

just 11 years after the Constitutional Convention.

So it is clear to me, as obviously it was to Thomas Jefferson, that Congress has a constitutional role to play in terminating treaties. If advice and consent of the Senate is required to enter into a treaty, this body should at a minimum be consulted on withdrawing from a treaty, and especially from a treaty of this magnitude, the termination of which could have lasting implications on the arms control and defense policy of this country. Today the ABM Treaty is the supreme law of the United States. The Senate should not stand by while the administration unilaterally abrogates this treaty.

I am concerned about the message that the Senate's inaction sends to this administration and future administrations about how seriously we will take our constitutional responsibilities with regard to the termination of treaties. As Jefferson noted, a treaty is equal with a law. A law cannot be declared to be repealed by the President alone. Only an act of Congress can repeal a law. Action by the Senate or the Congress should be required to terminate a treaty.

Momentarily, I will seek to bring up a resolution on this issue. The resolution is very simple. It just expresses the sense of the Senate that the approval of the Senate is required to terminate any treaty and states that the Senate shall determine the manner by which it gives its approval to such a proposed termination. Finally, the resolution disapproves of the withdrawal of the United States from the ABM Treaty.

Madam President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 282, which I submitted earlier today, that the resolution be agreed to, and the motion to reconsider be laid upon the table without intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. HATCH. Madam President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. FEINGOLD. Madam President, I was not surprised, but I do regret that there has been an objection to the Senate taking up this resolution and expressing its will on this important issue.

I am troubled that the Congress appears willing to cede its constitutional responsibility on this matter to the executive branch. I am concerned about the signal that the Senate's refusal to act sends to the executive branch and what it could mean for the future of other treaties with which this or other administrations may not agree.

The Senate does not grant its advice and consent to ratify treaties lightly, and we should not abrogate our responsibility to express the will of this body on whether the United States should withdraw from treaties. By failing to

act on this important issue, we are granting the executive branch undue license to trample on the constitutional prerogatives of the Senate and to blur the separation of powers and system of checks and balances. I am concerned that the Senate's inaction today tips the scales dangerously in favor of the executive branch.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. NELSON of Florida. Mr. President, I would like to be recognized to address the Senate.

The PRESIDING OFFICER. The Senator is recognized.

THE SHAD PROJECT

Mr. NELSON of Florida. Mr. President, over the course of the last few days, I have learned some rather disturbing news about U.S. servicemen being used as human guinea pigs. It is a project that was carried out in the 1970s aboard ships, the ships in the Pacific, a project known by the acronym of SHAD—S-H-A-D. It was basically using various biological and chemical agents to expose our sailors, supposedly, in an attempt to have a readiness should that kind of an attack occur upon our troops. At that time we were still involved in the Vietnam war.

But with the information that I have received, it is unclear if, in fact, the troops—in this case, the sailors—were told about the test and were, in fact, given the appropriate warnings to get the proper protective gear.

The reason this has come to light—and I want to give credit where credit is due—there is a brave and courageous Congressman in California, Congressman THOMPSON, who has been railing about this issue. But it has recently come to my attention because several of those now retired sailors are being notified by the U.S. Government that they should come in and get examined medically, and some of those former sailors are in the State of Florida.

Now, here is the extent of it. There were some 113 tests that were made. The only ones that have been released thus far are some 12 of the 113 tests. According to the sources I have, in those 12, there were a total of 4,300 sailors who were exposed to these chemical and biological agents that were sprayed on or over the ships in the Pacific in the 1970s. Of those 4,300 sailors, only 622 have been notified and have been notified by mail.

By the way, how it came to my attention is 51 of those 622 happen to reside in the State of Florida.

This, in and of itself, portends some very serious consequences for our country. As a member of the Senate Armed Services Committee, I want to know, now some three decades later, that we are contacting these sailors to come in and get checked medically. I want to know the details.

I want to know who were the military personnel, were there any civilian personnel, and were there any sub-

stances we should know about so that we could give the kind of medical care that would be important as the U.S. Government ought to be protecting the people, particularly the people who served in uniform trying to protect this country.

