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A BIPARTISAN STEP TOWARD

DETENTE

APPROVED BY

Rufus G. Hall

Paul A. Thorp Jr.

Oliver Benson

Walter F. Scheffer

DISSERTATION COMMITTEE

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THE NUCLEAR TEST BAN TREATY, 1963: A BIPARTISAN STEP TOWARD DETENTE

CHAPTER I

INTRODUCTION

The Nuclear Test Ban Treaty was the subject of an address to the nation by President John F. Kennedy on July 26, 1963. He said that the treaty was a "symbol," a "hopeful step," "an opportunity to reduce tensions," and an opening wedge with our cold war antagonist, the Soviet Union. The treaty was signed in Moscow on August 5, 1963; ratified by the United States Senate on September 24, 1963; and finally certified in Moscow, London and Washington on October 10, 1963.[1]

The action by the United States Senate was acclaimed by political writers as being the most "momentous" decision in the post-war era and as such the decision was too important to be governed by partisan political considerations. The political atmosphere was ripe for partisan considerations. Less than a year before the Soviet Union had precipitated the missile crisis in Cuba. Domestically the civil rights movement climaxed on August 28, 1963, with the peaceful march on Washington. The Goldwater-for-President movement was just beginning to get into full swing. The Democratic administration was being

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[1] U.S., Department of State Bulletin (October 28, 1963), p. 658.

accused of excessive credulity by Senator Barry Goldwater, Governor Nelson Rockefeller and Mr. Richard Nixon. President John F. Kennedy in an apparent response to the simplistic approach of the radical right wing following of Senator Goldwater toward foreign involvement and entangling alliances, stated in a speech at Salt Lake City, Utah, that America must guard against the distrust of such alliances, foreign aid and other aspects of contemporary life.

Public interest ran high during the debate on the Test Ban Treaty. Pressure groups such as the Young Americans for Freedom, a 25,000 member group consisting of college students, young alumni, and forty members of Congress, announced through its national chairman, Robert E. Bauman, that their opposition to the treaty would be channeled by means of a national petition drive, letters and person visits to Senators, and even by "mass demonstrations."[1] Articulate political interest groups can generally be relied upon to flood the mail of their constituent Congressmen and that of any other Congressman they feel they might influence or coerce into voting for or against a bill. The effects of such tactics are debatable and examples of this can be seen from the contrasting speeches of Senator Margaret Chase Smith, Republican of Maine, and Senator Everet Dirksen, Republican of Illinois, during the course of their debate on the Test Ban Treaty.

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[1]This information was inserted into the Congressional Record of August 15, 1963, p. 15167 by Senator Strom Thurmond, at that time Democrat from South Carolina.

Senator Smith said:

> What does the majority of the American people want? Ratification or rejection of the Nuclear Test Ban Treaty? The Gallup poll and the Harris poll report that an overwhelming majority of the American people want the treaty to be ratified. But it is not what my mail shows. . . . and it is the heaviest mail that I have ever received in all of my entire service in Congress. . . .[1]

Senator Smith said that she would not let the mail have any significant influence on her final vote. She would vote against the treaty for reasons of national security.

Senator Everet Dirksen said:

> In my office are probably 40,000 letters and on my capitol desk are petitions containing 10,000 names in opposition to the treaty.[2]

Senator Dirksen went on to say that only on three occasions had his mail been so intense and emotional. The first occasion was concerned with the "cash and carry" neutrality debate of 1940. The second occasion was after the dismissal of General Douglas MacArthur. At that time he received 200,000 letters. The third occasion came when he sat on a committee under Senator Joseph McCarthy which was televised and he received 250,000 letters. In spite of this, Senator Dirksen, after quoting Edmund Burke, said:

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[1]U.S., Congressional Record, 88th Cong., 1st Sess., 1963, CIX, p. 17831.

[2]U.S., Congressional Record, 88th Cong., 1st Sess., 1963, CIX, p. 16794.

> So today my statement that I shall support the treaty is an exercise of my independent judgment based upon what I think is best for my country.[1]

Not only was this an independent judgment based upon what he thought best for the country, but it was a reaffirmation of the Republican Party Platform of 1960:

> We are similarly ready to negotiate and to institute realistic methods and safeguards for disarmament, and for the suspension of nuclear tests. We advocate an early agreement . . . by all nations to forego nuclear tests in the atmosphere, and the suspension of other tests as verification techniques permit.[2]

Despite the great public interest and heated controversy, there was little solid information available to the public on which to base a thorough and objective study of the implications of the Test Ban Treaty for national security. One reason this information was not available is that it involves military, technological and intelligence information which is classified and is not normally released to the public for security reasons.

In fulfilling its constitutional role in giving "advice and consent" the Senate referred the treaty to the Senate Foreign Relations Committee, which held hearings from August 12, through August 27, 1963. The Foreign Relations Committee heard a total of forty-three witnesses. All of the hearings were "open," with the exception of the afternoons of August 15th and August 19th, at which time it may be assumed that

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[1] Ibid.

[2] Ibid.

classified information which would effect the national security of the United States was given to the committee.

An unusual aspect of this treaty was the fact that the Senate Armed Forces Committee had previously established a subcommittee to investigate any moves of the Kennedy administration toward disarmament or controls over the development of atomic energy or atomic weaponry.

The Armed Services Committee, headed by Senator John Stennis, Democrat of Mississippi, had objected early in the Kennedy administration to the establishment of the Arms Control and Disarmament Agency under the State Department in 1961. It was after the establishment of the ACDA that the Armed Services Committee established the Preparedness Investigating Subcommittee to keep close watch over the administration and the developments at Geneva of the Eighteen Nations Committee on Disarmament.

When the Test Ban Treaty was submitted to the Senate and referred to committee, the Armed Services Committee suggested and asked that the treaty should more properly be considered by that committee rather than the Senate Foreign Relations Committee. Although permission was denied by members of both political parties, the subcommittee continued to hold hearings.

In effect the Senate had two committees considering the Limited Test Ban Treaty. Unquestionably the Subcommittee of the Armed Services Committee had a vested interest in the treaty, but it is doubtful that it had precedent on its side for taking up an investigation of a treaty that had been made by executive initiative and was now being submitted to the United States Senate for its approval or rejection.

The Preparedness Investigating Subcommittee of the Senate Armed Services Committee was headed by Senator John Stennis. Senator Stennis is considered to be a part of the coalition of conservative Democrats from the South who vote regularly with Republican conservatives and constitute what John McGregor Burns and the Congressional Quarterly refer to as the "Conservative Coalition" or the "Congressional Party."

The principal witnesses called before the Preparedness Investigating Subcommittee of the Senate Armed Services Committee consisted generally of the Chiefs of Staff, assorted retired military men, the Chairman of the Atomic Energy Commission and atomic scientists, Edward Teller, Norris Bradbury, Harold Brown, John Foster, Jr., William C. Foster, Leland J. Haworth, and Franklin A. Long. All sessions of this subcommittee were "closed" sessions.

The Foreign Relations Committee published its report entitled The Nuclear Test Ban Treaty, on September 3, 1963, with a favorable report by a vote of sixteen to one. Senator Russell B. Long, Democrat of Louisiana, was the lone dissenter. The Senate Armed Services Committee rendered an unfavorable report on September 9, 1963. The Senate Subsequently approved ratification of the treaty by a vote of eighty to nineteen. Senator Margaret C. Smith was among the nineteen negative votes against the Test Ban Treaty. As a member of the Armed Services Committee she was joined by five other Senators for a total of ten of that committee voting against the treaty. Eventually Senator Jackson of Washington, Senator Young of Ohio, Senator Inouye of Hawaii, and Senator Saltonstall of Massachusetts voted in the affirmative.

Advantages of the Treaty

President Kennedy had told the nation on the evening of July 26, 1963, that the political advantages of the treaty could be:

> 1. . . .a step toward reduced tensions and broader areas of agreement.
> 2. . . .a step freeing the world from fears and dangers of radioactive fallout.
> 3. . . .a step toward preventing the spread of nuclear weapons to nations not now possessing them.
> 4. . . .and finally, this treaty can limit the nuclear arms race in ways, which, on balance, will strengthen our nation's security far more than the continuation of unrestricted testing.[1]

The President was very careful to point out that the treaty was "no cause for complacency" and in his address to the Senate he called attention to thirteen limitations:

1. The treaty permitted continued underground testing.

2. A signatory nation may withdraw from the treaty upon three months' notice.

3. The treaty is not an end to the threat of nuclear war.

4. It will not reduce nuclear stockpiles.

5. It will not halt the production of nuclear weapons.

6. It will not restrict their use in time of war.

7. It reflected no concessions to the Soviet Union.

8. It would not resolve all conflicts, or cause the Communists to forego their ambitions, or eliminate the dangers of war.

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[1]U. S. President (Kennedy), "The Nuclear Test Ban Treaty: A Step Toward Peace," U. S., Department of State Bulletin, (August 12, 1963), pp. 234-240.

9. It would not reduce our need for arms or allies or programs of assistance to others.

10. The Moscow talks reached no agreement on any other subject.

11. The Soviet Union was still unwilling to accept on-site inspections.

12. No one can predict with certainty what future agreements can be built on the foundations of this one.

13. The familiar contest between choice and coercion, the familiar places of danger and conflicts are still there. However, this was the first concrete result of eighteen years of efforts by the United States to impose limits on the nuclear arms race. The treaty would in effect act as a catalytic agent to precipitate further areas of agreement which might lead toward greater stability and peace.[1]

President Kennedy constantly called the treaty a "hopeful first step" toward lessening of tensions. Unfortunately, his untimely death cut short the realization of his plans. His close friends, Senator Albert Gore and General Maxwell Taylor, concur that the Limited Test Ban Treaty was the President's finest monument toward lessening of international tension.

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[1]Ibid.

CHAPTER II

FOREIGN POLICY MAKING

One of the primary goals of foreign policy is self-preservation. The term "security" would perhaps be more appropriate in light of the threat of nuclear devastation in the event of a major confrontation between the United States and the Soviet Union. It is admittedly an abstract term that may be applied in a multitude of ways. Some would seek security in large armaments and in the quest for the ultimate weapon or defense systems. There is a paradox involved in seeking security through armaments. The insecurity that causes nations to seek security was originally caused by atomic technology and the methods of mass destruction that were developed by the scientific community of the United States and the Soviet Union with the full approval of the political community.

National security is a concept that is ever elastic and changing. When the United States ended World War II by means of the atomic bomb, security, for the United States, was thought to have been achieved. When the Soviet Union exploded an atomic device of their own, security for the United States vanished, until weaponry in the form of the stratospheric bomber re-established a sense of security for the United States. When the Russians placed their Sputnik in orbit around the earth by means of a long-range guided missile, the concept of security changed once again.

Security has been pre-eminent in the considerations of United States foreign policy decision-makers almost to the point of the exclusion of other problems and national goals. As desirable as absolute security might seem for peace of mind, it is impossible to achieve. It is, however, the task of the diplomat and the politician to strive to attain it.

Foreign policy is concerned with many areas of international relations, but primarily the treaty is the principle instrument binding nations together in agreement.

The Constitution of the United States provides that the President "shall have Power, by and with the Advice and Consent of the Senate, to make Treaties, provided two thirds of the Senators present concur. . . ."[1]

Historically, the President has initiated negotiations through the State Department or other agents, and then submits the document to the Senate for its consent. The Senate has frequently from time to time questioned this interpretation and has insisted upon the right to be consulted whether negotiations ought to take place with other countries and the conditions that should be complied with before they take place. The Senate may by a simple majority alter treaties by means of amendments. The effect of such actions is best illustrated by the Treaty of Versailles, which was altered and changed by Senate modifications to such an extent that President Woodrow Wilson could not accept the treaty. The altering of treaties by amendments and

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[1]U. S., Constitution, Art.II, Sec.II, Para. II.

reservations may have one of two effects: (1) as in the case of the Versailles treaty, the treaty was discarded by the President as no longer in the national interest, or (2) the contracting nations may reject the amendments which would either have the effect of killing the treaty or calling for its renegotiation.[1]

While the role of Congress is important in the treaty making processes, it is a subordinate position. The initiative in foreign policy is left to the President.[2] However, the President does not have complete freedom of movement in foreign policy making. When treaties mark a distinctive movement away from political norms of the past, i.e., the hostilities of the "cold war," then the President must consider the temper of the Senate, the mood of the country, and prepare the way by exhortation and education, seek to change opinion if possible, and amend or add provisions to the clauses of the treaty if necessary.[3]

Executive Leadership

The President must, if he is to be successful, gain the support of the majority of his own party and a sizeable number of the opposition

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[1]"Until 1901, the Senate altered or amended eighty to ninty treaties placed before it.About one-third of these either failed of ratification or were later abandoned by the President as unsatisfactory. During the next quarter century fifty-eight proposed treaties were changed by the Senate; 40 percent of them were abandoned or discarded by the President as no longer in the national interest."Cecil V. Crabb, Jr., American Foreign Policy in the Nuclear Age, 2d ed.(New York: Harper and Row, 1965), pp. 92-93.

[2]James A. Robinson, Congress and Foreign Policy-Making(Homewood; Illinois: The Dorsey Press, Inc., 1962), Chapter 7.

[3]Kenneth N. Waltz, Foreign Policy and Democratic Politics(Boston: Little, Brown and Co., 1967), p. 98.

party to obtain the necessary two-thirds vote of Senators. This cooperation between the diverse factions within parties and between the two major parties has been called "bipartisanship."

Bipartisanship

The term "bipartisan" conveys many different meanings among political scientists. The term came into prominence during the Truman administration and its most famous advocate was Senator Arthur H. Vandenburg,[1] whose viewpoint has been paraphrased as "politics stops at the water's edge."

Prominent writers such as Professors Crabb,[2] Jewell,[3] Waltz,[4] and Hoffmann[5] have differing points of view as to what the term means exactly, but a careful examination of these writers indicates that a consensus concerning the concept would include:

1. Consultation between the executive branch and party leaders.

2. The exclusion of certain issues from presidential campaigns.

3. Continued support of policies after the normal constitutional processes of advice and consent have been satisfied.

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[1]Arthur H. Vandenburg, Jr., The Private Papers of Senator Vandenburg (Boston: Houghton Mifflin, 1952), p. 550.

[2]Crabb, op. cit.

[3]Malcolm E. Jewell, Senatorial Politics and Foreign Policy (Kentucky: The University of Kentucky Press, 1962).

[4]Waltz, op. cit.

[5]Stanley Hoffmann, Gulliver's Troubles, or the Setting of American Foreign Policy (New York: McGraw-Hill Co., 1968).

4. Bipartisan voting without regard to partisan considerations.

5. The elimination of partisan considerations in reaching agreement.

6. The appointment of minority members to responsible policy-making roles.

Consultation between the Executive Branch and Party Leaders

This term, according to Jewell, means "prior consultation" by the executive with members of the minority party leaders and other influential members of the majority party and minority party. When the President attempts to obtain maximum support for his policies, bipartisan consultation appears to be the strongest presidential weapon to gain Congressional support for his program.[1]

In the absence of disciplined parties as known in the English system of government, there is no guarantee that party members will follow their leadership in supporting a bipartisan foreign policy. The President has no choice of whom he shall consult, even within his own party, because of the Seniority system and party caucuses. Depending upon the personal qualities of the men chosen as party leaders, the leaders may or may not be effective in marshalling support.

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[1]Jewell, op. cit., p. 160.

The President must, if he is to receive acceptance of his policy, build a "bridge" of cooperation between parties that transcends party splits and partisan considerations in the name of "national interest."

The President has an additional weapon at his disposal to bring "mavericks" from both parties around to supporting his foreign policy. The President may rely upon the White House Staff, on Congressional friends, and ultimately on his own personality in persuading certain influential Senators to support him. The instruments of such persuasion are morning breakfasts, telephone calls, and informal briefings and sharing of information, but primarily the means will be direct, personal and private.

Although the President has great powers over his own party in terms of patronage and political support, he must be cautious in the use of these elements in offering or threatening to withold them from Senators.

Exclusion of Certain Issues from Presidential Campaigns

Professor Crabb indicates that this concept is a must for bipartisan foreign policy. The implication is that both parties benefit from a bipartisan foreign policy and should one party seek to exploit a treaty or agreement, that party in effect destroys creditability in its own motives.

For purposes of this study, the above mentioned concept was rendered mute by the death of President Kennedy in 1963. However, during the debate on the Limited Test Ban Treaty, there was the distinct possibility that the Republican candidate for President intended to use the treaty as a campaign issue.[1]

Continued Support of Policies After the Normal Constitutional Processes of Advice and Consent

Again the death of President Kennedy muted this concept. However, when one examines the foreign policy of President Lyndon Johnson and the successful conclusions of ideas initiated in the Kennedy administration, i.e., the Consular Treaty and the Non-Proliferation Treaty, one may conclude that there was continued support of policies after the conclusion of the Limited Test Ban Treaty.

