisenhower support the treaty now, but when he was commander in chief he proposed almost the identical treaty.

Mr. HUMPHREY. Exactly.

Mr. SPARKMAN. He supported it strongly then.

Mr. THURMOND. Madam President, will the Senator yield on that point?

Mr. SPARKMAN. I yield.

Mr. THURMOND. Was not that before the Russians conducted the big high-yield tests in 1961 and 1962?

Mr. SPARKMAN. Yes. But even following those tests, our military officials, who have the responsibility for advising us, and our scientists deliberately decided that we did not want to go to the high-yield tests.

There is another point I have not mentioned. I am sure it has been mentioned in the course of the debate. The Senator from Minnesota read from the testimony of certain members of the Joint Chiefs of Staff. The Senator will remember that General Taylor, as well as various other members of the Joint Chiefs of Staff, told the committee that they were consulted frequently in the course of making ready for the treaty; that is, they were consulted on matters involving the treaty. We were told that they actually helped prepare the directive under which Mr. Harriman went to Moscow.

Mr. HUMPHREY. General Taylor told us that he was in daily communication by cable.

Mr. SPARKMAN. I believe General Shoup testified—I do not think the Senator read this part—that he was kept informed of every single word that went into the treaty, and that he endorsed every one of them. The Joint Chiefs of Staff told us that they were kept in daily touch. General Taylor was advised daily. He saw all the dispatches, and he in turn passed the word on to the staff Chiefs. They knew at all times what was taking place. The treaty was endorsed throughout the proceedings.

I have never seen a treaty so thoroughly considered by all those concerned and taking part in it as this particular treaty.

Mrs. SMITH. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. PELL in the Chair). Does the Senator from Alabama yield to the Senator from Maine?

Mr. SPARKMAN. I yield.

Mrs. SMITH. I thank the distinguished Senator from Alabama for his response to my question. I have listened to a part of his statement, and shall read the rest of it and give it my most earnest attention and study.

Mr. SPARKMAN. I am grateful to the Senator from Maine. I feel that the whole Senate should be grateful to the Senator from Maine, because she has put her finger on some of the most compelling and pertinent questions with which Senators were faced. Some of the questions propounded by the Senator from Maine were asked in almost the exact form as the questions propounded here. I believe every single one of them was asked of the military representatives, scientists, and various other persons who came before the committee. I have not picked out all the answers, but I have tried to select what I thought was the predominant opinion expressed by those who were in a position to know in giving answers to Senators.

As I said a few minutes ago, it is, of course, recognized that when this proposal is considered from one standpoint or another, disadvantages are found. I like the concluding paragraph of the report that was made by the Preparedness Investigating Subcommittee, of which I believe the Senator from Maine is a member. It reads:

> Although we have concluded that there will be a net military disadvantage to us if the treaty is ratified, we recognize the existence of other factors which, while not within the scope of this report, are pertinent to a final judgment on the treaty.

The report then continues with a fine discussion of the subject. I agree with the statement in full. We do not live in a little world, where we can choose our individual environments. We must take everything into consideration. We cannot live in a purely military world. Political factors are illustrated many times over in places where we have military obligations today. They are mixed and intermixed, so that we are almost unable to disentangle political from military factors. The political and military factors are mixed. As the Senator from Minnesota said a while ago, we are living in 1963, at a time when both sides are heavily burdened with thermonuclear weapons; when the world could be destroyed and civilization could be destroyed if something went wrong. We cannot totally disregard any particular side or facet or factor. We must consider them all. That is what I have tried to do. That is what I believe the witnesses generally have tried to do.

Mrs. SMITH. Mr. President, it is a privilege to be a member of the Preparedness Investigating Subcommittee. Although I have not come to a decision on the treaty, I did sign what I considered to be a fine report. I have appreciated serving under the chairmanship of the distinguished Senator from Mississippi, who rendered outstanding service. The committee heard many witnesses whom the Committee on Foreign Relations heard.

While I am studying the response of the distinguished Senator from Alabama, I have more questions that I wish to ask, if I may, and if he will be patient with me.

Although I am not a lawyer and have had no legal training, there are certain ambiguities in the nuclear test ban treaty that raise questions. The wording of the treaty raises these questions, and I hope that before the debate has been concluded, legal answers will be supplied to these questions.

Mr. SPARKMAN. I thank the Senator from Maine. I have watched the subcommittee under the chairmanship of the able Senator from Mississippi [Mr. STENNIS], and I know that he would perform only a first-rate service. I discussed the matter with him before our committee ever started hearings on the treaty. I have a very high regard for the subcommittee's report; and I have been glad to quote the last paragraph therein, which I think is a very significant statement by the subcommittee.

Mr. THURMOND. Let me say that while the distinguished Senator from Alabama was going over his points, I assumed that he was going to answer each one of the points raised by the distinguished Senator from Maine. He started with a few, but he did not take up all of them. Is he putting the rest of them in the RECORD?

Mr. SPARKMAN. Does the Senator have a copy of my remarks?

Mr. THURMOND. I do not yet have a copy.

Mr. SPARKMAN. I now hand the Senator one.

Mr. THURMOND. I was going to take them one by one and ask questions on them.

Mr. SPARKMAN. I would not mind going through all the points, but I felt it would be an imposition on the numerous Senators who have been waiting for an opportunity to speak. I thought the Senator from South Carolina had a copy of my speech.

Mrs. SMITH. Mr. President, I ask unanimous consent to have printed in the RECORD at this point my further questions.

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

STATEMENT BY SENATOR SMITH

SOME QUESTIONS RAISED BY THE WORDING OF THE NUCLEAR TEST BAN TREATY

I

Under the wording of the first paragraph of article I of the treaty each of the parties to the treaty undertakes to prohibit, to prevent, and not to carry out any nuclear explosion, "at any place under its jurisdiction or control:

"(a) in the atmosphere; beyond its limits, including outer space; or underwater, including territorial waters or high seas; or."

Questions raised:

1. Could a party to the treaty carry out a nuclear explosion in the atmosphere above an uninhabited island not claimed by it and justify its action upon the ground that the explosion did not occur at a place under its jurisdiction or control?

2. What nuclear explosions in outer space are banned by this paragraph in view of the fact that outer space, and particularly the more remote regions thereof, is not considered to be within the jurisdiction or control of any nation? If Russia explodes a nuclear device in outer space and we claim that such action is prohibited by this paragraph, are we placed in a position where we must simultaneously admit that Russia has jurisdiction over or controls the particular region of outer space in which the explosion occurs?

3. Would a nuclear explosion underwater in the middle of the Pacific Ocean be barred by this paragraph in view of the fact that the high seas are not considered by nations to be within the control or jurisdiction of any particular nation?

4. Does the ban on "any other nuclear explosion" prevent us from operating atomic energy plants for the production of electricity, the steamship *Savannah*, or any atomic submarine, all of which are operated by means of controlled atomic explosions?

5. Will we be branded as a violator of the treaty if we have an accidental explosion at one of our atomic energy plants?

II

If section I of article I means what it appears to say, and relates only to nuclear explosions carried out by a party at a place

under its jurisdiction or control, it becomes necessary to look elsewhere in the treaty for language prohibiting a party from carrying out explosions at places not under its jurisdiction or control.

Paragraph 2 of article I of the treaty does not contain the limiting language "at any place under its jurisdiction or control" and would therefore have much wider application than paragraph 1 of that article, if it is the intention of the parties that it should apply to direct acts of the parties as distinguished from indirect acts of the parties. The explanation of paragraph 2 contained in the letter to the President from the Acting Secretary of State, dated August 8, 1963, and containing an explanation of the treaty, indicates that paragraph 2 was designed to be applicable to indirect action but does not state flatly that it does not apply to direct acts (see Executive M, 88th Cong., 1st sess., p. 6).

Questions raised:

1. Does paragraph 2 apply to direct acts of the parties or only to indirect acts of the parties? For example, does it apply to a nuclear explosion by Russia in the atmosphere above Russian soil or is it intended to apply only to such a situation as a nuclear explosion by the Communist Chinese regime in the atmosphere above China which is caused, encouraged, or participated in by Russia?

2. If paragraph 2 does apply to direct acts of the parties, how do you resolve the conflict between its provisions, which are not limited by the phrase "at any place under its jurisdiction or control", and the provisions of paragraph 1, which are limited by such phrase?

III

Article IV of the treaty provides that a party desiring to withdraw from the treaty must give notice 3 months in advance.

Question raised:

If the U.S. decides to withdraw from the treaty because it has irrefutable evidence that Russia has violated it, would we not be compelled to wait 3 months before resuming nuclear testing unless we were willing to risk being branded as treaty violators?

(At this point Mr. PELL took the chair as Presiding Officer.)

Mr. DOUGLAS. Mr. President, the test ban treaty imposes a solemn responsibility upon all Senators. If Russia has been able to develop an antiballistic missile during the 2 years in which she broke the informal moratorium, she would be able to launch a devastating attack upon us and largely parry our counterattack. We would then lose our deterrent and expose ourselves to terrible devastation.

These are questions which have deeply disturbed me during this last week. I do not know whether these suspicions are true. They may be or they may not be.

On the other hand, the case for ratification is strong since rejection would greatly damage our international position and acceptance would greatly reduce radioactive fallout and offer some opportunity for cautious yet constructive steps toward peace.

To my mind, with some genuine doubts, on balance the treaty is in the interest of the United States. Therefore, I will vote for it. Certainly it is now Russia's turn to demonstrate good faith, while we should not let down our guard.

THE AMERICAN REVOLUTION OF 1963—AN NBC DOCUMENTARY

As in legislative session,

Mr. HICKENLOOPER. I have a copy of a letter, Mr. President, from Robert M. L. Johnson, the mayor of Cedar Rapids, Iowa, which is my hometown. The letter was written on September 12, 1963, to Mr. Robert Kintner, president of the National Broadcasting Co., 30 Rockefeller Plaza, New York City.

I ask unanimous consent that the letter be printed in the RECORD as a part of my remarks.

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

CITY OF CEDAR RAPIDS,
Cedar Rapids, Iowa, September 12, 1963.

Mr. ROBERT KINTNER,
President, National Broadcasting Co.,
New York, N.Y.

DEAR MR. KINTNER: A few observations concerning the 3-hour documentary presented by your network on September 2, 1963, "The American Revolution of 1963."

At one point in the program Dr. Wendell Cotton, a Negro orthodontist from Los Angeles, Calif., reviewed his experiences and stated that while driving from Chicago to California he was refused motel accommodations in Cedar Rapids, Iowa. There was no further explanation, to my knowledge, regarding this incident. I have just completed a telephone call to Dr. Cotton in which we reviewed the incident referred to in your network program, and I was somewhat shocked when Dr. Cotton told me the incident happened in 1947—16 years ago.

Furthermore, Dr. Cotton told me the incident did not happen in Cedar Rapids but rather on the outskirts of the city. Dr. Cotton also told me that a gentleman who heard the discussion at the motel offered to take him back to Cedar Rapids and to a friend's house where he could spend the night with his good wife and 6 weeks old baby.

Dr. Cotton told me that he did accept that offer and that he did spend the night in a Cedar Rapids home.

Whether or not your research people had all of these facts I do not know but as mayor of this city I can say without reservation that the impression left by your network across the Nation is one of discrimination prevalent in Iowa, despite the fact that Iowa is recognized as having one of the best public accommodations laws in the Nation.

In my opinion, the NBC report was unfair, prejudiced and did not accurately portray "The American Revolution of 1963." I might add here that I am a former radio-television newscaster and newspaper reporter.

I will be most appreciative of any response explaining NBC's editorial judgment that you may be inclined to forward to me.

Yours for good government,
ROBERT M. L. JOHNSON,
Mayor.

Mr. HICKENLOOPER. Mr. President, in deference to the Senator from Pennsylvania, who is waiting to speak, I shall not read the entire letter, but I do wish to call the attention of the Senate to some of the unfortunate distortions that occur from time to time in what otherwise should be completely objective news media.

On September 2, 1963, the National Broadcasting Co. televised a 3-hour documentary called "The American Revolution of 1963."

As Mayor Johnson points out:

At one point in the program, Dr. Wendell Cotton, a Negro orthodontist from Los Angeles, reviewed his experiences and stated that while driving from Chicago to California he was refused motel accommodations in Cedar Rapids, Iowa. There was no further explanation.

Mr. Johnson further writes:

I have just completed a telephone call to Dr. Cotton in which we reviewed the incident referred to in your network program, and I was somewhat shocked when Dr. Cotton told me the incident happened in 1947—16 years ago.

Furthermore, Dr. Cotton told me the incident did not happen in Cedar Rapids but rather on the outskirts of the city. Dr. Cotton also told me that a gentleman who heard the discussion at the motel offered to take him back to Cedar Rapids and to a friend's house where he could spend the night with his good wife and 6-week-old baby.

Mr. Johnson goes on to say that he believes it is stretching somewhat the timely comment on a subject of this kind by including in a documentary that is supposed to be up to date, and is presented as present fact, something that happened 16 years ago, but without any explanation to the public that it was an antiquated and ancient incident which apparently was reasonably happily resolved at that time. However, it was not so presented in the documentary.

Mr. President, this is not the first time that so-called documentaries have used propaganda, distorted the facts involved, or failed to give full representation or disclosure of the facts, in order to promote certain issues those in charge wish to present to the public.

SALE OF WHEAT BY CANADA TO THE SOVIET UNION

As in legislative session,

Mr. HUMPHREY. Mr. President, at 11 o'clock this morning the Canadian Minister of Trade and Commerce announced an agreement to sell a record amount of wheat to the Soviet Union. The agreement calls for delivery to Russia of 239 million bushels of Canadian wheat and wheat equivalent of flour by July 31, 1964. This sales agreement, including a smaller one of 11 million bushels announced earlier this month, represents a forthcoming movement of Canadian wheat to the Soviet Union totaling $500 million. The terms of payment are favorable—25 percent down, with the balance in three equal 6-month installments.

The Canadian wheat sale has considerable meaning to Canada, in terms of her farmers, her overflowing storage facilities, and her foreign exchange earnings. A press dispatch from Ottawa quoted Mitchell Sharp, the Trade Minister, as saying that the new wheat purchase by the Soviet Union is equal to two-thirds of total Canadian wheat and flour shipments made in the entire 1962–63 crop year. He said it will bring Canadian wheat exports in the 1963–64 crop year ending next July 31 to a record 550 million bushels—nearly all of it sold for dollars—as compared with the existing record of 408 million bushels in the 1928–29 crop year. Also, and this is certainly most significant, this year's exports are expected to bring Canada foreign exchange earnings of more than a billion dollars. While the United States is expected to export 650 to 700 million bushels of wheat in fiscal year 1964, only 200

to 250 million bushels of this will be sold for dollars.

I bring this transaction to the attention of the Senate because it directly points up an important direction in world wheat trade in which the United States is not a part. Wheat and other grains are moving in tremendous quantities from the West to the East, but we in the United States—despite our tremendous productive capacity and our big reserves and our competitive prices—are being bypassed. The reason we are being bypassed is our export policy—a policy that is antiquated, a policy that is not in the best interests of this country, a policy which, if pursued, will deny us an opportunity to use our productive capacity either for the good of ourselves or for the good of anybody else.

The time is long overdue for a complete reexamination of our outdated export policy. It is not suitable for present conditions and must be changed if we are to share properly in world markets.

Mr. President, wheat is not what I would call a military item. It just so happens when the Secretary of Agriculture visited the Soviet Union recently, he had intended to visit what are known as the new lands, the areas that in recent years have been put under the plow, for the purpose of producing wheat.

His itinerary was charged by the Soviet Government. I gather the reason is quite clear now—a reason the Weather Bureau of our Government might well have reported to the Congress or to the executive branch, and most likely did.

(At this point Mr. McGOVERN took the chair as Presiding Officer.)

Mr. HUMPHREY. Mr. President, the Soviet Union has experienced a crop failure. Poland is experiencing one. A drought has gripped the entire area. What the leaders of these countries had hoped to be a bumper crop became a poor crop. Today the Soviet Union finds itself, as China did 2 years ago, in desperate need of cereals. Two years ago the Canadians sold hundreds of millions of bushels of wheat to China. They sold it for dollars—for gold—not for Chinese yen. And they are not selling it now to Russia for Russian rubles. They are not giving it away, either.

China received the wheat; Canada received the dollars. Canada emptied her surplus bins. Last year the Canadian Government asked the Canadian wheat farmers to produce as much wheat as they possibly could. At the same time our Government was asking the American wheat farmer in a referendum to accept drastic cutbacks in acreage and production.

The American wheat farmer turned the proposal down. We must respect that decision. I will not be a party to penalizing that farmer or in any way criticizing him or chastising him. He was given one choice and he turned it down. I think it is about time our Government gives our farmers another choice—to let the American wheat farmer do business instead of keeping him under controls, regulations, supply management, and restrictions which he does not like, and instead of having our granaries overflowing, at a cost to the taxpayers of hundreds of millions of dollars a year for storage; and also for millions of bushels of wheat that are damaged due to rodents, vermin, or weather. It is time for us to examine the validity of an export policy—by Congress and by the executive branch—which makes it exceedingly difficult, if not impossible, to export grains to the Soviet Union and its satellites, which are willing to pay for it with hard currency, at a time when we have a shortage in our gold reserves; at a time when we have a deficit in the balance of payments; at a time when severe economic problems face our wheat farmers in the coming year. The present occupant of the chair [Mr. McGOVERN] knows, because he is from South Dakota, that the price of wheat could drop to $1 or $1.25 a bushel next year—when we face a bumper wheat crop.

Mr. President, I do not criticize Canada. Canada is one of the great free nations of the world. Canadians are as loyal to the principles of democracy as any country in the world. The Canadians were our allies in two world wars. The Canadians have stood by us in every area, national and international. The new Government in Canada is friendly to our Government. But, today it sold $500 million of its wheat on terms of 25-percent down and the balance to be paid off in three equal installments at 6-month intervals. This is short-term credit.

We should take a look and see what is wrong with our trade policy. I protest this Government's action—or its inaction—in failing to bring these policies up to date. I call upon our Government—the President, the Secretary of Agriculture, the Secretary of State, the Secretary of Commerce, and the Congress itself—to reexamine our trade policy and explore the possibilities of expanding foreign trade in food products in the Soviet sphere.

Mr. President, I ask unanimous consent that a news article entitled "Canada Planning To Sell Russia $500 Million Worth of Wheat," written by Philip Shabecoff and published in the New York Times, September 14, 1963, be printed at this point in the RECORD.

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

CANADA PLANNING TO SELL RUSSIA $500 MILLION WORTH OF WHEAT

(By Philip Shabecoff)

The Canadian Government is expected to announce today or tomorrow a wheat sale to the Soviet Union that may run as high as 250 to 300 million bushels, trade sources here said yesterday.

These sources said this would be the largest single wheat sale ever transacted. Its value would be at least $500 million.

Earlier yesterday, the Canadian Wheat Board acted to suspend all operations in oversea sales of wheat after October 20, indicating that a massive sale would be forthcoming.

Exporters here said that Russia, normally an exporter of wheat, was being forced to import wheat this year because of a severe crop failure caused by drought.

The Soviet Union has denied any extensive crop failure. However, it had already purchased 1 million tons of wheat from Australia before it opened negotiations with the Canadian Government.

One trade observer said yesterday that "at this point Russia will take wheat from any place she can get it, including the United States."

The Soviet Union reportedly has already chartered ships to carry wheat from both Canadian coasts starting in October. Tramp steamer rates have been rising in expectation of heavy shipments.

Earlier this summer Canada completed a 187-million-bushel sale to Communist China for delivery over the next 3 years. Canada also has contracted for heavy exports to Poland. The total Canadian wheat crop for 1963 has been estimated at about 700 million bushels.

The head of the international department of a leading wheat exporting concern asserted that the huge Russian wheat purchases coupled with the poor Western European wheat crop this year add up to "a fundamental change in the world wheat situation this year." He said the wheat requirements of normally exporting areas would create "tremendous opportunities for North American wheat."

"Two weeks ago American wheat was a dead issue," the executive said. "Today it is a red-hot item."

Grain futures traded in Chicago have made substantial gains in the last week.

Walter C. Klein, president of the Bunge Corp., an international export grain concern, said last night that 'in our opinion the ultimate implications of the large unexpected demand for wheat behind the Iron Curtain will be very favorable in terms of reducing the free world's burdensome wheat surplus—including that of the United States. This coming, by coincidence, at a time when Western Europe is in trouble with their own wheat crop will enable the United States to sell to the Western World quantities not visualized just a few weeks ago."

Most of the major wheat exporting companies contacted last night expressed a strong interest in selling to the Soviet Union. However, they consider the attitude of the Kennedy administration toward such sales as problematical.

Under the U.S. export control program, such sales must be made under a Government license. This license has been very difficult to obtain in the past.

One trade official speculated that Secretary of Agriculture Orville L. Freeman may have discussed sales of American wheat when he met with Premier Khrushchev on his recent trip to Russia.

Reports from Washington, however, indicated yesterday that Secretary Freeman did not talk about American wheat sales while in Russia.

Mr. PELL subsequently said: Mr. President, I wish to add my word of support for the thoughts expressed by the Senator from Minnesota concerning the sale of grain to Russia.

DREW PEARSON AND THE COMMUNIST LINE

As in legislation session,

Mr. THURMOND. Mr. President, if there is one thing for which I have a distinct distaste it is reading Drew Pearson's column. The principal reason why I do not waste time reading it is that I have never come to appreciate fiction over fact, and as is generally recognized, Mr. Pearson and his associate, Jack Anderson, deal predominately in fiction and twisted facts rather than facts and truth.

Some who read Mr. Pearson's column on the funny page in the Washington Post do call various of his columns to my

attention, especially when they parrot the Khrushchev line, as many of Mr. Pearson's columns do. In a recent series of columns, written from the Soviet Union, Communist satellite countries, and from Turkey, Mr. Pearson has again shown himself to be Mr. Khrushchev's "Goebbels." This may be a harsh statement to make, Mr. President, but I believe that a perusal of these columns will convince any objective reader that the "Communist line" on the wonderful life under communism, Mr. Khrushchev's fervent desire for peace, and the advantages of accommodation with communism constitutes the major thrust of these columns.

Even Mr. Pearson recalls in one of these columns that on an earlier visit by him with Mr. Khrushchev, at his Black Sea resort in 1960, he reported back to America that we in this country had a wonderful opportunity to make peace with his friend, Mr. Khrushchev. Mr. Pearson contends that the proposed test ban treaty confirms his earlier position, but he overlooks the intervening acts of perfidy by Mr. Khrushchev—in Berlin, Cuba, and southeast Asia—as he usually does.

Mr. President, I ask unanimous consent that the following Pearson columns be printed at the conclusion of these remarks:

"Soviet To Reduce Arms, K. Says," August 21, 1963.

"K. Stresses Question of Germany," August 22, 1963.

"Leave the Chinese to Us, K. Says," August 23, 1963.

" 'Socialist Life' Keeps K. Young," August 24, 1963.

"Record Cited in Support of Russian Regard for Treaties," August 31, 1963.

"Farm Cooperatives Succeed in Rumania, September 2, 1963.

"Rumania Is Opposed by State Department," September 4, 1963.

"History Links Arms Races to War," September 7, 1961.

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

(See exhibits 1 to 8.)

Mr. THURMOND. Mr. President, I also call to the attention of my colleagues a vindictive column against three U.S. Senators written by Mr. Pearson on September 13, entitled "Will J. F. K. Keep Turning His Cheek?" The column is typical of Mr. Pearson's warped reasoning that all U.S. Senators should be susceptible to being bought off by administration favors and attentions, and that they are ingrates if they do not feel so bound, even though their integrity may not permit them to subscribe to Mr. Pearson's dubious code. I am confident that Members of this body will resent Mr. Pearson's insinuation that the distinguished junior Senator from Florida [Mr. SMATHERS], the distinguished senior Senator from Georgia [Mr. RUSSELL] and the distinguished junior Senator from Mississippi [Mr. STENNIS] could be bought off by what he reports to have been administration efforts to influence their actions in the U.S. Senate.

I am also sure, Mr. President, that the Members of the Senate will likewise take offense at Mr. Pearson's statement over station WTOP–TV yesterday to the effect that the distinguished junior Senator from Louisiana [Mr. LONG] and the distinguished junior Senator from Mississippi [Mr. STENNIS] are standing against the test ban treaty for "purely political reasons."

Mr. President, I realize that by paying these questionable tributes to Mr. Pearson that I will probably soon be making headlines on both the funny and editorial pages of the Washington Post. Nevertheless, Mr. President, I feel that too little attention is devoted to exposing this "great exposer," and his journalistic leprosy.

EXHIBIT 1

[From the Washington Post, Aug. 21, 1963]

SOVIET TO REDUCE ARMS, K. SAYS

(By Drew Pearson)

GAGRA, U.S.S.R.—Premier Nikita Khrushchev has informed me, in the first exclusive interview he has given since the test ban treaty, that the Soviet Union will proceed with arms reduction whether the United States reduces or not.

"In the field of economics we will compete with you, but we won't compete with you on war preparation," he said.

The interview took place near the dark blue water of the Black Sea beside Khrushchev's beautiful swimming pool—which he demonstrated to Agnes Meyer, who participated in the interview. The Communist leader was very frank and friendly and careful to say nothing that might upset the new era of better understanding between the United States and Russia. He also discussed Berlin, a possible summit meeting, the late Pope John, and prevention of surprise attack.

His statement on unilateral disarmament came after I recalled a previously published admonition by President Kennedy to Air Force Gen. Curtis LeMay that generals did not need the capacity to destroy Russian cities several thousand times.

"General LeMay knows full well his capacity for overkill," replied Khrushchev, using Pentagon parlance. "But he's under pressure from the arms monopolies, which are trying to get as many war orders as possible.

"Regardless of whether the United States stops increasing its arms budget or not we are going to stop increasing ours because we have enough of all these things. You have a lot of dollars and you can go on spending but we will not do that. In the economic field we will compete with you, but we won't compete with you in war preparation.

ARMS RACE ABSURD

"I believe President Kennedy said the United States could destroy the Soviet Union several times; I can't remember how many times. He also said the Soviet Union could destroy the United States several times. Now, isn't this convincing proof that the arms race is absurd?

"Even without an agreement with the United States, we are not going to spend all this money on arms. For 1964, we will have an arms budget at the same level of 1963 or even less, and in 1965 we will probably reduce allocations for the military even further.

"I will tell you about an episode which occurred about 2 years ago when we were discussing the reduction of arms. This was a discussion inside our own Government. Some said it was better to link arms reduction with the disarmament talks in Geneva, but we finally told our people it was better to handle it unilaterally because if we tied arms reduction to the talks at Geneva, we would never get anywhere.

"This is what happened. The Geneva talks are still going on but we've reduced arms unilaterally. We've saved fantastic funds and our firepower is not weaker. It is greater.

"The military," Khrushchev concluded, "sometimes don't know when to stop."

The above appears to confirm reports that Khrushchev was having arguments with Red army leaders. He gave me a hint of this when he told me 2 years ago that military leaders wanted to resume nuclear testing. It was also reported after the Cuban crisis that it was the Red army which insisted on placing missiles in Cuba.

CAN'T UNDERSTAND J. F. K.

Khrushchev was in an entirely different mood than when he talked beside the same swimming pool 2 years ago. That was right after his abortive talk with Mr. Kennedy in Vienna, when he was greatly concerned over Mr. Kennedy dispatching additional U.S. troops to West Germany and his increased budget for long-range bombers.

At that time Khrushchev had told me, "I can't understand your young Mr. Kennedy. He has increased his military budget twice since he came into office. However, for every American soldier he sends to West Germany, we can send two to East Germany, for we are closer than you."

This time, however, Nikita Sergeevich, as he is affectionately called by the Russian people, was far more friendly to Mr. Kennedy. When I asked him about the possibility of inviting Mr. Kennedy to Moscow he indicated this was up to Mr. Kennedy.

"I don't think I can give you a direct reply," he said. "There is another party which should be asked first."

Regarding a summit meeting, he continued, "I never object to one provided the intentions of the participants are good."

I shall report Thursday on Khrushchev's views on Berlin and steps for increasing better relations between the United States and Russia.

EXHIBIT 2

[From the Washington Post, Aug. 22, 1963]

K. STRESSES QUESTION OF GERMANY

(By Drew Pearson)

GAGRA, U.S.S.R.—The last time I interviewed Khrushchev on the shores of the Black Sea, the Berlin crisis was at its peak and he gave his ideas on the Berlin problem with considerable vigor.

This time he was more sympathetic, though still emphatic that the German question was the key to European peace.

"The German question is like a case of appendicitis," he said. "Everyone understands it's harmful but the patient doesn't want to be operated on, so he walks around and aggravates his disease.

"Everyone wants a settlement on the German question. It would improve relations not only between the United States and the Soviet Union, but all countries. I am sure this is the wish of President Kennedy.

"It would seem quite reasonable to let the people of West Berlin," he replied, "a peace they wish, but along comes Adenauer and objects. He then starts bargaining between Kennedy and De Gaulle and Berlin becomes a pawn.

"However, it is inconceivable that we should have war. Why should we go to war over Adenauer's claims?"

When I asked Khrushchev for his present ideas of settling Berlin, he replied, "A peace treaty should be signed between the two German states. One goes toward capitalism and the other goes forward to socialism. But we must let them work out their future. We must sign a treaty guaranteeing routes of access and guaranteeing noninterference in their internal affairs. We must give West Berlin a chance to develop the way it wants.