When this came to my attention last week, I wrote to the Secretary of Defense and asked him for an explanation. I have written to our wonderful chairman of the Armed Services Committee, Senator LEVIN, and asked him to conduct an inquiry and hearing, if necessary, and if it needs to be classified, then we can operate in the Armed Services Committee in a classified manner to find out what the degree of exposure was and what the degree of medical attention should be in order to protect these American citizens.

If that is not enough, I have also had my suspicions aroused because in the 1950s there was a test going on in the old Boca Raton airbase. This was an airbase that during World War II was a training base for flyers. After World War II, in the 1950s, there was research going on at this particular airfield to develop a toxin that would attack and kill the Soviet wheat crop.

Remember, in the 1950s we were immersed in the cold war. We didn't know what to expect. We had the two nuclear superpowers. We were investigating: Could we develop a toxin that, if the United States were attacked, with which we would be able to attack their agricultural supply.

Why was that done in Florida? Well, we don't raise wheat in Florida. So that is one of the reasons Florida was chosen. But in addition to the Boca Raton location, there were other field tests made not only for wheat but perhaps for other substances that I have been able to find out about just in the State of Florida, in locations such as Belle Glade, Fort Pierce, Avon Park, and Panama City.

A couple of months ago, I wrote to the Department of Defense and asked for information about this matter, along with the same line of inquiry which I have just spoken about with regard to SHAD, the gassing of the sailors in the 1970s. I wanted to know: Were people at risk? Were military personnel exposed? Were civilians exposed? And on the 85-acre parcel to the north of what is now Florida Atlantic University, built on the Boca Raton airport, a part of the old airbase, an 85-acre area to the north where this testing was going on, were there toxins that were dumped there? Were there toxins buried there?

Basically, to my inquiry to the Department of Defense a couple months ago, they said they could not tell me because it was classified. Well, the Senate Committee on Armed Services is not only capable but is quite experienced in handling highly classified matters of the Government. The Defense Department had better be forthcoming to let us know if there is a problem, and if there is, what we are going to do about it.

These two issues have come up in the last few days and have certainly aroused my suspicions. I call on the good offices of the Secretary of Defense, who I think personally is doing a very good job, to see that his organization snaps to and produces the documentation the Senate needs in its oversight capacity.

VARELA PROJECT

Mr. NELSON of Florida. Mr. President, in just a few minutes we will have a vote on a resolution, thanks to the chairman of our Western Hemisphere Subcommittee, Senator DODD, and the chairman of the Foreign Relations Committee. He so graciously, for me, has set this vote in just a few minutes on a resolution that passed out of the Foreign Relations Committee unanimously commending, as a Senate resolution, the very courageous citizens in the country of Cuba who have put their lives on the line by putting their names and addresses on the line under the Cuban Constitution, petitioning for free elections, petitioning for freedom of speech, petitioning for a release of political prisoners, petitioning to move from a state-controlled economy to an economy of free enterprise. Those 11,000 courageous citizens, operating under the Constitution of Cuba, stepped forth under the constitutional provision that says if over 10,000 petition the Government, the Government will take up the matter in the National Assembly to act on those four freedoms I just mentioned.

I want to bring to the attention of our colleagues the fact that these people have put their lives on the line. The Castro government could stop it tomorrow. But today the Senate will send a strong message of support for these courageous citizens of Cuba who are playing by the rules and who want to see the winds of change and the fresh breath of freedom suddenly start to be realized in Cuba.

I am so grateful to the chairman of the full committee and the chairman of the subcommittee that they have brought forthwith so quickly this resolution so that the Senate can stand on record to commend these citizens in Cuba.

I see my colleague, the chairman of our subcommittee, ready to speak. Few people knew about this project called the Varela Project until President Carter went to Cuba. When he had that chance to speak live to the Cuban people by radio and TV, he spoke about the Varela Project and how courageous these folks were. All the people of Cuba now know what it is. Today, the Senate is going to have a chance to go on record to support them.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, there are only a few minutes before the vote. What time is the vote?

The PRESIDING OFFICER. The time is 5:45.

Mr. DODD. I see my colleague from the State of Washington who wants to address another matter. I will be brief.