Bipartisan Voting Without Regard to Partisan Considerations

When Senator Vandenberg was once paraphrased as indicating that "politics stops at the water's edge," this of course implied unity, but it did not mean that criticism of the Executive's handling of foreign policy should cease. Criticism in all cases should be

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[1]See Chapters V, VI, and VII of this dissertation and the personal interview with former Senator and Vice President H. H. Humphrey in Appendix "B."

constructive, particularly if there has been wide support for a treaty by both parties. However, it is also certain that one can not decide when criticism changes from constructive to destructive.

Professor Crabb indicates that the "appearance" of bipartisan unity may be of immense value diplomatically. It may convey a unified governmental public support; it may make policies more publicly acceptable; it may communicate the gravity of an incumbent President's views of the outside world; it may instill a feeling of confidence in the government's policies, i.e., President Eisenhower's support of President Kennedy following the disastrous "Bay of Pigs" invasion of Cuba.

Elimination of Partisan Considerations in Reaching Agreement

This term perhaps applies more aptly to domestic issues or "the horse trading" or "tit for tat" that sometimes goes on in the give and take of voting in the United States Senate. It is a concept almost impossible to research.

Appointment of Minority Members to Responsible Policy Making Roles

Foreign policy that is made by members in good standing and reputation from one's own party is difficult to repudiate.

This concept would cover a far greater range than the occasional inclusion of members of the opposition party in treaty signing ceremonies.

It means, in essence, bipartisan nomination of members of the minority party to high level policy making posts in the majority President's administration. However, once more, in the absence of disciplined parties in the United States, "maverick" Congressmen will reject their party leadership and vote according to a multitude of reasons they might choose to give, be it the wishes of their constituency, public opinion, or their own individual consciences.

Public Supports

The President is said to be the President of all the people and the United States is his constituency. When the President speaks he commands the attention of the whole nation. Through the use of broadcasts, telecasts, news conferences, speeches, supporting groups of organized citizens, and messages to Congress, the President may influence Congress by pressure from his constituency, which is nationwide rather than the limited constituency of individual Congressmen.

Further, the Executive has the facilities of the State Department and his White House Staff for gathering public opinion samples. The Congress does not have centralized facilities for gathering and analyzing data concerning public opinion. Subsequently, each Congressman must rely on his own resources.

The Congressman's mail is one source of information that he can rely upon. However, the wise Congressman must take into account "pressure groups" and their influence. Pressure groups are notorious for organized mailing to their Congressmen and any other Congressmen

thought to be wavering or liable to influence. In the case of the Limited Test Ban Treaty of 1963, Senators reported that their mail was divided. Senator Smith of Maine indicated that her mail was running heavily against the treaty while the polls indicated great public support. Senator Aiken reported that his mail indicated the same thing, but when broken down to his own constituency, the indication was spontaneous, overwhelming support.

Senator Albert Gore and Vice President Hubert Humphrey, who was still a Senator in 1963, both indicated to this writer that the political right wing "stirred up a tempest" around the Limited Test Ban Treaty, an obviously well-organized tempest. Both men placed more faith in the Harris and Gallup polls than the amount and type of mail they received during this period. The impressions of public opinion that the Senators received from organized political groups were different from those conveyed in other sources of political communication.

Newspapers from the Congressman's constituency are a valid source of information for the Congressman concerning the trends in what would be important to them regarding significant public opinion. It may be that other events overshadow the concern of regional newspapers and matters involving foreign policy may be hidden by matters of more immediate concern to the Congressman's constituency.

The Executive is the central figure in American politics around whom all foreign policy is made. It is true that events may create foreign policy on a crisis basis, but long-range foreign policy is the product of the Executive and his advisers.

The idea of a test ban treaty or a treaty limiting testing in certain elements was not new in foreign policy. The administration of President Eisenhower and the platform of the Republican Party were dedicated to the idea from 1958. President Kennedy actively pursued the idea with the establishment of the Arms Control and Disarmament Agency. By 1961 the question regarding atomic testing was not "what" is to be done but "when?" There was no question regarding the desirability of a limitation on atomic testing by the majority of both political parties.

Early in 1961 President Kennedy proposed five stages of disarmament that he and his administration would work for:

1. A Nuclear test ban agreement.

2. Cessation of production of nuclear materials for war.

3. Prohibition upon the transfer of nuclear weapons to countries not presently possessing them.

4. An East-West agreement to ban nuclear weapons in outer space.

5. The destruction of existing stockpiles of nuclear weapons and conversion of fissionable materials for peaceful uses.[1]

In each of these positions "consensus" between the office of the President and Congress would be highly desirable. The initiative in gaining this consensus is up to the President.

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[1]The New York Times (September 26, 1961) quoted in Crabb, op. cit., p. 434.

Once consensus has become reality the problem of implementation becomes a problem. The tool necessary to obtain consensus is "consultation." In some instances consultation may mean "information-giving" or "sharing." At other times briefings of Congressional committees suffice as "consultation." Professors Crabb, Dahl, Jewell, Waltz and Hoffmann all indicate that of all the concepts, "prior-consultation" is the most important factor in obtaining successful cooperation from the Senate in gaining their consent.

Executive-Legislative Relations

In order for the President to fulfill his constitutional duties, he must be informed on a myriad of subjects and a multitude of detailed subject matter.

Intelligence gathering or communications between the President and Congress is a very detailed and in some instances secretive process.

Foreign policy making in the twentieth century has been characterized by the need for technical information in a very short time.

The 1963 Cuban missile crisis and the need to use public communications between the Russian Premier and the President of the United States best illustrate the needs of instant communications. The Executive branch of government has a near monopoly on information gathering and Congress must rely on data supplied by the President and his advisers. Although prior consultation with members of the Senate may be desirable it is not always possible due to the rapidity of events.

In such events Congress' role is merely to legitimitize rather than initiate.[1]

Congress has long realized that the Chief Executive and his advisers should have wide discretionary powers to gather information and keep it confidential. The State Department was created to aid the President in foreign policy formulation. However, since the end of World War II and the insecurity that the postwar period brought, Congress has been asked to create special agencies to cover the needs of the nation's foreign policy. Thus Congress created the Central Intelligence Agency, the National Security Council and the Arms Control and Disarmament Agency.

The Arms Control and Disarmament Agency was established to meet the needs of coordinating research on atomic energy, weaponry, and the problems of negotiating arms control and disarmament. The Agency stands midway between military policy and foreign policy. As such it became the object of distrust by the other agencies within the State Department, the Senate Armed Services Committee, the Joint Committee on Atomic Energy and the research laboratories at Los Alamos and Livermore.

President Kennedy by Executive Order stated that the Director of the Arms Control and Disarmament Agency should be responsible for the preparation and management of the United States participation in international negotiations in the arms control and disarmament field. Furthermore, the Director should see that differences of opinion concerning arms control and disarmament policy and related matters be

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[1]Robinson, op. cit., Chapter 7.

resolved expeditiously and produce common or harmonious action among all concerned agencies.[1]

As sweeping as this power might seem to be, the actualities involved in formulating and implementing foreign policy proposals were far more complicated.

Professor Robinson indicates that the Constitution invites a contest not only between the President and Congress for the making of foreign policy, but also a struggle of Congress against Congress with respect to its role in the making of policy.[2]

Congressional Investigations

Legislative investigations have made some very important contributions to American foreign policy. After World War II Congress made investigations into virtually every phase of American foreign policy.[3] The investigative model of the American Senate has produced much needed information for Congress to inform itself on matters of national importance. However, as in the instance of the Congressional investigations into the firing of General MacArthur, some legislative investigations in foreign affairs have been instruments for legislative mischief. In this instance William S. White called

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[1]U. S., Congress, Foreign Relations Committee Joint Committee Print, Legislation of Foreign Relations, 90th Cong., 1st Sess., 1967, p. 324.

[2]Robinson, op. cit., p. 131.

[3]Crabb, op. cit., p.104.

the congressional investigation the "gravest and most emotional Constitutional crisis that the United States has ever known."[1]

Upon examining the legislative history of the Senate, one finds that the Foreign Relations Committee is the most powerful of all committees. With few exceptions the recommendations of the Foreign Relations Committee become the Senate's decision.[2]

Because approval of congressional committees is essential, governmental officials must submit themselves to congressional questioning. Secretary of State John Foster Dulles indicated that he had met more than 100 times with bipartisan congressional groups.[3] In addition to the Secretary of State, Deputies, Assistant Secretaries, assorted experts, and interested parties may appear before the various committees of Congress.

The United States Senate has been divided into ideological liberal and conservative voting blocs that cross party lines on domestic and international issues. The American government has been described as being traditionally "deadlocked" between "Congressional" and "Executive" wings of both political parties.[4]

Dr. Jewell indicates that the two political parties are divided along international policies and domestic isolationist policies.

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[1] quoted in Crabb, op. cit., P. 106.

[2] Robinson, op. cit., p. 95.

[3] Waltz, op. cit., p. 101.

[4] James MacGregor Burns, The Deadlock of Democracy(New York: Prentice-Hall, 1963).

Among both political parties, Democratic and Republican, the internationalists rank highest in the Northeastern section of the United States, followed by the West Coast and the Midwest. Ranking lowest on his scale of supporting the international commitments of the President were the Southern and the Plains states, which historically have sent "fiscal" conservatives to Congress.[1]

Both categories correspond roughly to the term "conservative-coalition" used by the Congressional Quarterly to indicate the voting bloc of conservative Democrats and Republicans who regularly vote together to bloc international policies of the United States President and the "Executive" party of Congress.

Furthermore, the committee system in the Senate has been controlled by Senators from the "congressional wing" or the "conservative-coalition." The undisciplined nature of American parties tends to permit the Midwestern Republican and Southern Democratic coalition to block international agreements made at the initiative of the President and the Executive Department.

The committees of the Senate guard their areas of concern with great jealousy. Frequently there are situations where the jurisdiction or concern overlaps other committees, and when it does considerable strong feelings are expressed along with equally strong

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[1] Jewell, op. cit.

parliamentary actions. The Senate committee most concerned with "national security" is the Senate Armed Services Committee. The committee most concerned with treaty making and foreign policy is the Senate Foreign Relations Committee. The Limited Test Ban Treaty of 1963 brought these two committees into direct confrontation.

A case study of the distinctions made between the two committees would be very interesting, but in the complex situation involving a new agency negotiating foreign policy, the Arms Control and Disarmament Agency, attitudes or "states of minds" become equally interesting and important for the influence they play on foreign policy making

The Military Frame of Mind[1]

The President as Commander-in-Chief fulfills the "founding fathers'" wishes that the military be under the authority of civilians. Primary in the thought of James Madison was that a standing army was "one of the greatest mischiefs that can possibly happen."[2]

Until the end of World War II, the United States had little to worry about an overt takeover of the government by the military. However, one can not escape the fact that a nation that has been armed

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[1]Two classic treatments of civilian-military relations are Samuel P. Huntington, The Soldier and the State (Cambridge,Mass.:Harvard University Press, 1957) and Jerome G. Kerwin, ed., Civil-Military Relationships in American Life (Chicago: University of Chicago Press, 1948).

[2]Quoted in Crabb, op. cit., p. 65.

almost thirty years and expends a major portion of its income on the military would have some changes in its basic attitudes. These attitudes, no matter how subtle or overt, should be taken into account for their influence on foreign policy.

Professor Crabb indicated the real danger comes from within the civilian sector of government. Senators with a particularly strong military background or who have constituencies with large military installations are apt to be more than favorable to the military and military spending for weaponry. All of this indicates a certain framework of thinking on the part of Congressmen. Political scientists have dubbed this the "military mind."

The "military mind" as defined by Professor Crabb indicates that those individuals generally display:

> . . .a reluctance to change outmoded weapons systems and tactics; an addiction to essentially military solutions to crises in external affairs, accompanied by an inability to recognize the limitations inherent in such an approach; a predictable readiness to believe that the nation's military defenses are inadequate, irrespective of the current level of defense spending; and manifestations of a super-patriotic, ultranationalistic approach to relations with other countries. . . .and a temptation to reduce complex diplomatic issues into contests of power and force. . .and to gloss over political, economic, cultural and ideological dimensions of foreign policy.[1]

There may be fundamental differences between officials and agencies concerned with national security. Whether those Senators who display a "military mind" are merely engaging in partisan mischief or pushing a deep-felt concern for national security, their use of military men to back up previsouly stated positions or preconceived

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[1] Ibid., p. 76.

ideas about "national security" seriously erodes the constitutional dictum of civilian control.[1]

The Scientific Community

The scientific community of atomic scientists is the latest sector of government to play a very important part in foreign policy making. Scientifically, it was their genius that enabled man to produce methods of mass destruction and bring about the insecurity of the cold war. Politically, it was the scientist acting as a negotiator at Geneva that seriously hampered real progress toward any real disarmament by demanding "on-site" inspections.[2]

The scientific community is itself divided on the role it should play in foreign policy making. While physics may be a "pure" science, the scientist outside his laboratory is still a man with political preferences and may fail to appreciate how his own political dispositions affect his advice on technical matters. It is entirely possible that scientists may consciously have their own special interests that they wish to further when their advice is called upon by either the Executive or Legislative branch of government.

Since 1955 the scientific community has been divided into two major schools of thought over atomic development and control. The

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[1]Ibid., p. 77.

[2]Robert Gilpin, American Scientists and Nuclear Weapons Policy (Princeton: Princeton University Press, 1962).

Finite School holds that control is possible through political means of consensus and accommodation. This group is generally associated with the Los Alamos Laboratory and the scientists were the principal scientific advisers in the Kennedy administration.[1]

The Infinite School is of the mind that control is not possible in the political atmosphere of the cold war. The Livermore Laboratory is the focal point of the Infinite School scientists, led by Dr. Edward Teller.[2]

Statement of Thesis

It is the purpose of this study to examine the Limited Test Ban Treaty of 1963 as a "bipartisan" step toward lessening the tensions with the Soviet Union.

The study examines a period of time when the United States' integrity was at stake regarding the talks on disarmament. The United States had been involved in negotiations at Geneva since 1958 and on public record we were in favor of limiting atomic testing and even disarmament. The record of accomplishment was zero.

The United States had a young President of "liberal" persuasion who came under severe partisan attack from the "conservative" elements of the Democratic and Republican parties for the abortive "Bay of Pigs" invasion of Cuba. After his successful handling of the "Missile Crisis of 1962," he was again under attack from the same quarters for using

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[1] Ibid., Chapter 4.

[2] Ibid.

the crisis as a means of gaining Democratic majorities. When the President announced a little more than seven months after the confrontation with the Soviet Union in Cuba that the two nations were entering into talks aimed at the limitation of nuclear testing, he was again attacked by the conservatives of his own party and the leadership of the Republican Party. However, the American public reacted quite differently. Public opinion polls taken after the October missile crisis indicated that 74 percent of the American people were satisfied with his performance as contrasted to a low of 64 percent before the October crisis.[1] The effect of an international crisis is to increase the President's popular standing.

The investigation, description, and analysis of any particular historical event constitutes a case study. The materials presented herein relating to the development and approval of the Test Ban Treaty of 1963 constitute by definition such a study. The question which arises relates to the degree of relevance and value that a particular case history can have for the study of foreign policy making.

Viewed as an isolated event, or as a descriptive narration of causality or accidentally related historical occurrences, a case study is of limited significance. Ordered by theory or hypothesis these same events assume a meaningful totality. Theory is both the end product and the starting point of scientific research. However, the study of cases is an essential aspect of any science, political science or "pure" science, and a case study is the preliminary step toward formulation of types and generalizations. In the long run it

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[1]Waltz, op. cit., p. 275.

is apparent that individual studies can accumulate in value through offering sources for generalization. The more immediate value of the case study would seem to be in the realm of practical politics and the possibilities for the future.

A central theme of this dissertation is that President John F. Kennedy, having been elected by less than half of the voters, developed bipartisan practices to a high point in the Limited Test Ban Treaty of 1963. The Limited Test Ban Treaty further opened political doors with the Soviet Union, ultimately leading to the lessening of tensions between the United States and the Soviet Union.

It is the intention of this dissertation to show that "bi-partisanship" was demonstrated by the President by:

1. Prior consultation between the executive branch and party leaders.

2. Cooperation with party leaders in Congress.

3. Bipartisan voting without regard to partisan considerations.

4. Private appeals to individual congressmen.

5. Appeals to public opinion calculated to generate congressional support.

6. Appointment of minority members to responsible policy making roles.

This period was further unique for the President's role in requesting and obtaining the establishment of the Arms Control and Disarmament Agency, which profoundly changed the negotiating role of the Secretary of State and the State Department in matters concerning arms control and disarmament.