"This will be a reasonable solution. It would not infringe on either of the two states, but would give them a chance to develop as they wish. We want Germany to

become a Socialist state. You want Germany to become a capitalist state. This cannot be arranged around a round table." I didn't understand the translation of this and asked for an explanation.

A TABLE OF ANY SHAPE

"You got me wrong," explained Mr. K. "I was ironic about the round table. The shape of the table has nothing to do with it. It will not help us to talk at a table of any shape. No side will yield, so the only solution is to sign a peace treaty and let Germany work out its own solution."

"Would this mean that Bonn would give up its demand for reunification?" asked Agnes Meyer, who participated in the interview.

"Yes, this is so," replied Khrushchev, "but there again in a peace treaty we can meet the national wishes of the people and there can be unification of the two German states provided there is agreement between the two German governments.

"On what basis will they agree?" Khrushchev asked, then answered his own question: "Maybe capitalistic, maybe socialistic. It is up to them to discuss and decide."

I asked him whether he and Dean Rusk made any progress in settling these matters.

"No," he replied. "We've only exchanged views. We decided not to bring up this question now, not until the test-ban treaty has been disposed of. Then we will proceed to other questions. We also decided to pay some attention to the nonaggression pact between NATO and the Warsaw Pact nations, but we didn't decide anything except to come back and discuss it all later."

GERMAN QUESTION FIRST

I asked whether there was any priority regarding which subject should be discussed first. Mr. K. replied, "These matters are not linked in any way. Of course, it would be more desirable to discuss the German question first because it is a major one. Discussion on a nonaggression pact is easier. It is a moral matter."

I recall a conversation with Mayor Willy Brandt in West Berlin last year in which he advocated putting part of the United Nations in West Berlin.

"I have said we favor the deployment of part of the U.N. in Berlin," Khrushchev observed, "but that does not mean there will be no control at the border dividing Berlin. All states have their borders and guard them and it is time for the West to get used to that fact. East Germany will guard its border."

When I asked Khrushchev about reports that he might visit Pope Paul, he left the door open with this reply:

"Replying in office-like language, I may state that so far my plans do not include such a visit." Then he went on to say, "The late Pope John was a man of whom it might be said 'He felt the pulse of the time.' He was much wiser than his predecessor. He understood the times we live in."

Khrushchev discussed the question of mutual trust and, briefly, Red China, as will be reported on Friday.

EXHIBIT 3

[From the Washington Post, Aug. 23, 1963]

LEAVE THE CHINESE TO US, K. SAYS

(By Drew Pearson)

GAGRA, U.S.S.R.—Chairman Khrushchev was extremely frank when I interviewed him on the shore of the Black Sea except on one point—Red China. Here he was humorous but cagey.

I opened the subject by asking whether China, now out from under the wing of the Soviet, might cause world trouble.

"Now you are trying to make me speak for the Chinese," Khrushchev replied, "I am not instructed to speak for the Chinese but if I am to express my own personal view, I don't expect they will start anything. The Chinese believe in peace and coexistence. They are saying so and we believe them."

Agnes Meyer, who participated in the interview, then asked whether the growing trust between the United States and the Soviet Union would help prevent the Chinese from causing trouble.

Khrushchev replied, "I should say the Chinese people and Government want peace. But, of course, better relations between the United States and the U.S.S.R. will better stablize the world situation. I don't mean an American-Soviet understanding at the expense of a third party, but one from which all nations would gain."

"But," I asked Khrushchev, "wasn't one of the quarrels between China and the Soviet the fact that China did not believe in coexistence?"

"Let us agree on one thing," Mr. K. shot back, "put the responsibility for negotiating with China on our shoulders, not on yours."

That ended that.

IMPROVING MUTUAL TRUST

When I interviewed Khrushchev 2 years ago, we discussed the difficulty of getting better United States-Soviet relations unless there was more mutual trust. This brought a lot of criticism from rightwingers in the United States, who asserted that mutual trust was impossible, but I am still convinced it is the most important problem facing the two countries and I asked Khrushchev how we could improve mutual trust. He enumerated the following points:

"The major question is disarmament, but it is difficult to approach now, so we should take up some other matters first. The test ban treaty, while not complete, has settled the heart of the problem—the poisoning of the atmosphere.

"The second is a nonaggression pact.

"The third is the German question. If we solve it, it will clear the atmosphere right away. Then we will be in a position to talk about a reduction in armed forces in Germany. This is a matter on which I believe we can agree.

"Then there is the freezing of budgets to stop the arms race.

"Finally, we believe it is possible to preclude a surprise attack. What does this mean? It means that we would deploy control groups on the territory of each side—at major railway junctions, airports, and seaports. The groups would see to it that there was no movement of troops for surprise attack and this in turn would lead to greater confidence.

"After that we could raise the question of withdrawing troops back to their original frontiers, which in turn could lead to a discussion of general disarmament."

INSPECTION QUESTION

"What is the difference between inspection to prevent a surprise attack and inspection to check on underground nuclear tests?" I asked.

"The difference," Khrushchev replied, "is that inspectors for underground tests would cover great areas while inspectors for a surprise attack would be stationed at key places to see whether troops are moved. They would not roam around the country because if they left their specific observation posts, troops might move while they were away."

Khrushchev also talked briefly but positively about the problem of convincing people of the need for trust: "To convince people, it is sometimes necessary to ask who is doing the convincing—and, do they want to be convinced? Do they realize that in the next war the rich and the poor will require the same coffin?"

My personal conclusions regarding Khrushchev's current outlook on life, war and the United States will be reported in an early column.

EXHIBIT 4

[From the Washington Post, Aug. 24, 1963]

SOCIALIST LIFE KEEPS K. YOUNG

(By Drew Pearson)

GAGRA, U.S.S.R.—This interview with Soviet Premier Nikita Khrushchev was more hurried than the last because he was leaving for Yugoslavia.

"Because of this," he said, "I can't invite you to go swimming. The last time you were here, I remember that you swam like a seal while I wore a rubber tube. I couldn't keep up with you."

However, Khrushchev showed us his beautiful tiled pool, 75 feet long with a glass partition which, at the push of an electric button, slides out to enclose the pool from cold air. It was anything but cold on this sunny Georgian afternoon, and Khrushchev wore a loose Ukrainian shirt embroidered in blue at the collar, without a necktie.

Four of his grandchildren played on the beach below. Children grow fast and in 2 years it seemed as if they had shot up like beanstalks. Two years before, Khrushchev had complained that his doctor was making the children capitalistic by bribing them with candy. This year they looked too old to be bribed.

Down the coast half a mile, Khrushchev pointed to the spot where the Soviet Government is building a rest house for 5,000 people. He didn't seem concerned about the fact that it will destroy his privacy.

Khrushchev, now 69, talked last spring about retiring but outwardly he had not changed in the 2 years since I saw him. His hands looked young, his girth about the same. There were no wrinkles in his face, although he did look tired around the eyes.

When I asked how he kept looking so young, he replied, "It is the good Socialist life I lead."

THE RED-BOSS LOOK

You can't help noting a resemblance between Khrushchev and other Socialist leaders in this part of the world. I have now interviewed Tito of Yugoslavia, Zhivkov of Bulgaria and Gheorghiu-Dej of Rumania. All came up through the ranks of trade unions. All suffered arrest and torture in prison and wounds in war. All are rotund today and enjoy good food. All are genial, outgiving and wisecracking, and seem friendly toward the United States. So I asked Khrushchev whether he had been training other leaders to act like him.

"It is the life of socialism and the people who trained in it," he replied.

We discussed some Soviet peas he had sent me, which had an excellent production record in Russia and did well when I planted them in Maryland.

I told Khrushchev of the comment of Madam Dobrynin, wife of the Soviet Ambassador, when she inspected the Soviet peas I planted alongside some American peas.

"The Soviet peas are higher than the American peas," she said, "but the American peas have more pods on them. Perhaps the two should get together."

I told my farm manager to harvest the peas separately, and I told Khrushchev what the farm manager said: "The bees will not let you do that for more than one season. They will mix up the Soviet and American peas and that will be coexistence."

"Maybe we should learn from the bees," said Khrushchev.

TUNES IN VOA

As we drove back from Khrushchev's summer place along a cypress-lined road along the Black Sea, we stopped briefly at the little town of Gagra, where almost immediately our car was surrounded by a hundred curious, friendly Russians, many speaking English, all asking about the United States.

As the car waited, an interesting thing happened. Khrushchev's chauffeur turned

on the radio in Khrushchev's own car and listened to the Voice of America. A few months ago it wouldn't have happened but it's happening now all over the Socialist world. And when it came to cabling these columns, the telegraph operators said they would be glad to send twice as many if it would help the cause of peace.

Two years ago I reported after seeing Khrushchev that he was a potential friend of the United States and sincerely wanted peace. I was criticized unmercifully by some people for saying this and I was called everything from a sucker to a fellow traveler.

But more than ever I am convinced I was right. Furthermore, I am also convinced that a great majority of the Russian people are devoutly, almost fanatically, for peace.

EXHIBIT 5

[From the Washington Post, Aug. 31, 1963]

RECORD CITED IN SUPPORT OF RUSSIAN REGARD FOR TREATIES

(By Drew Pearson)

EN ROUTE THROUGH THE AEGEAN.—Wherever you go in this part of world you see the remnants of war. In Salonika, were once miles and miles of munitions dumps for the Allied armies in 1918. On the island of Lemnos, near the Turkish coast, the British Fleet concentrated for the attack on Gallipoli; and along the Dardanelles you can see the acres and acres of white tombstones where thousands of Australian and New Zealand troops lost their lives in the Gallipoli campaign which was Churchill's greatest error.

And beyond the Dardanelles lies the Bosporus and the gateway to the Black Sea over which scores of wars have been fought during the centuries.

Those were, however, old-fashioned wars in which cavalry charged and men fought hand to hand. They were nothing like modern atomic war.

Cruising through this war-marked area makes you not only recall the past wars but think about the future war which President Kennedy seeks to prevent, and his first step in that direction.

Looking at the situation from the vantage point of distance, it seems to me that the problem boils down to whether or not you can trust Russia to keep an agreement. The quick and easy thing to say, when I left Washington, was that you couldn't trust Russia around the corner.

However, as Al Smith used to say, let's look at the record.

During the Stalin regime I wouldn't have given 2 cents for Russia's word on anything. But I think, to be fair, you have to look at the record of the past 10 years under Stalin's successors, men who have denounced Stalin and removed his body from the place of honor in the Kremlin.

The Korean war and the Berlin blockade took place while Stalin was still in power. Since his death in 1953, the United States signed a treaty with Russia in 1955 to take the troops of both sides out of Austria, and both sides have scrupulously complied with the treaty.

The United States and Russia have also signed a treaty regarding the Antarctic, agreeing to inspection in that area, and to use the Antarctic for international research. This has worked so well that Russian scientists have been invited to use American observation posts.

You frequently hear Russia accused of violating the Berlin agreement in regard to access by American troops, the construction of the Berlin wall, etc.

However, no less an authority than Harry Truman, when President of the United States, stated that there was no agreement with the Russians over Berlin and that General Eisenhower had forgotten to work one out. Gen. Lucius Clay, a commander under Eisenhower, has taken the blame for this in his book.

No matter who is to blame, the fact remains that we have no treaty or agreement regarding Berlin dating from the war. After the Berlin blockade in 1949, we did sign an agreement with the Russians guaranteeing Western land, water, and rail transportation access to Berlin, and this has been kept.

Furthermore, there has been a military agreement between the United States and Russia that each side may station military observers behind the other's lines to ascertain whether troops are being mobilized. This has been carried out to the letter that during the Cuban crisis U.S. helicopters were over East Germany watching to see whether the Red Army was mobilizing. It was not.

The Cuban crisis saw the most hastily improvised agreement between the United States and Russia—and the most important. It rested solely on notes exchanged between Khrushchev and Kennedy that Russia would remove its missiles, to be followed by on-site inspection.

The inspection was thwarted by the irreconcilable Fidel Castro, but we know that Anastas Mikoyan remained in Havana for weeks arguing with Castro, even through the death of his wife. The State Department is satisfied with Russia's good faith. Later, inspection was permitted on the high seas, and daily U–2 inspection over Cuba has convinced the Pentagon that no missiles remain in Cuba.

Russian troops, which man antiaircraft rockets, have not fired a shot at our U–2 planes since October.

Going back to the oldest treaty we have with Russia, for the protection of Pribilof seals in the Bering Sea, the former Secretary of the Interior, Oscar Chapman, has stated that the Russians have honored this scrupulously.

In business dealings the Russians have the reputation of being tough negotiators but living up to the letter of a contract once it is signed. In scientific operations, U.S. scientists have never caught them making a misstatement.

Some commentators have accused the Russians of violating a test ban treaty in 1961, but this is completely erroneous. There never has been a test ban treaty or agreement until the Harriman treaty just signed. Russia voluntarily stopped testing and we followed later, but there was no agreement.

My own conclusion, from careful examination of the record, is that the Soviet Union has been a tough negotiator, but keeps its word when given.

EXHIBIT 6

[From the Washington Post, Sept. 2, 1963]

FARM COOPERATIVES SUCCEED IN RUMANIA

(By Drew Pearson)

BRAZOV, RUMANIA.—Jon Girceag must be a very patient man. He manages the big cooperative farm at Harman, just outside Brazov, where 760 families work on 5,000 acres. He is elected by the co-op members and he has held that job for 13 years.

I talked to him, standing outside the huge barn where 100 cows are milked at a time. In a field nearby, a brandnew red tractor, made in Rumania, was plowing. In another vast pasture, 1,000 cows were grazing.

Girceag is a quite, unpretentious man of about 50, dressed in a business suit, not the clothes of a peasant. I asked the question that has always intrigued me about a Socialist co-op: "Who decides what crops you will plant?"

"We get together in regular meetings and make those decisions. Everyone is entitled to express his opinion and in the end we don't have much trouble working out the program."

"How do you admit members to the cooperative?" I asked.

"By written application," Girceag replied. "A cooperative is different from a state farm where the Government owns the land and employs the workers. In the cooperative the workers contribute land or, if they do not have land, machinery or animals or their skill. We need skilled workers. After they have applied and stated what they can contribute, we hold a meeting and decide whether to let him join."

"What does a member get in the way of pay?"

"He gets both cash and kind," Girceag explained. "He gets 1,000 lei per month in cash (about $75), plus 10 pounds of potatoes, 150 grams of sugar, 50 pounds of hay for his stock per month, vegetables, cheese and a garden plot of around 1⅔ acres."

The farm manager went on to explain that a member of the co-op was permitted to keep his own cow and sheep, with food for them. He works around 10 hours a day in the summer and around 6 hours a day in the winter, and men who produce more or work overtime get a bonus.

"What happens when a man refuses to work or loafs on the job?"

"If he doesn't work he doesn't eat," was the answer. "He can be expelled. He wouldn't be expelled just because he doesn't come to work. But if he continues to do so or causes trouble he is expelled. We try to educate our people to the advantages of production. When they see others getting a lot, they work harder."

Girceag said that schools were located on the cooperative and that schooling for 8 years is compulsory for the children of the farmers. He also said that 280 new homes had been built by co-op members in the past 3 years. They are owned by the members, and can be sold or rented by them.

Asked whether the cooperative system had been able to improve production. Girceag said that the Harman Co-op had been able to increase the production of wheat in the past 10–15 years from 1,400 kilograms per acre to 3,000 per acre, and that milk production had increased from between 800 and 1,000 liters per cow annually to 3,000 liters per cow.

The milking barn is a huge building with old-fashioned stanchions and has not profited from the new milking parlor advances made by milking pioneers in the United States whereby a herd of 100 cows can be milked by 1 man in around 2 hours.

This Rumanian cooperative had plenty of labor and was not interested in conserving manpower. For instance, the dairy herd of 1,000 cows was pastured in a field without fences, with 2 men leading the herd in front and 2 bring up the rear. Less than 50 yards away was a field of green corn with no fences around it, and though the pasturage was sparse where the cows were grazing, they made no effort to break away into the corn.

"If those were my cows they would be in that corn in 5 minutes," I told one of the herdsmen.

"These are Communist cows," he replied. "Yours are capitalistic. Yours are accustomed to raiding other people's property."

In general, the farm cooperatives of Rumania seem to be working. Certainly they have been more successful than those of Russia. When I asked a Bucharest official about this, he pointed out that they had profited from Russian mistakes and, among other things, were giving farmers more incentive.

Rumania has also two advantages which he did not mention and which neither Communists nor capitalists can do much about—rain and heat. The growing season is longer in Rumania and it also gets more rain than the Soviet Union.

EXHIBIT 7

[From the Washington Post, Sept. 4, 1963]

RUMANIA IS OPPOSED BY STATE DEPARTMENT

(By Drew Pearson)

CONSTANTA, RUMANIA.—If we are to follow the coexistence policy set by President Kennedy we have to know the countries in the Soviet bloc, and to that end I went to see Gheorghe Gheorghiu-Dej, chairman of the Rumanian People's Republic.

Stern pictures of Gheorghiu-Dej stare down from all Rumanian Government offices, but when I met him on the terrace of his summer place looking down at the dark blue waters of the Black Sea, I found him relaxed and cordial.

I recalled meeting him in New York in 1960 when most of the Communist leaders had come to the United Nations. There had been a great deal of newspaper speculation at that time as to what the top Communist leaders of the world had been plotting on the SS *Baltic* as they steamed across the Atlantic to New York. This week, for the first time, I got the answer.

"Everybody was seasick," laughed Gheorghiu-Dej, "everybody except the captain, Khrushchev and me. The Baltic was a 9,000-ton vessel and tossed on the waves like a cork. We didn't have time to do anything except take care of our fellow passengers.

"Khrushchev and I weren't supposed to drink, but we finally sneaked a drink before dinner. There were three doctors on board but we even had to take care of them. The newspapers thought we were discussing top strategy, but we were only seasick."

I reminded the Rumanian chairman that when I had interviewed him in New York he had said, apropos of the difficulties between the United States and Russia: "When the big bulls are fighting, the little bulls should stay away."

Gheorghiu-Dej remembered this, but this time he commented: "The little bulls have a duty to humanity, and when they all pull together they can be a force in the world.

"The test ban treaty," he said, "is a great thing. True, it's only a step, but it's a step which should energize the statesmen to move forward; to come closer, and open all roads and channels for peace.

"We have sent our congratulations to President Kennedy and said that the Rumanian people approve his position. I believe he will improve the strength of his position as a result of signing the treaty and that he will win out over his critics.

"I also believe that President de Gaulle will ratify," said Gheorghiu-Dej. "The spirit of de Gaulle is not the spirit of the French people. They want a test ban treaty, and public opinion is strong."

The top man of Rumania went on to talk enthusiastically about the new moves for better understanding between Washington and Moscow and, among other things, said that the peoples of the East and West must have a right to enjoy happiness.

"Our definition of happiness," he said, "is to live under good conditions, not to trouble anyone, not to be troubled by anyone; and be a friend of everyone."

He indicated that Rumania is trying to follow such a course.

Gheorghiu-Dej told in some detail about Rumania's amazing economic growth, but said that, like other countries, Rumania has a problem in the drift to the cities. The city population has grown about eight times in comparison with the rural population, while the overall population has increased about 1 million in 15 years.

"We have birth control clinics not only in the cities but in the villages," he said. "In the old days there were laws against teaching birth control, but not today."

Gheorghiu-Dej expressed regret over lagging trade relations with the United States, which he attributed to a State Department boycott.

"We have tried to buy approximately 10 factories in the United States," he said, "factories for manufacturing fertilizer, tires, plastics, electronics, rubber, and various petrochemicals. But the State Department has said no."

"We bought one plant from the Hydro-Carbon Research Corp., which sold it to us despite State Department opposition. The State Department then barred Hydro-Carbon from doing business with Eastern European countries for 5 years."

EXHIBIT 8

[From the Washington Post Sept. 7, 1963]

HISTORY LINKS ARMS RACES TO WAR

(By Drew Pearson)

CANAKKALE, TURKEY.—I am writing this from one of the great crossroads of war. On a hill across the Hellespont stand the remains of Troy where one of the world's first major recorded wars was fought around 1200 B.C. On another hill are rows and rows of white tombstones where thousands of Australian and New Zealand troops were buried after the great slaughter in the Battle of Gallipilo as late as 1915.

The seige of Troy lasted 10 years. Gen. Curtis LeMay, reported to be skeptical about ratification of the test ban treaty, has said that the next war will last only 30 days, after which all the major cities of the United States and Russia will be a pile of rubble.

The 10-year campaign to capture Troy, we are told by the poet Homer, was fought over the affections of a beautiful woman; though actually it was to win control over this narrow strip of water which connects the Mediterranean with the Black Sea and controls the highway between Asia and Europe.

Darius the Persian came across this narrow strip of water in 490 B.C. with 40,000 troops, gathered from as far away as Rangoon, to try to capture Athens, and was turned back in the Battle of Marathon by only 10,000 Greeks who had developed great mobility—running—as their chief weapon. That war began in 497 and lasted until 490 B.C., in contrast to General LeMay's projected 30-day war.

When Xerxes, son of Darius, tried to avenge his father's defeat in 480 B.C., he developed for the first time in history the pontoon bridge, thereby taking his troops across the Hellespont.

And in 408 B.C., when the Athenians and the Spartans fought it out for control of the Greek cities, the city of Thebes developed another new military tactic, the porcupine technique of spears held close together.

So continued the development of weapons.

TINGED WITH BLOOD

In 1915 when Winston Churchill, then British Minister of War, tried to hit the "soft underbelly" of the Kaiser at Gallipoli, hand-to-hand fighting failed. It was Turkish mines in the Hellespont that blew up British and French warships and caused the worst Allied defeat of World War I.

The Hellespont and the Dardanelles were strewn with the rusting wrecks of sunken ships for months afterward and for a time their deep blue waters were tinged with blood.

Today as I look out over that same blue water it is placid and the countryside around it is peaceful. But as we tried to swim this morning, a Turkish patrol boat chugged by to warn us that these were military waters—no swimming allowed.

Nevertheless, Secretary of Defense McNamara, according to reports received here, has just told Congress that we have enough of these new weapons to wipe out Russia and China several times over.

He has said we have 126 Atlas missiles with 5-megaton warheads; 68 Titans with 10 megatons; 150 Minuteman; 144 Polaris missiles; 700 B–47's carrying 10-megaton bombs; 630 B–52's carrying 24 megatons; plus others.

Altogether, according to unofficial but reliable estimates, this amounts to an overkill of 1,250. In other words we have 1,250 times the amount of firepower necessary to kill the entire population of the 140 major Soviet cities—even if 50 percent of our warheads fail to reach target.

Yet, Gen. Tom Power, head of the Air Force's Strategic Air Command, is opposed to ratifying the test ban treaty for fear we will lose our nuclear lead.

FIVE THOUSAND YEARS

On February 2, 1950, the late Brien McMahon, of Connecticut, the Senator who pioneered the Atomic Energy Commission, made a speech on the Senate floor in which he warned against a policy of "endlessly striving to stay ahead in the weapons competition, even after the Kremlin becomes armed with hydrogen bombs.

"Arrayed against this choice," said Senator McMahon, "is 5,000 years of recorded history, which teaches again and again and again that armaments races lead to war.

"How is it possible for free institutions to flourish," he asked, "or even maintain themselves in a situation in which defenses, civil and military, must be ceaselessly positioned to meet an attack that might incinerate 50 million Americans—not in the space of an evening, but in the space of minutes?"

Senator McMahon placed the military budget in 1950 at $15 billion. Today, 13 years later, it is $53 billion. By 1975, at the present rate of increase, it will be $100 billion.

Yet Gen. Tom Power out in Omaha told NATO delegates that anyone who talks about overkill should have his head examined, and Senator BARRY GOLDWATER, Republican of Arizona, says it's foolish to stop nuclear testing.

VISIT TO THE SENATE BY MR. AKIVA GOVRIN, LEADER OF THE COALITION PARTIES IN THE KNESSET OF ISRAEL

Mr. HUMPHREY. Mr. President, I have the privilege and honor of presenting to the U.S. Senate a distinguished member of the Knessett, the Parliament of Israel; the leader of the Coalition Parties and the chairman of the important Labour Committee. I present to my colleagues the able and honorable Akiva Govrin, an outstanding parliamentarian in his country. We welcome him to the U.S. Senate.

(The distinguished visitor rose in his place and was greeted with applause, Senators rising.)

The PRESIDING OFFICER. On behalf of the Senate, the Chair extends a cordial welcome to our distinguished guest.

Mr. PELL. Mr. President, as a member of the Committee on Labor and Public Welfare, I wish to add my word of welcome to the gentleman from the equivalent committee of the Coalition Parties of the State of Israel. We express joy that he is with us today.

Mr. CLARK. Mr. President, I wish to add my comments to those of the Senator from Minnesota and the Senator from Rhode Island. We are happy to have the representative from the State of Israel with us today. I regret that there is not a larger attendance in the Senate. If there were, the applause would have been louder and longer.

We are happy to have you with us.

Mr. SMATHERS. Mr. President, I add a warm word of welcome to those expressed by other Senators to the very distinguished representative from the State of Israel.

In my State of Florida there are many people who had their origins in your country. I hope that during the course of your visit in the United States you will see fit to visit us in Florida.

Mr. THURMOND. Mr. President, I join with my colleagues in extending a hearty welcome to the distinguished representative from the State of Israel.

I had the pleasure of being in Israel in 1961. I was amazed by the great progress being made. The people of Israel are to be highly commended for what they are doing to develop their country and improve the lives of the people.

We are glad to welcome this distinguished representative to the United States.

THE NUCLEAR TEST BAN TREATY

The Senate 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. CLARK. Mr. President, I return to the subject matter of the debate, the pending treaty.

There is no need for me to defend this treaty or to advocate its ratification. That has been so ably done by the leadership and the ranking members of the Foreign Relations Committee on both sides of the aisle that there is really nothing left to say. Senators MANSFIELD, FULBRIGHT, HUMPHREY, CHURCH, SALTONSTALL, and DIRKSEN, among others, have in my judgment, made an unanswerable case in support of the treaty.

I rise today for a different, if related subject. For I have never been torn by the doubts which appear to have tortured many of my colleagues.

I have long been convinced that the rational, intelligent, compassionate, as well as the tough, hard-boiled self-interest answer is: Of course we shall vote to give our advice and consent to the treaty negotiated by Under Secretary of State Averell Harriman, a highly experienced and qualified diplomat, on behalf of the President with the support of the Secretary of State, the Secretary of Defense, the Chairman of the Atomic Energy Commission, the Chairman of the Joint Chiefs of Staff, and the Chief of the Arms Control and Disarmament Agency. The military risks of ratification are minimal; the political risks of failing to ratify serious. The arguments to the contrary of those who oppose the treaty are to me quite unconvincing.

We have heard a good deal today about the so-called "secret testimony" given by military men before the Preparedness Subcommittee of the Committee on Armed Services. This "secret testimony" was also available to the Committee on Foreign Relations, which nonetheless voted 16 to 1 to report the treaty favorably. I have no doubt that the "secret testimony" was available to the President of the United States, to the Chief of the Central Intelligence Agency, to the Secretary of Defense and to each member of the Joint Chiefs of Staff; nonetheless, these top level civilians and military men recommend to the Senate that the treaty be ratified.

It is frightening even to contemplate what would happen to the position of the United States all over the world if we were to repudiate the action of our President and Commander in Chief and every one of his principal advisers after 92 other nations had ratified the treaty.

Yet a recent poll indicates that, while 73 Senators—now, I am happy to say, 74 Senators, including the Senator from Illinois [Mr. DOUGLAS]—have stated their intention to support the hand of our Commander in Chief, 12 have stated that they will vote against ratification and 13 or 14 are said to be in doubt.

How is it possible that 12 Senators, and perhaps more, can take so atavistic an attitude toward this treaty? I use the word advisedly for the result, if not the motivation—on which I do not pass—of a negative vote is quite clearly to return to a philosophy of the jungle; the dog-eat-dog attitude of primitive man; the fear of something new; the fear, also, of the powerful and unfriendly nearby tribe. Man has conquered this attitude slowly but surely during the long centuries since he came down out of the trees. We must conquer it again.

If one looks at the names of Senators who are stated to oppose this treaty or to be doubtful about it, the conclusion is irresistible that the overwhelming majority of them come from the most conservative Members of this body. Several of them are generals in the Armed Forces, men who have rendered notable service to our country by wearing its uniform in time of war and in combat.

Several more are ranking members of the Armed Services Committee, where, day in and day out, the demands of the military for more and bigger arms are heard.

It is perhaps not too much to say that the opposition to the treaty, declared and potential, with one or two conspicuous exceptions, represents the hard core—the low-water mark, if we will—of the Senate Establishment, those who belong and a few who are potential members. I am happy that their ranks are so thin. I honor them for their sincerity and their dedication to the cause of our country, but I profoundly disagree with their conclusions about the treaty—conclusions which, in my judgment, are opposed to our long-range national security and the social, economic, and political interests of our country at home and abroad.

But let us not delude ourselves. The establishment has not given up. It is still determined to force the United States full steam ahead in an accelerated arms race if that can be done. That has been made clear in speech after speech during this debate. Moreover, in this determination to push forward unilaterally with the arms race the establishment is being joined by several Senators who do not usually follow its lead.

So one important question remains: Where do we go from here? What is the next step? On Friday, the Senator from Mississippi [Mr. STENNIS] said, and I quote:

> What will the next step be? Will we be presented with a treaty banning tests in all environments accompanied by the argument that the Senate has already endorsed such a treaty in view of the preamble of the present treaty? Will a nonaggression pact follow? Are we, by endorsing this treaty, including its preamble, indicating in advance that we approve the concept of an agreement on complete general disaramament?
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> Much as I fear the effect of this so-called first step I have even greater fears of what it may portend in the way of further compacts with the Soviets which may affect the quality or quantity of our Military Establishment even more drastically. It has already been suggested that there be a reciprocal burning of bombers and that we unilaterally cut back on the production of nuclear weapons to a substantial extent. Is this treaty a first step toward activities of this type? I do not say it is; I simply raise the point that very possible this will be a part of the picture.