I commend our colleague from Florida for crafting this resolution, which will be voted on shortly, by the Senate. He is absolutely correct, it did come out of our committee with a unanimous vote.

Mr. President, I rise in support of S. Res. 272. All too often when we have engaged in debate on matters related to Cuba, there have been a great deal of polemics—a lot of heat but very little light shed on the subject matter under debate. That is not the case with the resolution we are considering this afternoon.

I have been critical in the past on various policies the US has pursued regarding Cuba. The audience we ought to listen to most are the people behind the projects like the Varela Project, the people who have stayed in Cuba to try to bring about change there—those who have been incarcerated for 15, 20, 25 years, in some cases longer—because of their political views. Those who have authored this Varela Project deserve a great deal of credit for having the courage to round up 11,000 signatures, which is remarkable considering some of the pressures they will be under.

I commend Senator BILL NELSON of Florida for crafting this resolution. He has attempted to stick to the facts and to keep the spotlight on what is actually happening on the Island of Cuba.

This resolution recognizes a remarkable occurrence—the fact that 11,000 Cubans have petitioned their government for the holding of a referendum on civil, political and economic changes they wish to see. It is also refreshing that, thus far, the government of Cuba has taken no action against the organizers of this effort.

Thanks to the recent visit of former President Jimmy Carter to Havana last month, the Varela project now has international visibility. More importantly, because President Carter's speech, including references to this effort, was broadcast on Cuban TV and radio, and reprinted verbatim in the official Cuban newspaper, the Cuban people are now aware of this as well.

The organizers of Varela have chosen to exercise their rights under the Cuban Constitution to submit legislative proposals to the National Assembly for its consideration. Some in the Cuban exile community have been critical of this effort because they believe it legitimizes the Cuban constitution and therefore it should be opposed. I reject that argument.

For too long we in the United States have tried to tell the Cuban people what is best for them. We did so at the time of Cuban independence from Spain and we did so again during the Batista regime. The result was the 1959 Cuban revolution and the Castro Government.

Let's listen to the voices inside Cuba. Let's listen to those who have stayed

in Cuba and sought to change it from within.

Those voices have called for the United States to engage with Cuba. Those voices have called for an end to the travel ban.

If the Carter visit demonstrated anything, it demonstrated that the presence of Americans in Cuba offers opportunities for more political space in Cuba not for shoring up the Castro regime.

Mr. President, the Varela project was inspired by Cuban citizens. These citizens have taken advantage of rights provided to them under the Cuban Constitution. The Cuban government should honor those rights and give serious consideration to this request.

We in the United States should demonstrate self restraint and allow Cubans to retain ownership of this initiative. We need to be careful not to appropriate these internal efforts inside Cuba. If we give it too much of a label of "made in the U.S.," then this project will be hurt and the effort will be hurt. We have been warned repeatedly by dissidents and human rights activists inside Cuba that, too often, if we become associated with efforts there, they are seen as nothing more than tools of United States foreign policy with regard to Cuba. We should try not to give the Castro government any opportunities to suggest that this is just another plot by the United States to attack the Cuban people.

I commend the organizers of the Varela initiative and all who have joined with them in their effort to seek peaceful change in Cuba. I stand ready to listen to their voices and assist them in any way they believe will be helpful in bringing their aspirations to fruition.

What is most important is not what we do, but rather what they are doing in Cuba, what they are showing by their tremendous sense of commitment to democracy and freedom. For those reasons, we are endorsing their effort with this resolution, and I strongly support it and urge its adoption.

I yield the floor.

THE VARELA PROJECT'S COLLECTION OF CERTIFIED SIGNATURES IN SUPPORT OF A NATIONAL REFERENDUM AND THE DELIVERY OF THESE SIGNATURES TO THE CUBAN NATIONAL ASSEMBLY

The PRESIDING OFFICER. Under the previous order, the clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 272) expressing the sense of the Senate regarding the success of the Varela Project's collection of 10,000 certified signatures in support of a national referendum and the delivery of these signatures to the Cuban National Assembly.

The Senate proceeded to consider the resolution, which had been reported from the Committee on Foreign Relations with an amendment and an