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A secondary theme of this dissertation is to show that the United States Senate's Armed Services Committee, under the ideological leadership of Senator Barry Goldwater and a "conservative-coalition" of Western and Southern Democrats and Republicans, attempted to block the passage of the Limited Test Ban Treaty on the basis of testimony given by retired members of the Armed Services and members of the scientific community known for their views favoring unlimited testing and development of nuclear energy. In this instance "bipartisan opposition" was displayed on the basis of voting patterns. In 1963, Senator Goldwater joined his party in supporting their foreign policy positions only 36 percent of the time as compared with 65 percent for the average Republican Senator.[1]

Resources

A few words must be said concerning the evidence gathered for the construction of this study. The major portion of the material was drawn from government documents, congressional hearings and reports, executive agency studies, news releases and presidential news conferences.

Much of the information of this dissertation is from testimony of persons having a direct personal interest in subjects under consideration, therefore, an effort has been made to corroborate important points through professional writings and through the use of personal interviews. In this fashion the reliability and validity of much of the material contained has been verified.

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[1]Warren Weaver, "Goldwater Splits His Votes," The New York Times (July 17, 1964).

A point of caution should be noted. A great deal of the information relating to the Limited Test Ban Treaty involves technical and military information. This point is particularly pertinent to the Defense Department's project VELA. Project VELA is the name assigned by the Secretary of Defense for the various projects devoted to the problems of high altitude detection (Panofsky Panel) and the Berkner Panel which had examined the problems of seismic detection.[1]

Although unofficial European sources indicate that the United States has perfected its satellite and seismological listening devices to such an extent that "on-site" inspections are no longer necessary, the United States still officially classifies the project as "top secret."

Two of the most important individuals concerned with this treaty are dead. The Kennedy papers are locked for a period of twenty-five years. The papers of Senator Dirksen are not available for research and there is no indication when the papers will be available. The information concerning both individuals came through individual interviews with Senator Albert Gore of Tennessee, General Maxwell Taylor and Vice President Hubert Humphrey.

In addition to this chapter, the following chapters are designed as a case study to examine the actions of the President and Congress in the framework of "bipartisanship." Chapter III deals with the chronological survey of our efforts to achieve a treaty limiting

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[1]U. S., Arms Control and Disarmament Agency, Documents on Disarmament, 1962, Publication No. 19 (Washington: Government Printing Office, 1963), Vols. I, II.

nuclear testing. Historically, Adlai Stevenson was the first person of public recognition to call for a ban on testing, during the presidential campaign of 1955.

Chapter IV in many ways is the heart of the dissertation because it examines the administration of President John F. Kennedy's efforts to obtain a bipartisan executive staff; change the structure of the State Department and the manner of negotiating treaties concerned with atomic energy and development by the establishment of the Arms Control and Disarmament Agency; his efforts to keep the proper congressional committees informed and seeking their advice regarding the treaty and finally the efforts to negotiate the treaty with an eye on the Senate.

The committee action was divided into two chapters. Chapter V is devoted entirely to the Subcommittee of the Armed Services Committee on Disarmament. The chapter is researched for evidence of a "military frame of mind" and the differences of opinion within the scientific community of atomic scientists. Chapter VI is devoted to the Senate Foreign Relations Committee and evidence of prior approval of the treaty by the committee due to prior consultation.

Chapter VII divides the Senate debate on the treaty into three sections covering the proponents of the treaty, the opponents of the treaty and the group of Republicans who were led by their leader, Everet Dirksen, to support the treaty. Once again evidence of prior consultation, cooperation with Senate leaders and bipartisan voting is sought. Chapter VIII is an attempt to analyze the voting of the Senate and the role the President played in affecting the vote.

CHAPTER III

HISTORICAL BACKGROUND

The first atomic bombs dropped on Hiroshima and Nagasaki in August, 1945, were at first considered as a means to an end, the end of World War II. Atomic testing did not become a matter of political importance until after the United States detonated a fifteen megaton thermonuclear device in the Bikini Atoll on March 1, 1954. The dangers of fallout became apparent when it came to light that several Marshallese and Japanese fishermen had been endangered when they inadvertently came into the path of the fallout debris. World pressure against the testing of nuclear weapons increased.

The issue of discontinuing nuclear testing was an important issue in the Presidential Campaign of 1956 when Democratic Nominee Adlai E. Stevenson suggested that the United States should stop testing unilaterally as a first step toward obtaining some agreement on testing with the Soviet Union.

The Democratic-controlled Congress of 1957 established a Subcommittee on Disarmament under the Foreign Relations Committee with Senator Hubert H. Humphrey as its chairman. The first report of this subcommittee was to call for a moratorium on testing with United Nations supervision.[1]

On March 31, 1958, the Soviet Union announced that it would cease testing unilaterally and would not continue unless other nations

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[1] U.S., Congress, Senate, Committee on Foreign Relations, Subcommittee on Disarmament, Control and Reduction of Armaments, 88th Cong., 2d Sess., 1958.

tested. This move was hardly more than a propaganda ploy designed to embarrass the United States. The United States had long planned to conduct a series of elaborate tests. The Russians had already completed their testing and therefore had nothing to loose in their announcement and everything to gain on the propaganda front.

The United States' response was to request a meeting of technical experts from the East and West to examine the question of the practicality of banning nuclear testing.

The United States did not permit this offer to deter their conducting the test that had already been scheduled. On August 22, 1958, the United States and Great Britain announced that they would suspend testing for one year commencing October 31, 1958. The offer was to be renewable for one year periods, provided the Soviet Union would also desist from testing and would agree to join the United States and Great Britain in negotiations for the suspension of nuclear tests and the establishment of an international control system.

The Geneva Conference of Experts met from July 1st to August 21, 1958. The conclusion of this conference was that it was "technically feasible to set up, with certain capabilities and limitations, a workable and effective control system for the cessation of nuclear weapons tests."[1] Detection of nuclear testing could be accomplished by a system involving land-based control posts and ships stationed at sea. The importance of "on-site" inspections was due to the fact

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[1]U.S., Department of State, Documents on Disarmament,1945-59, Publication No. 7008 (Washington: Government Printing Office, 1960).

that underground nuclear explosions could be detected by the collection of radioactive debris at the site. The London conference did not go into any length on the problems of high altitude and outer space explorations.

President Dwight D. Eisenhower proposed that the nuclear powers enter into negotiations on a test ban agreement and offered to suspend testing for a period of one year from the beginning of the negotiations. Thus began a moratorium which eventually resulted in the Test Ban Treaty of 1963.

The United States proposed during these negotiations that the problem of prohibiting nuclear testing should be separated from the broader disarmament proposals. Russia refused to accept any meaningful inspection system and the West was just as adamant regarding safeguards. On April 13, 1959, the United States and Great Britain proposed that, as a first step towards a comprehensive test ban treaty, an agreement should be concluded which would avoid the issue of "on-site" inspections to detect underground and space tests. The Soviet Union rejected this proposal. On February 11, 1960, the United States proposed an uninspected partial test ban, which would include all nuclear testing in the atmosphere, underwater, in space and underground. There was an exception made in the proposal exempting "small explosions." The Soviet Union vetoed this proposal.

The 1959 proposal had also contained the expression of willingness on the part of the United States to enter into a joint research program with the Soviet Union and Great Britain to improve control probabilities. There seemed to be some progress toward a solution

until the diplomatic relations between the Soviet Union and the United States were severely strained by the U-2 spy plane incident. Premier Nikita Khrushchev announced that he would have no more dealings with the Eisenhower administration and would wait until the following year to deal with the new administration. Although the Geneva Conference continued in session until January 29, 1962, there was no significant progress.

The inauguration of President John F.Kennedy marked a more forceful era of diplomatic moves toward some form of a half in the arms race in atomic weaponry. Prior to President Kennedy's inauguration, the United States had never tabled an entire draft treaty for a nuclear test ban at Geneva. The Eisenhower administration had drafted one, but had not been able to obtain a "consensus" among the interested agencies of the United States Congress and Executive Departments. President Eisenhower, particularly during the first part of his administration, was not of the opinion that a test ban treaty would be in the interest of the United States. This doubt was shared by the Atomic Energy Commission and the Department of Defense. The only agency in favor was the President's Science Advisory Committee and his Secretary of State John Foster Dulles.[1]

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[1]Crabb, op. cit., p. 119.President Eisenhower had appointed James R. Killian Jr., President of the Massachusetts Institute of Technology, as his Special Assistant for Science and Technology. Robert Gilpin indicates in his book, American Scientists and Nuclear Weapons that this was a breakthrough for the "finite containment school."

President Eisenhower relied upon "consensus building" and the one major decision in 1957-1958 that did not come from consensus was the proposal for the Conference of Experts in 1958. This decision has been criticized because the United States sent a delegation dominated by scientists to London and Geneva. The Eisenhower administration looked upon the conference as strictly a matter between scientists. John Foster Dulles reported that "we have given them complete authority to work on this matter as a purely scientific technical matter. . . .I do not anticipate that there will be any need for political guidance."[1]

At the Conference of Experts the United States committed itself to a course of action regarding inspections that would have far-reaching political consequences without fully exploring the full implications.

To the Eisenhower administration's credit, it should be pointed out that it was under his administration that the appointment of Dr. James R. Killian, Jr. led to the establishment of a broader spectrum of thought concerning atomic energy development. Until 1957, the scientists involved in policy decision-making were those who had been directly connected with the Atomic Energy Commission and the Department of Defense. Under Dr. Killian's guidance Dr. George B. Kistiakowsky, Dr. Isador I. Rabi, Dr. Jerome B. Wiesner, Dr. Herbert York, Dr. Lloyd V. Berkner and Dr. Hans A. Bethe, all identified with

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[1]U. S., Department of State Bulletin (June 30, 1958), p. 1085.

the "finite containment school" were brought into the decision-making process.

Dr. Killian set up a panel to study some of the issues involving the banning of nuclear weapon tests. The panel, which has come to be known as the Bethe Panel, consisted of Dr. Hans Bethe, Dr. Harold Brown, Dr. Herbert York and an assortment of civilian and military officers of the Eisenhower administration.

The findings of the Bethe Panel have never been made public, but Vice President Humphrey indicated to this writer that it was here that a significant breakthrough in seismic detection was made by the Bethe panel, particularly by Dr. Berkner, who was an independent researcher on the project. From testimony before the Humphrey subcommittee, it transpired that the panel had concluded that continued testing would ultimately result in the narrowing of the lead in the development of more sophisticated weapons than the United States had.[1]

On September 1, 1962, the moratorium was abruptly ended by the Soviet Union with a series of tests that were conducted as a result of extensive preparations. The United States and Britain were compelled to conduct tests of their own. One positive aspect of the testing and the moratorium was the fact that the findings of the Bethe Panel were accurate to the degree that the task of detecting underground tests was considerably easier than first thought during the London Conference.

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[1]See Humphrey interview, Appendix "B."

[2]Harold K. Jacobson, "The Test Ban Negotiations:Implications for the Future," The Annals, CCCLI(January, 1964), p. 96.

In spite of their disappointments, the United States persisted in its pursuit of a test ban treaty. During the middle of the second post-moratorium Soviet test series, the United States and Britain presented two important treaties: one proposed a ban on all nuclear testing, safeguarded by a system of internationally supervised control posts and "on-site" inspections, while the other called for the uninspected prohibition of testing in all environments except underground. The Soviet Union rejected both proposals.

October, 1962, saw the United States and the Soviet Union "eyeball-to-eyeball" with the threat of a full scale atomic war over the issue of missiles in Cuba. The confrontation made a profound impression on Premier Khrushchev about the American willingness to use force and the firmness of the President of the United States, John F. Kennedy.[1] During the crisis a series of letters were exchanged between the two leaders and are still classified documents. On December 19, 1962, Premier Khrushchev indicated in a letter to President Kennedy that the Soviet Union would be agreeable to a test ban treaty on the basis of two or three inspections a year on Soviet territory, in addition to a few unmanned seismic stations. While the United States rejected this proposal, the letter did have the effect of keeping alive the test ban talks because it seemed to indicate a willingness on the part of the Soviet Union to accept the principle of "on-site" inspections.

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[1] Edward D. Wilson, The Missile Crisis: 1962, Unpublished Master's Thesis (Norman, Oklahoma: University of Oklahoma, 1963). Personal conversation with Senator Albert Gore, Democrat of Tennessee, confirmed the findings of the thesis.

On January 21, 1963, Senator Hubert H. Humphrey announced to the Senate that the United States and the Soviet Union were resuming negotiations in New York after a series of letters between President Kennedy and Premier Khrushchev were made public and printed in the Washington Post of January 21,1963. Mr. William C. Foster of the Arms Control and Disarmament Agency headed up the United States delegation while Premier Khrushchev appointed N. T. Fedorenko, U.S.S.R. permanent representative to the United Nations and S. K. Tsarapkin, U.S.S.R. permanent representative to the Eighteen Nation Disarmament Committee of the United Nations. The United Kingdom was to be represented by Sir David Ormsby Gore.[1]

The preliminary negotiations were promptly deadlocked over the "on-site" inspection issue once again. In an attempt to overcome this issue, President Kennedy ordered a suspension of underground testing. In response, the Soviet Union proposed that the three power talks be terminated and that the Eighteen Nation Disarmament Committee be given the task of working out an agreement. On February 18, 1963, Dean Rusk announced that the United States would cancel its suspension of underground testing.

A misunderstanding between the United States and the Soviet Union on the exact number of "on-site" inspections caused the Eighteen Nation talks to arrive at an impasse. The Soviet Union had agreed to

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[1]U. S., Congressional Record, 88th Cong., 1st Sess., 1963, CIX, pp. 692-697.

two or possibly three "on-site" inspections, but the United States insisted that it had never offered to lower its demands below seven.[1]

On February 19th, a rumor was widely circulated in the Congress that the United States might again lower the number of inspections it had been demanding at Geneva.[2] Senator Thomas J. Dodd, Democrat of Connecticut, made a speech on the floor of the Senate which illustrated the concern of the Senate and his own personal hopes:

> The time has come therefore for a frank nonpartisan appraisal of our nuclear posture and of our status in the test ban negotiations.
>
> The record of the United States and of the United Kingdom at Geneva since the inception of the test ban negotiations, reveals a consistent and continuing retreat from the basic principle of inspection.
>
> The central questions at issue in the matter of a test ban are, first, the question of whether or not we can trust the Soviets. These are essentially political questions of which scientific competence by itself, does not qualify a man to advise.
>
> . . .it is my hope that this concession of onsite inspections will enable my colleagues and the public at large to better understand how far we have retreated from our initial position.[3]

The thrust of Senator Dodd's speech was that we should return to our original position of "on-site" inspections as voiced at Geneva in 1958. To do otherwise would constitute a threat to our national

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[1]James A. McBride, The Nuclear Test Ban Treaty and United States National Security, Unpublished Dissertation No. 2856(Washington,D.C.: Georgetown University, 1966).

[2]Ibid.

[3]U.S., Congressional Record(February 21, 1963), p. 2802.

security and he could not support such a treaty if a treaty did result. Six days later Senator Dodd reversed his position and joined with Senator Humphrey and thirty-two other Senators in sponsoring a resolution urging a limited test ban treaty without "on-site" inspections, "bearing in mind that such tests can already be monitored by the United States without onsite inspection on Soviet Territory."[1]

If the Soviet Union should reject this offer of a limited or partial test ban in favor of a total ban without inspections, then the United States should persist in its efforts to negotiate. Meanwhile, the United States should not conduct any further tests in the atmosphere or underwater so long as the Soviet Union abstained. However, bearing in mind the record of the Soviet Union tendency not to keep its word, the United States should keep its testing facilities at a state of readiness.[2]

This position expressed to the Senate was not new nor did it represent "arm twisting" of Senator Dodd by the White House. The position had been announced and clearly expounded by William C. Foster of the Bendix Corporation Arms Control Symposium at Ann Arbor, Michigan, on December 15, 1962. Dr. Foster stated at that time that the United States had spent in excess of 100 million dollars so far in research on detection devices and as a consequence the United States was able at that time to monitor tests within the Soviet Union without "on-site" inspections. Underground tests continued to be an area of ambiguity,

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[1] Ibid., p. 9483.

[2] Ibid.

but the United States was working on perfecting detection devices which should eliminate even this area. The United States, "in an effort to break through the circular debate that has been taking place," was prepared to consider four alternatives in the possible banning of nuclear weapons:

> 1. We will consider a comprehensive treaty without on-site inspection if the Soviet Union can demonstrate why on-site inspections are unnecessary.
>
> 2. If they cannot do so, we are prepared to consider a comprehensive treaty with limited requirements for on-site inspection.
>
> 3. If neither of the foregoing approaches is acceptable to the Soviet Union, we are prepared to enter into a partial treaty, with an interim agreement banning underground tests and providing adequate controls while negotiations for a lasting arrangement continue.
>
> 4. If the Soviet Union does not wish to accept adequate controls even on an interim basis, we are prepared to accept a partial treaty which would ban tests in the atmosphere, in outer space and underwater. Underground tests would continue while we sought agreement for that environment.[1]

American University Commencement

President Kennedy had been invited to address the graduating class at American University on June 10, 1963. His biographer, Theodore Sorenson, said that the President came away from the 1962 missile crisis badly shaken over the possibilities of nuclear destruction to the United States and the world. Try as the President might, he had until this time been unable to convince the Soviet Premier of his good intentions. Although the United States press was alerted to the fact that the President's address would be a major one, little notice

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[1]William C. Foster, "Risk and Security in the Age of Nuclear Weapons," U.S., Department of State Bulletin, (January, 1963).

was given to it in the daily newspapers.