Personally, I hope that the next step will be a further relaxation of tension along the lines apparently feared by the Senator from Mississippi. The negotiation from our present great strength, which, of course, we must maintain for the time being, of a treaty of general and complete disarmament under enforceable world law as advocated by President Kennedy and, before him, by President Eisenhower while Christian A. Herter was Secretary of State, is the ultimate purpose of the country. This would require the elimination of military establishments all over the world, including our own. With that elimination, radical as it may seem to some Senators, might even come the abolition of the Senate Armed Services Committee and its Preparedness Subcommittee.

That this is the fixed long-range policy of the United States was made clear by our President and Commander in Chief on September 25, 1961, in an address to the General Assembly of the United Nations, where President Kennedy advocated:

First. The disbanding of all national armed forces and the prohibition of their reestablishment in any form whatsoever other than those required to preserve internal order and for contributions to a United Nations peace force.

Second. The elimination from national arsenals of all armaments, including all weapons of mass destruction and the means of their delivery, other than those required for a United Nations peace force and for maintaining internal order.

Third. The institution of effective means for the enforcement of international agreements, for the settlement of disputes, and for the maintenance of peace in accordance with the principles of the United Nations.

Fourth. The establishment and effective operation of an international disarmament organization within the framework of the United Nations to insure compliance at all times with all disarmament obligations.

Often in the past I have spoken in support of President Kennedy's advocacy of general and complete disarmament under enforceable world law. We are still a long way from that goal which,

in my opinion, we must achieve if our children and our children's children are to have a chance of survival; if we are to eliminate the delicate balance of terror by which we presently live and if we are to leave the forces of mutual suspicion behind us and move toward that goal of peace on earth and good will to man which is the essence of the Christian and, indeed, of the other great religions.

This treaty is a very small step in that direction. The cold war is perceptibly thawed. The Russians are more receptive than for many years to suggestions looking toward a relaxation of tensions. They, too, have declared themselves, time after time, as in accord with President Kennedy's great speech referred to earlier and that other fine address on the same subject at American University on June 10 of this year.

The Senator from Washington [Mr. JACKSON] spoke on Friday of his fear that the American people might lapse into a state of euphoria. He spoke with concern of the possibility that "peace is breaking out all over." The warning is apt. We must maintain our military strength so long as it is needed. And it is needed now and for the foreseeable future. In the words of the President:

> Let us never negotiate out of fear. But let us never fear to negotiate.

And let us always negotiate from strength.

Nobody knows whether the Soviet Union is going to spend more or less money on military hardware than we plan to spend. It is anybody's guess. Of course, we must keep our guard up and not relax.

But there are good grounds for speculating that the Soviet may decide to cut down unilaterally on its military expenditures for economic reasons and that it is prepared to renounce nuclear warfare as an instrument of aggressive national policy, as the Senator from Vermont [Mr. AIKEN] suggested Friday.

Let us remember that disarmament is our ultimate goal. Let us persevere in seeking it at the United Nations, in Geneva, and elsewhere. Let us be the aggressors for peace, not for war.

I suggest it is nonsense to expect that all the difficult problems confronting the world and separating our position from that of the Soviet Union and the Chinese Communists can be solved at once. The so-called hard view reported in the newspapers and said to be held by certain individuals in the State Department and which requires the solution of all political problems before we can ease tensions and move toward cooperation in areas where there is no inherent conflict is as atavistic as opposition to this treaty.

And let it never be said that the Senate of the United States, with all of its wonderful history and fine tradition, was the body which made the further search for a just and lasting peace impossible.

Mr. PELL. Mr. President, I rise to congratulate the Senator from Pennsylvania on his speech today, ably emphasizing the need for keeping in our minds the objectives set forth by our President and Commander in Chief 2 years ago, that some day—we ourselves will never see it; probably not our children—we hope our children's children will see a world that is at peace and where there is a state of complete disarmament.

Mr. CLARK. I thank my friend from Rhode Island for his kind words. I am not only a good deal older than he is, but more optimistic, and I hope to see that day before I die.

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

Mr. CLARK. I am happy to yield to the Senator from South Carolina.

Mr. THURMOND. I rise to inquire of the distinguished Senator if he thinks that Mr. Khrushchev feels this treaty is to his benefit.

Mr. CLARK. I assume he does, or he would not be prepared to sign it. I assume it is to our benefit, too, or the Senator's Commander in Chief, and mine, would not have recommended it to the Senate.

Mr. THURMOND. I respectfully call to the Senator's attention an Associated Press article which comes out of Moscow, under date of August 22, which states:

> The Soviet Union told Red China the limited nuclear test ban was a positive gain for communism because it would perpetuate the liquidation of the onetime American nuclear monopoly, and freeze each side's nuclear power.
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> A 20,000-word official Government statement Wednesday derided Communist Chinese charges that signing of the treaty marked a Soviet "capitulation" to the United States as the words of "simpletons." It told the Chinese they would do well to improve their economic situation and forget about nuclear weapons.
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> The statement, in reply to the August 15th attack on Soviet policy by Peiping, said that for years it would have been against Soviet interests to have a test ban unless the United States agreed to destroy all its nuclear weapons.

Does not the conclusion seem to be that a few years ago Mr. Khrushchev did not want a nuclear test ban treaty, because we were ahead, but that now, inasmuch as they conducted more than 100 tests in 1961 and 1962, and have gained a tremendous store of invaluable and critical nuclear knowledge, which we need, on high-yield weapons and high-altitude anti-ballistic-missile weapons, and now that Mr. Khrushchev is ahead on the high-yield weapons, he is willing to freeze the situation, if we were to ratify the treaty. Does not the Senator know that the only way we can catch up on high-yield weapons, is by testing in the atmosphere, which is prohibited in the treaty? And is it not true that with regard to low-yield weapons, it is admitted that we may be ahead, but that the Soviets can overcome their deficiency by testing underground, whereas with the high-yield weapons we will have to test out in the atmosphere, and that is the kind of testing which is prohibited? Therefore, if that is the case, the freezing would result in a great advantage to the Soviets because they are ahead of us in high-yield weapons?

Mr. CLARK. The Senator has asked me a great many questions. I shall try to respond to them en bloc. The Senator from South Carolina is certainly entitled to his opinion. He is a very able general in the Army Reserve. He is a member of the Preparedness Subcommittee of the Armed Services Committee. I know he has given great and careful attention to this subject from his first-class mind. However, I respectfully say—and I see no need to go into greater detail—that the opinion of the Senator from South Carolina is not shared by at least four-fifths of the Members of the Senate, is not shared by the leading military men of the United States, is not shared by the leading scientists of the United States, is not shared by the President of the United States, our Commander in Chief, or by the Joint Chiefs of Staff.

With all due respect, and with the highest regard and deep affection for the Senator from South Carolina, I prefer to take the judgment of these men to his.

Mr. THURMOND. I invite attention to a news dispatch which came out of Tokyo. This is also an Associated Press dispatch:

> TOKYO.—The Soviet Union told Communist China today there was no need for it to try to manufacture an atom bomb because if attacked it could count on Russian nuclear might under the friendship and mutual assistance treaty.
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> In a Japanese-language broadcast, Moscow Radio reiterated that, despite Chinese-Soviet differences, the treaty with China remains in effect. A Moscow commentator asked:
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> "Why does China feel it must have an atom bomb? Is it for her defense? In this connection we would like to remind China of two things.
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> "One is that there is a treaty of friendship and mutual assistance between the Soviet Union and China, and even now it continues in effect.
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> "The second is that the Soviet Union has repeatedly pointed out that it considers an attack on the Peoples' Republic of China to be an attack on the Soviet Union itself. Therefore, if the Peoples' Republic of China is subject to an attack, the entire might of the Soviet Union will fall upon the aggressor. What greater security can China ask?"
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> The commentator chastised Peiping for groundless reasoning in arguing that the limited nuclear test ban treaty is aimed at restricting possession of nuclear weapons to the original signatory nations, the Soviet Union, the United States and Britain.
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> He declared that Moscow has already been prepared to enter into an acceptable agreement for a total nuclear weapons ban, and that Soviet nuclear policy in no way jeopardizes the Socialist camp.

Is there any question in the Senator's mind that Russia meant what is stated in these two articles?

Mr. CLARK. Again the Senator has asked me several questions. I would answer, first, yes, there is some doubt in my mind in view of a number of happenings with respect to the Chinese-Soviet relationships during the past few weeks and months, and also because there is always a question in my mind as to whether the Soviets will keep any treaty which they negotiate. Therefore, there is doubt.

My second answer is that it seems to me that the point raised by the able Senator from South Carolina is irrelevant and immaterial to the issue before the Senate today.

Mr. THURMOND. Does not the Senator feel that this goes to the very heart of the so-called rift between Russia and China?

Mr. CLARK. It seems to me that the so-called rift between Russia and China has nothing whatever to do with whether we should ratify the treaty. I believe the rift is deep, and I hope it will become deeper. It might be that Russia would keep its treaty if we attacked China. However, we have no intention of attacking China. In any event, in my opinion we are not giving away one bit of our military power by ratifying the treaty.

Mr. THURMOND. Some proponents of the treaty have cited the rift between Russia and China as one of the main reasons why we should ratify the treaty.

Mr. CLARK. I can speak only for myself. I do not take that view.

Mr. THURMOND. Therefore, it is said, because there is a so-called rift between these two countries, perhaps there is a chance that we can work with the Soviets. Does the Senator feel we can ever work with the Soviets, or trust the Soviets, or is the Senator of the opinion that the Soviets still have as their goal the domination and enslavement of the world, and that we cannot trust them?

Mr. CLARK. Again the Senator is asking me many questions in one question. When the enlightened self-interest of the Soviet Union coincides with our enlightened self-interest, as I think it does under this treaty, which I feel to be of benefit to both countries, we should follow that enlightened self-interest and ratify the treaty. I am sure there are many instances in which our enlightened self-interest will lead to diametrically different conclusions. In such a case we must follow our own self-interest.

Mr. THURMOND. I am sure the Soviets will feel that it is to their interest, because they are ahead of us in the high-yield field.

Mr. CLARK. It seems to me that it must be to their interest. It must be or they would not have signed it. It is no reason for our not ratifying the treaty if it is also in our interest.

Mr. THURMOND. How can it be in our interest if we are going to freeze the great lead the Communists have made in the high-yield weapons development, which would require testing in the atmosphere; and when they can remove the deficiency in the low-yield weapons area by following the treaty and testing underground?

Mr. CLARK. Because our leading military authorities have repudiated the suggestion that we should get into the high-yield weapon category to any greater extent than we have already gone.

I wish to extend every courtesy to the Senator from South Carolina, but the Senator from Florida [Mr. SMATHERS] has been waiting for a long time to speak. I would like to yield the floor.

Mr. THURMOND. I should like to ask the Senator one further question. Speaking about the leading military experts, does not the Senator know that the Joint Chiefs of Staff have unanimously approved a requirement for high-yield warheads, one for manned bombers and one for missiles, but that the requirement has not been approved at the civilian level? And also that the Preparedness Investigating Subcommittee has found that we need to test in the atmosphere to gain certain critical information on high-yield weapons effects on the survivability of our second-strike missile system?

Mr. CLARK. The Joint Chiefs have asked the Senate to give its advice and consent to the treaty.

Mr. THURMOND. Does that take into consideration political implications, as well as military?

Mr. CLARK. Yes; which I believe are very important.

Mr. THURMOND. I thank the Senator.

Mr. CLARK. I thank my friend from South Carolina.

Mr. SMATHERS. Mr. President, several years ago a distinguished elder American statesman said:

> We are here to make a choice between the quick and the dead * * *. Behind the black portent of the new atomic age lies a hope which, seized upon with faith, can work our salvation. If we fail, then we have damned every man to be the slave of fear.

Those words were spoken by Mr. Bernard Baruch when he presented to the United Nations, shortly after World War II, our Government's magnanimous offer to place under international control the monopoly we then held in nuclear weapons.

Those words, prophetic and pertinent then, are even more applicable today, as we debate the wisdom of this test ban treaty.

As a member of the human race who enjoys living, I am concerned about the treaty; as a father and a hoped-to-be grandfather, I am concerned about radioactivity and fallout and the danger that can be done, genetically and somatically, to future generations; as a citizen, proud of our United States, I am concerned about the security and the safety of this great Nation; as such a citizen I am thereafter concerned about the image of the United States as the strongest and most powerful Nation on earth and the leader of the free world; as a U.S. Senator and member of the Foreign Relations Committee, I have felt that this treaty and its implications for the future for all of us transcends all other issues; and, like other Senators, I have studied the language of the treaty, read most of the testimony given before our committee, and, like others, have prayerfully agonized over the arguments pro and con with respect to the treaty.

In this treaty we are again presented with a hope which, seized upon with faith can work and has possibilities of working. If, in the words of Baruch, "we fail," even in this small attempt, we have damned every human being to a life of fear.

Certainly there are risks involved in this treaty. There are risks in going forward. But in this case there are even greater risks in pushing the world backward into an even more expensive, explosive, and frightening nuclear armaments race.

The great weight of evidence appears to me, indisputably to be on the side of the treaty, and it is my humble judgment that the treaty should be vigorously supported and overwhelmingly adopted.

Because of these conclusions I was, therefore, pleased to vote for it when it was reported from the Foreign Relations Committee by a vote of 16 to 1.

The fact is that there is nothing startlingly new about the treaty, for it is similar in most respects to the limited test ban treaty proposed by the previous administration in 1959, which at that time was rejected by the Soviet Union.

The present treaty is the result of a long-term bipartisan effort on the part of the two most recent administrations. That this treaty has now won Soviet approval is largely due, in my judgment, to changes in conditions in both the Soviet Union and in Red China.

The changes wrought in the Communist world are evident on every side, in every news story and broadcast, in every charge and countercharge flying back and forth between Moscow and Peiping.

The distinguished Chairman of the Foreign Relations Committee [Mr. FULBRIGHT], in his speech on this subject a week ago today, outlined in great detail the reasons why the Soviet Union is now willing to agree to such a test ban, whereas they were not several years ago. I shall more precisely set out some of these reasons later in this talk, but they are all in the RECORD for anyone to read.

Some people will believe there is a genuine change in the Communist world; others will not. For myself, I do not believe that the basic Communist goals have changed, but I do believe there has been a great change within the Communist world's leadership and their outlook as to the best procedure to follow in the achievement of these goals.

I believe that Mr. Khrushchev differs from Mr. Mao Tse-tung in the manner and the procedure of achieving Communist goals of world domination. I believe that the Soviet Union has an enormous capacity to deliver nuclear weapons into the United States and anywhere else in the world, but I believe Mr. Khrushchev does not want to give that capability to the Chinese, for I do not believe Mr. Khrushchev feels that he can trust Red China any more than we can trust Mr. Khrushchev or Red China.

Whether or not the Russians learned something in their last series of tests in 1960–61 is anybody's guess. Some believe they made great progress; others, including most of our respected military leaders and scientists, believe they made progress; but there is no certainty that the progress made threatens our national security. But no matter, for even if we are behind them in some areas of development, such as 50- to 65-megaton high-yield bombs, we are ahead in other equally important areas, and the central fact remains that while they can get at us and inflict great damage, they know we can always retaliate through our Polaris missiles, even if our fixed launching sites are incapacitated, and destroy them.

Further than that, from what I have learned from the so-called experts and

best informed people in this subject, Mr. Khrushchev fully appreciates the danger of radioactive fallout. He totally understands that fallout is just as dangerous to future generations of Russians as it is to future generations of Americans.

He does not like what he sees ahead any more than we do. Apparently he is just as concerned and worried about the nuclear bombs with deliverable capabilities in the hands of other large, and small nations, which now do not have them, as are we.

So there is reasonable, credible, thoroughly defensible evidence that prudent, patriotic men can accept as to why the Soviet Union would at this time enter into a treaty when in fact the Soviet refused to do so 2 years ago.

Mr. President, I believe this treaty represents a small step, an essential first step, toward greater security for the American people against the terrors of our times.

Some people, frightened by the threat of testing and the use of nuclear weapons to human life on this planet, hysterically declaim, "Better Red than dead." If we follow these people into unilateral nuclear disarmament, it would, of course, be a grave mistake, and we will be Red and wish we were dead.

Others, equally prone to extremes, say, "Better dead than Red." If we follow these people into continued and unrestricted testing of nuclear explosions in all the environments, many of us will be dead, and those who are not will find that we have preserved our principles for the enjoyment of a dreary half life in a malformed, twisted, and fearful world.

Fortunately, we do not have to choose between being Red or being dead.

If we refuse to be seduced, on the one hand, by overoptimistic estimates as to the results of the treaty or, on the other, to be panicked by those who claim we are destroying ourselves; if we steadfastly pursue the goal of peace with honor through strength; I believe we can keep nuclear power under control while simultaneously preserving our freedoms.

Of course, the treaty does not achieve this goal all by itself, for indeed it is no millenium. As stated so often, it is only a hesitant, tiny step forward, but it does represent the most practical approach toward the control of the problems growing out of the present nuclear arms race.

Some Americans of the "better dead than Red" type seem to have received the impression that the treaty would strip our country of its nuclear protection.

A simple reading of the treaty clearly shows that not to be the case. This treaty is not a disarmament treaty. It does not bind, nor even ask, any nation to destroy any nuclear or other weapon now in its arsenal. It does not bind any nation to discontinue the production of any type of weapon, including nuclear weapons. It does not bind any nation to refrain from using nuclear weapons in the event of a war, nor restrict the use of nuclear weapons in the exercise of the right of self-defense.

With the exception of certain types of testing, it does not bind any nation to refrain from research, invention, experimentation, or development of nuclear weapons.

It does not even ban all nuclear testing. It does ban nuclear weapons tests in the atmosphere, in outer space, and underwater; but it does permit such tests underground so long as the radioactive debris remains within the country where the explosion takes place.

Another fear expressed by the "better dead than Red" orators is that the treaty would make it possible for the Soviets to continue tests in violation of the treaty while our Government honorably abides by the treaty and falls behind.

These people seem to fear that the Soviets could do so without detection or, if they were detected, that we would be honorbound to continue to observe the treaty and to refrain from such tests ourselves.

These people say, "We can't trust the Russians." And, of course, we cannot.

In the hearings this aspect of the matter was thoroughly discussed and examined. As a result, it is clear to me that to enter into this treaty we do not have to trust the Russians.

I was convinced, as most of the committee were convinced as a result of the testimony, that the U.S. scientific detection and identification system plus conventional intelligence methods available to us would insure detection of all such test violations of any substantial value to the Soviets. It would theoretically, of course, be possible for the Soviets to conduct tests in space so far away from the earth that detection would be avoided. On this possibility, Secretary McNamara said:

> Multimegaton weapons development tests would have to be conducted more than 20 million miles from the earth—80 times as far away as the moon—if they were to have a good chance of escaping detection by a ground-based system such as could be installed rapidly with the cooperation of Western and possibly some neutral nations.
>
> While tests at extreme ranges are a technological possibility, they would involve years of preparation, plus several months to a year of actual execution, and they could cost hundreds of millions of dollars per successful experiment.

On the possibility of clandestine tests on earth, Secretary McNamara said:

> Over the U.S.S.R. or Communist China, only very low yield tests with quite limited objectives, could have a good chance of escaping discovery. These tests, we believe, could not produce significant advantages.

In addition, it should be borne in mind that we will not be limited to our present detection capability. Constant improvements are being made in our means of detection, and the treaty will not in any way inhibit such developments.

If it would have any effect, it would be to stimulate our progress in this field, since we would be placing even greater reliance than at present upon our detection system. And a pledge has been made by all concerned in the executive branch, from the President down, that in the event the treaty is ratified, a strenuous effort will be made to further improve and develop our means of detection.

Much of this testimony was given in executive session before the Foreign Relations Committee. I am sure any Senator who would read the record would be highly gratified and reassured at the great progress we are making in the matter of detection.

If there were a violation and we discovered it, we would not be bound by the treaty to refrain from testing in the prohibited environments. Under international law, violation of a treaty by one nation which is a party to it, releases, at that moment, other nations from their reciprocal obligations under it.

Therefore, in entering into this treaty, we do not have to trust the Russians not to test in violation of the treaty. Once they resume such testing, we are free to resume testing too. And because we are assured by the President, the Secretary of Defense, and the Chairman of the Atomic Energy Commission that we will stand ready to test at all times, we would be back where we are and no worse off than we are now.

Furthermore, those who say we would be signing our lives away by ratifying this treaty must not be aware of its provision permitting any party to the treaty to withdraw, upon 3 months' notice, if it decides that extraordinary events related to the subject matter of the treaty have jeopardized its supreme interests. The United States alone would decide whether extraordinary events have occurred and whether they jeopardize our supreme national interests.

This provision of the treaty should be borne in mind, also, in considering the fear that the Soviets would violate the treaty by slipping nuclear information to the Red Chinese, who are not a party to the treaty, and permitting the Chinese to conduct their tests for them. Let it be understood that we would not have to prove that such collusion had taken place. We could cite the Chinese tests as "extraordinary events" which "jeopardize our supreme national interests" and could withdraw.

And we have been assured by the President and by the Chairman of the Atomic Energy Commission that we would reinstate our testing program if at any time we felt the tests of any country were compromising our position.

Another charge we have heard against the treaty is that it would permit the Soviets to continue testing in areas and in weapons where they are behind us but it would keep us from testing where we are behind them.

This charge is partially based upon the uncontroverted Soviet preeminence in the larger or higher yield bombs—those ranging up to 58 megatons—which they have tested and which we have not.

At the hearings, Defense authorities testified that our lack of development in this area has been conscious and deliberate, based upon a decision—first made years ago in the previous administration, and continued into the present administration—that our defense needs are best served by smaller nuclear weapons. In discussing the bases for this decision, Secretary McNamara said, as reported at page 101 of the hearings record:

> As a result of our consideration of these very high-yield weapons, we have concluded that there are two military disadvantages

to deploying them as contrasted with deploying a larger number of smaller weapons.

First, as I have said, our studies indicate that for most missions directed at military targets, we can achieve a higher confidence of kill by using two or three smaller weapons instead of one very large one; for a given resource input we achieve higher target destruction with our smaller systems.

Second, very high-yield warheads are relatively inferior as second strike, retaliation, weapons; it is much more difficult and costly to make them survivable—to harden, camouflage, or make mobile the huge missiles required to deliver these weapons.

At another point, Secretary McNamara further developed this line of thinking, as follows:

And U.S. superiority in the lower ranges facilitates further development of relatively small warheads which would be used to assure penetration by saturation of sophisticated and very elaborate ballistic missile defenses.

Dr. Edward Teller, a highly respected opponent of ratification, said this on this point:

It is not clear to me that these very big yields will result in a substantial advantage for the Russians * * *. In evaluating the consequences of the test ban, I do not place very great importance on the lead which the Russians enjoy in this particular field.

The Chairman of the Joint Chiefs of Staff, Gen. Maxwell D. Taylor, testified:

I attach very little importance to this, frankly * * * the whole very-high-yield weapons field is one which has very little, if any, military significance.

As part of this charge, it is argued that we are ahead in the testing of smaller nuclear weapons of the type which could be tested underground under the treaty, and that the Soviets would be free to catch up with us on this type of testing. Without the treaty, of course, the Soviets can test either underground or in other environments in an effort to catch up with us in this area. Along this line, Secretary McNamara had this to say:

But, by limiting Soviet testing to the underground environment, where testing is more difficult and more expensive and where the United States has substantially more experience, we can at least retard Soviet progress and thereby prolong the duration of our technological superiority.

In connection with the Secretary's observation that our own underground tests will be moving right along, it should be noted that, due to our greater experience in this environment, we should be progressing more rapidly than the Soviets.

Another similar attack against the treaty is that it would prevent us from testing and developing our antiballistic missile program. Dr. Harold Brown, Director of Defense, Research, and Engineering for the Department of Defense, testified:

The best present judgment is that our ABM development efforts are comparable in magnitude and success with those of the Soviets. Any deployed system which the Soviets are likely to have now or in the near future does not appear to be as effective, almost certainly not more effective than Nike-Zeus.

Secretary McNamara added another telling answer to this argument, when he testified:

One important point stands out in connection with the antiballistic missile: The ABM problem is dominated by factors unrelated to the treaty—by reaction speed, missile performance, that is, the rate of acceleration of the intercepted missile, traffic handling capacity, and capacity for decoy discrimination. A fuller understanding of the blackout phenomenon—which would result from tests prohibited by the treaty—might at most permit some reduction in the number of ABM radars required per ABM site.

Thus, with or without a test ban, we could proceed with the development of an ABM system.

Initially, one of the strongest arguments against the treaty was the danger of euphoria, the danger that our Government and our people, after ratification of the treaty, would assume that the cold war is over and that the efforts and sacrifices which we have been making during the long period of tension are no longer necessary. However, all administration spokesmen who testified before our committee displayed an awareness that the treaty by itself does not solve all our problems of international relations and defense and that it will still be necessary to "keep our guard up" and to take certain steps to avoid falling behind our potential enemies in weapons development. The President, in his message transmitting the treaty, sounded the right note when he said:

This treaty is not a substitute for, and does not diminish the need for, continued Western and American military strength to meet all contingencies. It will not prevent us from building all the strength that we need; and it is not a justification for unilaterally cutting our defensive strength at this time. Our choice is not between a limited treaty and effective strategic strength—we need and can have both.

The strongest possible assurance is given in a letter of August 23, 1963, to Chairman RUSSELL from Deputy Secretary of Defense Roswell Gilpatric that the executive branch is firmly committed to and will vigorously support the safeguards which will be vitally needed whether or not this treaty is ratified. In that letter, Undersecretary Gilpatric discusses all that is being done and will continue to be done, as follows:

First safeguard: The conduct of comprehensive, aggressive, and continuing underground nuclear test programs designed to add to our knowledge and improve our weapons in all areas of significance to our military posture for the future.

Second safeguard: The maintenance of modern nuclear laboratory facilities and programs in theoretical and exploratory nuclear technology which will attract, retain, and insure the continued application of our human scientific resources to these programs on which continued progress in nuclear technology depends.

Third safeguard: The maintenance of the facilities and resources necessary to institute, promptly, nuclear tests in the atmosphere should they be deemed essential to our national security or should the treaty or any of its terms be abrogated by the Soviet Union.

Fourth safeguard: The improvement of our capability, within feasible and practical limits, to monitor the terms of the treaty, to detect violations, and to maintain our knowledge of Sino-Soviet nuclear activity, capabilities, and achievements.

It appears to me that very few of our countrymen have been carried away by their enthusiasm for the treaty and its possibilities. On the contrary, I have observed that most Senators—and it seems most of the American people, certainly most of the people who write to me—look on this treaty with a skeptical and questioning eye. Rather than this treaty encouraging a relaxation of the defense effort, it seems there is more talk of keeping our guard up and on the ready at this time, than there has been since the days of Quemoy-Matsu.

Accordingly, I regard the danger of euphoria as more imaginary than real, as applying more to the theoretical reaction of a large number of hypothetical people than to the actual reaction of the American people, constituted as we are and thinking as we do.

Closely related to the fear of euphoria is the fear of planned surprise abrogation of the treaty by our potential enemies.

The argument is that the Soviets may be luring us into this treaty with the intention of suddenly violating or abrogating it by means of a quick series of tests which will give them a commanding lead before we can initiate tests of our own.

If we follow through on the safeguards discussed in Undersecretary Gilpatric's letter and the President's letter as read by the Senator from Illinois [Mr. DIRKSEN], as we almost certainly would, we would be in as good a position as the Soviets to resume testing in that event, and we should not fall behind to any significant degree.

In addition, it seems that we have learned our lesson from the sudden resumption of Soviet tests in 1961 which caught us unprepared, and we would not be as likely to make that mistake again.

On this fear, Dr. Brown said at the hearings:

So, I think providing we are ready, a sudden abrogation of a treaty need not concern us greatly.

Another witness, Dr. George B. Kistiakowsky, professor of physical chemistry at Harvard University and former Special Assistant to President Eisenhower for Science and Technology, testified as follows on this point:

It would be a rather stupid maneuver on the part of the Soviets to break the treaty by abrogating and starting to test right away, whereas they have the full right under the treaty to abrogate, wait 3 months and then test.

The political disadvantages, bad odor of what they have done, will persist, and the technical gains of making certain atmospheric tests 3 months earlier are so infinitesimal that it just doesn't make any sense to me.

Finally, when all other arguments fail, the treaty's opponents fall back upon the argument that there is only one reason why the Soviets would agree now to a treaty which they have rejected in the

past, and that is that they must be convinced that under present circumstances it works to their advantage and to our disadvantage. Undoubtedly, they must be convinced that it works to their advantage, but it does not necessarily follow that it works to our disadvantage or that they think that it does. Nations which enter into treaties usually recognize that it is to their mutual advantage to do so. Of course, we cannot know for certain what is in the minds of Soviet leaders in agreeing to this treaty, but we can readily see a number of reasons why enlightened self-interest might lead them to do so.

First. They are just as interested as we in preventing contamination of the air which we all must breathe and of the earth from which we all draw our sustenance. They are in as great danger of radioactive fallout as are we.

Second. They are no more desirous than we of being wiped out in a nuclear holocaust. They do not believe any more than we that anyone would win after a nuclear exchange. It would be a conflict which all would lose. Thus, they may recognize this treaty as one step toward control by mankind of the monster it has created.

Third. There is good evidence that the people under Soviet domination are becoming more and more dissatisfied with their low standard of living and are demanding more consumer goods. Perhaps there is a hope among their leaders that the treaty will make it possible to shift some of their means of production away from this highly expensive weapons production to that of consumer goods.

Fourth. There is evidence that the rift between the U.S.S.R. and China is genuine, and they may feel that the treaty helps them in their growing competition with their great Communist rival.

Fifth. They understand the danger of proliferation. They see that they would benefit, as would we, from the resulting discouragement of other nations from developing nuclear weapons.

Now, Mr. President, as the evidence of the desirability of U.S. approval of the treaty piles up, the opponents shift from a head-on attack of the treaty to the oblique to the enfilade. Opposition from the flank, it is sometimes called. They call these reservations and clarifications.

One of the most dangerous of these is the one offered by the able and distinguished junior Senator from Arizona, which would provide that the treaty would not go into effect until the U.S.S.R. has removed its troops and weapons from Cuba and arrangements have been made for international inspection within Cuba to confirm such removal.

I believe it is a fair and truthful statement, Mr. President, that no one has been more concerned than the junior Senator from Florida over the Communist takeover of Cuba.

I believe I was the first Member of the Congress to warn of the deteriorating situation in Cuba and of the danger Castro's movement presented to the security of the Western Hemisphere.

In those days, the Senator from Florida was abused by some of the press and by some of his colleagues for his warnings. After Castro's seizure of power, the Senator from Florida called upon the administration then in power to adopt a firmer policy against the tyranny which was enslaving Cuba, and continued to urge the new administration to the same effect.

I believe I was the first to call for cutting off all trade with Cuba.

I have been rather critical of the lack of a strong and affirmative policy against Castro's Cuba during the present administration, although I cheered the strong stand taken by the President during the fall of 1962, which resulted in a splendid, bloodless victory for our way of life and for freedom everywhere.

I have continued to urge recognition of a Cuban Government in exile and other more positive steps looking toward a free, independent, democratic Cuba.

So, the amendment of the Senator from Arizona is one that strikes a sympathetic chord within me. It is one that under almost any other circumstances I would support, for the Senator is indeed ringing a bell.

But, Mr. President, I respectfully submit that the bell he is ringing is not at the right address. This amendment is not germane to this treaty. It is clear that if it were added to this treaty, it would not result in the removal of the Russian troops and weapons from Cuba, but it would result in a defeat of this treaty.

For, obviously, it would require renegotiation of the treaty after some 91 nations have signed it. It is evident that the Soviet Union, and probably other nations—possibly Great Britain, Italy, West Germany, and others—would not agree to this reservation and that its result, in practical effect, would be merely to kill the treaty without serving any useful purpose whatever in decreasing the use of Cuba as a Soviet military base or eliminating the Castro regime in Cuba.

So, Mr. President, I believe any Senator can consistently and logically vote against the amendment of the Senator from Arizona and at the same time share with the Senator his concern over conditions now existing in Cuba and work with him and others in ways and means of bringing about the downfall of Fidel Castro and the returning of freedom to Cuba.

In searching his heart and conscience for the right decision on this momentous issue each Senator must decide what our Nation's goals should be and which road offers the least risk and best hope toward reaching those goals.

If our objective should be to make certain that more millions of Russians than millions of Americans would be killed in a future nuclear war, then perhaps we might come to the conclusion that the least risk would be to allow the present nuclear arms race to continue unchecked.

However, I submit that that is not the goal which most Senators and most of the American people are pursuing, for I am sure that most of us recognize that that road leads to the most frightful—the most egregious—consequences for human life on this planet.

As I interpret our wishes, our hopes, and our fears, the goal which most of us earnestly seek is the continuation of our free American way of life with a minimum of possibility of wholesale nuclear slaughter and the destruction of ourselves and other peoples.

The treaty's proponents have recognized throughout that there are risks in this treaty. Risks are unavoidable in any step in international relations we take in the dangerous times in which we live.

However, the risks in the treaty have been reduced to a minimum by the careful planning and negotiation which preceded it. In seeking the goal which I believe we are seeking, the risks of ratifying the treaty are much less than the risks of rejecting it.

It would not disarm us. It does not compromise us. It does not lessen our commitment to preserve our freedom and that of other nations who seek our assistance. But our signing does indicate to the remainder of the world that we recognize the United States and the Soviet Union have created a "Frankenstein monster" which must be controlled, and that we are willing to take a small step with the Soviets toward controlling it.

There are some military people, some scientists, and some Senators who have expressed beliefs that the risks outweigh the benefits from the treaty.

We can have the greatest respect, as does the Senator from Florida, for the able Senators who are opposing ratification, and for a military man such as Gen. Thomas S. Power and a scientist such as Dr. Edward H. Teller, both of whom have opposed it.

But we should also have great respect for the competence in this field of the Secretary of State Dean Rusk, the Secretary of Defense Robert McNamara, Director of the CIA John McCone, who used to be Assistant Secretary of the Air Force and who under the previous administration was Chairman of the Atomic Energy Commission. Particularly should we have respect for those men chiefly responsible for the Nation's security, the Joint Chiefs of Staff.

Mr. President, during World War II, I had the honor of serving in the U.S. Marine Corps. During the long, arduous, and sometimes sad days, I developed a deep and abiding respect for the courage and dedication of the leaders of the U.S. Marine Corps.

I particularly admired the selflessness and the bravery of a marine officer, David W. Shoup. He has received this Nation's highest decoration for heroism in combat, the Congressional Medal of Honor. Shoup was appointed Commandant of the Marine Corp by President Eisenhower. He sits with the Joint Chiefs of Staff. He appeared with other chiefs before our committee and in behalf of the treaty. His independence is unquestioned; his integrity is solid gold. When he said he was very much in favor of this treaty being initialed, I am frank to say that carried much weight with me.

But he and others whose judgment we can respect on a matter of this importance have unreservedly come out for the treaty, as have the former Commander in Chief of Allied Forces in Europe, the former President of the United States, Dwight D. Eisenhower, former President Harry S. Truman, and a host of others much too long to outline here.

This is too important an issue to be considered on partisan grounds. And I am proud of Senators again, for always, on matters of such gravity and consequence as this treaty, there is no room for political considerations. That is why we find such Senators as the distinguished and courageous minority leader [Mr. DIRKSEN], the ranking minority member of the Armed Services Committee [Mr. SALTONSTALL], the senior Senator from Vermont [Mr. AIKEN], and others all supporting this test ban treaty in the interest of their country.

Mr. President, all life is a risk, and those who seek to risk nothing, achieve nothing.

The ratification of this treaty is a calculated risk, and one I believe we must take, for it offers the greatest hope and the least risk toward the achievement of the supreme national objectives in the minds and hearts of American people.

I hope the Senate will overwhelmingly ratify the treaty.

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

Mr. SMATHERS. I am happy to yield to the able Senator from South Carolina.

Mr. THURMOND. The able Senator in his address spoke of being able to detect explosions if they should occur. I am sure the able Senator knows that the art of concealment always runs ahead of the art of detection.

Mr. SMATHERS. I do not know that.

Mr. THURMOND. I mean, the art of detection always runs ahead of——

Mr. SMATHERS. I believe the Senator stated it the way he intended to state it the first time.

Mr. THURMOND. I said it correctly the first time; the art of concealment always runs ahead of the art of detection.

Mr. SMATHERS. I have heard that, but I do not know that to be true.

Mr. THURMOND. That is the information which was brought out in the hearings. That makes it difficult in a great many cases to detect an explosion. It has been found that the party who wishes to explode can conceal for some time and possibly get away with it, before the explosion can be detected.

Mr. SMATHERS. I have great respect and a very warm affection for the able Senator, whose patriotism is of the highest. I know he has conscientious concerns and worries about the treaty, but I do not accept that particular statement. I cannot accept that particular statement in the light of the weight of the testimony of the witnesses who came before the committee, who said that they believe the only way there could be an explosion without it being detected, unless it were underground, would be to have an explosion so far out that it would be beyond the moon, if it were not an explosion of such small consequence and such low yield that it would not really be of any benefit to the Soviet Union to test.

That was the testimony as I remembered it. That was the statement of Secretary of Defense McNamara. So I cannot accept the postulate the Senator first made.

Mr. THURMOND. For example, if an explosion occurred on the boundary line between Russia and China, over in the middle of the country, we are told by some of the military people—I remember General Power in particular—that it would be very difficult, if not impossible, to detect where the explosion occurred. I do not mean to imply that we would not be able to detect an explosion. Our seismic instruments probably would be able to pick up an explosion, but it would be impossible to tell where it occurred unless we had on-site inspection and were nearer the situs.

Mr. SMATHERS. In response to that statement by the Senator from South Carolina, I will say that if there were an explosion on the Russian side of the line certainly it would be against our interest and we could withdraw. If it were on the China side, we would have to make a determination, as provided in the treaty, as to whether it was against our interest. If it was, we would say, "We had better take a look at this situation and withdraw from the treaty." That is one good thing about the treaty—whenever we determine such explosions are against our interest, we can withdraw. Certainly if it happened in the Soviet Union, we would know with certainty that we could withdraw from the treaty and begin testing, ourselves immediately. If it happened on the China side of the line, we could do the same thing, under the protections of the treaty, if it were against our interest, and if there were collusion, and there probably would have to be under the circumstances, we would withdraw and begin our own testing. This was the testimony, as I recollect it, given by most of the expert witnesses on this question.

I might also point out to the able and distinguished Senator that the President of the United States has given the assurance that our facilities for detection of possible violation of the Treaty will be expanded and improved as required to increase our assurance against clandestine violations by others.

Mr. THURMOND. If we were not allowed to go into those countries to determine just where the explosions took place, or we could not detect the explosions well, if at all, how would we be able to tell the location? For example, what would keep Russia from shifting her scientists, equipment, and personnel to the Chinese side and continue to carry on nuclear work?

Mr. SMATHERS. I do not believe that would really make a great deal of difference. As I understood the testimony, under the treaty, if there were an explosion in the atmosphere, of sufficient size to warn us immediately, and our seismic instruments and other scientific tests showed us that they were testing in earnest again, we would know immediately that we would start testing immediately. If it were in China, we could give the 90 days' notice if we believed such testing was against our supreme interest. Certainly, if China started testing, that would have to be our conclusion.

I refer to page 18 of the report on the question of detection, which reads as follows:

> And the committee was impressed by this comment of the Joint Chiefs of Staff: "The dangers of detection and the cost of difficulty of testing in outer space would tend to impose severe restrictions upon such clandestine testing. Other clandestine tests in the atmosphere or underwater, depending upon their size, would involve a fairly high probability of detection by our conventional intelligence or our atomic energy detection system. Moreover, the Joint Chiefs of Staff consider the resulting progress which the Soviets might make clandestinely to be a relatively minor factor in relation to the overall present and probable balance of military strength if adequate safeguards are maintained."

Mr. SPARKMAN. Mr. President, will the Senator yield just briefly at that point?

Mr. SMATHERS. I yield.

Mr. SPARKMAN. Earlier today I suggested to Senators that it would be a very fine thing and very encouraging for each Senator to go downstairs to the Foreign Relations Committee Room and get out the testimony of Dr. Northrup on detection. Does not the Senator from Florida agree with me in that statement?

Mr. SMATHERS. I agree with the Senator from Alabama. In my more formal remarks, I said there was much more testimony, which is of a secret nature, that would give Senators more assurance and confidence in this Nation's ability to detect any sort of meaningful explosion on the part of the Soviet Union or Red China.

Mr. THURMOND. Whose testimony was that?

Mr. SMATHERS. Dr. Northrup's.

Mr. THURMOND. I also point out that it might be helpful to the Senator if he could read the full testimony of General Power, the most vital parts of which are classified. The Senator knows the responsible position General Power holds. He has studied this question thoroughly, and he is one of the country's great experts on this subject.

Mr. SMATHERS. I agree with the Senator that he is an outstanding military man and citizen but there are more than military considerations involved.

Mr. THURMOND. He is very much concerned about this matter. If an explosion occurred in the atmosphere near the line, it is felt that it would be impossible to tell in which country it had occurred, and it would be necessary to have onsite inspection or have some other way to determine it. If those countries did not permit entrance for the purpose of inspection, Russia could assert that it had happened in China, and it could very well have happened in China. Suppose Russia had shifted her

operations there. There would be nothing to prevent her from doing it.

I earlier brought out information relating to the so-called rift between Russia and China. I am sure the Senator does not have too much confidence that there is a deep and lasting rift, because the Soviets have assured Red China that this treaty is in the best interest of world communism.

It is in the interest of both countries, the U.S.S.R. and Communist China.

I believe the Senator was present in the Chamber when I referred to an Associated Press article which reads:

The Soviet Union told Red China the limited nuclear test ban was a positive gain for communism because it would perpetuate the liquidation of the onetime American nuclear monopoly, and freeze each side's nuclear power.

It is felt by a great many of our military experts that if the situation were frozen as it is now, after the most successful series of tests by the Communists in 1961 and 1962, the great military advantage would, in some critical areas, be on the side of the Communists.

The Preparedness Investigating Subcommittee, after holding hearings for almost a year, and having heard the military and scientific witnesses who appeared before the Foreign Relations Committee, in addition to others such as General Power, General Twining, Admiral Burke, and other key military men—concluded that if the treaty were ratified, the United States probably would be unable to duplicate Soviet achievements in very high yield weapon technology. That is because the Soviets have conducted tests with high yield explosions and have gained knowledge from them. It is felt that what the Soviets desire now, after gaining this knowledge, is time. They are trying to buy time by entering into this treaty, so they can manufacture weapons with their slower production facilities as a result of having gained this knowledge, and then they will be in a very powerful position.

So if the treaty should be approved by the Senate, the Soviets would have that knowledge, and we would not be allowed to test in the atmosphere. The Soviets are ahead of us, as the scientific and military experts have said, in high-yield weapons, and have a great advantage. I am not now considering the political aspects; I am considering the military advantages.

I was wondering how the Senator felt we could ever overcome the advantage that the Soviets have gained in very high-yield technology from these tests, because the only way such knowledge can be gained is by testing in the atmosphere. It is generally agreed that that is the only way.

It has been stated that it could be partially gained by testing underground. We could not gain complete knowledge that way, and in this competition we cannot settle with being half safe or half sure. The only way to test any weapon with any degree of confidence is to test it in the environment in which it will have to function, in which it would have to operate in a showdown campaign.

I was wondering how the Senator felt we could equal or regain knowledge the Soviets have acquired in this particular field.

Mr. SMATHERS. First I should like to answer another question; then I will answer the question the Senator has just asked. We were discussing the question of the Chinese testing, and the question whether that testing took place on the border. That is a question which was asked by Senator RUSSELL of Secretary McNamara when he appeared before the committee. Senator RUSSELL said:

Senator RUSSELL. We, in common with mankind everywhere, are yearning to avoid these dangers of a nuclear war, but we don't want to get carried away by the objective and leave ourselves in a helpless position, as you so well point out in your able presentation.

REACTION TO POSSIBLE CHINESE TESTING

What would we do if the Chinese started testing, and we discussed the matter with Mr. Khrushchev, and he said, "Yes, that contemptible scoundrel Mao Tse-tung has gone on testing there. You can't trust him on anything. We have tried our best to deter him, but he is continuing to test in the atmosphere and elsewhere."

Just how far would we let that situation go before we would resume testing?

That is the situation to which the Senator from South Carolina had reference. Let me quote Secretary McNamara on this point:

Secretary MCNAMARA. Senator RUSSELL, that would clearly fall under article IV of the treaty, and we would certainly have the right to test under those circumstances.

I am certain that if there was any indication whatsoever that our national security was adversely affected by such Chinese action we would act to test.

It was that kind of testimony which convinced the majority of the members of the Joint Committee on Atomic Energy—and I see in the Chamber the former chairman of that committee, the Senator from New Mexico [Mr. ANDERSON]—and the majority of the Committee on Armed Services, and certainly the majority of the members of the Foreign Relations Committee, that we were not jeopardizing our Nation's security. The testimony was that we would test if it was determined that the Chinese were testing and it was adverse to our national interest. We have a right under the treaty to get out at any time that we believe there is something going on against our supreme interest. The minute that we know that testing is going on and the treaty has been broken by one of the parties to it, the other party is immediately released to do what it wants to do. We have already gone on record—the President of the United States, the Chairman of the Atomic Energy Commission, and all the others—that we are going to keep ourselves prepared to test even faster than we did after the resumption of tests by the Soviet Union in 1961.

That pretty well answers the first question of the Senator. I continue to read:

Senator RUSSELL. Despite any protestations on the part of the Russians that they had no part of it and didn't even know what the effects of the test were?

Secretary MCNAMARA. Yes, sir, I am confident of our actions under those circumstances.

There it is.

With respect to the other question of the Senator——

Mr. THURMOND. Will the Senator yield?

Mr. SMATHERS. I yield.

Mr. THURMOND. Red China now is not a party to the treaty.

Mr. SMATHERS. That is correct, but should they test in the atmosphere—and we consider such testing adverse to our supreme interest—we can, by giving 90 days' notice, release ourselves from the provisions of the treaty.

Mr. THURMOND. The Senator was saying that if Red China tested in the atmosphere, we would breach the treaty.

Mr. SMATHERS. We can under the provisions of the treaty with 90 days' notice to the signatories release ourselves from the treaty when such treaty is adverse to our supreme interest.

Mr. THURMOND. We would have the right. However, would we?

Mr. SMATHERS. This is what Secretary McNamara said. It is in the RECORD——

Mr. THURMOND. That is a new thought that has arisen in connection with the treaty, that if Red China tests in the atmosphere we will abrogate the treaty.

Mr. SMATHERS. At any time that any nation anywhere on the face of the globe tests, and we believe it is against our supreme interest, we can get out. That is one of the values of the treaty. It is that simple. That is what we are talking about. It is not much of a step forward. We are only beginning to move over. As the able chairman said, it is taking a different direction. This does not amount to a great deal in some respects, because we can start testing at any time that someone else starts to test in the atmosphere and we think it is against our supreme interest. If Israeli started to test or if Egypt started, or if anyone else started, and we thought it was against our interest, we would start testing immediately if they were signatories. If not upon 90 days' notice.

Mr. THURMOND. As a matter of fact, we would not have to have any reason to abrogate if we determined that it was in our national interest to do so. We could withdraw from the treaty.

Mr. SMATHERS. Yes.

Mr. THURMOND. Would we do so if Red China tested? Would we withdraw?

Mr. SMATHERS. I believe we would withdraw.

Mr. THURMOND. Suppose China did test in good faith, and the testing had no connection with Russia?

Mr. SMATHERS. Secretary McNamara said we would do it if it were against our supreme interest. I am satisfied we would. Obviously, Red China, ideologically motivated as it is, with its goal, constitutes the same threat to freedom.

Mr. THURMOND. I am of the opinion that the Russians would not hesitate to shift their scientists and their equip-

ment across the line and have the tests carried on in Red China, and then claim that Red China was doing it, and not they.

Mr. SMATHERS. If there is testing, that is what may happen. If it does happen, we are out.

Mr. THURMOND. We could abrogate, but suppose they go along for 2 years, using the knowledge they have gained from the high-yield tests in 1961 and 1962, and have their weapons, and then suppose we abrogate, and they have already had their breathing spell and have kept us from testing, and have been able to build their weapons. We would have been testing underground, which would not equal atmospheric testing.

Mr. SMATHERS. I am sure the Senator from South Carolina recognizes that one of the foremost scientists who opposes the treaty is Dr. Edward Teller, the father of the hydrogen bomb. I have stated in the formal part of my speech that even though he is opposed to the treaty, on this particular point he did not believe that there was great progress to be made with respect to the future of this high-yield, many-megaton bomb, and that in many respects he did not believe it gave the Russians any particular advantage.

I am sure some military men believe—and I heard the Senator argue this point—that if the big bomb were exploded, it might knock out the radar defense system. However, it would not knock out the Polaris missile. It does not stop the Polaris submarines. There are 16 missiles in 16 tubes in those submarines. Those will work. I do not share the great concern of the able Senator from South Carolina on this point.

Mr. THURMOND. Unless we test, how do we know that it will not knock out the electronic systems of the missiles on board the Polaris submarines? Also, there is the point I raised earlier today, about the Soviet ABM capability to knock down Polaris missiles, which, by the way, are fired one at a time and not in salvo.

Mr. SMATHERS. If the Soviets can find out where these Polaris submarines are operating, they would have to blow up the warhead, including themselves, to do that. If a submarine lies 50 miles off the shore in the Black Sea, they must use a small weapon to hit that submarine, without destroying themselves. This is the advantage of the maneuverability and the manner in which the Polaris submarines can operate. This is what makes them one of the great weapons of all time.

Mr. THURMOND. If a bomb of 50 to 100 megatons were dropped and if it destroyed the electronic system by fusing the wires——

Mr. SMATHERS. The Senator has reference to fixed site missiles.

Mr. THURMOND. In the earth. The electric current operates them. If such a bomb should be dropped in certain parts of the world, how do we know it would not affect the missiles, unless we conduct tests to find out?

Mr. SMATHERS. Probably they can conduct such tests. The testimony of Dr. Harold Brown, one of the most respected scientists, is that it is possible to conduct underground tests and learn from them almost as much—I am paraphrasing the testimony—as one could from tests in the atmosphere. With respect to the antiballistic missile system, it did not involve so much a question of the warhead as it involved the deliverability system, the system of discrimination.

That is the real problem—the anti-ballistic-missile system. It is not the nuclear warhead end of it, but how is it delivered? How is it made to discriminate? How will it actually operate?

As the testimony is, except for one or two of the military men, the preponderance of the testimony was that our system of anti-ballistic-missile development was as good as theirs. I know the Senator from South Carolina does not hold to that view entirely, but I do. From the evidence I have heard—and the Senator from South Carolina has a right to believe the witnesses whom he wishes to believe, and I have a right to believe those whom I wish to believe. I believe the Joint Chiefs of Staff and other competent witnesses. I accept the word of Dr. Harold Brown. I am willing to accept the word of former President Dwight David Eisenhower, who, I think, knew something about this subject. I am willing to accept the word of the President of the United States, the Secretary of State, and the Secretary of Defense. We must believe someone in this matter. So far as Senators are concerned, it is a question of who to believe. I believe the weight of the testimony is well in favor of the treaty and that its ratification is in our national interest.

Mr. THURMOND. What about General Power, General Schriever, Admiral Radford, Admiral Burke, Dr. Teller, Dr. Foster, and so forth?

Mr. SMATHERS. I respect General Power, but I also respect the Joint Chiefs of Staff. I respect highly the Commandant of the Marine Corps, David Shoup, who has received the Congressional Medal of Honor, the highest award that can be given to any man in the U.S. Armed Forces. He sat before us and said, in effect, that he was happy when the United States initialed the treaty and that we ought to enter into it.

There is no greater patriot than General Wheeler, Chief of Staff of the Army, or Admiral MacDonald, Chief of Naval Operations. The committee heard all of them. It is a case of which ones Senators wish to believe.

The Senator from South Carolina has chosen to believe some highly respected men; I have chosen, as have most other Senators, to believe other men. This is what we all have a right to do. I do not question the Senator's patriotism; he does not question mine. I think this is a matter of judgment.

In addition to the military facets of the test ban treaty, there are other important reasons why the United States should approve the test ban treaty.

Mr. THURMOND. Of course, we respect General Shoup for having received the Congressional Medal of Honor; but there is a great difference between physical bravery and the possession of nuclear knowledge. Dr. Teller warned that a "disparity of knowledge today is a disparity of power tomorrow."

Dr. Teller said further:

A test ban treaty with the Soviet Union would prevent vital improvements of our atomic explosives as well as foreclose the development of antimissiles and systems like Nike-Zeus and Nike-X. It would not keep the Russians from cheating. Such a treaty, in sum, would endanger our security and help the Soviet Union in its plan to conquer the world.

I am sure the Senator from Florida has great respect for Dr. Teller.

Mr. SMATHERS. I have the highest respect for him. Because of that, I wish to read what Dr. Teller said in answer to a question asked of him by the former chairman of the Joint Committee on Atomic Energy, which appears in the hearing on page 471.

Senator ANDERSON. I appreciate that statement because I fully agree with you. I have grave doubts as to how important these large-scale weapons are. You were director of that laboratory and its guiding spirit for a long time. If this country had had to have a large-scale explosive you would have built one, wouldn't you?

Dr. TELLER. If I had thought so at that time that it was necessary I would have built one.

Obviously, the presumption is that Dr. Teller did not think such an explosive was necessary. Senator ANDERSON, because he respects Dr. Teller highly, but does not agree with him in this particular instance, said:

You surely would.

Dr. TELLER. But it is entirely possible that 4 years from now I will appear before this committee and Senator CHURCH will confront me with another situation where on the basis of changed information I will have changed my mind.

We all respect Dr. Teller; but Dr. Teller said he did not believe we should give too much weight to the fact that the Soviet Union might be ahead of us in the development of high-yield bombs—100-megaton nuclear warheads.

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

Mr. SMATHERS. I yield.

Mr. HUMPHREY. Does the Senator recall another occasion, when Dr. Harold Brown appeared before the committee and was asked whether he had access to all information, technical and intelligence, and that Dr. Brown said, "Yes"? I asked the question of Dr. Brown.

With all regard and respect for Dr. Teller—and I emphasize that he has made a great contribution to science in this country and is a great scientist himself—I asked Dr. Brown if Dr. Teller had access to all the information, both scientific or technical and what we call intelligence, and the obvious answer, of course, was "No." We must take that fact into consideration. This is not to derogate the scientific competence of a man like Dr. Teller; it is merely that in forming his judgments, he did not draw from as wide a base of information.

A little later in the hearings, the great Dr. Kistiakowsky, who is acknowledged

throughout the world as one of the truly outstanding scientists, and who was President Eisenhower's scientific adviser, was asked about the testimony of Dr. Teller and Dr. Brown. That testimony was recited today, so I do not need to quote it word for word. But the Senator from Florida may recall that Dr. Kistiakowsky said, in effect, "If you want to know about antiballistic missiles and talk to the man who knows the most about them and is in possession of information about them, that man is Dr. Brown."

Another man who is quite competent in this area is Dr. York. He gave rather revealing testimony when he said he knew of no way to build a defense against a missile; that what we ought to do is to build an offensive capacity; what he called penetration aids and penetration capacity.

So when we get into testimony, I say most respectfully to the Senator from Florida, as he himself has said so well, that while we can find a scientist here and there who may disagree with men like Dr. Brown, Dr. Bradbury, Dr. Kistiakowsky, Dr. York, and the military experts, we must take into consideration, it seems to me, in arriving at a judgment in this highly complicated important matter, the weight of the testimony. How much testimony is on this side? How much is on the other side? It is not that Dr. Brown is more intelligent than Dr. Teller, or vice versa. It is a question of updating the information or of weighing the testimony.

The President's Science Advisory Committee released a statement some time ago. I have a copy of it before me, dated August 24. Among those who serve on the President's Committee are men like Dean Harvey Brooks, of the Division of Engineering and Applied Sciences, of Harvard University; Dr. Edwin R. Gilliland, professor of chemical engineering, Massachusetts Institute of Technology; James B. Fisk, president of the Bell Telephone Co.; Dr. Bronk, president of Rockefeller Institute. Twenty-five or more of the greatest scientists in the United States, the best scientific brains we have, comprise the President's Science Advisory Committee.

Mr. SMATHERS. That is why so many Senators who listened to the testimony have made judgments as to whom they will believe. It is a difficult judgment to make. One finally takes as we say in law—the weight of the evidence. The Senator from South Carolina cites 1 authority; we cite 10. So it goes. The Senator from South Carolina may choose to believe his one authority; but other Senators may choose to believe many others. It was because of the testimony of such distinguished scientists and technicians in the field of missiles that most members of the Foreign Relations Committee were convinced. That is why they voted, 16 to 1, in favor of the treaty.

Mr. HUMPHREY. The point I wish to make about the August 24 statement, which later today I shall enter into the RECORD, is that Dr. Teller had been invited to present his views before his distinguished colleagues, not before Senators, not before those of us who are not scientists, but before the men who have been responsible for the defense of the free world, in the field of science and technology, before men who have been responsible for the intricate electronic companion system of rocketry.

Dr. Teller was asked to come in and have a full discussion on his views with the Science Advisory Committee. I did not sit in judgment, and neither did the Senator from Florida [Mr. SMATHERS]; neither did Dr. Teller's colleagues in the fields of science, engineering, physics, chemistry, and nuclear physics. All the men who had had practical experience in designing atomic energy projects, warheads, rockets, and missiles came to a different conclusion from that reached by Dr. Teller. I do not say Dr. Teller is necessarily wrong, because I do not know that. All I know is that men who know something about nuclear science, men who know something about engineering, men who have given their lifetime in this area, came to this conclusion, after they had heard Dr. Teller testify in the same way that one would testify before a panel of his peers:

> It is our judgment that the present advanced state of U.S. nuclear technology, and the present advanced state of U.S. nuclear technology and associated weapons systems, make it possible to accept restrictions on this treaty with confidence in our continuing security. Although certain technical possibilities will have to be foreclosed, these limitations also apply to other nations. In fact, more extensive limitations to a comprehensive treaty with adequate safeguards could provide ever greater confidence in our continuing welfare and security. The treaty would provide relief from radioactive fallout, and contribute significantly to the task of preventing the spread of nuclear weapons to other countries, thus constituting an important step toward a safe and secure peace in the world.