The speech itself reflected the Kennedy administration's attitude toward an agreement on nuclear energy, but also the fears that domestic opposition in the Senate might further hamper any success.

> Some say that it is useless to speak of world peace or world law or world disarmament. . . and that it would be useless until the leaders of the Soviet Union adopt a more enlightened attitude. . .But I also believe that we must re-examine our own attitudes. . . .for our attitude is as essential as theirs.[1]

The President also took this occasion to announce that he, in concert with British Prime Minister MacMillan and Premier Khrushchev had agreed to high level discussions in Moscow "looking forward toward early agreement on a comprehensive test ban treaty."[2] In addition he announced that the United States would refrain from atmospheric testing so long as other nations did not test.

British Labour Party leader Harold Wilson conferred in Moscow on the same day with Premier Khrushchev for more than three hours. He said at the conclusion of their talks that the hopes were not bright for a full test ban treaty but that the possibility of a test ban which would limit atmospheric tests, space and underwater tests was more hopeful.[3]

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[1]U. S. President Kennedy, "Toward a Strategy of Peace," U. S., Department of State Bulletin (July 1, 1963).

[2]Ibid.

[3]The New York Times (June 11, 1963).

Premier Khrushchev commented on the content of the commencement address at American University and indicated that the speech had made a favorable impression on him:

> We are ready to sign an agreement on the discontinuation of all nuclear tests even today. We agreed to a meeting between the representatives of the three powers in Moscow to try once again to reach an agreement on this question.[1]

On July 2nd, in an address to a rally in Berlin, Premier Khrushchev announced that the Soviet Union would be willing to sign a treaty banning nuclear weapons in the atmosphere, underwater and in space.[2] The next day both Washington and London released announcements to the effect that they would be willing to accept a partial test ban treaty, and the stage seemed set for agreement.

The three power talks opened in Moscow on Monday, July 15, 1963. The American delegation was headed by Averell Harriman, Undersecretary of State for Political Affairs. The British delegation was headed by Viscount Hailsham, Minister of Science. The Soviet delegation was headed by Premier Khrushchev at the first meeting and subsequently by Foreign Minister Andryei Gromyko. By the following Saturday the Conference was in tentative agreement on a treaty which would ban nuclear testing in the atmosphere, in space and underwater.

The draft of the treaty was initialed by the chief delegates of each of the three powers on the evening of July 25, 1963. On

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[1] Ibid., (June 15, 1963).

[2] Ibid., (July 3, 1963).

August 5, 1963, the treaty was formally signed in Moscow by Secretary of State Dean Rusk, who was accompanied by six United States Senators: Fulbright, Sparkman, Aiken, and Humphrey of the Senate Foreign Relations Committee, Saltonstall of the Armed Services Committee, and Pastore of the Joint Committee on Atomic Energy. Signing for the British was Secretary for Foreign Affairs, Lord Home. Soviet Foreign Minister Gromyko signed for the Soviet Union.

President Kennedy transmitted the treaty to the Senate on August 8, 1963, where it was referred to the Foreign Relations Committee as "Executive M., 88th Congress, 1st Session." The Foreign Relations Committee conducted hearings on the treaty from August 12th, through the 27th and reported it out of committee on September 3rd with a positive vote of sixteen to one. Senator Russell B. Long was the only dissenter.

The Armed Services Committee held closed hearings on the military aspects of the treaty from August 1st to the 27th and delivered an unfavorable report on September 9, 1963.

The Senate initiated debate on the treaty the same day and continued until September 24th, when the Senate approved ratification by a vote of eighty to nineteen. On the same day the African Republic of Niger signed the treaty, being the 102nd nation to do so. The treaty was signed by President Kennedy on October 7th and on October 10th the ratification was certified in Moscow, London and Washington, thus entering into force the Test Ban Treaty of 1963.

The Treaty

"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 incentive to the production and testing of all kinds of weapons" the governments of the United States of America, the United Kingdom of Great Britain and Northern Ireland, and the Union of Soviet Socialist Republics, seeking "to achieve the discontinuance of all test explosions of nuclear weapons for all time," agreed to five articles.[1]

Under Article I all nations signing the treaty would refrain, prevent or not carry out all nuclear explosions, or nuclear weapons any place under its jurisdiction or control in the atmosphere, outer space or under water including territorial waters or the high seas. Underground testing was to be allowed providing the explosion did not cause radioactive debris to travel beyond the territorial limits of the state where the explosion took place. Further, the parties agreed to refrain from causing, encouraging, or in any way participating in, the carrying out of any nuclear weapon test explosion anywhere in the prohibited environments.

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[1]The full text of the treaty is to be found in Appendix "A" of this dissertation.

Article II provided for future amendments to the treaty. Any party may propose amendments by submitting the text of the amendments to the depository governments who then would distribute the amendments to the other signatory nations. When one-third or more of the parties agreed, the depository governments would convene a conference to consider the amendment. Ratification of the amendment must be by a majority of all the votes of the parties to thettreaty, including all the depository parties. The failure of any one of the three depository parties to sign the amendment would have the effect of a veto.

Article III provides for the ratification procedures to be followed. It also provides that the treaty should be open to all states for signature. At the time the United States formally ratified the treaty over 102 nations had become signatories.

Article IV declared that the treaty would be of "unlimited duration." In the interest of national sovereignty each nation shall have the right to withdraw from the treaty when it decides that its national interest has been threatened by "extraordinary events, related to the subject matter of this treaty."[1] Notice of three months should be given to the other parties to the treaty.

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[1] Ibid.

CHAPTER IV

EXECUTIVE LEADERSHIP

"The heart of bipartisan prodedures, must lie in the Executive branch, with their purpose being to bring Congressmen around."[1]

Much has been written by political scientists concerning the power of the Legislative branch of government vis-a-vis the Executive branch. It would seem that a consensus of opinion regards as "weak" those Presidents who allow the Legislative branch to dominate or "lead" and as "strong" those Presidents who take the initiative and lead the Legislative branch.

Before the advent of atomic weaponry and advances in communications, a "weak" President might have been probable without lasting consequences. Given the circumstances of the "cold war" and the might of the United States and the Soviet Union, a weak President could seriously jeopardize the security of the United States and its role as leader of the Western nations.

The Eisenhower administration relied upon consensus building in the decision-making processes of domestic and foreign politics. Because of the slowness of action versus the momentum generated by technology, the United States found itself at a serious disadvantage in the arms limitation talks at Geneva in 1958. The cause of the

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[1] Waltz, op. cit., p. 121.

disadvantage was due to the fact that the United States went to the talks without a singular purpose or previously agreed goal. President Eisenhower had sent scientists to negotiate political matters and in the minds of many this was a primary error.[1] The error was due in part to President Eisenhower's insistence on obtaining a "consensus" within his administration. Professor Jewell criticized the President, therefore, for a lack of leadership in foreign affairs.[2] Jewell indicates that initiative is necessary and possible to obtain within a President's own party. In this instance President Eisenhower found his greatest strength in the Democratic leadership of Lyndon Johnson, Make Mansfield, John Kennedy and Hubert Humphrey.[3]

Senators of both parties are generally reluctant to demonstrate serious disunity to our allies and opponents or to undermine any international commitment already made by the President.[4]

Professors Jewell, Crabb, and Waltz agree that Congress has voiced opposition and some resistance to presidential initiative in foreign affairs. In the light of modern diplomatic history their opposition could be called academic. Nevertheless, a President cannot ignore the idiosyncrasies of individual Congressmen but must

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[1] Gilpin, op. cit.

[2] Jewell, op. cit.

[3] Ibid., p. 147.

[4] Ibid.

attempt to place them for their support of his policies.

The reasons a President must seek bipartisan support are: (1)he may have only a small majority or none at all in Congress; (2)party unity in the United States is not dependable; and (3)some policies require extraordinary majorities to maximize their impact abroad.[1]

President Kennedy was elected by less than one-half of the American electorate in an election that was marked by religious and racial overtones. He represented the "Eastern" establishment. He was young, rich, urbane and Roman Catholic. While his career in the Senate was not spectacular[2] he had served on the Senate Foreign Relations Committee and had learned the inner workings of the Senate. He was well versed on foreign affairs and through his close associations with Senators Gore and Humphrey he was particularly well-versed on the problems of disarmament.

It was evident from his inaugural address that President Kennedy was concerned with disarmament. In the minds of most Americans the term disarmament had meant the sinking of battleships, the destruction of weapons and a lapse into absolute pacificism. It appeared that the President was asking the American people to place their thinking on the term "control" rather than "disarmament."

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[1]Supra, Chapter II.

[2]Theodore C. Sorenson, Kennedy(New York:Harper and Row, 1965).

The President attempted to make himself more of an expert on the subjects concerning disarmament and arms control. He surrounded himself with experts who were not burdened with "cold war" logic and vocabularies. By doing these things, the Executive was able to give the government a greater sense of direction and an awareness of purpose than was known in the previous administration.[1]

On September 26, 1961, President Kennedy set out five stages of disarmament that he and his administration would work for:

1. A nuclear test ban agreement.

2. Cessation of production of nuclear materials for war.

3. Prohibition upon the transfer of nuclear weapons to countries not presently possession them.

4. An East-West agreement to ban nuclaar weapons in outer space.

5. The destruction of existing stockpiles of nuclear weapons and conversion of fissionable materials for peaceful uses.[2]

It was within this framework that President Kennedy set out his hopes for a lessening of tensions with the Soviet Union, a "re-examination of attitudes" called for in his June 10th address at American University. The peace he sought would not be a "pax Americana" nor "merely peace for Americans, but peace for all men. . .not merely peace in our time but peace for all time."[3]

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[1]Jerome B. Weisner, Where Science and Politics Meet (New York: McGraw Hill, 1965), p. 11.

[2]The New York Times (September 26, 1961).

[3]Sorenson, op. cit., p. 731.

Executive Appointments of Minority Party Members

President Kennedy, from the very outset of his administration, realized the importance of having respected members of the minority party in his administration in order that he could govern effectively and lead Congress. Therefore, the administration of President Kennedy was marked by a thorough mixing of Republicans and Democrats chosen for their ability as well as their power to influence Congress.

President Kennedy immediately appointed John J. McCloy, banker, Republican, Assistant Secretary of War from 1941 to 1945, President of the World Bank and U. S. High Commissioner in Europe, as his adviser on disarmament.

The President changed the negotiation team at Geneva by appointing Arthur Dean, a Republican.

The most important and highly controversial appointment was that of Robert S. McNamara, former President of Ford Motor Company and a registered Republican as his Secretary of Defense.

John A. McCone, businessman, Republican and former Chairman of the Atomic Energy Commission became Director of the Central Intelligence Agency.

Dr. Glenn T. Seaborg was appointed Chairman of the Atomic Energy Commission and Dr. Jerome B. Wiesner was named Spacial Assistant to the President for Science and Technology. Dr. Wiesner had previously expressed his concern about the dangers of the arms race and like President Kennedy had been critical of the Eisenhower administration as being "suspicious of Soviet proposals and ultraconservative in

the inspection requirements."[1]

Agents and Agencies of Foreign Relations

Historically, the major portion of foreign policy is fashioned by the State Department with the Secretary of State being the primary agent and responsible only to the President for his actions.

The question of negotiating a treaty controlling the testing of atomic devices presented a far more different picture than had been customarily encountered by the State Department. In 1958 President Eisenhower had faced the question of negotiating arms questions by sending scientists. No one can question the use of scientists as advisers to diplomatic negotiations, but some have criticized the sending of scientists as principal negotiators because, "lacking of sufficient political guidance,"they fell into a number of regretable errors.[2]

The very nature of the system of formulating security policy and atomic research within the United States presented President Kennedy with a very fundamental problem at the beginning of his administration. President Eisenhower had first faced this problem of drawing together complex scientific issues involved in the test ban with the machinery available to his administration. But by this time President Kennedy took office, time had allowed a certain amount

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[1]Jerome B. Wiesner, "Comprehensive Arms Limitation Systems," Daedalus (Fall, 1960), p. 917.

[2]Gilpin, op. cit., p. 219.

of expertise to have been built up in the diplomatic services and other governmental offices to be of great value to President Kennedy.

The United States obviously needed an agency to coordinate this vastly complex problem of bringing together the scientific, military and political sectors of government in order that the foreign policy of the United States have some direction and meaning.

Arms Control and Disarmament Agency

During the debate leading up to the 1960 election, candidate John F. Kennedy pointed out that there were less than 100 persons in the Eisenhower administration working for peaceful objectives in foreign policy. President Eisenhower reacted by establishing a disarmament administration, headed by Harold Stassen, within the State Department.

Shortly after Senator Kennedy was elected President, he made some very fundamental and important decisions regarding the heads of departments. These were carry-overs from the Eisenhower administration, such as Allen W. Dulles, who served as Director of the Central Intelligence Agency until September 27, 1961, when he was replaced by John W. McCone.

Perhaps the most important Kennedy appointment for purposes of this study was that of John J. McCloy as Special Adviser on Disarmament. At the urging of Mr. McCloy, President Kennedy requested Congress to createethe United States Arms Control and Disarmament Agency.

The creation of the ACDA meant that through co-ordination of research the foreign policy positions of the United States could be explored more thoroughly before being advocated, and analysis would be done with the view of trying to achieve agreements among competing agencies of government.

In the beginning a question arose regarding the organization of the agency. Should disarmament be a separate agency which would create excessive bureaucracy and weaken the negotiating processes of the State Department or should it be co-ordinated with the State Department?

Consultations took place with a number of private individuals, including Professor Richard E. Neustadt of Columbia University, Mr. Robert A. Lovett, Mr. James A. Perkins of the Carnegie Corporation, and Mr. Don K. Price of the Ford Foundation. Within the Kennedy administration the Secretary of State, the Secretary of Defense, the Chairman of the Atomic Energy Commission, the Director of the Budget, and the President were all involved in the eventual decision to establish an agency "at an authoritative level in the government with the exceptionally broad competence, functions and resources required to work on the problems of arms control and disarmament, including the conduct of the research so essential to progress in this field."[1]

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[1]U. S., Department of State Bulletin, (November 6, 1961), p. 769.

The decision was made that those conducting research should be in the same organization as those conducting negotiations in this field. Therefore, the organization should be subject to the direction of the Secretary of State. The Director of the agency should also have direct access to the President as his principal adviser in the field of disarmament, with proper notification of the Secretary of State.[1]

On June 23, 1961, John J. McCloy wrote a letter to the President outlining the principal provisions of the bill that would create the Arms Control and Disarmament Agency. Originally the agency was to be call the Disarmament Act for World Peace and Security. Congress eventually would not "buy" this term as being too grandiose and all encompassing. Mr. McCloy's letter pointed out the importance, not only of the agency, but the necessity to do away with some of the conflicts within past administrations.

The agency was to be under the President and the Secretary of State because:

> This arrangement recognizes that disarmament considerations are so all-pervasive in scope and importance that the President must concern himself with these matters on a continuing basis.
>
> It also recognizes the fact that disarmament policies, negotiations and programs must be very closely coordinated with State Department activities and responsibilities.[2]

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[1] Ibid.

[2] Ibid., (July 17, 1961), p. 100.

Under the bill, Public Law 89-297, the Director of the agency would have the responsibility for conducting negotiations based on approved policy, under the direction of the Secretary of State. Mr. McCloy suggested that such negotiations should "take the form of formal conferences or informal communications through regular diplomatic missions."[1] The Director was to be appointed by the President with the advice and consent of the Senate. He would also serve as principal adviser to the Secretary of State.

The functions of the Director and the agency covered research, development and other studies in the field of arms control and disarmament by the United States.[2]

Policy was to be made by the President, the Secretary of State and other such agencies as the President must determine concerning United States control and disarmament policy:

> . . .provided, however, that no action shall be taken under this or any other law that will obligate the United States to disarm or to reduce or limit the Armed Forces or armaments of the United States, except pursuant to the treaty making power of the President . . .or unless authorized by further affirmative legislation by the Congress of the United States.[3]

Under the Secretary of State's direction the "Director may consult and communicate with or direct the consultation and communication with representatives of other nations or of international organizations."[4]

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[1]U.S., Statutes at Large, 87th Cong., 1st Sess., 1961. See Section XXXIII-XXXIV.