They decided in favor of the treaty.

Mr. SMATHERS. What date is that?

Mr. HUMPHREY. August 24. On August 23, Dr. Teller spent a good deal of the day in full discussion of his views, just as he presented them to the committees of Congress.

I must say that if I were to have a decision made about a point in surgery or in medicine, I should prefer to have a doctor who wished to argue his point on the proposed surgical or medical treatment go before a panel of other doctors and argue with them as to their professional judgments, so that later I could have the benefit of the weight of the judgment of the panel of doctors, rather than have the doctor whose views differed from theirs come before a group or a committee of Members of Congress and argue about a medical case or a case involving surgery.

Dr. Teller is not to be derogated, of course; but that is not the point. The point is that we have to make a decision, and we cannot expect unanimity on these matters. No doubt all these men are equally patriotic.

Mr. SMATHERS. I very much appreciate the statement made by the able and distinguished Senator from Minnesota. He has made very well the point I was trying to make in my colloquy with the able Senator from South Carolina [Mr. THURMOND].

Our decision on the question of voting for or against approval of the treaty is, of course, based on the judgment which all of us must make. When there is a difference of belief among the scientists and among the experts, we must decide which ones we choose to believe.

I respect the Senator from South Carolina for whatever judgment he has arrived at; but I maintain that the great weight of authority and evidence is in favor of our approval of and is in accord with the view that the treaty is in our national interest.

Of course some risks are involved. But if, following our approval of the treaty and its ratification, our country can work out and achieve an arms control system which will be practical and sensible, if we can, somehow, maintain the peace, and if we can, somehow, avoid a nuclear war, certainly this step is worth taking.

Of course, I could proceed to answer questions all day long. The Senator from South Carolina could cite the experts whose testimony he thinks the best, and I could cite 20 experts whose views coincide with my own. I have great affection and great respect for the Senator from South Carolina; but I am sure I would never be able to convince him to accept my point of view in regard to this treaty.

Mr. THURMOND. Mr. President, the able Senator from Florida has tried many cases in a court of law, and I am sure he knows that the judge or jury does not consider primarily the number of witnesses on either side.

Mr. SMATHERS. I agree.

Mr. THURMOND. The quality of the witnesses, is the primary consideration. I point out that testimony, not the number of such distinguished men as Dr. Teller, Mr. Foster, Admiral Burke, Admiral Radford, General Power, General Schriever, General Twining, and others have testified that, in their judgment, the treaty is not in the best interests of this country.

Mr. SMATHERS. But I am sure the able Senator does not believe that President Eisenhower is opposed to the best interests of our country, any more than he would believe that President Kennedy is or President Truman is. I am also sure the Senator does not believe the Joint Chiefs of Staff are any less qualified than is General Power. I am sure the Senator does not believe that General Wheeler or Admiral McDonald, or the Chairman of the Joint Chiefs of Staff do not know what they are talking about. All of them favor the treaty.

It is obvious that the minds of men who long have been in the military service—and I pay tribute to the able Senator from South Carolina, who is a distinguished major general in the U.S. Army Reserve—are oriented along military lines. So it is more difficult for them to see the political possibilities and the ideological possibilities of achieving peace. Of course, I would not go so far as to say that any military man wants such a war; I am sure those in the military service do not.

But the fact of the matter is that—practically speaking—large armaments and large military expenditures do not

hurt the military men. Instead our military program gives them their rank and their stature. So, although we weigh the testimony of military men, I believe it sometimes more important to weigh the testimony of the scientists and others because their careers are not so directly affected by our decisions. I would not in the slightest derogate—to borrow a word used by the able Senator from Minnesota [Mr. HUMPHREY]—the patriotism and the ability of any military man. But I believe we should consider the views of other witnesses, too, should weigh all the evidence, and then should arrive at our decision.

I am sure I cannot convince the able Senator from South Carolina—who has produced a great array of witnesses—to accept my view. But I must say, with the highest respect for him, that he has not made the slightest dent in my convictions about what is right with respect to this treaty.

Mr. THURMOND. I am wondering whether the distinguished Senator realizes that General Twining has been working as the chairman of a Twining Committee, which has been studying these matters, and that he has been briefed on all the latest intelligence along this line. He testified before our subcommittee, but his testimony is classified, and I cannot discuss it. He came to the very firm, definite, and unequivocal conclusion that the treaty is not in our best interests.

I am sure, of course, that the Senator knows the members of the Joint Chiefs of Staff were ordered to take into consideration not only the military advantages, but also the political advantages, which General LeMay testified he did not feel qualified to assess.

Mr. SMATHERS. Yes. However, the world in which we live is not all military, and we can be grateful for that.

Mr. THURMOND. That is true. But I think there is no question that the thrust of their testimony was military directed at military disadvantages.

What political advantages does the Senator feel we would gain from the treaty?

Mr. SMATHERS. Of course, to answer that question, I could deliver my speech all over again. I wish the Senator had listened to it. I spent 35 minutes delivering it.

Mr. THURMOND. And I listened to it. What main political advantage does the distinguished Senator feel that we would gain from the treaty?

Mr. SMATHERS. First, there is the possibility that we can thus head off a nuclear war and maintain our freedom. I believe we can do that.

Second, I believe another great advantage is that we may not have to continue to incur the present enormous military expense, which is a burden on the taxpayers of this and other lands. So the treaty may make it possible for us to end the present large concentration of funds into this program, whereas today—because we are almost frightened to death—we are trying to establish a balance of power with the opposition.

If we could somehow relax tensions between the Soviet Union and ourselves, I believe that would be a great thing for all the people in the world. If we could, somehow, keep moving forward in the direction in which this treaty will start us moving, we could actually enter into some kind of sensible and practical disarmament treaty, I believe that would redound to the benefit of the United States and all other peoples, who, I believe, regardless of their color or their nationality, have the same goals in mind: They wish to be free, to eat three meals a day; to have their children educated, to think as they choose, and to worship as they choose. I believe all mankind wants those things; and I believe that if they are given sufficient opportunity, they can achieve them.

So I believe many advantages can be obtained by redirecting our efforts, if at all possible, so that we do not continue to follow the course of building larger and larger armament programs, more and more weapons, and larger and more dangerous bombs, to the point where we would contaminate the atmosphere and also to the point where, finally, some day, if a lunatic obtained control of one country, the world would be destroyed.

I believe that we ought to make almost any effort we can make in honor which would preserve our security and head off that kind of collision.

Mr. THURMOND. I can see the point that the able Senator makes. However, the testimony is that under the treaty we would keep up our armaments. I believe the testimony has been unanimous that we would not disarm. Some witnesses have testified that we shall spend more for underground testing because it will be more difficult.

Mr. SMATHERS. We must, until we see what the next step is. The proposal is a small first step. Then we hope for the next step. The next step may be entirely negative and we may all start testing again. On the other hand, having looked in that direction and at each other, saying, "Do you not realize the insanity of doing what you are doing," and hearing them say, "Yes, we do; we will make a little tentative agreement if you will," it may be that both of us, looking at each other and knowing what we are doing, though the process could lead to the destruction of civilization, might allow reason to prevail. We could turn away from the buildup of armaments and weapons, and the money that we are now spending for that purpose could be turned into more profitable and productive things to improve the life of all of our people.

I do not know that it will happen. No one does. But we would make a small effort. Perhaps we might accomplish that hope. We must keep our guard up. We do not know. The proposal may involve some deception on their part. But we must wait and see. At least we shall give them an opportunity to prove whether they mean what they say. However, we shall not endanger ourselves while we do so.

Mr. THURMOND. There is the question. At that point we part ways. In recent tests the Communists have gained great knowledge of high-yield weapons, superbombs, and bombs that might neutralize our silos. There are bomb effects which might make our missiles inert.

Mr. SMATHERS. I have not heard a military man or any man—even General Power, General Twining, or Admiral Burke—say that the Russians have a bomb that is big enough. It may hit a silo. Their argument is that if the silo is fixed at a site in Nevada or somewhere else, the Russians might be able to drop a bomb over it and fuse the electronic system, so that it would not work. I have not heard even the Admiral say that they can hit a Polaris submarine which is moving in the Black Sea, the Mediterannean, the Baltic, or elsewhere.

We are building them at the rate of one a month. If the Russians should drop a big bomb on one of those submarines, they must destroy themselves because it is so big. How can such a bomb hit a submarine and not destroy all that is around it? So far as I am concerned, at that point the argument does not hold up. I understand that if we had to rely totally on the fixed silo, accepting the Senator's argument at its full value, which I really do not, but for the sake of argument if I accepted it, it still would not answer the question. The admirals have not said that a big bomb can destroy that Polaris submarine because the Polaris submarine is mobile. It is under the water. It can get close to the shoreline. It can be 5 miles from the shore. If the enemy should drop such a bomb 5 miles off the shoreline, they would destroy themselves.

Mr. THURMOND. If the distinguished Senator could find the time to do so, I should like to have him read some testimony given before our committee, particularly the testimony of General Twining, General Power, and others who testified as to what happens under certain conditions during certain tests. I also remind him that several months ago the Communists published a statement in the newspapers to the effect that they have an antimissile system in a certain city in Russia, and that our intelligence reports confirm this.

I am not nearly as concerned about blast effects or near hits as I am the various exotic effects of the super bombs which I cannot discuss because of its highly classified nature.

Mr. SMATHERS. I heard the Senator make that argument the day the Senate held a closed session.

Mr. THURMOND. And it all came out in the newspaper.

Mr. SMATHERS. It should never have come out in the newspaper. I agree with the Senator. But it is pretty hard to keep things from the newspapers.

Mr. THURMOND. According to the intelligence received, that type of system has a capability of knocking down missiles with a range of 1,200 miles and 2,500 miles, which would cover the range of the Polaris submarine. We must not forget that the Polaris submarine does not fire a salvo. Some warheads are equipped to fire salvos. Those salvos can be composed of multiple warheads. They can all be deadly weapons or they can be composed of some decoys along

with other missiles that are alive. But the Polaris does not fire a salvo. It merely fires one ballistic missile—a single missile. The Russians have a system that will knock down such missiles. Of course, they do not have it all over Russia yet, but as time passes, if they develop the system that they now have in this place, it is calculated to knock down a missile of the type carried by the Polaris. The Senator can see the trouble that we might then be in.

Mr. SMATHERS. I understand that. I believe the RECORD should clearly show that that is the Senator's view. There are others who probably support that view. But the Secretary of Defense specifically said that the anti-ballistic-missile system that we have today—the Nike-Zeus—in his judgment is as competent, if not more competent, than that which the Soviet Union has. He does not believe that the Soviet Union has today, or is in the process of developing, as sophisticated and effective an anti-ballistic-missile system as we have.

Mr. THURMOND. Our Nike-Zeus system has been effective in 8 out of 12 shots. We have increased its effectiveness since the secret meeting in the spring. But we are not developing it. The Soviets have developed their system. They have not only developed it, but they have deployed a system, and it would take us 4 years to produce and deploy such a system.

Mr. SMATHERS. I am sure the testimony is that we are going forward with the development of our anti-ballistic-missile system.

Mr. THURMOND. We are only doing research. We are not even providing for procurement of parts. That is the program for which we tried to get the money to go forward with.

Mr. SMATHERS. The Senator has previously debated that question in the Senate. It was generally the conclusion of most Senators, after having been informed by the able Senator from South Carolina on that particular point, that the Defense Department was doing the correct thing in not putting money into a system which would be outdated probably by next year, but would go forward with the development of a more specific and a more technically refined system than that which we now have under the Nike-Zeus system.

Mr. THURMOND. The Senator now knows that the Defense Department has admitted that the Nike-X will merely be an extension of the Nike-Zeus.

Mr. SMATHERS. As everyone knows, when we proceed from A, we get to B and then to C. We start with the first step and then improve it with a second, and then improve it still further with a third. We have improved the Nike-Zeus.

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

Mr. SMATHERS. I am happy to yield to the Senator from Minnesota.

Mr. THURMOND. Mr. President, will the Senator yield to me for one further point?

Mr. SMATHERS. I yield.

Mr. THURMOND. The Nike-Zeus is supposed to go far out and knock down missiles, whereas the Nike-X goes up but a short distance. If a missile gets past the Nike-Zeus, the Nike-X is supposed to get it.

It is all one system. I explained that point a while ago. The Department of Defense was trying to show that it had a better system in the Nike-X, but that was a deception. That was not the case. The Nike-Zeus and the Nike-X are all one antimissile system. The Nike-Zeus would go far out, and the Nike-X would stop the missiles if they should get by the Nike-Zeus and come closer. I am sorry that the Secretary of Defense expressed the situation as he did, because it was deceiving.

Mr. SMATHERS. Mr. President, I wish to yield a moment to the able Senator from Minnesota.

Mr. HUMPHREY. Mr. President, the only thing I can contribute to the point under discussion is the testimony of General LeMay and the testimony of our scientists who have had the responsibility for the development of the system of antiballistic missiles. The Senator may recall that Dr. Teller made the point that we were falling behind in what he called knowledge in the entire field of weapons systems and the antiballistic missile. In the hearings many Senators questioned other witnesses on that subject. Without exception the witnesses disagreed. Other scientists disagreed with that evaluation made by Dr. Teller. In other words, either we had comparability, a kind of parity of knowledge, or, as others said, we were ahead.

With respect to the question of the anti-ballistic-missile system, the Senator may recall the testimony of Secretary McNamara, in which he pointed out that the anti-ballistic-missile system is not merely a warhead, but is the entire apparatus of the rocket or the missile itself. There are many component parts of it. We can continue to develop the system and to test it. We can continue to develop penetration aids and decoys. We can continue to develop radar and electronic devices and all the many facets and many component parts of the missile.

It was also stated—we can refer to the testimony to get the exact quotations—that insofar as the weapons effect of the warhead on such a missile is concerned, we have considerable information on that right now. In other words, it was stated unequivocally that we can develop an anti-ballistic-missile system which is as good as or better than that of the Soviet Union.

What did General LeMay have to say with reference to the Nike-Zeus and the second generation, or the extension of the Nike-Zeus into a more sophisticated weapon? General LeMay was cross-examined by the distinguished Senator from South Carolina on this question. Certain testimony was deleted for security purposes.

Mr. THURMOND. Of course, General LeMay has always been against an anti-ballistic-missile system. He goes on the theory of offensive power; and there is merit in that position.

Mr. HUMPHREY. That is exactly true. About the only one who seems to emphasize the anti-ballistic-missile system is Dr. Teller, who does not have competence in this field.

Mr. THURMOND. General Wheeler and General Taylor both are strong for the Zeus anti-ballistic-missile system.

Mr. HUMPHREY. General Wheeler supports the treaty. General Wheeler has full responsibility.

Mr. THURMOND. But the Senator said that nobody else supported it.

Mr. HUMPHREY. The Senator is correct in calling me up for that statement of mine. What I meant was that of those who opposed the treaty Dr. Teller was the one who was concerned primarily about the anti-ballistic-missile system, which caused him to oppose the treaty. Dr. Teller was not particularly concerned about the big bomb.

These men have their own specialties. Dr. Teller was more concerned about the anti-ballistic-missile achievements of the Soviet Union. He was not concerned so much about the big bomb.

Somebody else is more concerned about the big bomb, but not so concerned about the Soviet anti-ballistic-missile system.

We have found that, without further testing, we can make a bomb of 60 or 65 megatons, which would be a rather sizable "little firecracker."

Most of the scientists have testified to the effect that our weapons system and anti-ballistic-missile system is as good as or better than that of the Soviet Union. General LeMay testified:

> I do not recommend going into production of Nike-Zeus now, but I do recommend full scale development.

Which is exactly what we are doing. "Full scale development" is as fast as we can go.

Mr. THURMOND. Who is developing, full scale?

Mr. HUMPHREY. Research on Nike-Zeus.

Mr. THURMOND. The only thing we are doing is research on development of x. Actually, the Zeus has almost been abandoned except for a little research.

Mr. HUMPHREY. Did the Senator not hear me? I said "research."

Mr. THURMOND. The Communists have gone further. They have not only developed but have also deployed their system—a difference of 3, 4, or 5 years.

Mr. HUMPHREY. We heard that.

Mr. THURMOND. They are at least from 3 to 5 years ahead of us.

Mr. HUMPHREY. That is the conclusion of one Senator. I submit, most respectfully, it is the conclusion of a Senator who has studied this field. I respect the Senator's knowledge in this field. But there was no testimony before our committee that the Russians were 3 to 5 years ahead. The testimony which we heard on the Leningrad installation was that that was the only installation, and nobody knew what it was or how much they had.

Mr. THURMOND. The testimony before the Preparedness Subcommittee was that the Russians were from 3 to 5 years ahead of us.

Mr. HUMPHREY. There may have been one witness who testified to that, but the truth of the matter is that the people in this Government who are responsible for the defense of this country are not the people who are saying that this treaty will so inhibit us in the de-

velopment of the anti-ballistic-missile system that we ought to reject the treaty. That is the first point.

The second point is that our knowledgeability of the anti-ballistic-missile system, according to our best experts, and according to Dr. Kistiakowsky, rests with the man who knows the most about this subject, who is Dr. Harold Brown. Dr. Harold Brown's testimony is unequivocal that we have either comparability with or are ahead of the Soviet Union on the development of an anti-ballistic-missile system.

I do not know whether we are ahead or behind. I know I have to believe somebody who has competence in the field.

Mr. THURMOND. I will tell the Senator whom he can believe on this question. All day the Senator has been putting confidence in the Joint Chiefs of Staff.

Mr. HUMPHREY. I hope so.

Mr. THURMOND. If the Senator is willing to put all that confidence in the Joint Chiefs of Staff, he can go to the committee room and read the classified testimony given before the Prepardness Subcommittee. There he will see that the Joint Chiefs of Staff admitted that the Soviets are ahead of us in the anti-ballistic-missile system. That is in the Preparedness Subcommittee hearings. I invite the Senator to go to read the testimony.

Mr. HUMPHREY. The only thing I will say is that this debate on the treaty, boiled down, comes to about the following:

First, many opponents of this treaty do not trust the Russians. I think we could pretty well agree on that.

Not only do they not trust the Russians, but some of them do not trust even our own scientists—I mean, their judgment.

Now it seems we do not even trust the Joint Chiefs of Staff. Apparently we do not trust the President. I say this because the President, the Secretary of State, the Secretary of Defense, the Director of the Central Intelligence Agency, the Joint Chiefs of Staff, the Chairman of the Joint Chiefs of Staff, and the President's Science Advisory Committee, as well as the leading scientists of this country—at least most of them—support this treaty.

If we cannot trust anybody, perhaps we ought not to have a treaty. Perhaps we ought not to have hearings. Whom can we trust?

Two Presidents have recommended this treaty. Two Secretaries of Defense, two Secretaries of State, and two Chairman of the Joint Chiefs of Staff have recommended it. It seems to me we must trust them.

Mr. THURMOND. In closing, Mr. President——

Mr. SMATHERS. I thank the able Senator from Minnesota. Then I will yield to the Senator from South Carolina. I am happy to hear the Senator from South Carolina say "in closing."

The point is that there must be someone whom we can believe. The Senator from Minnesota has outlined all the people who are for the treaty. The Senator from South Carolina can outline all those who are against it. Every man has a choice.

The Senator from South Carolina chooses to believe a certain group who have some doubts about the treaty. That is his right. That is his privilege. We respect him in that right. The Senator from South Carolina will not convince me. Certainly he will not be able to convince the Senator from Minnesota. I doubt that he will be able to convince more than a few Senators of the correctness of his position, but certainly he has a right to express it. I look forward, as I am sure other Senators do, to hearing the Senator's formal speech in this regard in the next 2 or 3 days. We will give the Senator every consideration.

But, so far as the junior Senator from Florida is concerned, I have examined the testimony. I have listened to a great deal of it. I have heard many of the arguments pro and con. There is no question in my mind. It is not even a close question. We should adopt the treaty. We should adopt the treaty overwhelmingly, because it is in the best interests of the United States, as I see it.

Now I yield to the Senator from South Carolina.

Mr. THURMOND. In the Preparedness Subcommittee the testimony will show that the Joint Chiefs of Staff admit that the Soviets are ahead of us in high yield nuclear weapons. The testimony will also show that the Russians are ahead of us in the development of the anti-ballistic-missile system. In order to overcome the deficiencies in those two fields it will be necessary to test in the atmosphere. That is the only way we can do it.

We are supposed to be ahead of the Soviets in the low yield weapons tests.

I do not know what information the Senator had before the Foreign Relations Committee. I am telling the Senator what testimony was given before the Preparedness Investigating Subcommittee. I wish the Senator would read it.

Mr. SMATHERS. I concur in the conclusion of the Foreign Relations Committee, which was written in the report. This is our conclusion. The Senator from South Carolina does not know what was said before our committee, and perhaps I do not now what was said before his committee. He can read what was said before our committee, and I can read what was said before his committee. I thought we had all the testimony. The Senator says that maybe we did not. I still think we did. But now I quote the report:

> But in any case, after considering all of the testimony on this subject, the committee agrees with the Joint Chiefs of Staff that in the anti-ballistic-missile field, development of the U.S. system does not depend on atmospheric testing—

Which is just contrary to what the Senator from South Carolina just said. The Joint Chiefs of Staff did not say that before our committee.

Mr. THURMOND. Some of the Joint Chiefs expressed the position that they felt we could overcome some of this advantage, but I do not think they said we could do it completely, or that we could overcome it entirely. I do not know what kind of statement the Senator has, but the Preparedness Subcommittee had it in more detail, and it is classified.

Mr. SMATHERS. The Senator understands that, even if it is classified, every Senator can read it.

Mr. THURMOND. That is correct; and I would be glad if Senators would do it. In fact, I heartily recommend this.

Mr. SMATHERS. When executive sessions were held before the Atomic Energy Joint Committee, the Foreign Relations Committee——

Mr. HUMPHREY. And the Armed Services Committee——

Mr. SMATHERS. And the Armed Services Committee—we thought we really were getting all the testimony.

Mr. THURMOND. We are trying to have some of our testimony declassified. The Defense Department has refused to declassify a lot of information which will be helpful to our side. It is a very strange thing for the Department officials to do.

I read now a question asked by the Senator from Rhode Island [Mr. PASTORE] of General LeMay on page 350 of the hearings of the Foreign Relations Committee.

The Senator from Rhode Island asked this question:

> Do you see any military need for a 50- or 75-megaton bomb?
>
> General LEMAY. Yes, sir; I do. The Joint Chiefs have already recommended we go ahead with the development work on a large yield bomb.
>
> Senator PASTORE. Is this a new policy?
>
> General LEMAY. It is not new as far as I am concerned. I asked for, the Air Force asked for, a high-yield bomb as early as 1954.
>
> Senator PASTORE. When you talk of high yield you mean over 50 megatons?
>
> General LEMAY. Yes, sir.

I bring this information up at this time because the question arose in the debate earlier today as to whether the military had asked for a high-yield bomb. I believe the Senator from Alabama indicated that it had not. We had this information in the Preparedness Investigating Subcommittee. We are trying to declassify it now, but are having difficulty doing so. I see that it was brought out in the Foreign Relations Committee hearings in this exchange between Senator PASTORE and General LeMay. This is a vital point, so I call it to the attention of the Senate at this time.

I read now from page 351 of the same hearings. The Senator from Rhode Island [Mr. PASTORE] asked Admiral McDonald this question:

> Admiral, could the use of very large-yield weapons put our command communications of Polaris out of commission?
>
> Admiral MCDONALD. Quite likely.

In conclusion, it is clear that the Soviets are ahead of us in high-yield weapons and in testing for the effects of high-yield weapons on our second strike systems. They are also ahead of us in the development of an anti-ballistic-missile system. Therefore, the only way we can catch up in these crucial fields is through atmospheric testing. We can catch up partially with underground testing. We cannot completely catch up

the way we should by testing in the atmosphere. We need to test in the atmosphere to determine what size bomb would knock out missiles and knock out electronic controls or guidance systems in the missiles in the silos. These tests need to be conducted in the atmosphere.

In my judgment, and that of others we shall be making a great mistake if we do not do it.

I thank the Senator for his courtesy.

Mr. SMATHERS. I am delighted to have had this discussion with the Senator from South Carolina. I would like to ask him one question in closing. When the hearings were held before the Preparedness Investigating Subcommittee, were all the members present, or was the Senator from South Carolina there by himself?

Mr. THURMOND. Most of the members heard the testimony. They were not all there all the time, but were there most of the time.

Mr. SMATHERS. With reference to the report of the Preparedness Investigating Subcommittee, I wish to read very briefly the views of two Senators who were present and heard this testimony that apparently not enough of us heard. One of them is the Senator from Missouri [Mr. SYMINGTON], who said:

> As a member of both the Foreign Relations Committee and the Preparedness Investigating Subcommittee I listened to and questioned many responsible witnesses—both in and out of Government. Most of these experts testified that our national security would be adequately protected under the terms of the treaty.
>
> Much of this testimony was before the Foreign Relations Committee and, therefore, is not emphasized in this report.

The Senator said further:

> Based on the record, I am worried about the treaty; but more worried about the possibility of an all-out nuclear exchange some day in the future.
>
> Therefore, I plan to vote for the treaty.

This Senator sat on the same subcommittee, and listened to the same testimony that the Senator from South Carolina did, but apparently came to another conclusion.

Mr. THURMOND. He did conclude with one other Senator, to support the treaty, but the Senator from Missouri signed the majority report with five others, with only the Senator from Massachusetts [Mr. SALTONSTALL] declining to sign although agreeing that the facts of the subcommittee report were accurate.

Mr. SMATHERS. I shall paraphrase the views of the Senator from Massachusetts [Mr. SALTONSTALL], who took part in the hearings of the Preparedness Subcommittee, and who is a member of the Committee on Armed Services—I think he is the ranking minority member. He said, in effect, "I cannot come to the same conclusion my friend STROM THURMOND came to. I am going to support the treaty."

It all comes back to the same question Senators have been discussing this afternoon. The evidence is before us. A Senator can choose to believe this one or that one, and not believe 25 on the other side, or he can do anything he wishes in arriving at his own judgment; and that is what the Senator has done.

The rest of us, motivated by the same desires to serve our country, with the same degree of patriotism, who put ourselves in his class and say that we, too, love our country just as he does, have chosen to believe what we think is the preponderance of the evidence given by all the witnesses.

We think there is something beyond the mere narrow view of the military to be considered in the test ban treaty. We think the interests of this Nation and the free world can be served by adopting the treaty. That is why we are going to vote for it. The Senator is entitled to his view. We are entitled to ours. I thank the Senator.

Mr. THURMOND. I thank the able and distinguished Senator. Five of the seven members of the Preparedness Investigating Subcommittee favored the report. The other two Senators admitted that the report was factually true, one of the two even signing the report with the rest of us. The Senator from Missouri [Mr. SYMINGTON] said that, to the best of his knowledge, the factual data contained in the report of the Preparedness Investigating Subcommittee is correct. The Senator from Massachusetts [Mr. SALTONSTALL] admitted that the facts contained in the report of the Preparedness Investigating Subcommittee were accurately stated.

The committee stated:

> From the evidence we have learned 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.

Mr. SMATHERS. I wish to finish reading that part of the report. It states:

> Although we have concluded that there will be a net military disadvantage to us if the treaty is ratified, we recognize the existence of other factors which, while not within the scope of this report—

Because this is on a narrow, military basis—

> are pertinent to a final judgment on the treaty.

This is the point we are making—there are other considerations besides the narrow considerations of what are military advantages. There are other considerations, even bigger considerations.

Mr. THURMOND. That is correct, but I do not consider the military disadvantages to be narrow. The effect is that one would favor the treaty if he believed the Preparedness Subcommittee's report that there were military disadvantages but believed that there would be political advantages which would offset or more than offset them.

Mr. SMATHERS. That is correct.

Mr. THURMOND. I thank the Senator.

Mr. SMATHERS. I thank the Senator from South Carolina.

Mr. HUMPHREY. Mr. President, I think it is obvious that each Senator can bring to bear on this question different witnesses who have different points of view. Again, I repeat, one has to consider the testimony in terms of the competence of the witness, of the variety of experience the witness may have had, and the knowledge he may have acquired, and his current knowledge in weaponry and in our relative strength to that of the Soviet Union.

First of all, I believe the RECORD ought to be corrected with reference to Admiral McDonald. Admiral McDonald did not testify that a big weapon could put out of commission our Polaris submarines. What he did testify was that a big underwater explosion in the megaton range near a Polaris submarine would put that submarine out of commission. He testified at page 396 of the hearings with respect to the whole system, and his testimony is to the effect that the big weapon would not put out our communications system, which is the heart of the Polaris system. We have duplicate systems. We have ways of putting in extra protection. I ask unanimous consent to have printed in the RECORD at this point the marked portion of the testimony of Admiral McDonald.

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

> Admiral MCDONALD. I believe the question was what impact would it have; would it have an adverse impact upon the communications of the Polaris submarine.
>
> My answer was——
>
> Senator PASTORE. With the permission of Mr. KUCHEL, I think we ought to read General Taylor's answer to that question. That is the reason I asked it so that you would have the full context of it.
>
> "General TAYLOR. Admiral McDonald really should answer the question. I would say from what I know we have so many duplicating pairs for communications that we would have no problem communicating with any one of our weapons systems or the essential elements of those systems, although, obviously, some fraction might be lost."
>
> Admiral MCDONALD. May I go ahead, sir?
>
> Senator PASTORE. Yes.
>
> Admiral MCDONALD. When the question was asked this morning my immediate thought was the effect that a megaton bomb would have upon the communications system of the submarine were the bomb applied to the submarine, in other words, a megaton underwater burst near the submarine, and that is the reason I said "Quite likely." I had studied earlier this morning something that Senator ANDERSON had worked up because of a question that was asked him in the spring [deleted].
>
> Now, if we are speaking, as I understand now, of the communications, not of the submarine but to the submarine from the shore, I doubt very much if it would adversely affect them, because we do have duplicating systems [deleted] I realize that there are some who ask what will happen if these megaton bombs create a communications blackout?
>
> Well, I don't know, and I am not certain that our scientists know positively that such a thing will happen.
>
> But if it does, I think it would have less effect upon the Polaris system than any other because the Polaris system does not have to be as immediately responsive.