[2]Ibid., Section XXXI.

[3]Ibid.

[4]Ibid.

In order that the vast sprawl of information be directed to its proper source, the President was authorized to establish procedures to:

> 1. . . .assure cooperation, consultation and continuing exchange of information between the Agency and the Department of Defense, the Atomic Energy Commission, the National Aeronautics and Space Administration and other affected government agencies. . . .
> 2. . . .resolve differences of opinion between the Director and other such agencies which cannot be resolved through consultation.[1]

President Kennedy, acting with the authority granted to him, issued Executive Order No. 11044 on August 12, 1961, spelling out in detail the procedures on cooperation between governmental agencies involved with arms control and research. The President specifically stated that the Director should be responsible for the "preparation and management of United States participation in international negotiations in the arms control and disarmament field. . . .and shall exercise leadership in assuring that differences of opinion concerning arms control and disarmament policy and related matters are resolved expeditiously and shall take such steps as may be appropriate in order to produce common or harmonious action among the agencies concerned."[2]

The draft of the bill to create the agency was finally prepared by the White House Staff and transmitted to the Vice President and the Speaker of the House. Senator Hubert Humphrey introduced the bill

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[1] Ibid.

[2] "Legislation on Foreign Affairs," op. cit., p. 324.

as S. 2180. In the House, the bill was originally introduced by John S. Morgan, ranking Democrat on the House Foreign Affairs Committee from Pennsylvania. Hearings were held before the Senate Foreign Relations Committee and the House Committee on Foreign Affairs. Both committees recommended passage by unanimous vote.[1]

The Senate version of the bill was passed on September 8, 1961, by a vote of seventy-three to fourteen. Senator Goldwater introduced an amendment to cripple the agency's research activities, but the proposal was defeated by a vote of forty-six to forty-three. Senator Goldwater's amendment would have deleted from the bill the right of the agency to:

> . . .conduct research, development and other studies in the field of disarmament. . .to make arrangements including contracts, agreements and grants for the conduct of research, development and other studies in the field of disarmament. . .and coordinate the research, development and other studies conducted in the field of disarmament by or for other Government agencies.[2]

In the preliminary debate, Senators Goldwater and Russell of the Armed Services Committee stated that they thought the bill should have been committed to their committee rather than the Foreign Relations Committee for hearings.[3]

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[1]U. S., Department of State Bulletin, (November 6, 1961), p. 769.

[2]Ibid.

[3]U. S., Congressional Record, 81st Cong., 1st Sess., 1961, CVII, p. 18686.

The bill had been reported out of committee and was on the floor of the Senate. To have acceded to the Senators' wishes would have meant that the bill would have to be recommitted. Both Senators had already been on record as being opposed to any idea of disarmament. Senator Goldwater saw the agency as merely a duplication of existing efforts by various agencies. He said that he knew of no other country which had an agency for disarmament. Furthermore, such an agency would create jealousies and complications, particularly in the field of missile development, "where we now have a conflict."[1]

Senator McCarthy of Minnesota asked Senator Goldwater if it wasnot a question of "whether the authority shall be continued to be exercised by those who now possess it, or, if it is not now assigned to an agency, the President could assign that responsibility?"[2] Senator Goldwater acknowledged that it could be, but he believed the situation as it then existed would be best.

He further thought that the control over agencies would be best left to the appropriations processes of the House and the Senate. During the presidential campaign of 1964, Senator Goldwater classified his amendment to control by agency by means of appropriations as "harmless, all it would do would be to kill the agency."[3] Senator Goldwater, after the defeat of his amendment, continued to attack the

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[1] Ibid., pp. 18718-18720.

[2] Ibid.

[3] Ibid.

the agency as a "well-intentioned dream," a "mother-love type agency."[1]

Senator Thurmond of the same Armed Services Committee attacked the agency:

> . . .the Communists at this time are applying to the United States almost every pressure possible. We are faced with a crisis in Berlin, with a controversy over our naval base in Cuba and ever increasing attempts on the part of the Communists to force us to recognize diplomatically Outer Mongolia and Red China. . . .It would be a slap in the face of our allies for the Senate to give favorable consideration of the impending bill.[2]

The House of Representatives passed its version of the bill by a vote of 290 to 54. A conference committee report was adopted by the House on September 23, 1961, by a vote of 250 to 50. The Senate adopted the report by unanimous consent. The bill became Public Law 87-297.

Mr. William C. Foster was nominated to be the first Director of the Arms Control and Disarmament Agency on September 27, 1961, as an interim appointment. Congress approved his appointment on October 5, 1961. Foster, a Republican, was but one of the members of that party chosen by President Kennedy to fill important posts in the new administration. William Foster was born at Westfield, New Jersey, April 27, 1887. He received his education at M.I.T. After serving in the Air Force as a pilot, he held the position of Undersecretary

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[1] Ibid., p. 18720.

[2] Ibid., p. 18738.

of Commerce from 1946 to 1948 under Averell Harriman. From the years 1948 through 1951 he served on the Economic Cooperation Administration. During the years 1951 to 1953, Mr. Foster served as Deputy Secretary of Defense.[1]

Mr. Adrian Fisher, a lawyer, had served as counselor to the State Department and the Atomic Energy Commission. He was also a Professor of International Law at Georgetown University. After being Deputy to John J. McCloy, he was appointed Deputy Director of the United States Arms Control and Disarmament Agency. These two gentlement were responsible for the negotiations and treaty formulation of the Limited Test Ban Treaty in Moscow.[2]

Internal Structure

The Disarmament Agency maintains a small professional staff numbering roughly one hundred and twenty-six people. The agency aids in the formulation of policy and the conduct of foreign policy, working in close conjunction with an advisory committee of scholars, diplomats, businessmen and military men.

The General Advisory Committee in 1963 consisted of John J. McCloy of New York, former adviser on disarmament to President Kennedy;

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[1] The New York Times, (August 27, 1961).

[2] U.S., Arms Control and Disarmament Agency, Documents on Disarmament, 1963, Publication No. 20 (Washington: Government Printing Office, 1964).

Roger M. Blough, Chairman of the Board of Directors of United States Steel; the Reverend Edward A. Conway of Omaha, Nebraska, a Professor of Political Science at Creighton University; John Cowles, publisher, The Minneapolis Star and Tribune Company; Trevor Gardner of Pasadena, California, Chairman and President of Hycon Manufacturing Company and former Assistant Secretary of the Air Force; George B. Kistiakowsky, Professor of Chemistry at Harvard University and former Assistant to the President for Science and Technology; Robert A. Lovett of Long Island, New York, lawyer and former Undersecretary of State and former Secretary of Defense; Dean Anderson McGee of Oklahoma City, Oklahoma, President of Kerr-McGee Oil Industries; Ralph E. McGill, editor of the Atlanta Constitution; George Meany of Bethesda, Maryland, President of the AFL-CIO; James A. Perkins, President of Cornell University; Herman Phleger, lawyer and former legal adviser in the State Department; Isidor Isaac Rabi, Professor of Physics at Columbia, former Chairman of the Scientific Adviser Committee, Office of Defense Mobilization, and former Chairman of the President's Science Advisory Committee; General Thomas Dresser White, former Air Force Chief of Staff, Herbert Frank York, Chancellor of the University of California, former Chief Scientist for the Advanced Research Project Agency, Department of Defense, former member of the President's Science Advisory Committee and Director of Defense, Research and Engineering.[1]

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[1] Ibid.

The Committee of Principles

The Committee of Principles was established in 1958 by President Eisenhower and in 1963 was composed of the Secretaries of State and Defense, the Chairman of the Joint Chiefs of Staff, the Director of the Arms Control and Disarmament Agency, the Chairman of the Atomic Energy Commission, the Director of the Central Intelligence Agency, the Special Assistants to the President for National Security Affairs and for Science and Technology, the Administrator of the National Aeronautics and Space Administration and the Director of the United States Information Agency.

The Committee of Principles is consulted on every major proposal which the United States makes or advances at conference tables in international negotiations. The final step in foreign policy-making is a review with the President.

The Arms Control and Disarmament Agency is responsible for the development of the ideas and recommendations from the beginning until the final review with the President. This process may start at any level inside or outside of the ACDA by research that has been contracted for by the agency.

At the study group stage, the Director may also call upon outside experts from the related fields concerning the subject matter at hand. The results of these study groups, particularly those of major importance, are brought before the General Advisory Committee.

The General Advisory Committee was called upon three times during the year 1963. A comprehensive test ban was considered early

in 1963. A proposal for the "hot-line" was studied in April and the possibility of a partial test ban treaty was considered in July. It is important to note that the members of the Senate Foreign Relations Committee were brought in and consulted along with the General Advisory Committee concerning the partial test ban treaty.[1]

During this time consideration was given to all relevant aspects of national security, both as it might be affected by a comprehensive treaty, on one hand, and a limited treaty that would limit testing to outer space, the atmosphere and underwater.

Various aspects of the problem were examined, such as the effect the treaty would have on the United States-Soviet Union military balance, with and without a ban; the possibility and extent of the diffusion of nuclear weapons, both with and without a nuclear testing agreement, and an analysis of the problem of maintaining readiness to test; and the effects of possible clandestine underground testing in violation of an agreement.[2]

The conclusions to these problems were that: (1) either a partial or comprehensive test ban agreement with the Soviet Union was in the national interest of the United States; and (2) if the Soviet Union would be unwilling to accept "on-site" inspections for underground tests, the United States would accept a partial test ban treaty limited to outer space, the atmosphere and underwater. These drafts were both submitted to the Eighteen Member Nation Conference

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[1] Documents on Disarmament, 1962, op. cit., p. 670.

[2] Ibid.

in August, 1962. The draft for the partial test ban treaty served as a basis for the agreement finally concluded in Moscow.[1]

Prior Consultation

President Kennedy was worried that the Senate's Southern Democrats and conservative Republicans might be able to muster enough strength to block any moves toward arms control and disarmament. He took great pains to keep Congress as well informed as possible and sought out their advice.

On August 26, 1962, Mr. William C. Foster of the ACDA appeared before the Joint Committee on Atomic Energy to discuss the proposed nuclear test ban treaty that was to be proposed by the United States and the United Kingdom on August 27, 1962.[2]

Mr. Foster had also appeared on July 23rd before the Joint Committee on Atomic Energy and the Disarmament Subcommittee on Foreign Relations to discuss the status of the test ban treaty at the Eighteen Nation Disarmament Conference at Geneva.[3]

On August 2, 1962, Ambassador Arthur Dean and Mr. Foster appeared before the two committees to discuss the proposals that the Ambassador was presenting at Geneva regarding the concept of a comprehensive and a limited test ban treaty.[4]

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[1] Ibid., p. 1241.

[2] Congressional Record, CIX, op. cit., pp. 17650-17651.

[3] Ibid.

[4] Ibid.

The Preparedness Investigating Subcommittee of the Senate Armed Services Committee initiated hearings on September 17, 1962, and on that day Messrs. Foster and Paul H. Nitze testified. On September 19th, Secretary of State Rusk appeared before the same committee.[1]

On March 5, 1963, the Joint Committee on Atomic Energy held hearings regarding the detection capabilities of the United States through Project VELA. Appearing before this committee were: William Foster and Franklin Long of the ACDA; Jack P. Ruina, Director of the Department of Defense Research Projects Agency; and Major General A. W. Betts, Director of the Division of Military Application of the Atomic Energy Commission.[2]

On March 11, 1963, the status of the limited test ban treaty and a draft was shown and discussed before the Subcommittee on Disarmament of the Foreign Relations Committee by Secretary of State Rusk and Adrian S. Fisher of the Arms Control and Disarmament Agency.[3]

Prior to the specific negotiations in Moscow on July 15th, "key members of the Senate were advised informally of the status of the negotiations and were asked for the advice of the committee."[4]

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[1] Ibid.

[2] Ibid.

[3] Ibid.

[4] Ibid.

Treaty Groundwork

After the June 10th address at American University, the Committee of Principles met on June 14, 1963.[1] The Joint Chiefs of Staff were asked to consider a limited test ban treaty by General Maxwell Taylor, another Republican appointed by President Kennedy as Chief of Staff of the Armed Services.

On July 2, 1963, Premier Khrushchev, in a speech in Berlin, indicated the Soviet Union was ready to conclude an agreement for a partial test ban.[2]

At this time the ACDA began preparations for the negotiations. Background papers on facts and issues were prepared in consultation with Undersecretary of State Averell Harriman, who had been named by President Kennedy to personally head the United States delegation to Moscow. ACDA's Deputy Director, Adrian S. Fisher, was named Ambassador Harriman's principal adviser. Accompanying the Ambassador and Mr. Fisher were: Carl Kyasen, White House Staff; William R. Tyler, Department of Defense; Frank E. Cash, Department of State with a background in German affairs; and from the ACDA came Alexander Akalovsky, translator; Franklin A. Long, Assistant Director of Science and Technology; Nedville E. Nordness, Public Affairs Adviser; and Dr. Frank E. Press, Director of the California

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[1] Documents on Disarmament, 1963, op. cit.

[2] Ibid., p. 244.

Institute of Technological Seismological Laboratory.[1]

The choice of Averell Harriman over the Secretary of State was made by President Kennedy and caused some opposition within the State Department. In adition, the President had also picked his most trusted men from his own executive staff to accompany Mr. Harriman. John J. McCloy had been the President's first choice, but Mr. McCloy was not available due to personal business.[2]

Before the negotiating team left for Moscow, the President made it clear that:

> 1. This was the last clear chance to stop the diffusion of nuclear tests and poisons and to start building mutualcconfidence with the Russians;
> 2. . . .that the delegation should keep in daily contact with him;
> 3. . . .that extreme precautions should be taken to prevent their prospects of success from being ruined by any premature leak of their position.[3]

To ensure that security leaks would not occur, the President made arrangements for only one decoding clerk to handle all messages. The clerk would personally hand the messages to Dean Rusk, Secretary Ball, Robert McNamara, John McCone, Ambassador Thompson, and Mr. Foster of the ACDA.

All messages and instructions from the State Department were carefully gone over, and in some instances they were rewritten by

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[1]U. S., Department of State Bulletin, (July 29, 1963), p. 149.

[2]Arthur M. Schlesinger Jr., A Thousand Days:John F. Kennedy in the White House (Boston: Houghton Mifflin Co., 1965), p. 903.

[3]Sorenson, op. cit., p. 734.

the President.[1]

The Negotiations

Theodore Sorenson in his book, Kennedy, indicates that the successful attainment of a more peaceful atmosphere with the Soviet Union was the most important personal aspiration of President Kennedy. The President would have gladly forsaken any chances for re-election in 1964 if he could but obtain a test ban treaty to alleviate cold war tensions.[2]

Initially, after the public ceremonies were over and the hard negotiations were underway, the Russians immediately dismissed the idea of a comprehensive test ban treaty which would require "on-site" inspections. Premier Khrushchev also wanted a non-aggression pact which he had mentioned in his East Berlin address on July 2nd. Ambassador Harriman pointed out that such a pact would take considerable consultation with the North Atlantic Treaty Organization allies, but a partial test ban treaty could be completed in a very short time. The American Ambassador also presented the idea of a non-proliferation treaty but the Russian Premier pointed out that as

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[1]Adrian Fisher related that he and others were warned to watch even their personal conduct while in Moscow, particularly with individual Russians. Any change to discredit the negotiations and the negotiators should be avoided.

[2]Sorenson, op. cit., pp. 906-909. Amitai Etzioni in an article in the Western Political Quarterly, June, 1967, has an interesting hypothesis that President Kennedy, after having a sociological-psychological character analysis made of Premier Khrushchev, pursued a policy of action-reaction. The idea being that a peaceful gesture would beget a peaceful gesture.

other nations signed the treaty non-proliferation would cease to be a problem. The idea that a no-transfer of atomic weapons would have to be deferred for future considerations was evidenced then.

Two important questions came up in the beginning of the negotiations. Both questions dealt with the interpretation of the wording of portions of the treaty. The Preamble, according to the United States interpretation, implied that nuclear weapons would be banned in the course of self-defense. Ambassador Harriman knew, from conferences with President Kennedy and his own knowledge of the domestic politics of the Senate, that this would never receive approval of the Senate. The second problem was the fact that a withdrawal clause had been left out of the original draft. Ambassador Harriman told the Russians that without a withdrawal clause there could be no treaty.

Arthur Dean, chief negotiator of the United States at Geneva, says that the "only major substantive change in the 1963 treaty and the original treaty proposed at Geneva was the problem of onsite inspections."[1] Originally, the Geneva proposal would have allowed nuclear test explosions in all environments, under carefully controlled circumstances, provided that the original parties agreed to them. The Russians refused to go along with this idea and it became a major point for the anti-treaty Senators in the debate before the Senate. As such, it did not allow the United States to conduct the

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[1]Arthur Dean, Test Ban and Disarmament (New York: Harper and Row for Council on International Relations, 1966), p. 98.

proposed "Plowshare" program. The Plowshare idea was contained in a theoretical study to build, by nuclear power, a new canal across the Isthmus of Central America to replace the existing Panama Canal.