Mr. HUMPHREY. Mr. President, we should also note, with reference to the

so-called high yield big weapon, that the decision was conscientiously made by our scientists and military men not to go in for the big weapon, even though the Air Force favored it.

We have exploded rather large bombs. Our scientists have said that without further testing of 50 or 60 megaton bombs, we have knowledge on that type of weaponry. At pages 10 and 11 of the report of the Committee on Foreign Relations there is this statement with respect to our decision to build smaller weapons:

This decision has accounted in large part for the superiority of the U.S. forces. As Secretary of Defense McNamara stated:

"Our high yield-to-weight ratio in the relevant range has facilitated the development of more powerful warheads for Minuteman and Polaris without concomitant increase in vehicle size or decrease in range. It is because of this that the United States has had the advantage over the Soviets of being able to deploy large numbers of hardened and dispersed Minuteman missiles and a large number of long-range, sublaunched Polaris missiles. And U.S. superiority in the lower ranges facilitates further development of relatively small warheads which would be used to assure penetration by saturation of sophisticated and very elaborate ballistic missile defenses."

The report continues:

Even Dr. Edward Teller, a critic of the treaty, recently commented:

"It is not clear to me that these very big yields will result in a substantial advantage for the Russians * * *. In evaluating the consequences of the test ban, I do not place very great importance on the lead which the Russians enjoy in this particular field."

The Joint Chiefs of Staff testified that they "have not regarded as important the attainment of weapons in the 100-megaton range * * *. They feel that the types and numbers of megaton-yield weapons available to us now or in the future could give us an adequate capability in the high-yield weapon range."

And the Chairman of the Joint Chiefs of Staff, in response to a direct question on this point, replied:

"I attach very little importance to this, frankly, Senator. The whole very high yield weapons field is one which has very little, if any, military significance."

When this country has to rely upon military advice, I should think we would have good reason to respect the views of the Chairman of the Joint Chiefs of Staff and all of the Chiefs; and the considered judgment of the Chiefs of this particular point has been read into the RECORD.

With respect to the anti-ballistic-missile missile the overwhelming body of evidence indicates that our knowledge in this field is equal to that of the Soviets, or superior.

When we get down to the credibility of witnesses, I do not believe anyone can deny that Dr. Brown, who now has the responsibility for defense research in this area, for the development of our weapons in the anti-ballistic-missile field, should be looked upon as credible and reputable and as an honorable witness. His testimony is in the RECORD.

Mr. SMATHERS. Mr. President, I should like to add also with respect to the high-yield bombs, that even Dr. Teller, the scientist who opposes the treaty, said he did not attach any particular significance or importance to the fact that the Soviet Union at this time was admittedly ahead of us in the matter of development and production of high-yield bombs.

Mr. HUMPHREY. Mr. President, I ask unanimous consent to have printed in the RECORD at this point an editorial entitled "J.F.K.'s Reassuring Letter," published in the Minneapolis Tribune. The editorial relates to the communication of the President to the majority leader and the minority leader, and expresses the view of one of our leading newspapers in the Midwest.

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

J.F.K.'S REASSURING LETTER

Mr. Kennedy's "unqualified and unequivocal assurances" with respect to the nuclear test ban treaty should go a long way toward allaying any doubts and fears that might have turned some still undecided Senators against it.

The treaty's ratification by the constitutional majority of two-thirds has not recently been in serious doubt. But the letter which the President addressed to Senate Majority Leader MIKE MANSFIELD and Senate Minority Leader EVERETT M. DIRKSEN is likely to result in a more emphatic endorsement by the Upper House. Fully as important, it promises to minimize the chance that the Senate, by adopting reservations to the treaty, might drain it of much of its substance and purpose.

The American people should be reassured, too, by Mr. Kennedy's letter. It has been spelled out for them, in unmistakable terms, that underground nuclear testing (permitted by the treaty) will be "vigorously and diligently carried forward." All necessary steps will be taken to safeguard our national security if the treaty should be violated or abrogated. Furthermore, Mr. Kennedy makes it plain that the treaty does not in any way limit the authority of the President to use nuclear weapons for the defense of the United States and its allies.

This last assurance was directed to a point raised by Mr. Eisenhower. Another was apparently addressed to Senator BARRY GOLDWATER'S proposed reservation which would render the treaty inoperative as long as Russian troops remained in Cuba. The United States will take all necessary action in response, said the President, if Cuba should be used to circumvent the treaty.

We think that Mr. Kennedy should be commended for his clear and forthright effort to dispel any doubts that were sincerely held within the Senate. Reservations to the treaty, on our part, could only be an invitation to the Russians to adopt comparable limitations and might well end in stalemate.

The Kennedy letter should help to set the stage for an emphatic endorsement of the treaty next week. Senator DIRKSEN'S support of it, too, is an important weight on the side of ratification and the realization of a long sought goal. This is not a partisan issue and the American people, we feel sure, would not want it to be one.

Mr. HUMPHREY. Mr. President, I ask unanimous consent to have printed in the RECORD an article on the Harris poll, which was published in the Washington Post on Sunday. It indicates that the latest poll shows a significant increase in public support for the test ban. It shows unqualified approval of 81 percent, up from 52 percent in July; qualified approval, 11 percent, down from 29 percent in July. The total qualified and unqualified approval is 92 percent. Opposed is 8 percent, down from 19 percent in July.

I have the feeling that as the public comes to understand the significance of the treaty, it is probable that the American public will demonstrate a great sense of judgment, possibly even better than that of the Senate.

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

PUBLIC MORE THAN 4 TO 1 FOR TREATY, MANY SWITCHING TO IT SINCE JULY

(By Louis Harris)

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

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

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

Attitudes toward test ban agreement

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

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

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

Reasons for favoring or opposing test ban agreement

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

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

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

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

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

ANTARCTIC TREATY INSPECTION

Mr. HUMPHREY. Mr. President, one of the issues which has been brought up repeatedly in the debate on the test ban treaty is that the Soviets do not keep their obligations or fulfill their obligations under treaties. Without trying to go into this subject in detail, I remind my colleagues that in 1959 the executive branch of our Government signed and in 1960, the Senate subsequently ratified a treaty dealing with the Antarctic. There were 12 signatories to that treaty including the Soviet Union.

Despite some doubts voiced at the time of ratification by both proponents and opponents of this treaty, it was approved and has been operative for over 3 years.

Its relevance to the present debate was highlighted just the other day when it was announced that we planned to make an inspection of facilities constructed and maintained in the Antarctic by other nations—including the Soviet Union.

Though announcement of this proposed inspection appears to have qualities referred to by some as "managed news," an inquiry into the facts of the matter will disclose that the timing was only provident.

Arrangements for the inspection started a year ago and the other signatory nations were informed of our plans last spring. I use the words "informed of our inspection" rather than "requested to permit it," for the treaty gives the right of inspection to one signatory without consent of those to be inspected.

It is rather significant that at the time the treaty was ratified some of us noted this inspection feature, and that inspection seemed desirable in our national interest. That is exactly what we are doing now.

I have been informed that the Soviets offered no objection to our inspection procedure and that, depending on weather conditions, it will take place sometime between November and February.

The Senate has been told more than once during this debate that the Soviets cannot be trusted to keep obligations undertaken by treaties they sign.

I point out that they apparently are adhering to the 1960 Antarctic treaty.

This may be only one of a few examples that we can point to, but it is a present treaty; it is one that was signed in recent years, as was the treaty on Austria. I believe they will adhere to the test ban treaty.

It will be the task of our Nation to persuade them—by keeping open the diplomatic channels of negotiation while maintaining our strong defense posture—that to do anything less would not be in their interests.

As every Senator knows, treaties are generally adhered to because treaties serve the interest of nations. When a treaty serves the interest of many nations, or when there is a mutuality of interest, treaties are generally effective.

RATIFICATION—SENSE OR SENTIMENTALITY?

Mrs. NEUBERGER. Mr. President, we have been told that Senate ratification of the test ban treaty will be more a tribute to the political potency of the "mothers' vote" than a rational reflection of our national self-interest.

The assumption, of course, is that women—and in particular mothers—are notoriously sentimental, and that their sentimentality has clouded their enthusiasm for an unchecked, proliferating nuclear arms race.

Mr. President, there is, indeed, a "mothers' vote" for the test ban treaty and against continued atmospheric pollution. But it is not a sentimental vote. It is a vote that flows from the rational concern of any mother for the welfare of her children and her natural and acute sensitivity to the survival of future generations in recognizable form.

I say "rational concern" because the accumulated scientific evidence on the genetic and somatic effects of nuclear radiation establishes beyond any reasonable doubt that fallout from atmospheric testing presents a significant hazard to human life.

Suprisingly, no one, not even the most avid exponent of continued testing suggests that fallout is harmless. Those scientists, who oppose the treaty simply consider the hazards of fallout relatively "acceptable."

But, there is surprisingly little conflict among scientific witnesses on the absolute hazards of fallout radiation. No one today seriously doubts that radiation from the Hiroshima and Nagasaki bombs caused cancer, and particularly leukemia, in heavily exposed individuals. Nor is there any doubt that genetic mutations, including muscular dystrophy, blindness, dwarfism, and other major deformities, flourish among the children of irradiated Hiroshima and Nagasaki survivors.

Excessive radiation has taken its toll in this country too. American radiologists have been shown to experience excessive death rates from leukemia. Uranium miners, subjected to airborne radiation in the mines, suffer a significantly higher death rate from cancer of the lung. Chromosome X-rays of atomic workers at Oak Ridge, who had experienced radiation accidents, disclose "an irregular pattern of deformity."

No one disputes the cause and effect relationship of radiation and injury in these cases, but fallout, as one scientific witness put it, is in a different ball park. Why? Because the radiation levels from fallout fall far below the dosages to which these radiation victims were subjected.

Yet few scientists are prepared to argue that there exists a level below which no damage is done by radiation—a threshold of safety. There appears to be a consensus that any quantum of radiation added to our atmosphere will cause a proportionate number of genetic mutations and a proportionate increase in the incidence of radiation-connected diseases, such as leukemia.

It is argued, however, that the absolute numbers of fallout radiation victims are an "insignificant" or "negligible" percentage of the world's population.

What are these absolute numbers? The estimates vary, but they are none the less meaningful. Somewhere between 50,000 and 200,000 children will be born in the world with "gross" birth defects, directly attributable to fallout from atomic testing. These are conservative estimates. Some authorities have predicted that "the total estimated serious genetic defects will be 17 million with about 150,000 expected to occur in the first generation." In addition, an estimated 400 children in the United States alone will die of leukemia this year as a result of atomic testing.

These estimates do not account for areas in which scientists' suspicions have not yet hardened into estimates. The effects of radioactive carbon from bomb tests, for example, cannot yet be gaged. "Such defects," a Harvard biologist told the committee, "may be at least 10 times more numerous than those from fallout."

Nor do the estimates account for local hotspots as in Utah and Nevada, where radioactive iodine 131 from the Nevada testsite appeared in far greater quantities than had been previously suspected. In my own city of Portland, Oreg., strontium 90 levels in milk for May and June exceeded the "permissible" level set by the International Commission on Radiological Protection.

At this moment the results of these phenomena are beyond estimation. Nor can we estimate the toll of future tests—bigger tests; more frequent tests; tests, not only by the United States, the U.S.S.R., Great Britain, and France, but tests by Red China, perhaps Israel, Egypt, Czechoslovakia, Canada, West Germany, Japan, Switzerland, Sweden, India, and other nations, caught up in the race to join the nuclear club.

While discussing the treaty with my friend, former Representative Joseph Casey, he recalled an article by the late Senator Brian McMahon from which I quote:

We are all of us fond of repeating that war is not inevitable. We act almost as if we believe that merely wishing will make it so. We almost appear to think that verbal incantations will somehow repeal the inexorable laws of an accelerating arms race. Five thousand years of history, which teaches over and over and over that arms races al-

ways lead to war—under today's conditions, to atomic war. Unless we act boldly and immediately to wrench history from its present course, war is inevitable. It is still within our power to confute this somber prophesy, but we must act valiantly and we must act now.

This continuing arms race and continued testing are what I fear.

The President and the responsible advocates of the partial nuclear test ban treaty have been properly cautious in delineating its significance. It is not a blueprint for disarmament. It in no way obviates the necessity for maintaining a superior military structure. It may or may not effect any long-range diminution of international tension. It may or may not establish a pattern for the nonmilitary solution of international problems.

Yet if the only tangible benefit to be derived from the test ban would be the capping of future atmospheric pollution it will still be a major achievement in the history of human affairs.

Admiral Rickover once recounted an incident in which his concept of the significance of radiation conflicted rather sharply with those of a superior officer. "One day one of my superiors asked that I reduce the amount of radiation shielding on our nuclear ships. He said I was using civilian radiation safety standards but in military units, casualties of 20 to 30 percent were sometimes accepted. I told him that I was sorry that I could not do what he asked. I couldn't ignore the fact that where radiation is involved we are dealing not just with the health of the men aboard one ship, but with the genetic future of mankind."

If there is, indeed, a "mother's vote" on the nuclear test ban, then it is a vote cast, as Admiral Rickover once cast his vote, for "the genetic future of mankind."

ORDER OF BUSINESS

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

Mr. HUMPHREY. I yield.

Mr. KUCHEL. On the off chance that this question has not been asked earlier today, and simply for the information of the Senate, is it the intention of the leadership to have the Senate convene at 10 o'clock each morning this week?

Mr. HUMPHREY. That is the present intention.

Mr. KUCHEL. Is it the hope of the leadership that a vote might take place on some of the preliminary proposals this week?

Mr. HUMPHREY. The indication that I have received from the majority leader is that there may be votes on some of the proposed amendments or reservations that have been suggested by certain Senators. I am hopeful that the Senate will be able to complete action on the treaty this week. There has been exhaustive and full debate on the treaty. No effort will be made, of course, to cut off any Senator, or in any way deny any Senator the opportunity to discuss the treaty to the fullest extent possible. It is important business. I am sure the Senator from California would agree with me that when Senators have concern or doubt about items in the treaty, they should be privileged to express that doubt. So the date of the vote is secondary in importance to the unqualified right of a full discussion of the treaty and all its ramifications.

Mr. KUCHEL. Of course it is secondary. The able Senator from Minnesota, the acting majority leader, is completely correct. I asked the question so that Senators might be guided from the standpoint of committee activities and other senatorial business.

Mr. HUMPHREY. I believe that every Senator should make plans to be present all week. If Senators have other plans, they ought to begin to make other arrangements. I say this because, as the Senator knows, meetings are scheduled which concern some of my Democratic colleagues from the Western States; and I have heard about other meetings. But I do not think we can really say categorically when the amendments and reservations that have been discussed will be voted upon. So every Senator ought to be present.

Adequate notice will be given of the time of the final vote. Certain Senators are attending an international conference. I hope they will return before the final vote on the treaty takes place; but at least notice of 24 hours will be given before that vote takes place.

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

The PRESIDING OFFICER. The Senator will state it.

Mr. KUCHEL. At what stage of the rules are we now with respect to the consideration of the treaty?

The PRESIDING OFFICER. The resolution of ratification is open to amendment by reservation or understanding.

Mr. KUCHEL. Do I correctly understand that it is now in order to offer amendments to the resolution of ratification and to vote upon them?

The PRESIDING OFFICER. The understanding of the Senator is correct.

DEATH OF REPRESENTATIVE LEON H. GAVIN, OF PENNSYLVANIA

As in legislative session,

Mr. SCOTT. Mr. President, today we in Pennsylvania are mourning the death of the beloved dean of the Pennsylvania Republican delegation, Representative LEON H. GAVIN, of the 23d District. LEON and I served together in Congress for some 20 years. I had a deep affection for him as a person and a high regard for him as a legislator.

I am deeply saddened to learn of his death. He has been an outstanding Representative.

He and I came to Congress at almost the same time. Personally, he was a man of great warmth and compassion. On the floor of the House he was a fighter for the interests of his constituents—a fighter every bit as tough and determined as he was during the First World War, in the 51st Infantry.

Not only has Pennsylvania's 23d Congressional District lost a wonderful Representative, but the Nation has lost a fine legislator.

Mr. President, quite recently we in Pennsylvania also lost the Honorable Francis E. Walter, of the 15th District. Here in the Senate, we have lost our amiable friend, the late Senator Estes Kefauver, of Tennessee. In addition to these two Members from Pennsylvania, the House has lost through death, this year, the Honorable Clyde Doyle, of California, and the Honorable Hjalmar Nygaard, of North Dakota.

Two Senators are presently in hospitals.

The five Members of the Senate and of the House who have died so far this session exceed by one the number who died in 1962, and this is the same number as those who died throughout the full year 1961.

Dr. George W. Calver, physician to the Congress, has frequently commented on the deadly effect of protracted sessions of Congress.

Early in this session I spoke several times of the lack of forward planning and of the time lost in the early part of each session—time which, in my judgment, could be better utilized.

While the Senate's delays can be attributed in part to the archaic rules and procedures under which we operate, and which I am seeking to have the Senate amend, I think that much of the physical strain and risk to the health of our membership can be attributed to the erratic ups and downs of our program of legislation.

The President's program has been before us for 8 months, but it now seems likely that we shall be here until Christmas, although with the prospect of passing very little major legislation. Not much rest or relaxation can be salvaged this year. Is not this the time for somewhat better planning, in the interest of both the country and Congress, for the coming second session, in January?

No one can say with certainty what losses of Members through death or illness may occur during the remainder of this session. But there is every likelihood of a filibuster before we adjourn, and it may cause the death of some Members who are in the Senate today. Neither can we say for sure what the rigors of the next session may bring. But perhaps some casualties at the next session could be avoided if it were properly and efficiently planned.

Therefore, I urge that the leadership of the Senate and House, with the cooperation of the Executive, now put next year's program in a framework planned as carefully as possible to avoid the frustrations and the casualties which otherwise could be expected with reasonable certainty.

A large part of the President's program for legislation in the 88th Congress is already before us. Hearings have been held on a number of major bills.

Careful planning would enable the committees to hold hearings on a large

number of less controversial measures as soon as the second session convenes, because we shall not then be delayed by the problem of the reorganization of committees. Major legislation could also be planned for certain periods during the session.

Of course, I am aware that interruptions are caused by emergencies, procedural delays, frequent holidays, and a general reluctance to get down to business. But the next session can, if its leaders and if the Executive are of a mind to get results on a planned basis, comply with the provisions of the Legislative Reorganization Act and adjourn by July 31.

If an analysis of the program convinces congressional leaders that this target date is not possible, provision should be made for a summer vacation, to permit Members to rest and relax with their families and to see a little of their children and grandchildren, and to permit a change of pace and a lowering of blood pressure.

The 1st session of the 88th Congress has been a killer—and, in my opinion, needlessly.

The second session will be a killer, too, unless there is an improvement in our own housekeeping and our own planning.

We obey traffic regulations, in order not to be killed or injured. But there are no congressional safety signs or rules of the road to serve as precautionary provisions to keep Members from being maimed, or worse, on the tortuous and frustrating hills and valleys along the legislative highway.

The legislative process reminds me of our old Pennsylvania Dutch saying: "We get too soon old and too late smart."

Mr. President, if we do not want to lose more Members, we had better get smart.

Mr. President, as in legislative session, I submit, on behalf of myself and the senior Senator from Pennsylvania [Mr. CLARK], a resolution extending condolences to the family of the Honorable LEON H. GAVIN, late a Representative from the State of Pennsylvania.

The resolution reads in part as follows:

Resolved, That a committee of two Senators be appointed by the Presiding Officer to join the committee appointed on the part of the House of Representatives to attend the funeral of the deceased Representative.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

Shortly, Mr. President, a motion will be made to have the Senate adjourn as a further mark of respect to the memory of the deceased.

The PRESIDING OFFICER. The Chair lays before the Senate a message from the House, which will be read.

The Chief Clerk read the message, as follows:

IN THE HOUSE OF REPRESENTATIVES, U.S.,
September 16, 1963.

Resolved, That the House has heard with profound sorrow of the death of the Honorable LEON H. GAVIN, a Representative from the State of Pennsylvania.

Resolved, That a committee of thirty-five Members of the House, with such Members of the Senate as may be joined, be appointed to attend the funeral.

Resolved, That the Sergeant at Arms of the House be authorized and directed to take such steps as may be necessary for carrying out the provisions of these resolutions and that the necessary expenses in connection therewith be paid out of the contingent fund of the House.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

Resolved, That as a further mark of respect the House do now adjourn.

The PRESIDING OFFICER. The question now is on agreeing to the resolution of the Senator from Pennsylvania, which will be read.

The resolution (S. Res. 199) was read by the Chief Clerk, and was considered and unanimously agreed to, as follows:

Resolved, That the Senate has heard with profound sorrow the announcement of the death of Honorable LEON H. GAVIN, late a Representative from the State of Pennsylvania.

Resolved, That a committee of two Senators be appointed by the Presiding Officer to join the committee appointed on the part of the House of Representatives to attend the funerel of the deceased Representative.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

The PRESIDING OFFICER. Under the second resolving clause, the Chair appoints the two Senators from Pennsylvania [Mr. CLARK and Mr. SCOTT] the committee on the part of the Senate.

ADJOURNMENT TO 10 A.M. TOMORROW

Mr. HUMPHREY. Mr. President, if there is no further business to be transacted, I move, as a further mark of respect and honor to the memory of the late Representative LEON H. GAVIN, of Pennsylvania, that the Senate adjourn, in accordance with the order previously entered, until 10 o'clock tomorrow morning.

The motion was unanimously agreed to; and (at 6 o'clock and 51 minutes p.m.) the Senate adjourned, in executive session, under the order previously entered, until tomorrow, Tuesday, September 17, 1963, at 10 o'clock a.m.

NOMINATION

Executive nomination received by the Senate September 16, 1963:

U.S. DISTRICT JUDGE

Bernard T. Moynahan, Jr., of Kentucky to be U.S. district judge for the eastern district of Kentucky, vice H. Church Ford, retired.

EXTENSIONS OF REMARKS

The Federation of Malaysia

EXTENSION OF REMARKS
OF
HON. WILLIAM S. BROOMFIELD
OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES
Monday, September 16, 1963

Mr. BROOMFIELD. Mr. Speaker, today marks the formation of a new nation, the Federation of Malaysia. This new nation is a consolidation of Malaya with Singapore, Sarawak, and North Borneo.

Born in freedom, Malaysia is dedicated to the principles of democracy and self-determination.

The Tunku Abdul Rahman, Prime Minister of Malaya and one of the principal supporters of this new country, has said:

My ambition is not a mighty Malaysia, but a happy Malaysia.

He has called for "food instead of bullets, clothing instead of uniforms, houses instead of barracks."

He is dedicated to economic growth, to prosperity, to peace, and to freedom for the citizens of this new nation, and with our help and support, Malaysia will achieve these goals.

Geographically, Malaysia occupies one of the most strategic spots in the world. The port of Singapore is the main trading post for all of southeast Asia. The Straits of Malacca are equal to the Suez and Panama Canals in importance.

Malaysia is sandwiched between covetous neighbors who have actively opposed the creation of this sovereign country.

Indonesia has made no secret of its opposition to the Federation. It has attacked Malaysia verbally, diplomatically, and militarily.

Armed bands have crossed the Malaysian border from Indonesia, shooting, killing, creating dissension and turmoil.

Indonesians were directly involved in efforts to stir up revolt and resistance to Malaysia within the country itself, and many of them had to be sent back home.

The Philippines has laid dubious claim to North Borneo and also has attempted to wreck the Federation of Malaysia before it could be created.

In an effort to placate these two neighbors, the United Nations sent a survey team into the area to be encompassed by Malaysia, and the finding was that the population overwhelmingly supported this new nation.

Instead of calling off their opposition, both Indonesia and the Philippines are continuing their resistance and are attempting to force this independent country to its knees.

Indonesia forgets that our Nation supported its efforts for freedom. The Philippines forget that we gave that nation its freedom—which it most certainly earned. Yet, these two countries would deny the right of self-determination to Malaysia and instead strive to make Malaysia their colony.

This effort to wreck Malaysia must be resisted, and it will be resisted at all costs.

Malaysia is rich. Malaysia has solved a great many of its economic problems by itself, by concentrating on peace and prosperity. Let us hope that Malaysia's neighbors will learn from Malaysia, will realize that economic growth can be accomplished much more quickly and much more efficiently under freedom.

The Government of the United States should give the Federation of Malaysia its fullest support, and I am sure that my colleagues concur in these views.

Washington Report

EXTENSION OF REMARKS
OF
HON. BRUCE ALGER
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Monday, September 16, 1963

Mr. ALGER. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following newsletter of September 14, 1963:

WASHINGTON REPORT

(By Congressman BRUCE ALGER, Fifth District, Texas)

CIVIL RIGHTS, HUMAN RIGHTS, PROPERTY RIGHTS, ARE IDENTICAL

Man's unalienable right to life, liberty, and property is the basic guarantee of the Constitution. These rights are identical and inseparable. Liberal demagogs, through semantics, now try to confuse the issue and to destroy the faith of the people in certain areas of rights which are identical to others which they promote. The rights of all the people are being trampled upon to give special treatment to minorities, justified by proponents because the minority has suffered past discrimination. This premise is faulty and, if followed through, will destroy the fundamental rights of all, including the minority. Test the following fundamental rights to determine wherein—or if it is possible to separate civil rights—human rights or property rights can be separated.

FUNDAMENTAL RIGHTS OF ALL THE PEOPLE

1. Right to be secure in your own home. Anglo-Saxon law has always maintained that a man's home is his castle and inviolate against government control, unlawful entry, or seizure without due process of law. This includes the right to own a home, a right which is now being taken away through Government-owned housing and in seizure of private property through eminent domain as a part of Federal urban renewal programs. (Applying the test can this be separated as to civil rights, human rights, or property rights?)

2. Right to earn and to keep. Every man has a right to earn according to his ability and talent and to keep the fruits of his labor. (What does your test show here?)

3. Right to sell, dispose of, or bequeath. Every man has the right to dispose of what is his in any manner not harmful to others and which benefits him or his family. (Apply the test.)

4. Right to improve oneself. Each man has the right, according to his individual ambition, desires, and willingness, to improve himself in order to better his lot in life. (Civil right, human right, property right, or all three?)

5. Right to hire or fire. In a system based on private ownership a businessman has the right to hire those who are capable, who meet his requirements, who produce according to the demands of the job, and at wages he has the right to set in order to insure his right to a profit. (Test this right.)

Apply the test, too, to other basic rights such as the right to shop and buy freely; right to own a business and to pick your customers; right to pick your neighbors, companions, and the right to marry; right to eat what you choose; right to personal safety and protection.

Many of these rights are being curtailed or denied by a powerful Federal Government, taxation, bureaucratic regulations, and the power of monopolistic labor unions by wage setting, price fixing, fair trade laws, limited competition, enforced hiring by race, Federal standards for education, nutrition, job performance, and restrictions on firing.

NEW FRONTIER POLICIES RESTRICT RIGHTS OF A FREE PEOPLE

New Frontier policies—politics at any price—threaten these basic rights of all the people. Kennedy policies not compatible with individual rights include a planned economy, democratic socialism, big Federal Government and big Federal spending at the expense of local government and individual freedom; President Kennedy's flirtation with Soviet Russia without proper regard for the defense and security of the United States, weakening our military position and making more probable all-out war or our defeat without a war; his courting of minority groups—Negroes, labor, big-city machines sets the Nation back to the corrupt era of political bossism as epitomized by the worst years of Tammany Hall in New York, the Hague machine in New Jersey, the Crump machine in Tennessee, and the gangster-ridden Pendegrast machine in Missouri.

ONLY THE PEOPLE CAN SAVE THE REPUBLIC

The choice of what kind of government we will have in the future, the preservation of our civil, human, and property rights, is up to the majority. Only the people have the power to halt the complete destruction of rights guaranteed by the Constitution. Our present course will be reversed only if the people, the great majority of the people, become as vocal in contacting their Senators, Representatives in Congress, and the President, as the gangs of demonstrators, the pressure groups now monopolizing the front pages of our newspapers and the newscasts on radio and television. Only an aroused public will force action to protect the rights of all.

The Civil Defense Shelter Development Program

EXTENSION OF REMARKS
OF
HON. PAUL G. ROGERS
OF FLORIDA
IN THE HOUSE OF REPRESENTATIVES
Monday, September 16, 1963

Mr. ROGERS of Florida. Mr. Speaker, I would like to comment briefly on the civil defense shelter development program contained in H.R. 8200 which will come before the House this week.

All the discussions about a nuclear test ban treaty and a hot line between Moscow and Washington should not in any way lessen our interest in protecting American citizens against fallout in the event of an enemy attack. Our past experience indicates just how far we can trust those who would destroy us. Pearl Harbor may be dimming in our memory, but the missile buildup in Cuba certainly is not. Just a year ago Russian arms were deployed in Cuba for a possible attack on the United States. Cuba is still an all-important problem. There are others around the world which indicate that today as ever we must keep our guard up. In this nuclear age we must be ready for action at any time. There will be no second chance to get ready. Preparedness is the only answer to the threat. The survival of the United States demands that we take action to protect our population against nuclear fallout. The shelter program in H.R. 8200 would provide a margin of safety for millions of Americans.