Mr. Dean believed that the United States would be better off with the total prohibition on testing than where we would have been if the original provision, which permitted nuclear explosions for peaceful purposes, had been retained. It should be obvious that even peaceful explosions would be beneficial militarily, if they were so designed. This would invite blatant cheating under the guise of legal testing.

The problem of "de facto" and "de jure" recognition of states also worried the United States. The question of East German and Chinese recognition had long been a partisan political question in the United States. The United States suggested and the Russians rejected the idea that any accession to the treaty by either East Germany or China did not constitute recognition. Eventually lawyers Fisher and McNaughton came up with the idea that every signatory was free to sign in association with nations of which it approved.

After the treaty had been initialed, Ambassador Harriman questioned Premier Khrushchev about the possibilities of getting Red China to sign the treaty if the United States could get France to sign. The Premier merely said: "That's your problem. . . ." As brief as the answer might have been, it held more information about the problems the Soviet Union were having with their own ally than was realized at that moment. General Maxwell Taylor told this writer

that the idea that a test ban treaty would drive the Soviet Union and China further apart was the greatest political advantage of the treaty. If the treaty achieved nothing more than this, then it was a success.[1]

Arthur Schlesinger gives lavish praise to Averell Harriman, and the back of his hand to the State Department:

> Left to itself, the Department of State would not have perservered with the issue, nor would it have ever proposed an American University speech. . .that speech which, in its modesty, clarity, and perception, repudiated the self-righteous cold war rhetoric of a succession of Secretaries of State.[2]

While Schlesinger was generous in his praise of the Ambassador, President Kennedy and his advisers in the Arms Control and Disarmament Agency should have been given the premier spot for appraisal of the test ban treaty. Harriman was merely the instrument that capped the tremendous work done by the ACDA and Arthur Dean at Geneva.

On July 26th, President Kennedy addressed the nation over national television in the first of his many efforts to explain the treaty to the American people and gain their support. He said:

> I speak to you tonight in a spirit of hope. . . .Since the advent of nuclear weapons, all mankind has been struggling to escape from the darkening prospect of mass destruction on earth. . . .Yesterday a shaft of light cut into the darkness.

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[1]Interview with General Maxwell Taylor while he was on campus at Mankato State College to address the foundation of the National Collegiate Veterans' Club, sponsored by the Mankato Veterans' Club of which the author was faculty sponsor.

[2]Schlesinger, op. cit., p. 909.

> This treaty is not the millennium. . . .But it is an important first step . . .a step toward peace, a step toward reason, a step away from war. . . .
>
> According to the ancient Chinese proverb, "A journey of a thousand miles must begin with a single step." . . .Let us take that first step.[1]

President'Kennedy"s words were inspiring to most of the nation, but he knew that there were powerful forces in the United States Senate who did not have his hopes nor the desire to take any step toward lessening the tensions between the United States and the Soviet Union. The fact that the President eventually was able to rally the American people and the leadership of the Republican party was a monumental task.

From the beginning the domestic scene had not been at all hopeful or encouraging. As early as February 21, 1963, Senator Dodd had attacked the rumors that the United States had lowered its demands for "on-site" inspections. Senators Russell, Symington, and Jackson of the Armed Services Committee had informed the President that they could not support or approve any treaty with the Soviet Union that would curtail the United States Armed Forces or the use of atomic weapons.[2] The Republicans under the guidance of Representative Craig Hosmer had set up a Conference Committee on Nuclear Testing to watch for the possibility of any move toward disarmament.

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[1]Quoted in Sorenson, op. cit., p. 737.

[2]Washington Post (March 5, 1963).

To counter these attacks, President Kennedy called upon his appointee to the ACDA, Deputy Director Adrian Fisher, to answer the Senatorial critics, particularly Senator Dodd. Mr. Fisher wrote a letter to Senator Dodd which was published in the Washington Post on March 1, 1963. Senator Humphrey made a major speech on the floor of the Senate on March 7, 1963, vigorously supporting the President's position.[1] Secretary of State Dean Rusk appeared before the Senate Foreign Relations Committee four days later, accompanied by Foster and Long of the ACDA. They also appeared before the Committee on Atomic Energy to explain why the United States had lowered its demands for "on-site" inspections. They pointed out that through advances of Project VELA,[2] which had been under the control of the Department of Defense, the United States was engaged in the development of techniques for the improvement of our capability to detect, locate and identify nuclear

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[1] Congressional Record, op. cit., pp. 3711-3724.

[2] Project VELA was a project of the United States Coast and Geodetic Survey which was in the process of constructing a world-wide seismological network. The stations would be operated by friendly governments and other private groups such as universities throughout the world. There were seven seismological stations in the United States. The first of the stations was constructed at Fort Sill, Oklahoma, and became operational in October, 1960. These seismological stations were able to pick up and identify correctly a secret detonation by France in an underground cavern in a desolate region of Algeria in 1962. (see The New York Times dated July 24, 1962) The shot was a low-yield megaton nuclear device. Apparently the sensitivity of these seismographs could be increased by a factor of five or ten by placing them in deep holes rather than on the earth surface. Documents on Disarmament, op. cit., pp. 246-248.

nuclear detonations in all environments and eventually develop a system capable of adequately monitoring a comprehensive nuclear test ban.[1]

The President's efforts began to have a positive effect. Senator Dodd submitted a resolution on May 27th, stating that:

> The United States should again offer the Soviet Union an immediate agreement banning all tests that contaminate the atmosphere or the oceans, bearing in mind that such tests can already be monitored by the United States without on-site inspection on Soviet territory.[2]

Senator Dodd was joined by Senator Humphrey and thirty-two other Senators in sponsoring the resolution.

President Kennedy still had the most difficult hurdle of all to overcome, Senate ratification and the coalition of Souther conservatives and the Republican Party.

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[1] Documents on Disarmament, 1963, op. cit.

[2] This support by Senator Dodd was classified by Mr. Humphrey as being a "coup." The Senator from Minnesota indicated that he was intending to introduce a resolution, but he and the administration needed a "hawk" or a man as strongly opposed to the treaty as possible to support it. After a period of personal visitations by Humphrey, Senator Dodd indicated that the idea of a limited test ban treaty was a pretty good idea after all and asked Mr. Humphrey to introduce such a resolution. But Humphrey wisely, as it turned out, asked Senator Dodd to introduce the resolution and they were joined by a total of thirty-two other United States Senators.

CHAPTER V

RATIFICATION OF THE TREATY

The primary function of the committee system of Congress is to provide open forums to inform itself and the public concerning actions of the Executive and the need for legislation. Congress has access to classified information; it is organized into committees and subcommittees; it has skilled and specialized agencies available in the form of personal assistants and subcommittee staff; it can release the results of its hearings and investigations to the public in the form of verbatim records and hearings, reports and press releases.

Periodically committees of Congress will hold hearings to air fundamental differences between officials and agencies concerned with national policy, or they may merely be forums which are partisan-inspired to embarrass the President.

In the case of the Limited Test Ban Treaty the record indicates that Congress had an important role in shaping United States policy. The Congressional hearings produced a wealth of technical and political data.

President Kennedy presented the treaty to the United States Senate for its advice and consent to ratification on August 8, 1963. In his message of committal the President said:

> This treaty is in our national interest. While experience teaches us to be cautious in our expectations and everso vigilant in our preparations, there is no reason to oppose this hopeful step.

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[1]Congressional Record, op. cit., p. 14558.

When the motion to commit the treaty to the Senate Foreign Relations Committee was made by Senator Sparkman, he made note of the fact that the Senate Armed Services Committee had requested that it be given jurisdiction or be allowed to hold hearings on the military aspects of the treaty. Leading the objections to such a move was Senator Everet Dirksen, minority leader of the Republican Party.

The Senate Armed Services Committee had been watching the Kennedy administration very closely and had established a subcommittee to investigate the probabilities and effects that talks might have on the limitation, control and reduction of the Armed Forces. The chairman, Senator Stennis, put his fears more directly when he characterized the talks as a step toward the "elimination of our Armed Forces and Armaments."[1]

The jurisdiction over the treaty fell, according to Senate custom, to the Committee on Foreign Relations. There have been few times that any other committee challenged this perogative. It may be said that the body of rules and precedents of the Senate discourages one congressional committee from sticking its nose into another's area of authority.

In the case of the Limited Test Ban Treaty it must be remembered that the Senate Armed Services Committee had fought the establishment of the Arms Control and Disarmament Agency.

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[1]U.S., Congress, Senate, Committee on Armed Services: Preparedness Investigating Subcommittee, Military Aspects and Implications of Nuclear Test Ban Proposals and Related Matters, 88th Cong., 1st Sess., Vol. I, p. 2.

Senator Goldwater had wanted to kill the agency by appropriations; Senator Thurmond had said that it was a sign of weakness and a slap in the face of our allies.

A close look at the membership of the Senate Armed Services Committee which overlaps the Appropriations Committee and the Joint Atomic Energy Committee, i.e., Senators hold more than one seat on committees in the Senate, reveals that the three top-ranking members of the Armed Services Committee, Russell, Stennis and Smith of Maine, also serve on the Appropriations Committee. Senators Russell and Jackson also sit on the Joint Atomic Energy Committee, as well as the Armed Services Committee. Three other members of the Armed Services Committee, Democrat Howard Cannon of Nevada, Strom Thurmond of South Carolina and Republican Barry Goldwater of Arizona, are Major Generals in the Air Force and Army Reserve. Senator Symington of Missouri was deeply imbued with the Armed Services. Senator Henry Jackson, of Washington, has been called, somewhat derisively, the Senator from "Boeing," indicating his constituency's dependence on military spending in the manufacture of airplanes and missiles. It may be conjectured that the Senators had more than a passing interest in the Limited Test Ban Treaty.

The treaty was officially submitted to the Foreign Relations Committee and hearings commenced on August 12th, and lasted through August 27th.

The Investigating Subcommittee of the Senate Armed Services Committee had started its hearings in early May and continued to hold hearings simultaneously with the Foreign Relations Committee.

The Senate Foreign Relations Committee invited the entire membership of the Armed Services Committee and the Atomic Energy Commission to sit with them in the questioning of witnesses called to testify for and against the treaty. By this procedure the Senate Foreign Relations Committee could inform itself on the military-scientific-political aspects of the treaty and make a judgment about recommendations to the Senate.

Certain questions had to be asked in formulating a rational decision regarding the nuclear test ban treaty:

1. What were the dangers of radioactivity in continued testing of nuclear devices with respects to the immediate and long range genetic effects?

2. What would be the gains in weapon technology with and without further testing?

3. What type and quality of nuclear weapons does the other side possess as compared with the United States?

4. What methods of detection of clandestine testing were available?

5. What effect would the treaty have on proliferation of nuclear weapons among non-nuclear nations?

6. What dangers exist to the national interest of a nation during time of war and peaceful experimentation?

7. What kind of treaty would the American people, the allies of the United States, and the United States Senate accept?[1]

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[1]For a discussion of the scientific-military aspects of the treaty see the McBride Dissertation, op. cit.

Inherent in these questions is a general overlapping of knowledge or expertise. It would be difficult for one man or one expert to answer any or all of them equally well. The military, the scientific, and the political all overlap. One would assume that a Senator sitting on an investigating committee would take into account any personal inadequacy on his part on military and scientific matters by asking intelligent questions. Unfortunately, the ability to ask questions sometimes depends upon a minimal background and, more importantly, a willingness to hear witnesses with information that the individual Senator might not like to hear.

Preparedness Investigating Subcommittee

The Committee on Armed Services was chaired by Richard B. Russell of Georgia. Its members were Harry F. Byrd, Virginia; Stuart Symington, Missouri; Henry M. Jackson, Washington; San J. Ervin, Jr., North Carolina; Howard Cannon, Nevada; Robert C. Byrd, West Virginia; Stephen Young, Ohio; Daniel K. Inouye, Hawaii; Leverett Saltonstall, Massachussetts; Margaret Chase Smith, Maine; J. Glenn Beall, Maryland; Barry Goldwater, Arizona; and Clifford P. Case, New Jersey.

The Preparedness Investigating Subcommittee was chaired by John Stennis, Mississippi; Stuart Symington, Missouri; Henry M. Jackson, Washington; Strom Thurmond, South Carolina; Leverett Saltonstall, Massachussetts; Margaret Chase Smith, Maine; Barry Goldwater, Arizona. Legal counsel for the subcommittee was Mr. James T. Kendall and Russel J. Fee.

From the time of its inception in May, until the limited test ban treaty was negotiated and initialed in Moscow, the Preparedness Investigating Committee held hearings about a comprehensive test ban treaty that would bar all testing in any element. Because the final treaty limited testing to underground, there was some confusion on the part of some Senators in making the distinctions between "comprehensive" and "limited." Because the members of this committee had stated as early as 1961 that they were opposed to any moves toward disarmament, during the debate on the establishment of the ACDA, it could be surmised that the Senators were unwilling to even consider a treaty of any kind, limited or comprehensive.

The Joint Chiefs of Staff were against the idea of a comprehensive test ban and their position was stated by Admiral George W. Anderson, Jr., Chief of Naval Operations, on June 26th:

> The Joint Chiefs of Staff have expressed. . .that it is the judgment of the Joint Chiefs of Staff that the proposed test ban treaty is not adequate to prevent the Soviet Union from making important advances in nuclear weaponry that could alter the present military relationship in favor of the soviets. They concluded therefore, that the proposed comprehensive treaty is not consistent with the national security.[1]

While Admiral Anderson was before the committee, Senator Symington took the occasion to question the Admiral about the Twining Report, which had been used extensively to support the concept of a nuclear treaty. Although the Admiral stated that he was familiar with it, Senator Symington reiterated the principal

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[1]Preparedness Subcommittee, op. cit., p. 310.

parts of the report in question:

> The United States leads in nuclear technology and would maintain the lead if there is a test ban treaty.
>
> Nuclear technology is, at this point, of diminishing returns and under a test ban no developments are likely that would upset the balance of power.
>
> The risk of surprise and abrogation can be reduced to an acceptable level if we maintain strong weapons laboratories and test facility readiness.[1]

Under cross examination, once again by Senator Symington, Admiral Anderson concluded that the Soviets would not automatically achieve military superiority if we kept our own program of testing and development in a vigorous state of activity.

General Curtius LeMay was called on Thursday, June 27, 1963. The General's statements indicated that he was not in favor of a comprehensive treaty that prevented testing in the atmosphere or the effect of bombs being dropped on launch sites to determine what effect the bomb would have on them.

General LeMay and Senator Jackson were able during the hearings to discuss the effects and dangers the "Ban-the-Bomb" movement was having on individuals in the United States who were playing a role in disarmament talks:

> The reason I say that is that a very large majority of our people, probably 99.9 percent, are highly honest, patriotic Americans, but there are some in this field of disarmament I have become suspicious of, and I would like to find out if this [movement] had any effect or contact with them.[2]

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[1] Ibid., p. 311.

[2] Ibid., p. 360.

Up until this time, the Preparedness Subcommittee had heard testimony reinforcing their stated opposition to any form of disarmament or arms control. Between August 14th and August 16th, General Maxwell Taylor, Chairman of the Joint Chiefs of Staff, testified, and the hearings took an abrupt and dramatic reversal for the opponents of the Test Ban Treaty.

General Maxwell D. Taylor, Chairman

Joint Chiefs of Staff

President Kennedy asked the subcommittee to suspend its hearings while negotiations were in progress in Moscow, and they did suspend them. Now that the treaty had been initialed, the committee was in session once more and General Maxwell Taylor was the "lead-off" military witness. The other members of the Joint Chiefs of Staff were scheduled for a later date.

General Taylor very carefully explained that the Joint Chiefs of Staff had thrown aside all previous considerations involing a comprehensive test ban treaty and focused their attention on the limited test ban "at this particular point in time." General Taylor was quite emphatic that their considerations of the past, as represented by Admiral Anderson at a much earlier date, were no longer valid. Using new criteria, the Joint Chiefs had established four points that would make this, a limited test ban, acceptable as to "content of timing of a limited test ban treaty which would prohibit nuclear test explosions in all environments excepting underground."[1]

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[1] Ibid., p. 587.

FIRST: The United States should not accept limitations on testing if the Soviet Union had or could achieve a significant advantage in any militarily important area of nuclear weapon technology which under the treaty could not be overcome by the United States.

SECOND: Recognizing that the U.S.S.R. could be expected to take advantage of any reasonable safe opportunity for clandestine testing, the Joint Chiefs determined that a test ban treaty would have no seriously adverse effect on the relative balance of military power.