No. 6—New Mexico: The Gamblers' Paradise

EXTENSION OF REMARKS
OF
HON. PAUL A. FINO
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Monday, September 16, 1963

Mr. FINO. Mr. Speaker, today, I would like to bring to the attention of the Members of this House, more particularly the members of the congressional delegation from the State of New Mexico, some pertinent information about gambling—both legal and illegal—in that State.

In 1962, legal parimutuel betting in New Mexico amounted to $37 million of which the State treasury received about half a million dollars in revenue. However, illegal gambling of all varieties far surpasses legal wagering. According to testimony presented to the McClellan committee, offtrack betting dwarfs the volume of betting at the track.

Mr. Speaker, New Mexico's portion of the estimated national yearly offtrack turnover came to $265 million last year. Of course, offtrack betting is not the only form of illegal gambling. The figures for bets placed offtrack must be doubled in order to arrive at an estimate of the total gambling volume in that State. This would put the annual illegal gambling turnover in New Mexico at more than $500 million. Some of this money is heading south of the border to the lotteries in Mexico and other similar operations. The rest of it is fattening the purses of criminal elements who hang onto about 10 percent of the total take as gross profit.

Mr. Speaker, if the Spanish-Americans of New Mexico are buying foreign government lottery tickets, it is clearly understandable. The United States is the only nation with a considerable Spanish-speaking population that does not operate a national lottery.

I do not doubt for a moment, Mr. Speaker, that a referendum in New Mexico would establish overwhelming sentiment for a National or State lottery. Perhaps, New Mexico will follow the lead of New Hampshire and make a decision

for social and financial reality. Until such time, official hypocrisy will continue to be a silent partner in crime and New Mexico will continue to be a vice-ridden gamblers' fiestaland.

Revitalization of Economy of Wisconsin, Michigan, and Minnesota

EXTENSION OF REMARKS
OF
HON. GAYLORD NELSON
OF WISCONSIN
IN THE SENATE OF THE UNITED STATES

Monday, September 16, 1963

Mr. NELSON. Mr. President, Wisconsin stands in the center of a three-State area, once abundant in natural resources, later despoiled by shortsighted interests.

The Federal Government, through the U.S. Department of Agriculture, has studied the area of the northern parts of Wisconsin, Michigan, and Minnesota to recommend ways of revitalizing the economy of that part of the Nation.

It is a valuable natural resource area, lying within 500 miles of 50 million Americans. President Kennedy will visit the area later this month and will address the Great Lakes States Conference at Duluth, Minn.

In order to explain more fully the purposes and aims of the conference, I ask unanimous consent that a news release from my office to Wisconsin news media be printed in the RECORD.

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

WASHINGTON, D.C.—When President Kennedy brings his nationwide conservation tour to northern Wisconsin on September 24, he will learn of "blunders in the past and great hope for the future," Senator GAYLORD NELSON said Monday.

"The destruction over 50 years ago of natural resources in northern Wisconsin—just as in many other places—was a national scandal," Senator NELSON said.

"First we squandered the timber. Then we ruined the soil and some of the waters. And then we exploited our final resource—the people. Every one of these foolish measures ended in failure."

NELSON said that intelligent long-range planning could turn the North into a great recreational asset and a self-sufficient economic unit. However, without such planning at the local, State and national level, natural resources and recreational assets could be destroyed anew by a rapidly growing population and fierce economic pressures, he said.

"I hope that the Presidential trip and the Great Lakes States Conference at Duluth on September 24 and 25 will point the way to some solutions for the problems of the North and some wiser conservation policies for the Nation."

President Kennedy will leave Washington on September 24 for a 5-day nationwide tour of conservation needs and outdoor resources. He will land at Duluth, Minn., take a side trip to the Lake Superior shore area of Wisconsin, and make a major speech at the Duluth conference.

"President Kennedy's conservation trip should arouse the national conscience," Senator NELSON said.

"All conservationists and thoughtful citizens will applaud this effort which we hope is a prelude to a comprehensive investment by our State, local and national governments to preserve these assets in the next decade."

"The history of northern Wisconsin tells the old story, repeated all over the world, of men destroying their environment while pursuing a better life," NELSON said.

Northern Wisconsin was once covered with 130 billion board feet of pine trees worth billions of dollars, NELSON pointed out. If these forests had been systematically managed and harvested, they could have continued forever as a permanent resource.

A pioneer Wisconsin conservationist, Increase A. Lapham, warned in 1854 that Wisconsin would eventually run out of timber. He called for systematic tree planting, but a State and Nation which considered its timber resources inexhaustible ignored his warning, NELSON said.

Also ignored was an 1867 report by a special State forestry study committee which said:

"Consult the history of Egypt, of Palestine, of Greece, of Italy, and we shall see that the original fertility and productiveness of a country may be destroyed. A country capable of sustaining a dense population of happy, prosperous, and civilized people may be converted into one of comparative sterility. * * * Such may be our future unless we profit by their example."

"This warning was ignored and the land was raped by the lumber barons at the turn of the century," NELSON said. "Forest fires raced through the tangled slash left behind by the loggers. Floods and erosion took their toll. Much of this magnificent land was left in ugly ruins."

"Soil erosion, in turn, caused silting in many streams, the effects of which are still noticed today," NELSON said.

"The exploitation of human resources was probably even more regrettable," NELSON said. "Real estate speculators advertised far and wide that huge tracts of choice land were available to settlers in the north. Train loads of new settlers filled with hope poured in from Chicago, St. Paul, and many other areas. The land was sold to them at a higher price than many of their grandchildren can get for it today after a lifetime of back-breaking cultivation and improvement," NELSON said.

Wisconsin mistakenly believed that "the plow would follow the ax" into northern Wisconsin and that rich productive farms would spring up there as they had elsewhere in the westward development of our country. They were cruelly disappointed because, as scientists had tried to warn them a generation earlier, the destruction of the forests had altered the soil and the very climate of the north.

The inevitable result was heartbreak, financial ruin, and eventually a sad exodus as these people abandoned their farms and filed back to the cities seeking jobs.

"They left behind staggering problems for State and local governments," NELSON noted. Tax delinquency became rampant and villages, towns, and counties throughout the north were thrown into fiscal crisis.

Despite all of these tragic developments, the north has made a remarkable comeback and has a bright future "if we can learn the lessons of the past," NELSON said.

"Once the resources were destroyed, the State enacted enlightened programs of conservation and reforestation. These programs have resulted in the almost complete reforestation of the north, and the population which stayed behind, despite a generation of hardship, has remained vigorous and resourceful," he said.

"The north has tremendous resources," NELSON said, "in its great supplies of land, trees, and clean fresh water. It makes a logical recreation center for many millions of Americans crowded into cities who long for life in the outdoors.

"However, the very factors which create the new opportunity for the north, also threaten it with the second destruction of its resources in a single lifetime," NELSON said.

Population is booming, NELSON pointed out. Highway and air transportation is greatly improved. Americans have more leisure time and more leisure money.

Cottages are filling up the shorelines of the lakes at the same time that there is an unprecedented demand for public access, NELSON pointed out. Some lakes are being polluted by septic tank overflow from poorly planned lake shore subdivisions. High-powered motorboats, many of them trailered from big cities to small lakes, have turned old fishing haunts into waterborne traffic jams. Swamps are being drained for subdivisions, leaving no sanctuary for wildlife. Beautiful landscape vistas are being ruined with a cheap costume jewelry of neon signs, billboards, and hotdog stands.

"Fast buck operators, who have already made millions in Arizona and Florida, are proposing huge cheap subdivisions in northern Wisconsin areas utterly unsuited to intensive residential development," NELSON said.

Some northern residents are easy prey for fast talking promoters who offer an alternative for what has been a long period of near poverty. As a result, NELSON said, "local residents and units of government are tempted to sell tracts of land, which would be ideally suited for public use, to developers who promise swift but short-lived profits. Some persons are reluctant to preserve scenic areas for public enjoyment because so much of the North is already publicly owned."

NELSON said that the North desperately needs a responsible long-range plan, setting aside vast areas for public recreational activities for the long-range future, drawing tourists from all over the country." He said the rest of the land should be developed, both publicly and privately, in ways that would provide long-range economic growth without ruining the area as a recreational resources.

What are the principles to be learned from the history of northern Wisconsin? Senator NELSON asked.

He pointed out that the 1867 committee in Wisconsin had applied a principle that was still relevant. The committee noted that those who moved to harvest Wisconsin's timber had no permanent interest in the State.

These men were not builders of farms; they obtained the land, stripped it of its valuable timber and "moved on to depardations upon other lands," the committee said. It suggested that the interests of such men "should be made to yield to the interests of men who are to become the permanent occupants of the land, those who would improve and adorn the land rather than injure and destroy it."

NELSON said, "the public has the paramount interest in our natural resources. No one, even in a free enterprise economy such as ours, has any inherent right to wipe out a great natural resource such as timber, soil, and water."

NELSON said we also need detailed scientific research on natural resources, particularly the dependency of one resource upon another, if we are to make balanced use of all our resources in the public interest.

"As a State legislator, as Governor and as a U.S. Senator, I have seen the same story repeated over and over," NELSON said. "Some person warns that the public interest in a natural resource is being threatened by some private activity. There is a call for some action to protect the public interest. Inevitably someone replies that there is a vital economic interest at stake here and that the State or the community or even the Nation has no right to interfere in private business."

"A classis example is a story in the Milwaukee Sentinel in 1898 warning that the

lumber of northern Wisconsin would be gone in 10 or 20 years. In a State caught up in a frenzy of lumber prosperity, with lumbermen occupying positions of influence in government and newspapers, such a warning went unheeded."

"Again in 1912," NELSON said, "when the plunder had occurred and wise men called for replanting, an editorial in the Rhinelander News was headlined, 'Northern Wisconsin Wants Farms and Not Reforestation.'"

"Most important of all," NELSON said, "we must remember that the time to preserve our resources is when they are plentiful, not when they are scarce."

"I hope that the residents of northern Wisconsin, the civic and political leaders of the State and the Nation as a whole will take heed of what may be our last chance," NELSON said. "This visit of President Kennedy to northern Wisconsin can provide a crucial turning point in the preservation of our northland. If we don't respond to this golden opportunity the destruction of our beautiful northland may occur all over again."

NELSON noted that 50 years ago another President, Theodore Roosevelt, had said:

"There is no question now before the Nation of equal gravity with the question of the conservation of our natural resources."

NELSON commented, "President Kennedy is reminding us of this fact half a century later. I hope we will heed this warning. It may never come again."

Double Taxation on Dividends Should Be Repealed

EXTENSION OF REMARKS
OF
HON. THOMAS M. PELLY
OF WASHINGTON
IN THE HOUSE OF REPRESENTATIVES
Monday, September 16, 1963

Mr. PELLY. Mr. Speaker, I rise today to express my view strongly opposing the provision of the new revenue bill with regard to taxation of dividend income.

As Members of the House know, presently under the law, an individual can exclude the first $50 of dividends from his taxable income—up to $100 in the case of a married couple. In addition, he may claim also a credit against his tax of 4 percent of his dividends.

This modest tax credit provision was enacted in 1954, when the Internal Revenue Code was revised. It was a part of a monumental legislative effort to eliminate inequities in the tax laws.

In 1954 the Republicans controlled the Congress, and in the House, the dividend credit was one of the two issues in controversy with the Democratic minority. The Democrats, in a motion to recommit, tried unsuccessfully to eliminate this partial relief from the double taxation of dividends.

Mr. Speaker, I remember a story which was related during that debate. It was told by the present chairman of the House Committee on Rules, our distinguished colleague from Virginia [Mr. SMITH]. He quoted a former Senator from Virginia, who used to say when in a quandary, "Boys, when you are in doubt, do right."

Maybe this proviso in the bill does not loom sufficiently large to cause doubt. We were told in 1954 that the present dividend exclusion provision would cost the Treasury $240 million. The new bill which would double the exclusion but reduces the credit would only increase the Government income by $300 million. In other words, in terms of effect on the Treasury this is a minor matter. But whether Members are in a quandary or not, there is a right as far as principle is concerned and I think I can show wherein is the right in a very few words.

Before proceeding, I should mention, however, that there are now in excess of 17 million stockholders who are concerned with this discriminatory double taxation. I am told by the Library of Congress that there are 7,965,000 adult male owners of stock in America and 8,291,000 adult female stockholders. Furthermore, I have heard that the number of stockholders was only 6½ million 10 years ago, when the present law was written. So the number of citizens who have been enjoying the modest relief from double taxation of dividend income has increased.

Today, Mr. Speaker, I am not discussing whether a tax cut with an unbalanced budget and a swollen national debt is justified nor am I discussing the merits or defects of the bill. I am just directing my remarks to the one issue of individual taxation of dividend income.

Going back to 1954, if I may, I want to refer to the position at that time of the present chairman of the Committee on Ways and Means [Mr. MILLS]. In a colloquy with Mr. BYRNES of Wisconsin, Mr. MILLS said there is only double taxation when a corporate tax is not passed on to the consumer.

All I can say is, Mr. Speaker, as far as I know, the corporate tax on income is never passed on to the consumer. It is the one tax that is never passed on. Or if there are exceptions which prove the rule, they are very rare. Other taxes, yes, but income taxes are a slice of the profits—the bigger the profits, the bigger the slice. It is impossible, except perhaps with some isolated transaction, to include corporate income taxes in consumer prices.

Where the facts should be set straight, also, is in connection with the comparison of income taxes from wages as compared with income taxes from dividends. The argument fallaciously has been used that a worker earning $4,000 a year pays $240 tax, whereas a shareholder receiving $4,000 in dividends only pays $120 in taxes on this amount. This is wrong. On the $4,000 of dividends, the earning of the shareholder has been taxed already more than 50 percent, or $2,080, so that in fairness the comparison should be adjusted to add this to the $120. But basically I want to emphasize that a corporation is not able to pass on the corporation income tax on its gross profits and that a tax on dividends does represent double taxation.

Mr. Speaker, let me just add this to what I have said, namely, that business stimulation and prosperity are best secured by incentives to business to expand and thereby create permanent employment. Private enterprise and investment and venture capital represent the key to solving unemployment in this country.

There was no tax on dividend income when the 1918 income tax code was adopted. But for the last 30 years our tax laws have been such as to punish success rather than raise revenue. I hope we can see the folly of attempting to make some people believe that business as such is evil and should be burdened by heavy taxation as the price of existence.

Double taxation of dividends on corporation stock causes many people to place their savings in tax-exempt bonds rather than invest their money as risk capital.

It has caused corporations to use bonded indebtedness to expand their plants. What this country needs now is to encourage business and thereby create prosperity. That is the objective of the President's tax proposal—so why, as in the new tax bill, reduce the partial existing relief from the taxation of dividends? It defeats the purpose of the bill.

Mr. Speaker, the House Committee on Ways and Means has acted. It was controlled by the Democrats. As a Republican Member of the House, I am rather helpless. The bill will be considered by the House starting September 24 without any Member having the privilege of offering amendments.

But the minority will have one motion available to it and as a member of the Republican policy committee, I am urging that this motion provide for striking out the Democratic provision to eliminate the 4-percent credit which the Republicans were successful in enacting in 1954.

Mr. Speaker, I strongly support elimination of double taxation and hope if the House does not do so that the Senate will insist on retaining this incentive to invest in American industry.

Foreign Aid: The Facts

EXTENSION OF REMARKS
OF
HON. JOHN BRADEMAS
OF INDIANA
IN THE HOUSE OF REPRESENTATIVES
Monday, September 16, 1963

Mr. BRADEMAS. Mr. Speaker, in the CONGRESSIONAL RECORD for August 30 there appeared a statement entitled "Foreign Aid: A Foolish Fantasy," containing a number of specific as well as general criticisms of the foreign aid program. These are the facts about each of the criticisms:

FACTS VERSUS FANTASY

Criticism: That Brazil has received $398 million in U.S. assistance in 1963 after promising "to do better."

Fact: The United States has agreed to provide additional assistance to Brazil only on condition that Brazil make certain specific internal reforms. Because Brazil has not yet taken the necessary first steps to carry out the agreement, the United States is withholding funds.

Criticism: U.S. radar equipment has been made available to India.

Fact: Equipment from deactivated radar sites became excess to U.S. Air Force requirements, and subsequently was made available for use in the military assistance program. Some of this equipment will be supplied to India as well as other countries receiving military assistance. By utilizing such excess equipment wherever practicable, the military assistance program is able to increase more economically total free world defense capabilities.

Criticism: U.S. aid is being provided to 104 countries, including "many Communist countries."

Fact: U.S. economic assistance is highly concentrated in those key countries with the most promising prospects for development. Eighty percent of all U.S. economic aid is going to 20 countries. Forty-five countries receive less than 10 percent of American aid. Nearly all of these are in Africa, where small, limited aid programs can have a very good influence on the development of these new countries. No foreign aid dollars are being spent in Communist countries. This is specifically forbidden by law unless the President finds that such assistance is vital to U.S. security.

PERSONNEL FIGURES

Criticism: AID has 64,508 employees.

Fact: The Agency for International Development has about 13,000 employees under direct hire. Another 8,000 people—including 4,000 foreign nationals paid in local currencies from trust funds to which cooperating countries also contribute, employees of contractors performing under AID contracts, and personnel from other U.S. Government agencies—also are engaged in economic assistance programs.

The 64,000 personnel figure comes from adding people not employed by AID, including about 23,000 students from foreign countries participating in training programs under AID and Defense Department auspices—about two-thirds of these students are receiving training under Defense Department programs—and approximately 21,000 personnel engaged in our military assistance program. This includes about 10,000 military personnel engaged in training and assistance to free world military forces, and approximately 7,000 foreign nationals paid in local currencies.

Criticism: Six hundred technical aid projects in one country, and more ready to be started before completion of the existing ones.

Fact: The total number of active AID projects all over the world is less than 2,200. This figure includes active projects for which 1964 funds are being requested, projects with unobligated balances as of March 31, 1963, for which 1964 funds are not requested, and active Alliance for Progress and development loan projects included in the fiscal year 1964 request.

VIETNAM

Criticism: A highway in Vietnam on which the cost skyrocketed from an original estimate of $18 million to more than $129 million before completion.

Fact: The $18 million figure and the $129 million figure did not relate to the same construction. The $18 million figure apparently refers to a bid submitted by a contractor in 1956 for construction of a limited amount of road and bridge work in Vietnam. Prior to execution of a definitive contract, a substantial change in construction priorities was effected because of overriding military and economic requirements. This resulted in a much larger construction program and ultimate cost figure. However, even the higher cost figure does not approximate the $129 million figure, which presumably includes not only the construction contract, but also a number of other Vietnam highway projects. The $129 million figure also includes both dollars and local currency. Moreover, indications now are that the final costs will be considerably less—$104,641,000 including dollars and Vietnamese funds.

Criticism: A fertilizer plant in Taiwan, started with foreign aid money and estimated to cost $34 million, which was inoperable because equipment did not meet the specifications for the desired operations.

Fact: The fertilizer plant referred to has been completed and is operating at rated capacity. There were considerable delays because of mechanical and design deficiencies. Full production was achieved in July 1961. The final dollar cost was about $31 million, considerably higher than the original estimates. Annual output of fertilizer is saving the Taiwan economy about $8 million a year in foreign exchange and making an important contribution to the country's agricultural productivity.

Criticism: Radio towers installed in Saigon which had not been put in operation because their utility was undetermined and their location in doubt.

Fact: This refers to a complex of seven stations of Radio Vietnam for which U.S. assistance was provided. The criticism grows out of the fact that in 1958 and 1959 there were some delays in completion of the project growing out of United States-Vietnamese differences in interpretation of original agreements as to where certain equipment should be located. These differences were completely resolved by May 4, 1960. For some time the seven stations of Radio Vietnam have been completely operational. Radio Saigon broadcasts news bulletins and reviews, informational programs on handicrafts, business and commerce, civic education, and science and technology. It also includes English language instruction.

Criticism: $3.1 million for an air-conditioned yacht for the Emperor of Ethiopia.

Fact: In 1960, the Department of Defense, under the military assistance program, loaned to the Government of Ethiopia a World War II seaplane tender for use as the flagship of the Ethiopian Navy. As a flagship, it contains quarters for flag officers, or the Emperor as commander in chief. It is air conditioned since air conditioning is considered necessary for that part of the world. One basic use of the ship is as a training vessel for the Ethiopian Navy. A significant part of the $3.1 million cost of refitting the ship was to make possible its use as a training vessel. The Department of Defense maintains important military communications facilities in Ethiopia as part of its worldwide network.

Criticism: $400,000 for battery-powered TV sets in remote jungle villages—merry-go-rounds driven by children would recharge the batteries.

Fact: This contract was terminated before the funds were spent. The purpose of the TV sets was to provide widespread inexpensive communications with outlying villages in order to overcome the immense difficulties of ordinary communication and to provide methods for beginning education of inhabitants of such villages. Consideration was given to a variety of techniques for recharging the batteries. One proposal was the use of primitive merry-go-round systems as a method of generating power for the batteries, somewhat similar in principle to the familiar "merry-go-round" used throughout the world to raise water for wells by hitching oxen to a primitive pump system.

AFRICA

Criticism: Independence Day gifts to African countries from the President's contingency fund.

Fact: During fiscal years 1960 through 1962, the United States presented Independence Day gifts to 18 countries at a total cost of $1.006 million, or an average of $56,000 per country. The practice of independence day gifts is followed by other major countries such as France, Germany, and often the United Kingdom. The usual U.S. gifts were bookmobiles, mobile health units or mobile film units, often accompanied by medicines, books, or films and services of American technicians. The principal reason for use of the contingency fund in these cases is that in most instances independence was formally proposed, sought, and granted within a few months, making it impossible to predict the date of independence far in advance. The goodwill generated and the usefulness of these gifts are large in relation to the relatively moderate cost involved in each case.

Criticism: Gifts to Guinea and Mali, because of their changing political attitudes, from the contingency fund.

Fact: U.S. assistance from the contingency fund to Guinea and Mali was designed to take timely advantage of situations—of changing political attitudes—in order to further the U.S. objective of helping these countries to become more independent of the Sino-Soviet bloc and more politically oriented toward the West. These assistance efforts were not merely "gifts"—they were programs carefully designed to meet specific needs in the countries involved.

INDONESIA

Criticism: $5.6 million to Indonesia for completion of a road to an athletic stadium from the President's contingency fund.

Fact: This refers to the so-called Djakarta bypass, which was not a road to an athletic stadium, but rather a road connecting the port of Djakarta with important internal highways linking Djakarta with other parts of the island of Java. The Indonesians requested

speedup of completion of the road which comes at one point within 5 miles of the athletic stadium. The United States agreed to speed up completion, thus requiring use of $2.7 million, not $5.6 million, contingency funds in order to finance the work at an increased rate of speed. However, the United States insisted and Indonesia agreed that any cost increase over the previously estimated cost of the highway would be met by the Indonesian Government.

Criticism: The shipping of millions of dollars worth of navigational equipment to countries incapable of using it.

Fact: It is true that countries were incapable of using the equipment when it arrived. What is not made clear is that the equipment was only part of the program—the other main purpose being training of locals in the effective use and maintenance of the equipment. Many of these programs have been very successful, are being satisfactorily operated and maintained by local personnel, and are of great assistance to safer and more efficient air transportation by international as well as local travel, including U.S. airlines.

Criticism: Supplying enough rifles to one country so that each soldier could have, on the average, 1½ rifles and programing enough rifles and carbines in another country to provide an average of two weapons per soldier.

Fact: A quick glance at the MAP congressional presentation books in 1961 would have indicated that these charges were true. However, what the book did not show was that in 1961 country A, 11,000 carbines were furnished under the MAP to arm partially two paramilitary groupings—a rudimentary national guard and civilian militia—for combating Communists guerrillas in outlying areas. Since they are not part of the regular Military Establishment and not normally supported by MAP, these paramilitary groups were not included in the "active military forces" shown in the congressional presentation documents. In this country, weapons furnished under MAP to both the active military forces and to the paramilitary units have not even totaled one per man.

The charge of two rifles per man was based on a typographical error in the MAP congressional presentation document for the country in question. The document showed a total cumulative program of 1,947 rifles and a MAP supported force of only 1,200 men. The latter figure should have been 2,200 men. The information was corrected and supplied to the committe for the hearing on March 29, 1962, but was not reflected in the subcommittee report.

AIRCRAFT

Criticism: Planes to supply additional aircraft to a country with a shortage of trained pilots.

Fact: As in the case of navigational equipment, it is true that there were not enough trained pilots to fly the aircraft planned for delivery to the country in question. Again, the assistance program included transitional training of pilots familiar with other aircraft—the only effective way in which pilots could be trained for the new aircraft. The country now has more than enough trained pilots to man the aircraft provided.

Criticism: Fighter planes and a loan to an African country to buy jet airliners.

Fact: The country referred to is Ethiopia which received jet fighters under the military assistance program in 1959. These fighter planes are being effectively used by the Ethiopian Air Force and saw important and effective duty during the recent Congo crisis. The jet aircraft referred to probably consist of two jet airlines which the Ethiopian Government purchased with the assistance of an Export-Import Bank loan and with collaboration of Ethiopian Airlines and the Boeing Co. The jets were purchased to replace two DC–6B's on European flights and some African routes. An expanded African network and anticipated traffic growth are expected to maintain adequately a load factor for the aircraft. These two jets were not financed with funds under the foreign assistance program.

KOREA

Criticism: Pouring into Korea $200 million a year, which is beyond the capacity of the country's economy to absorb productively or of its Government to administer efficiently, the result of which has been to encourage corruption and hamper development.

Fact: After years of recovery from the war Korea has now begun to move ahead economically. Grant aid to finance Korean imports has been reduced by half, putting pressure on Korea to expand exports and to budget prudently. Financing for capital development projects now is provided almost entirely through loans, Korean tax collections have been improved, and Korean national attention has been focused sharply on planned economic development. United States and European investors are becoming interested in Korea for the first time. The Korean economy is fully able to absorb effectively present and planned levels of U.S. assistance.

Criticism: The transfer of military funds to the contingency fund, and then a further transfer to economic programs.

Fact: This transfer was made at the end of fiscal year 1962 to meet unanticipated urgent economic assistance requirements. Such transfers are specifically authorized by the Foreign Assistance Act. Under section 610 of that act, the President, whenever he determines it "to be necessary for the purposes of this act," may transfer not to exceed 10 percent of the funds made available for any provision of the act to funds made available for any other provision of this act.

CONTRACTING AND EVALUATION

Criticism: One thousand 23-inch television sets were ordered for use in community education programs in underdeveloped countries overseas at a cost of $400,000 for areas with no electric power supply.

Fact: This refers to a contract which a congressional committee investigated at great length last year. Criticism by the committee was directed at weaknesses in AID contracting and evaluation techniques on this program, rather than the purpose for which the program was undertaken—that is, to provide relatively inexpensive and far-reaching methods of communication and education in underdeveloped countries. The contract was terminated early in 1963. Negotiations are now proceeding to determine whether there will be any cost to the United States. The agency, with the guidance of the committee, has improved its contracting for research and development procedures to insure that such weaknesses do not recur.

Criticism: Foreign aid funds were used to buy suits for undertakers in Greece.

Fact: This charge was raised in 1957 and 1958. It has no basis in fact. Procurement records in Greece show no AID-financed procurement of clothing of any kind, except footwear for the army. Civilian clothing, as a matter of policy, has always been ineligible for AID financing in Greece.

Criticism: U.S. aid to Kenya was used to buy extra wives for government officials.

Fact: A traders loan program was undertaken by the Kenyan Government in 1953 and 1954 to provide a fund for loans to traders and small manufacturers in a program analogous to the U.S. Small Business Administration. During this period, before any U.S.-owned funds were made available for the program, one trader did borrow approximately $600 and then used the funds to buy a wife. As a result of this incident, extremely tight controls for supervision of the traders loan program were set up. No such incident occurred after U.S.-owned funds were contributed to the program in 1955. The traders loan program has been quite successful, and repayment has been completely satisfactory.

Criticism: A stockbreeding farm was erected in Lebanon with U.S. aid. Nine stalls were built for each bull.

Fact: This apparently refers to an animal husbandry demonstration program during 1953 to 1957 in Lebanon. A barn was built to house a herd of approximately 30 cows and 15 bulls. During a good part of the year, most of the bulls were transported from village to village to be used in a program to improve the caliber of native livestock. It is therefore possible that at any point in time there might not have been enough bulls in the central barn to fill all the stalls. This program successfully demonstrated the greatly increased productivity possible with better caliber livestock. As a result of this program and a subsequent program using artificial insemination, livestock in many villages was significantly improved. After observation of this program, Lebanese dairy farmers began themselves to import high quality livestock. A thriving dairy industry was developed to provide Lebanese cities with reasonably priced wholesome milk.

Criticism: The Peace Corps sent a man, his wife, and nine children to the Philippines. One-way fare cost $13,190. The Corpsman's salary is $10,190.

Fact: This is substantially correct. The $13,190 includes cost of transportation of effects and household goods as well as one-way fare for the employee

and his family. The employee was appointed as executive officer of the Philippines Peace Corps operation. This assignment includes responsibility for coordination of administrative efforts with the AID mission, supervision of the Peace Corps' own administration in Manila, and liaison with the American Embassy. The position of executive officer requires a person with a high degree of leadership quality and the ability to work well with the Philippine people.