THIRD: It was considered important that withdrawal from the treaty should be uncomplicated, allowing the United States to withdraw without undue delay upon acquiring reasonable evidence of a treaty violation or in the event our national interests were imperiled.

FOURTH: If the conditions of criteria Numbers 1 and 2 were not completely met, the treaty must convey adequate compensatory advantages elsewhere.[1]

The Joint Chiefs of Staff stipulated four safeguards for their support:

1. 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.

2. 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.

3. 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.

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[1] Ibid., p. 588.

> 4. 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, capability and achievements.[1]

General Taylor next indicated that the Joint Chiefs had taken into account more than just military matters in the decision. They made the decision:

> . . .having taken note of the effect of the treaty in the broad field of International Relations and of world-wide military strategy, the Joint Chiefs of Staff recognized that considerations of nuclear technology and weaponry were not the sole determinants of the merits of the treaty; that if it would contribute to a further division of the Sino-Soviet bloc, this treaty would be a major achievement with important and favorable implications.[2]

The treaty should also contribute toward restraint of further proliferation of nuclear weapons. "Both of these advantages, if achieved, should contribute to the fundamental objective of the United States Armed Forces, namely the deterrence of war and the maintenance of peace on honorable terms."[3]

In conclusion, the Joint Chiefs had reached the determination that, while there were military disadvantages to the treaty, the

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[1]Ibid., p. 590.

[2]General Taylor, in a personal interview with the writer, indicated that the political split and the complications between the Soviets and the Chinese was of the greatest importance and that, in his mind, in 1968, the treaty was a success beyond anyone's dreams in 1963. The implication was that this was the "political gain" sought and was mentioned time after time by the military in their testimony before the Preparedness Subcommittee.

[3]Preparedness Subcommittee, op. cit., p. 590.

disadvantages were not so serious as to render the treaty unacceptable.[1]

The committee, to a man, attacked the testimony of General Taylor. The line of attack was that the Chairman and the Joint Chiefs of Staff were responding to "arm-twisting" by the White House and the Secretary of Defense. Senators Goldwater, Thurmond, and Stennis were particularly adamant that the Chiefs and the military as a totality were being "gagged" by the Executive branch. Senator Goldwater wanted to know if General Taylor had even taken the trouble to consult the individual Chiefs or if he had made this decision for them. Senator Goldwater even questioned the veracity of General Taylor's knowledge concerning the personnel of the negotiating team in Moscow.[2]

Senator Goldwater then demanded to know why the Joint Chiefs of Staff had changed their position from one of opposition to a test ban treaty to a qualified endorsement after only one and a half months. General Taylor attempted to explain that originally the Chiefs had considered a comprehensive treaty banning all tests and they could not accept such a restriction. However, under a limited treaty the United States would be allowed to continue testing underground and our technology would not be hampered by such a treaty. Senator Goldwater admitted that he could not comprehend the use of

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[1] Ibid.

[2] Ibid., p. 606.

terms having to do with "nuclear technology and nuclear weapons." To him they were not two distinct concepts, but were the same. A question put directly to Senator Albert Gore by this writer indicated that Senator Goldwater actually did not understand the differences between these two terms, nor would he admit that there were differences between comprehensive and limited.[1]

Senator Thurmond, a Major General in the Reserves, proposed "if/and/or" questions to General Taylor which would discredit the General's testimony. General Taylor refused steadfastly to speculate on the generalities put to him by Senator Thurmond. Senator Thurmond implied that General Taylor, since he had been appointed by President Kennedy, had "sold-out" his military position to a political one for reasons of personal gain, glory, or because of "arm-twisting" by the President. Senator Thurmond asked, "Do you not class yourself in the category of other political appointees of the President who are not in the military?" General Taylor answered, "Of course not. I am a four star General of the United States Army, selected by the President to be Chairman of the Joint Chiefs of Staff. Whatever that is, that is my status."[2]

Senator Thurmond then produced as "proof" that the military had been "gagged," a copy of the Freedom Press of Santa Barbara,

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[1]Personal interview with Senator Albert Gore, Democrat from Tennessee, October, 1969.

[2]Preparedness Subcommittee, op. cit., p. 615.

California, stating in headlines that the "U.S. Military Told to Shutup on Nuclear Treaty."

General Taylor's ordeal with the "military-minded" Senator Thurmond ended with an exchange of ideas that summarized the appearance of the military before the hearings:

> SENATOR THURMOND: . . .Well, I was very disappointed to see that the Chiefs have come up with the second statement. I thought your statement in your first position paper was more realistic. But I cannot agree with you on this one.
>
> GENERAL TAYLOR: We think this one is quite a different situation, Senator, from the comprehensive test ban.[1]

General Taylor explained the differences between the position of the Joint Chiefs of Staff regarding a comprehensive treaty and a limited treaty. Under a comprehensive treaty there was a great danger of clandestine testing. Underground tests were the most difficult to detect and, for this reason, the Joint Chiefs were against the comprehensive treaty. Under a limited treaty the United States could test underground to prove out technology of matters already gathered in atmospheric and underwater tests. Furthermore, our art of detecting tests in the atmosphere and underwater were perfected to such a degree that this was no longer a matter of concern to the military.[2]

The suspicion still persisted among the Senators that the second position of the Joint Chiefs was not based upon entirely new

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[1] Ibid., p. 644.

[2] Ibid., p. 647.

evidence and a new treaty, but was rather due to the closeness of General Taylor to President Kennedy and to the pressures of the Secretary of Defense Robert McNamara.

> SENATOR INOUYE: General Taylor, I realize that you are under oath and you are also a member of the military. I donot in any way question your integrity or your honesty. . . .I hope you will not consider this question insulting in any way.
> . . . . . .
> In recent weeks articles have been written and statements have been made implying that members of the Joint Chiefs of Staff might not be completely candid and forthright in their discussions with Congress, especially with the Senate, on the Test Ban Treaty. So my question is, have you directly or indirectly received orders, directions, or suggestions from your superiors which in any way would have inhibited your testimony before this committee in relation to the test ban treaty?
>
> GENERAL TAYLOR: Nct in the slightest. And I would go further and say that I have been a member of the Joint Chiefs of Staff for four years as Army Chief of Staff, and I am in my first year as Deputy Chief of Staff. . . .I have never known the Joint Chiefs to be exposed to this kind of pressure you talk about. Obviously, we know how our Commander-in-Chief and our Secretary are oriented toward certain directions. But, we are constantly aware of the fact that the Joint Chiefs, as a body, have a statutory responsibility to give sound advice and, if we indeed are loyal to our oath of office, we must give advice as we see it.[1]

On Thursday, August 15, 1963, General Wheeler of the United States Army appeared before the subcommittee and supported the position of General Taylor.

The questions put to General Wheeler by Senator Goldwater are important and interesting because of the nature of the 1964 presidential campaign and evidence of a "military mind."

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[1] Ibid., p. 625.

Senator Goldwater challenged General Wheeler's statement that there were no side agreements made at Moscow between Secretary of State Dean Rusk and the Russians. General Wheeler indicated that the statements of the President, the Secretary of State, and the legal opinion that he had obtained from the Advocate General that the United States could use atomic weapons in the course of self-defense or tactical weapons in North Korea or Vietnam was satisfactory. Senator Goldwater responded that "I don't take the word of the President or Mr. Rusk on this. . . ."[1] After an exchange on the difference between a "comprehensive" and a "limited" treaty, Senator Goldwater restated his fears that: (1) there was a conspiracy to deprive the subcommittee of the material it wanted to hear, i.e., that the treaty was a threat to the United States and (2) the Joint Chiefs were lying in their testimony and had been misled into believing that political advantages were more beneficial than the military.

General Wheeler replied that he had told the Senator the "absolute and complete truth."[2] The General further elaborated on the military advantages of the Sino-Soviet split:

> . . .it is always a sound military principle to divide your enemies if you can, or contribute to the continued division between the Soviets and the Chinese Communists, this is a solid military advantage.[3]

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[1] Ibid., p. 658.

[2] Ibid., p. 665.

[3] Ibid., p. 677.

Admiral McDonald appeared the same afternoon and gave somewhat the same information as had Generals Taylor and Wheeler. The questions and implications by the Senators were the same, except Senator Stennis indicated that the subcommittee was beginning to realize the substantial difference between a limited treaty and a comprehensive treaty. But, "if you [Admiral McDonald] wish to file something on the comprehensive concept of nuclear testing you may do so."[1] Admiral McDonald did not take the lure, but upheld his colleagues completely.

General Curis E. LeMay of the Air Force was the last of the Joint Chiefs to testify and, although he gave a more qualified statement of support, he made the endorsement of the treaty by the Joint Chiefs unanimous. Under the same relentless questioning by Senators Goldwater, Thurmond, Stennis, and Jackson, General LeMay admitted that he was on the low-end of the scale as to optimism regarding the political advantages of the treaty. The principal reason he supported the treaty was the fact that the treaty had been signed and endorsed by a great number of nations. To one of Senator Thurmond's "in/and/or" questions, General LeMay said that in all probability he would not have approved the treaty if it was still in the proposal stage.[2]

Senator Goldwater told the General that "your opinions in this field are more highly respected by the American people than all the

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[1] Ibid., p. 707.

[2] Ibid., p. 757.

rest of the Joint Chiefs put together."[1]

With the exception of the recall of Admiral Anderson on August 23rd, the committee called upon a parade of retired Army and Air Force Generals known for their bitterness toward the Secretary of Defense.[2]

General Thomas S. Power was against the treaty and responding to Senator Thurmond's "if/and/or" questions spoke at length on the necessity for testing survivability of Minuteman silos; survivability of warhead and re-entry vehicles in a nuclear environment; the Soviet ABM system versus the United States ABM system; and, in agreement with Senator Jackson, minimized the threat of "overkill."

Recall of Admiral Anderson

The subcommittee recalled Admiral Anderson on August 23rd. Admiral Anderson had testified earlier on the merits of a comprehensive test ban treaty. From the remarks of Senator Jackson, it was apparent that the subcommittee expected a reaffirmation of the Admiral's earlier position against the treaty. Admiral Anderson had retired on August 1, 1963, and was now Ambassador to Spain; therefore he did not participate in the latest appraisal by the Joint Chiefs of Staff. He pointed out that his testimony would be limited because he did not have access to classified information that the Joint Chiefs had when they considered the new limited treaty. His testimony, therefore, would be limited to

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[1] Ibid., p. 727.

[2] The New York Times (August 19, 1963).

his personal opinions. His statement went into depth on the military-technical-political implications and the safeguards necessary to minimize any dangers. His conclusions came as a shock to the Senators: "Subject to the foregoing stipulations [the four safeguards mentioned by the Joint Chiefs] I believe that the Senate of the United States should ratify this treaty."[1]

Senator Goldwater was furious over the Admiral's reliance on political factors over military factors. However, Admiral Anderson stated that:

> . . .if we do not take a step forward at this time, we will never know whether any clear avenue lay ahead which might lead to the settlement of other issues which are of transcending importance to us all. Frankly, Senator, we are dealing mostly in the area of hope as to the real political advantages.[2]

Although Admiral Anderson refused to answer any questions outside of his field, particularly those of a scientific nature, he pointed out that "it is impossible for us in the world in which we live, the environment in which the Joint Chiefs of Staff live, to completely divorce themselves from the political and the psychological and economic factors."[3]

The last military witnesses called before the subcommittee were Admiral Arleigh Burke, retired, and General Twining. Admiral Burke was

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[1] Ibid., pp. 890-894.

[2] Ibid., p. 896.

[3] Ibid., p. 915.

against the treaty and so was General Twining, but General Twining told the committee that "political considerations have to be considered.

Scientists and the Subcommittee

The Preparedness Investigating Subcommittee called the following scientists to testify: Dr. Norris E. Bradbury, Director of the Los Alamos Scientific Laboratory, U. S. Atomic Energy Commission; Dr. Harold Brown, Director of Defense Research and Engineering, Department of Defense and formerly of the staff at the Livermore Laboratory where Dr. John Foster was his superior; Dr. John Foster Jr., Director, Lawrence Radiation Laboratory; Dr. William C. Foster, Director, United States Arms Control and Disarmament Agency; Dr. Leland J. Haworth, Commissioner, U. S. Atomic Energy Commission; Dr. Franklin A. Long, Assistant Director, Science and Technology, U. S. Arms Control and Disarmament Agency; and Dr. Edward Teller, University of California.

The testimony of the scientists is informational to this study for two reasons: (1) the political attitudes of the Senators and (2) the differences between the Livermore and the Los Alamos Laboratories as a continuation of the split between the Finite and the Infinite[1] Schools' attitudes toward disarmament and the proposition that two or more scientists using the same information may arrive at different conclusions, depending on their personal orientation.

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[1] Supra, Chapter II.

William C. Foster, Director
Arms Control and Disarmament Agency

Dr. William C. Foster, Arms Control and Disarmament Agency Director, was called before the subcommittee on May 7, 1963, almost a full month before President Kennedy's speech at American University. As a consequence, he and the Senators were discussing the comprehensive test ban treaty that was later rejected at Moscow.

It was evident from the very first that the Senators of the subcommittee still regarded Dr. Foster's Agency as being unacceptable because of the battle the Senators had lost in 1961 over the establishment of the Arms Control and Disarmament Agency. The usual custom is to allow a witness to read an opening statement without being interrupted. In the case of Dr. Foster this was not to be allowed. Dr. Foster's position was based very heavily on that of Dr. Harold Brown of the Department of Defense. Senator Symington objected very strongly to this and attempted to discredit Dr. Brown's expertise by saying:

> . . .If you are basing your position entirely on statements by Dr. Brown, we should know that qualified people disagree with Dr. Brown. People at least as able in this field of nuclear physics completely disagree with Dr. Brown. . . . There are other nuclear physicists who are willing to come before this committee and state their position on these matters.[1]

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[1]Preparedness Subcommittee, op. cit., pp. 18-30.

Dr. Brown had formerly been at Livermore Laboratory, which was dominated by scientists of the Infinite school, but had changed his position to that of the Finite school.

Senator Thurmond's questioning was more direct and to the point. He did not like Secretary of Defense MacNamara, nor the Secretary's attempt to exert civilian control over the military in the Pentagon. He asked Dr. Foster if he was aware that the individual Chiefs of the Joint Chiefs of Staff were opposed to the comprehensive test ban treaty. ". . .So your statement Dr. Foster is based on advice of the Secretary of Defense and not on the military people."[1]

Dr. Foster attempted to answer the Senator that it was the policy of the Arms Control and Disarmament Agency to consult the head of every department concerned for advice. Dr. Foster's explanation was interrupted by Senator Thurmond's instance that the three services heads had not been consulted separately for their opinions. Chairman Stennis reminded Senator Thurmond that Dr. Foster could not give the thinking of other men.

Senator Symington asked Dr. Foster about the security of the United States under a comprehensive test ban treaty. Dr. Foster responded that he had followed the guidelines set up by Congress and the Executive Order for making decisions. Senator Symington rejected these procedures which included the Atomic Energy Commission and the intelligence apparatus of the Central Intelligence Agency and the advice of the Committee on Principles in the ACDA. "I have talked

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[1]Ibid., p. 29.

to persons who I believe know more about security than any other people in the world." From testimony taken late in August it was evident that Senator Symington was referring to Dr. Edward Teller, who based his opposition to the treaty in part to his lack of trust in the ability of the United States intelligence during his role in the development of the atomic bomb.

From this exchange the lines were drawn between the Finite and Infinite schools of atomic scientists.[1]

Livermore versus Los Alamos

The most informative and productive testimony was given on August 1, 1963, when Dr. John Foster, Director of the Livermore Laboratory and Dr. Norris E. Bradbury, Director of the Los Alamos Scientific Laboratory appeared before the committee.

Dr. Foster led off the hearings with a statement of the position of the Livermore Laboratory. The laboratory at Livermore had in the past devoted more than one-half of its total effort to the problem of nuclear explosives and their application to military purposes. The key to success at Livermore consisted in obtaining and retaining people willing to work on such projects and a test ban would "put their skills on the shelf." This "shelving" had accompanied the 1958-1960 moratorium. Both Dr. Foster and Dr. Edward Teller were "extremely anxious to move ahead as fast as possible."[2]

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[1] Supra, Chapter II.

[2] Preparedness Subcommittee, op. cit., p. 395.

From a purely political view, Dr. Foster's most important statement was:

> During recent years it is becoming more and more difficult for the laboratory to attract good young scientific talent out of college. These people are more and more getting the opinion that we are in a shady business, an effort that could well lead the United States into a holocaust. And so as I read the treaty and especially the preamble, and if that treaty goes into effect and our people have to live under that treaty, I feel that the public opinion, and particularly the opinions of the young people whom we try to bring to the laboratory will be much more strongly oriented against working on the weapons program than they currently are.[1]

Amazingly enough, after a discussion of the limitations of a test ban, he could make no suggestion for the maintenance of the skills of his people without further nuclear experiements.