MAJORITY SUPPORT FOREIGN AID

The remainder of the statement consists of the individual views and opinions of the speaker in question. Those views must be judged on their merit, as compared with the views of others with knowledge and experience in the subject. To begin with, they must be compared with the view of three Presidents of the United States, three Secretaries of State, and three Secretaries of Defense, all of whom have given stanch support to foreign aid. They must be compared with the views of a majority of the Members of Congress, as reaffirmed year after year for 15 years during which Congress has voted for the aid program. They must be compared, in fact, to the majority views of the American people, who, according to public opinion polls, support foreign aid more strongly today than ever.

Foreign aid is not a perfectly designed and executed program, but there is waste and inefficiency in every large organization, whether it be a Government agency or a private corporation. Look at the tremendous waste and inefficiency in the Ford Motor Co. in the failure of the Edsel. Mistakes are human, and both the foreign aid program and the Ford Motor Co. are operated by human beings.

Great improvements have been made in the design and administration of foreign aid in the past several years. Much remains to be done. But the foreign aid program needs to be strengthened rather than curtailed, and improved rather than restricted. The repetition of old and insignificant criticisms does not contribute toward the kind of constructive criticism of foreign aid which Congress needs to provide in order that the program can be strengthened and improved.

Should We Seek Economic Security Even at the Cost of Individual Freedom?

EXTENSION OF REMARKS
OF
HON. THOMAS B. CURTIS
OF MISSOURI
IN THE HOUSE OF REPRESENTATIVES
Monday, September 16, 1963

Mr. CURTIS. Mr. Speaker, I do not often put in the RECORD speeches I have made before "captive audiences." I much prefer to subject what I have to say to those who might seek to rebut me. However, I am anxious to get the facts and arguments on the issue of Federal taxes and Federal debt as I see them as widely disseminated as possible.

Accordingly, I am setting out a speech I made on Wednesday, September 11, 1963, before the National Association of Underwriters, as follows:

SHOULD WE SEEK ECONOMIC SECURITY EVEN AT THE COST OF INDIVIDUAL FREEDOM?

(Remarks of Congressman THOMAS B. CURTIS, of Missouri, Before the National Association of Underwriters, Annual Convention, Americana Hotel, Miami Beach, Fla., Wednesday, September 11, 1963)

President Blumberg, Mr. Gatling, gentlemen, I always enjoy having the title of a speech picked for me, particularly when the title contains good affirmative and negative pregnants. In the process of picking out the overtones hidden in the semantics one sometimes can develop a much clearer presentation of the real issues involved. The title I was asked to speak on today, "Should We Seek Economic Security at the Cost of Individual Freedom" is a beauty. It contains just about all the overtones a speaker could ask for.

But before I address myself to this excellent topic, let me express my appreciation to this leading group in the insurance community for inviting me to Miami to address this meeting. Much of what I say this morning will be meaningless unless the people who belong to organizations such as yours take an informed stand on the issue of how much our Government should interfere in the lives of our citizens; how much interference our economy can stand and still be free and enterprising.

You will notice I said "people" must take the stand. An organization undertaking is only as good as the effort by the people who belong to that organization. How much zeal, how much knowledge, how much patriotism, how much conviction, how much principle do the people of an organization bring to their organization objectives and endeavors? When our zeal, our knowledge, our patriotism, our convictions, our principles are too little or too casual, we risk having the words "free" and "enterprising" lost as being descriptive of both our economy and our way of life.

I am not here to preach on patriotism nor to speak partisanly. However, I have strong feelings on the urgency of citizen action and organization responsibility; I have strong basic disagreements with others who have recently used business forums to espouse economic and political views which I believe hold danger for our Nation.

In my view, no other nation in the world has a more inspiring historic origin than the United States in terms of the ideals and principles which guided our forebears in establishing the institutions of our governmental system. These illustrious patriots committed our Nation to a political system that recognized the preeminence of human liberty and opportunity over statism and that recognized the creative superiority of private enterprise over government enterprise. Pursuant to these precepts of government our Nation has grown in strength and stature to a position, unmatched, of respect and honor in world affairs.

But in our lifetime our growth as a nation has found a waning in the intensity of citizen determination to protect liberty and opportunity as we have increased our efforts to achieve economic security through the bounty of government. We have voted to spend the other fellow's money to make us secure without pausing to realize that the other fellow was being just as successful in voting to spend our money to make himself secure. We have pursued government policies designed to create statistical results—many of them bad—without adequate concern for quality of government.

There has been no political revolution in this country nor has there been a major deliberate alteration in our system of government. Yet the past 30 years have produced changes so profound and far reaching that it is my earnest conviction that a penetrating and searching examination of where we are and how we arrived there is in order.

Obviously I am not going to undertake such an exhaustive examination this morning. Suffice it to say that our present affluence is not entirely to our credit because we have resorted too much to expedience and insisted not enough on principle in our drive to be affluent; we have listened too much to sophism and not enough to facts; we have heeded the do-gooder and ignored the realist. We can always cash in principal and use it for current income and make ourselves look and feel better than we are really entitled to look and feel. As a consequence, our freedom from government domination has been lessened; and by a process of fiscal socialism—involving the absolute power of government to tax and spend—we have increased dangerously the role of government in our lives and our society.

Over the past three decades our Federal Government has tried and failed in the effort to spend our Nation rich. With budgetary deficits 80 percent of the time in this period, our economy has grown in fits and spurts. The private sector has produced sustainable economic growth in spite of this tinkering, but the consequences of our thoughtless actions are now in the immediate offing. We have produced a fiscal environment of constantly rising and mounting tax burdens; burdens that consistently proved inadequate to pay the Government bills we incurred. And now, from all points of political and economic thinking, the cry is the Federal tax burden is undermining our economy. I hope that soon there will be unanimity in the cry that the Federal tax and debt burden is undermining our economy. This is not the unanimous cry as yet. The deficit financiers still think they can keep debt separate from taxes, and so they seek to lower the taxes at the expense of increasing the debt and so have their cake and eat it too. This is head-in-the-sand thinking.

We have justified our extravagant and profligate ways by giving recognition to a fiscal tenet that just does not work; this tenet says that it is not necessary to worry about a budget imbalance in any particular year so long as it is balanced over a period of years. It doesn't work because we lack the self-discipline to pay off the deficits incurred in the cyclical trough from the surpluses we should have in the cyclical upturns, such as we have experienced in both 1962 and now 1963. The resort to expediency implicit in this philosophy has led us to what can only be termed "fiscal immorality"—the consequences of which can only be measured in a trillion dollars of debt, in a burgeoning Government bureaucracy, in a serious imbalance in our international payments account, and in a curtailment of human liberty.

The last time we succeeded in even paying our way in a fiscal year was in 1960, and it now seems almost certain, if the cavalier ethic is to depose the puritan ethic, that at least a half a decade will elapse from then before we again have a chance of a budget balance. In those intervening 5 years we will add a minimum of between $25 and $30 billion to the Federal debt even if we succeed somewhat in stemming the rising tide of annual total spending. In the past three decades we had no program for debt retirement and we have none for the future—as citizens we are content to be prodigals. The administration is busy ladling out the soothing sirup saying the Federal debt is nothing to be alarmed about. Debt is good. Debt with a purpose backed by resources

may be better than inaction, but no one should question that expansion based upon savings is much preferable to expansion based upon expectations. And, certainly, inane debt, in which category I place much of our present Federal debt, is bad.

The continuing budget deficits of the last 30 years did not occur in times of depression nor in times of little or no change in Government fiscal affairs. Indeed, relative prosperity has marked the post-World War II period and the Government's fiscal experience has found budget expenditures and tax collections increasing more than twentyfold in the last three decades. We have had the opportunity to do something about paying our way and paying off the debt resulting from World War II, but we have instead chosen a course of Government on credit and creating more debt—we have chosen to let our children be the fall guys for our fiscal imprudence.

But we need not go back three decades to measure an alarming growth in levels of spending and taxing. I will not belabor you with endless statistics, but the facts are there as conclusive proof that our spending increases for civil matters exceeded the relative increase in military spending. The administration seeks to hide this fact by coupling interest payment on the debt and spending for the civilian part of the space program with defense spending. Even with this type of figure juggling the fact still remains that nondefense spending rose proportionately higher than defense spending.

If these spending increases had been for Government goods and services that were provided within the framework of a balanced budget, they might have represented expenditures which we were willing to pay for rather than pass on as a charge to succeeding generations. The fact is we did not pay for the cost of those goods and services and, as a consequence, we have a Federal statutory debt in excess of $300 billion. The present annual interest charges on that debt, without providing for any debt retirement, are more than double the total budget expenditures for all purposes by the Federal Government three decades ago.

But this $300 billion figure does not tell the whole story. The truth is that our Federal indebtedness today exceeds $1 trillion, and it means that every American family of four has a share of $22,000 of this debt. This trillion dollar debt includes such items as $250 billion for unfunded obligations of the social security system, $70 billion for unfunded obligations of Government retirement programs, $300 billion of commitments to veterans, $150 billion for unfunded public works and similar charges to the statutory debt. These are currently accruing obligations of our Government for which we are not paying and which will represent demands on the productivity of succeeding generations.

As bad as these fiscal facts are, I feel that future events will pale our past experience to insignificance. Under the present administration we have found that new spending authority had risen from $80 billion in fiscal year 1960 to $100 billion for fiscal year 1963, and actually, spending has risen from $77 billion to $94 billion. It is inevitable that this fact will produce increased spending pressures in future fiscal years. Fiscal year 1964 is still set at $98.9 billion, the highest figure in our history, exceeding the peak in World War II by $200 million. The distinguished chairman of the Senate Committee on Finance has predicted that by the year 1965 the Federal budget figures will exceed $135 billion, including $30 billion of trust fund expenditures. I call to your attention the fact that this budget event, if it materializes as predicted, is only 2 years away. Now would seem to be the very latest moment for an allout program to call a halt to this compulsive spending unless we as taxpayers are willing to pay for it and we could afford to increase Federal taxes without creating more than the erosive damage our economy is presently experiencing through the already high tax rates.

In an inaugural speech of not too long ago we were encouraged, if not reassured, by a reiteration of the principle that individuals should concern themselves with what they can do for the State rather than being preoccupied with what the State can do for them. As recently as several months ago we were told, "If Government is to retain the confidence of the people, it must not spend more than can be justified on grounds of national need or spent with maximum efficiency." It seems paradoxical to me that such statements are made by a political leader who, since taking office, has sent to the Congress nearly 300 different spending proposals which, if they had been enacted by the Congress would, in my judgment, have done much to destroy private enterprise and individual liberty.

Regardless of the fact that our Federal Government is the biggest spender, the biggest, employer, the biggest property owner, the biggest tenant, the biggest insurer, the biggest lender, and the biggest borrower in all the world, we find a growing impatience on the part of many holding high office in our land to make Government even bigger. Thus, we are told that it is the Federal Government which must grant aid to schools, compulsory medical care, a permanent system of extending unemployment compensation benefits, an expanded food-stamp plan, an expansion of area redevelopment and public works, enlarged public assistance programs, increased public power projects, enlarged housing programs, increased subsidies and other items on a staggering list of so-called Government giveaways—giveaways that inescapably cost the taxpayers of today and tomorrow for programs that involve the massive Federal intervention urged by Government spenders.

Whenever one talks about the threat to individual freedoms inherent in such massive Federal intervention in our economic life, the neo-federalist advocates of these spending programs preach that individual freedom means nothing without economic security as if such security could be achieved through ill-conceived and ill-administered Federal programs. When one mentions the threat of an ever-increasing Federal debt to the future prosperity of our children, the neo-federalists glibly reply, "It really doesn't matter because we owe it to ourselves."

In order to give you greater knowledge concerning the kinds of Federal programs I am talking about, I'd like to discuss the problem of unemployment in some detail. As most of you probably know, for some time the seasonally adjusted percentage of unemployed in our labor force has been hovering between 5.5 and 6 percent.

The Kennedy administration, during the course of this session of Congress, has sent up a number of proposals purportedly designed to meet the unemployment problem. Three of the major ones are the Area Redevelopment Act of 1963, recently defeated in the House, the so-called Blatnik accelerated public works bill, and the youth employment bill. Many Republicans in Congress have long contended that the key to a long-term solution of the unemployment problem lies in education and training programs rather than Federal makework projects. This means not only equipping the unemployed with needed skills, but also encouraging those workers presently holding jobs to upgrade their skills, thus avoiding technological unemployment as well as producing job openings for those further down the ladder. And, above all, to identify the jobs going begging so that, when a man is retrained, he has a job. It was with this objective in mind I helped to initiate and many of us helped to write and then supported the Manpower Training Act passed during the last session of Congress.

In contrast, the Kennedy administration's cure for this disturbing and continuing problem in our economy is to send a Congress a package of legislation providing the discredited solutions of the thirties for the problems of the sixties. To expose fully the economic fallacies underlying all three bills would take more time than we have today, but let me just comment briefly on each of the three. The Area Redevelopment Act, for which the House wisely denied continued authorization in early June, has proven to be an extremely costly boondoggle which has accomplished practically none of its desired results. Rather than creating new jobs, in many cases it has merely used Federal funds to transplant employment, leaving new unemployment in its wake. In other cases it has permitted staggering expenditures to create a miniscule number of jobs. In the depressed area of Minnesota, for example, the redevelopment agency approved loans and grants totaling nearly $19 million to build a convention auditorium near Duluth. In the agency's own words, the purpose of these loans and grants was to "supplement convention, entertainment, recreation, and cultural facilities of the area." The auditorium will ultimately provide the magnificent total of 22 jobs, at a cost to the taxpayers of only $277,272 per job. This sort of bargain will, I am sure, be of substantial comfort to the iron ore miners of Duluth and victims of hard-core unemployment in other depressed areas.

The pork-barrel Public Works Acceleration Act, for which the House recently passed an additional authorization of $450 million, has been a similar success. Ignoring the fact that public works construction has never been effective as an anticyclical measure during an economic recession (unemployment is not concentrated in the constructon field today) the Kennedy administration ballyhooed the additional authorization as a needed short-term shot in the arm while the economy waited for the long-term accomplishments of the Area Redevelopment Act. The past performance of this program gives little hope for future results. The act has been unable to provide immediate employment because of the large leadtime needed for surveys and studies before work can actually begin. Also, in many cases, because of its matching grant features it has diverted community resources from necessary high-priority long-term projects to less-needed short-term projects which will qualify for Federal assistance. Furthermore, a high percentage of the cost of these projects has inevitably gone for the purchase of materials and equipment and for the employment of already-employed skilled and professional people.

One example of how little employment is produced for each dollar spent was provided by one of my Republican colleagues during the debate on the floor of the House several months ago. Among next year's projects is a recreational facility in Hickory County, Mo., costing $347,000, which will employ no people permanently, and which, during the development of the facility, will employ a grand total of about 47 people for a period of a year. Incidentally, Hickory County has a total population of about 4,500 people. Gentlemen, this bill has been presented to America as one answer to the unemployment problem. I say it is rather a pork-barrel slush fund which will undoubtedly be used by the Kennedy brothers to help elect more Kennedy-type Democrats to Congress and return them to the Presidency.

The third part of the administration program to combat unemployment, the so-called youth employment bill, deserves even less comment. Its provision for a Youth

Conservation Corps impresses me as an extremely cruel hoax. Under the terms of this bill, young people would be taken off the city streets for periods varying from 6 months to 2 years and trained to plant trees and shrubs, use a pick and shovel, and chop wood. In other words, get them out of sight. However, it is extremely difficult to see how this type of training will equip them to operate complex machines, learn the skills of a profession like a truly skilled life insurance man, or work in the advanced laboratories of the future and so give them real jobs, permanent jobs—not make-shift jobs—and, I might add, provide the skilled manpower we so badly need; the lack of which really puts the crimp in our economic growth. Even the Washington Post and Times-Herald labeled the bill as a mere "patch" on the main problem and criticized it as providing only "make work and stopgap jobs." A sound alternative was presented in the Senate by Senator PROUTY, of Vermont, which would have provided increased funds under the Manpower Training Act to train unemployed young people for the skilled jobs now available. Needless to say, this constructive proposal was rejected by those who persist in thinking of New Deal solutions for New Frontier problems.

Because of other similar costly and ill-conceived programs, we have failed to control and manage our fiscal affairs within the limits of what the country can afford and to solve the problems that need solution; we have essentially departed from a basic philosophy of our Founding Fathers who believed that it was our citizen duty to support our State and not our country's obligation to support its citizens. To this end, Thomas Jefferson once said: "I place economy among the first and most important virtues, and public debt as the greatest of dangers to be feared. * * * To preserve our independence we must not let our rulers load us with perpetual debt—we must make our choice between economy and liberty, or profusion and servitude. If we can prevent the Government from *wasting* the labors of the people, under the pretense of caring for them, they will be happy."

In our time we have disregarded the wisdom of Thomas Jefferson. We have also rejected the prophetic admonition of the French philosopher deTocqueville who warned us in the early history of our country that if the time should ever come when people conclude they can vote themselves benefits out of the Public Treasury, self-government by responsible men will be an impossibility.

I need not tell a knowledgeable group such as this that the implications of our failure to do better in handling our fiscal affairs are of concern to any person now living, or to live in the future, who might aspire to be free of political domination. Furthermore, the truth of the matter is that we in world affairs are the world's banker; on the strength and stability of the American dollar rests the economic vitality and monetary security of the non-Communist world and probably the Communist world as well, inasmuch as it is a parasite living off the system of the free world. In the past 12 years we have had 11 deficits in our balance of payments and our gold supply has dwindled to approximately $16 billion. Our commitments against this gold supply included our obligations of $12 billion of legal monetary reserves and obligations of a considerably greater magnitude held by foreign governments and foreign nations.

The simple fact that as the world's banker we borrow short and lend long demonstrates the importance of confidence in our ability to conduct our fiscal and monetary affairs in such a way as to avoid debasing the purchasing power of the dollar.

Against this backdrop of debt, deficits, and declining gold supply, we are now told that the cure for virtually all our problems is to be found in a tax cut. This proposal makes me wonder whether this issue should be decided by the votes of those American citizens who are now of voting age or by the votes of those young people whose age does not now qualify them for voting status. Indeed, it is the latter group that we will be taxing to make up the deficit from the tax reduction that we give to ourselves. Americans have always felt strongly against the idea of taxation without representation; hence if we who have been entrusted with the right of franchise persist in failing to treat this right as also a trusteeship for Americans under age 21 and those not yet born, then we should formally create such a trusteeship so that the voice of the future generations could be heard on the question of a tax cut at this time of high spending and planned deficits.

There is no one who is more concerned than I am over the stifling effect of our present tax structure on economic growth and national strength. Our tax laws represent a peculiar tax policy for a country that relies on individual initiative for progress. Tax receipts of Federal, State, and local governments take almost one-third of our net national product, and most of these receipts are derived from assessments on earned income and on capital accumulation. The more productive and venturesome a person is, the higher tax he pays.

The result is that our present tax system has an impact that is not conducive to economic growth. We have a sharp progressivity of tax rates that is self-defeating. The complexity of our tax structure discourages enterprise and impairs venture taking. In short, I have long been associated with those who say tax reduction and reform are long overdue, and I say "welcome aboard" to the Johnny-come-latelies, in which category I include President Kennedy and his economic mentor, Dr. Walter Heller, chairman of the President's Council of Economic Advisers. However, I wholeheartedly disagree with those who are mostly these Johnny-come-latelies who say we can have high deficit spending as usual and still have lower tax burdens across the board. I disagree with those who believe that outlays for even tested and wanted Government programs can be continued without establishing priorities and total ceilings. We cannot tax less to pay more for these programs. In short, I support a major program of tax rate restructuring and reform to remove the impediments to incentive and capital formation, but only if we are not at the same time building up worse impediments to economic growth through larger debt burdens and the monetary imprudence such a course produces.

Tax reduction should not be enacted at this time without a commitment from the administration and a pledge by the Congress, both backed by hardheaded action, to hold spending over the next 2 or 3 years at a level that does not exceed the 1963 figure. Tax reduction should not be enacted unless it is designed to increase productive incentive and to enable the capital accumulation needed to undertake the entrepreneurial risks. Tax reduction should not be enacted if it is designed for a mere short-term stimulant, like dope, that would not result in sustainable economic growth and would end up in hopeless and deleterious addiction to government rather than private allocation of our resources.

Thus, I think it can generally be agreed among this group that our tax reduction objective (1) must be sought under conditions of our regaining control over our spending activities, (2) must be directed toward the attainment of long-term economic progress, and (3) must have as its focal point the easing of tax burdens from those critical rates and substantive provisions that, under present law, make tax saving more important than taxable earnings. In short, we must free our tax structure from its inhibitants against growth and efficiency. How do we do this?

First, we must realize that as long as we are spending for more Government than we are willing to afford, we cannot have tax reduction solely for the sake of making the cost of Government generally less on our citizens. Any tax reduction must be so planned and designed as to achieve maximum incentive benefit at minimum revenue loss. We must not have a tax reduction that seeks to solve our growth and full employment problems merely by increasing the size of the deficit that would have to be financed by added Government borrowing and bank-created funds.

Second, we must recognize that the economic progress from tax reduction at this time finds its key in the vigorous expansion in business investment in new plant and equipment, in inventory and in accounts receivable in the distribution and service areas of our economic endeavor, the area like insurance where we are experiencing the greatest growth and progress, and in the growth of small business. In our last two recessionary periods, profits or incentive for business capital to invest has lagged and, as a consequence, we have had a recovery in each instance that fell short of expectation. This supports the view that our tax reform at this time and under present circumstances must emphasize easing the tax burdens and the governmental debt burdens on savings and investment.

Parenthetically, on this second point, I would observe this fact: Anything we may do in the area of tax reform, revision, and reduction will be to no avail if our people do not have confidence in Government administration and policies. Therefore, we must not repeat the self-defeating mixture of bad and good tax changes that comprised the administration's tax bill of the last Congress. Unfortunately, however, it appears that we are headed down the same road again with this year's tax cut package. We should avoid seeking through tax legislation the accomplishment of nonrevenue objectives such as social reforms and curbs on foreign investment by American free enterprise and private investors. We should strengthen, not weaken, confidence in the integrity of government. We should base our tax reform on the hard realities of sound economics and competitive advancement and let the shortsighted politics be damned.

A third factor that we must take into account as we seek tax reform conducive to growth and efficiency is our present undue reliance on taxes on earned income to produce our Government revenues. The statistic and comparative tax tables on this point are well known, and the details need not detain us here. The effect is that our tax structure with its steeply progressive rate schedule and high corporate rate discourages risk and productive effort and even brings about what I will term the "economic withdrawal" of some of our most promising and able producers.

Tax reduction involving minimum revenue loss and maximum economic benefit will take account of those factors which will encourage utilization of technological innovation and which will sustain in our people a desire to work hard for enlarged incomes and a willingness to accept the risks of entrepreneurial activity. This sort of tax reduction can help us to afford the Government we need; Government whose every expenditure meets the test of absolute essentiality and Government whose every service and good is provided to the people only because the people cannot do it for themselves.

I would come to the close of this discussion by recalling the words of President Eisenhower in his last budget message presented to the Congress in which he said:

"In summary, if we plan wisely and allocate our resources carefully, we can have

both public and private advancement. Sound fiscal policies and balanced budgets will sustain good economic growth and eventually will make possible a reduced tax burden. At the same time, we can have necessary improvements in Federal programs to meet the demands of an ever-changing world.

"If, however, we deliberately run the Government by credit cards, improvidently spending today at the expense of tomorrow, we will break faith with the American people and their children, and with those joined with us in freedom throughout the world."

In fact, I happen to believe that the growth and dominance of Government and budgetary deficits in the past three decades have not interfered more detrimentally to our existence as a nation is not a testimonial to the wisdom of Government policy but is instead attributable to the excellence of our free enterprise system and the indomitable industry of our people. These latter have been tougher and have taken more abuse than anyone had a right to expect.

I speak not as an alarmist when I say that the strength of private enterprise cannot endlessly endure the encroachment of bureaucracy; private initiative cannot flourish in the face of Government confiscation of the risktaker's product. Government must cease profligately using the power to spend as the reason for taxing more and more of our national substance and creating more debt to pass on to our children.

In addition, the private sector of the economy must do its part. It should follow such excellent examples as the insurance industry in the case of health care, particularly for the aged, and devise effective private programs to meet social needs with a minimum of governmental help.

Let me close by commending you as individuals and as a group for resisting the attempts, though well meaning, of those who foolishly think we can achieve economic security through the bounty of Government and this without a regard for whether, even if it were attainable, it would be at the sacrifice of individual freedom. Let me urge you to continue to encourage others to hold fast to the belief that there is only one way to achieve economic benefits for our citizens—through freeing up, not interfering, with the operation of the private enterprise system. An objective review of our brief 200-year history as a society in contrast to the thousands of years of treadmill history of other societies substantiates this belief. The lobby we most need in Washington is a lobby against unnecessary expansion of the Federal Government under the pretext of providing some citizens with economic security. I urge all people to join that lobby as citizens for a better America. If this lobby succeeds in its aim, perhaps the taxes our children pay will be for the cost of their Government, not ours.

SENATE

TUESDAY, SEPTEMBER 17, 1963

The Senate met in executive session at 10 o'clock a.m., and was called to order by the President pro tempore.

Rev. Edward B. Lewis, minister, Capitol Hill Methodist Church, Washington, D.C., offered the following prayer:

O God, our Heavenly Father, we pause before Thee at the beginning of this session of the Senate of the United States of America. We need Thy help in such a critical and challenging time in world history.

Thou hast told us, through Thy Son, Jesus Christ, that we need to tarry to receive power from on high. We tarry in behalf of these, Thy servants, the elected leaders of the people. They need Thy guiding presence in the important matters before them. What they decide here in the next few days will affect all of the citizens of this great country of ours and the countries of the world.

Thou art our foundation on which we must build the peace we all desire. We stand before Thee in need. We tarry asking Thy forgiveness wherein we have denied Thee and have not followed the paths we have known to be right. Forgive us, we pray, and lead us in future paths of righteousness.

We tarry and believe now that Thou wilt give to these men and women Thy guidance. Empower them with keen insight for their important work. May they know within their hearts the spiritual peace which comes from the reality of God within. May they be helped by this Presence to legislate decisions that will instill more faith, hope, and love in the hearts and lives of all men.

Bless, we pray Thee, the President, the Congress, and the people of our Nation. May we, with all Thy children throughout the world, be instruments of peace, through Jesus Christ, our Lord. Amen.

ORDER FOR TRANSACTION OF ROUTINE LEGISLATIVE BUSINESS

Mr. SMATHERS. Mr. President, 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 PRESIDENT pro tempore. Without objection, it is so ordered.

THE JOURNAL

On request of Mr. SMATHERS, and by unanimous consent, the reading of the Journal of the proceedings of Monday, September 16, 1963, was dispensed with.

MESSAGES FROM THE PRESIDENT—APPROVAL OF JOINT RESOLUTION

Messages in writing from the President of the United States were communicated to the Senate by Mr. Ratchford, one of his secretaries, and he announced that on September 16, 1963, the President had approved and signed the joint resolution (S.J. Res. 72) favoring the holding of the Olympic games in America in 1968.

EXECUTIVE MESSAGE REFERRED

As in executive session,

The PRESIDENT pro tempore laid before the Senate a message from the President of the United States submitting sundry nominations, which were referred to the Committee on Armed Services.

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

EXECUTIVE COMMUNICATIONS, ETC.

The PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

REPORT OF SPECIAL STUDY OF SECURITIES MARKETS OF SECURITIES AND EXCHANGE COMMISSION

A letter from the Chairman, Securities and Exchange Commission, Washington, D.C., transmitting, pursuant to law, a report of a special study of securities markets of that Commission, part 5 (with an accompanying report); to the Committee on Banking and Currency.

REPORT ON CLAIM OF CERTAIN INDIANS

A letter from the Chief Commissioner, Indian Claims Commission, Washington, D.C., reporting, pursuant to law, that proceedings have been finally concluded with respect to the claim of the *Tillamook Band of Tillamooks, Naalem (Ne-ha-lum) Band of Tillamooks, Clatsop Tribe, Kathlamet Band of Chinooks, Nuc-Quee-Clah-We-Muck Tribe, the Confederated Tribes of Siletz Indians, Confederated Tribes of the Grand Ronde Community, Oregon, and portions and descendants of all such tribes and bands, Petitioners,* v. *The United States of America, Defendant,* docket No. 240 (with accompanying papers); to the Committee on Interior and Insular Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. RUSSELL, from the Committee on Appropriations, with amendments:

H.R. 7179. An act making appropriations for the Department of Defense for the fiscal year ending June 30, 1964, and for other purposes (Rept. No. 502).

SUSPENSION OF EQUAL TIME PROVISIONS OF THE COMMUNICATIONS ACT FOR 1964 PRESIDENTIAL CAMPAIGN—REPORT OF A COMMITTEE—ADDITIONAL VIEWS (S. REPT. NO. 501)

Mr. PASTORE. Mr. President, from the Committee on Commerce, I report favorably, with amendments, the joint resolution (H.J. Res. 247) to suspend for the 1964 campaign the equal opportunity requirements of section 315 of the Communications Act of 1934 for legally qualified candidates for the offices of President and Vice President, and I submit a report thereon, together with the additional views of the Senator from Indiana [Mr. HARTKE]. I ask unanimous consent that the report be printed, together with the additional views.

The PRESIDING OFFICER (Mr. WALTERS in the chair). The report will be received and the joint resolution will be placed on the calendar; and, without objection, the report will be printed, as requested by the Senator from Rhode Island.

BILLS INTRODUCED

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

By Mr. KEATING:

S. 2149. A bill for the relief of Aziza (Susan) Sasson; and