Dr. Bradbury of Los Alamos then took the stand and pointed out that while his remarks would be similar in technical detail, they would be different in interpretation. To place his remarks in proper perspective, he pointed out the primary differences between the Los Alamos Laboratory and the Livermore Laboratory.

The first atomic bomb was developed at Los Alamos and by the time that they realized that other countries had the bomb, Los Alamos scientists came to the conclusion that they were in a very unique position. While developing nuclear weapons they also hoped that "someday someone would find a way to get out of the problem of nuclear war." From that point on the Los Alamos Laboratory sought

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[1] Ibid., p. 396.

to broaden the base of the laboratory's work and activity. The laboratory started to look for a number of other peaceful applications of atomic energy, nuclear weaponry fusion power, and programs in biology and medicine.

> In contrast, the Livermore Laboratory was established at the insistence of Dr. Teller on a very fundamental assumption, possibly a correct assumption, that its basic objective was to develop nuclear weapons because there was more gold in those hills so to speak, than the laboratory at Los Alamos was by itself able to find.[1]

Because of this diversification the Los Alamos Laboratory was now in better shape to withstand the impact of a partial or complete test ban. Dr. Bradbury saw no difficulty in recruiting and retaining people for the laboratory at Los Alamos.

Dr. Bradbury agreed that the Russians had a slight superiority over the United States in the "very, very large-yield weapons," but we were ahead of the Russians in the area of smaller systems. Dr. Bradbury was relatively certain that the United States could maintain its present superiority and, in fact, develop a large but crude multi-megaton weapon underground.

During the moratorium that Dr. Foster had mentioned as being a disaster to the laboratory at Livermore, Dr. Bradbury said that the Los Alamos Laboratory regarded the moratorium as a challenge to see what they could do in a peaceful manner, and as a result the laboratory grew.

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[1] Ibid., p. 404. Emphasis supplied.

Senator Jackson of Washington was the first of the committee to react to Dr. Bradbury's statements that with underground testing we could maintain our superiority and that the business of nuclear scientists was to put nuclear weapons out of business. Dr. Bradbury did not respond as Senator Jackson would have desired that he would. Dr. Bradbury had also stated that Los Alamos made weapons "not because we like to kill people. We make them only because we believe in some way it will give the country strength to negotiate, to find a way out of war in general."[1] The high yield weapons so much desired by Senator Jackson, Goldwater, et. al., were "psychological" weapons. "They are mass destruction weapons and our normal military objectives are to fight a war and put that country back together again.[2] Senator Symington ultimately answered this position with: "He who gets there fustest with the mostest wins."[3]

While Dr. Foster and Bradbury agreed on details, they disagreed on conclusions. Dr. Foster wanted continued testing in the atmosphere while Dr. Bradbury contended that we had accomplished all we could by this manner of testing and further knowledge could be gained from underground testing. Furthermore, if the four safeguards suggested by the Joint Chiefs of Staff were carried out, there would be no risk

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[1] Ibid.

[2] Ibid., p. 409.

[3] Ibid., p. 421.

to the United States. The attitude of Senator Jackson was: "Speaking of treaties, I think we may need two treaties if we adopt the treaty that is to be submitted. I think we might well have a treaty between Congress and the Executive," to assure the Executive would carry out the safeguards.[1]

Both scientists agreed that the danger of fallout was minimal, but Senator Jackson suggested it might be beneficial. Both agreed that the anti-ballistic missile system could be developed underground without testing in the atmosphere. Dr. Bradbury pointed out that reliability of the ABM system was not a question of black and white. It was not necessary to test particular warheads for ballistic defense in the atmosphere, because this could be accomplished underground.

Dr. Bradbury made the most preceptive statement near the end of his testimony that aptly described the limited test ban treaty: ". . .Actually it is more of an agreement to test underground."[2]

Senator Inouye repeated the previous question that he had put to the Joint Chiefs of Staff as to whether or not they had been forced to give one-sided testimony "either by instructions, suggestions, orders or directives made by the President or other high officials."[3] Both scientists answered "no."

Senator Goldwater appeared at the questioning on August 2,1963, which was the second day for Dr. Bradbury and Dr. Foster. Dr. Bradbury

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[1]Ibid., p. 425.

[2]Ibid.

[3]Ibid., p. 468.

was the object of his questions and he wanted to know how Dr. Bradbury could be so sure that weapons will work unless they are tested in their environment. "Someday you have to trot the device out and try it, whether it is a .22 caliber bullet or a 100 megaton warhead." Dr. Bradbury said that in his opinion the United States had tested enought. "If weapons could be developed without testing then what about our own silos containing Minutemen missiles?" Dr. Foster answered for Dr. Bradbury by reminding Senator Goldwater that Minutemen silos are located in populated areas of the United States where few would agree to conduct, much less participate in, such testing. Most certainly the Russians would not be willing to allow us to test on one of their shelters or silos.[1]

Senator Symington introduced into the record a statement by Dr. Edward Teller to Congress, which in essence said that we were behind the Russians and were apt to fall further behind if we did not continue to test in all elements. Dr. Bradbury called the statement "too broad in its generalities" and did not agree with the statement in general. Dr. Foster did agree with it in its generalities. From this point in the hearings the lines were clearly drawn between the Finite school of containment and the Infinite school as represented by Dr. Foster, Edward Teller and the entire subcommittee. In addition, Senator Goldwater was acting as Chairman in Senator Stennis' place.

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[1] Ibid., p. 489.

Senator Goldwater's questions were forerunners of his 1964 Presidential Campaign. The Senator from Arizona wanted to know from Dr. Bradbury what would happen:

> . . .if we found that we had to use a tactical nuclear weapon of very, very, low-yield. Would that constitute a nuclear explosion? Then assume that we decided to defoliate a rain forest and used a very low-yield atomic weapon. No humans are killed. We merely take the leaves off the trees for better fire control.[1]

Dr. Bradbury replied that he suspected that Russia would regard it as being a nuclear or atomic explosion.

Near the end of the day Senator Jackson asked Dr. Bradbury if he had enough information to come to adequate conclusions in this field in the light that Dr. Foster had disagreed with him. In addition, Dr. Teller, Dr. Bradbury's former superior at Los Alamos, was in disagreement. Dr. Bradbury's answer could be used as a summary of the problems the Preparedness Investigating Subcommittee was having in conducting its investigation. Dr. Bradbury stated:

> Senator Jackson, I think the answer to the question is "yes." Dr. Teller's question would be "no." Dr. Foster can make his own answer. And this is characteristic of the difference of opinion of people. We all look at the same set of facts, and wecome to different opinions about their relevance, interpretation and importance.[2]

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[1] Ibid., p. 525.

[2] Ibid., p. 536.

Dr. Edward Teller

Dr. Edward Teller appeared before the subcommittee on two different occasions, August 12th and August 16th. On August 12th, Dr. Teller was questioned extensively by Senators Stennis and Symington after Dr. Teller stated categorically that he was opposed to the treaty and listed the military disadvantages of the test ban treaty. The subcommittee relied primarily on Dr. Teller's advice and therefore the following reasons that Dr. Teller gave opposing the treaty are important:

1. The treaty cannot be completely policed.

2. The treaty will permit the Russians to retain their advantage in multimegaton explosives. With the help of space testing the Russians may even increase this advantage.

3. The treaty will inhibit the United States tests deleted to verify the hardness of our missile sites. The USSR on the other hand, can proceed with such experiments.

4. The treaty will impede the development of missile defense in the United States. This. . .is perhaps the most important point. A corresponding inhibition in Russia will be very much leff effective.

5. The treaty is ambiguous with respect to the use of "Plowshare" outside the territory of the United States. This may give the Russians a possibility to intervene in our dealings with friendly or neutral nations.

6. The language of the test ban treaty apparently prohibits the use of nuclear explosives in limited conflicts outside the territory of the United States unless 3 months notice has been served in advance. Thus badly needed prompt response to aggression might be inhibited.

7. The treaty erects a new barrier against our cooperation with our allies in the area of preparedness, particularly in missile defense.

> 8. Excessive caution in interpreting the treaty in the United States may lead to severe limitations on future developments. In this way progress is impeded and we deprive ourselves of possibilities which might acquire great importance in the future.[1]

Dr. Teller had always been consistantly opposed to any form of test ban. He was the prime mover for an accelerated program to develop thermonuclear weapons which was ultimately turned down by the Atomic Energy Commission upon the recommendation of Dr. Robert Oppenheimer. This decision was ultimately used by Dr. Teller against Dr. Oppenheimer to remove any opposition to further testing. Dr. Teller was also opposed to any technical agreement by the East and West resulting out of the Conference of Experts in 1958 and he opposed the moratoriums of 1958 and 1961.[2]

An article that appeared the the Washington Post the day before Dr. Teller's testimony predicted that Dr. Teller would oppose the treaty, but seriously questioned why Dr. Teller had stated in 1960 that all necessary weapons development could be conducted underground and was now calling on continued testing in the atmosphere. Dr. Teller said in effect that in 1959 and 1960 he did not "particularly believe in antimissile work. I thought it was too difficult." Under the impact of Russian successes and additional discussions how it could be done, he now concluded that it was feasible. He elaborated on a previous point that was to become increasingly important.

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[1] Ibid., p. 545.

[2] The New York Times (August 25, 1963).

"Reviewing the history of my past scientific predictions , I can tell you that I do not think I was wrong in a single case when I said that something could be done. . . .I did not change my mind because of the present situation, but because of additional evidence."[1]

On August 10, 1963, Drew Pearson in the Washington Post said that it was revealed during the Senate debate on Admiral Lewis Strauss that Dr. Teller was being paid by big defense contractors at the rate of $1,000.00 a day, and he had received $20,000.00 so far that year. His biggest client was General Dynamics, one of the top defense contractors in the nation.[2] Dr. Teller indicated that if Mr. Pearson was called to give this information under oath that Mr. Pearson would perjure himself.

Dr. Teller had testified before both committees almost simultaneously and it was evident that he had a low estimate of our art of intelligence. He specifically pointed out that in 1949 our intelligence did not predict that the Russians would have a nuclear weapon in 1949. Senator Symington, for some reason, as did Senator Stennis, felt that Dr. Teller needed their defense by loud praise of the wisdom of Dr. Teller. However, it should be pointed out that during the years mentioned, by most estimates, our intelligence gathering apparatus was in its infancy and Dr. Teller had "top clearance" and was privy to any information that was available regarding the development of atomic energy.

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[1]Preparedness Subcommittee, op. cit., pp. 579-580.

[2]Ibid., p. 566.

Dr. Teller's statements before both committees were punctuated with misgivings regarding the intelligence service, and in general this seemed to be the primary concern and mainstay of his arguments against the treaty.

> I understand that our intelligence has been greatly strengthened. Yet, I continue to be impressed and worried about the fact that the statements concerning our safety are based on intelligence data which in the past have failed to predict dangers in many important instances.[1]

Senator Symington brought up an interesting point to Dr. Teller in the form of a question as to why Dr. Harold Brown, Director of Research and Engineering, Department of Defense, and who had been on the Staff of the Lawrence Radiation Laboratory from 1952 through 1961 as assistant to Dr. Teller at Livermore, should be supporting the present treaty. Senator Symington stated:

> Now the mystery to me is how two people who have worked together and been so close together in this field can never the less be so far apart in conclusions.[2]

By reply Dr. Teller gave a succinct answer that was closer to the truth than he or the committee imagined:

> There is one simple answer which I will make and the complicated answer which I will try to make.
>
> The simple answer is . . .I don't know.
>
> I can try to answer in a more complicated way and I will attempt it, but I am guessing here.
>
> We are talking about questions which are intertwined with technical and scientific problems, but they are intertwined with political and emotional problems as well.

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[1] Ibid., p. 765.

[2] Ibid., p. 772.

> The question who is ahead and who is behind and for that reason is based on guess.[1]

Dr. Teller had been called back to the subcommittee on August 16th to specifically refute Secretary of Defense McNamara's testimony before the Senate Foreign Relations Committee regarding the vulnerability of our Minuteman sites and the question of ballistic missile defense. Dr. Teller retracted his statement that it was generally assumed that the Russians were ahead of the United States on missile defense. He retracted his statement due to the overwhelming disagreement by his colleagues and experts in this field. Dr. Harold Brown attacked Dr. Teller's depreciation of intelligence reports because of the fact that Dr. Teller had not seen all the intelligence reports.[2] At this juncture Dr. Teller, by his own admission stated:

> I do not happen to have clearance for intelligence information and therefore you should realize that while I am informed about the general intelligence estimate, and while in my technical discussions I have developed some feeling more or less valid about the probable situation, I do not have access to the detailed way in which these intelligence estimates have been developed.[3]

Senator Symington indicated his appreciation that Dr. Teller had admitted that he did not have access to classified information and that the persons who favored the treaty did have up-to-date

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[1] Ibid.

[2] The New York Times (November 22, 1963).

[3] Preparedness Subcommittee, op. cit., p. 764.

information, i.e., Doctors Brown, Foster and Bradbury. Senator Symington asked Dr. Teller if he would like to have clearance to the same information. Dr. Teller indicated that he would and if he found any differences for a change in his testimony he would do so. There is no further information in regard to this matter.

Reprise

The remainder of the witnesses called before the Armed Services Subcommittee seemed to have been chosen because of their "anti-treaty" bias or else to support the apparent hostility of the subcommittee members towards the Pentagon and Secretary of Defense Robert McNamara's policies.[1] Admiral Lewis Strauss, while not opposing the treaty, gave the committee largely negative testimony. The former members of the Joint Chiefs of Staff, Admirals Burke, Radford and General Twining, while admitting that they did not have current intelligence reports or information to support their views, gave negative testimony and expressed grave misgivings toward the treaty.

Preparedness Investigating Subcommittee Report

On September 9, 1963, the Senate Committee on Armed Forces, Preparedness Investigating Subcommittee, issued its report.[2] This

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[1] The New York Times (August, 1963).

[2] See Appendix "C" for a complete analysis of advantages and disadvantages of the Test Ban Treaty.

report came six days after the Senate Foreign Relations Committee issued its favorable report on the Test Ban Treaty. The subcommittee had met at various times for a total of nineteen days and twenty-nine sessions and heard a total of nineteen witnesses to explore the military and technological aspects of any agreement to either disarm or curtail the developments of arms.

The committee concluded that the Test Ban Treaty would "result in serious and perhaps formidable military and technical disadvantages to the United States military establishment." The committee was not convinced that such comparable disadvantages would result to the Soviet Union. The committee brushed aside the "important factors . . .such as foreign policy, international affairs and relations with other nations" because "each individual must reach his own judgment about the wisdom and desirability of the treaty on the basis of personal philosophy, past experience, current knowledge and relative weight which he assigns to the various factors involved."

The report was signed by Senators Stuart Symington, Democrat of Missouri; Henry M. Jackson, Democrat of Washington; Strom Thurmond, Democrat (who turned Republican the next year during the Presidential Campaign) from South Carolina; Margaret Chase Smith, Republican from Maine; Barry Goldwater, Republican from Arizona and candidate for President for the Republican Party and the Chairman of the Subcommittee, John Stennis, Democrat of Mississippi.

Minority reports were filed by Senators Symington of Missouri and Saltonstall of Massachusetts. Senator Saltonstall, ranking Republican on the committee, said the conclusions drawn by the subcommittee were "overly adverse." Although Senator Symington signed the report, he stated that he would vote for the treaty.

Summary

In view of the fact that Senators Jackson, Russell and Symington had stated as early as February 21, 1963, that they could not nor would support any treaty that would curtail the United States Armed Forces or the use of atomic weapons, it was surprising that Senator Symington indicated that he would vote for the treaty. As we shall see, Senator Jackson also voted for the treaty. Apparently these two Senators did not see anything in the treaty that would constitute a military threat to the United States.

Senator Saltonstall accompanied the Secretary of State to Moscow to sign the treaty. As ranking Republican on the Armed Services Committee his vote was to be eventually very important for ratification.

The questions by the remainder of the Senators fully qualified as being "military-minded," i.e., their conclusions that the military factors were more important than the political factors concerning foreign affairs, international relations and relations with other nations.

Senators Goldwater and Thurmond attempted to discredit the Joint Chiefs of Staff and gave praise to those witnesses they agreed with(LeMay, Teller and the scientists from the Livermore Laboratory). They tended to gloss over political and ideological dimensions of foreign policy and seemed to forget that the military is but one element of national power and is but the means available to the civilian executives to achieve the major goals of national policy.

The subcommittee, then, was a vehicle for the opponents of the treaty to express their views and attempt to gain a sense of expertise to back up their previously stated opposition.

CHAPTER VI

FOREIGN RELATIONS COMMITTEE

The Foreign Relations Committee has played an important role in foreign policy since its inception in 1916.

The committee has established important subcommittees to keep it informed on various subjects. In addition to subcommittees the fact that Senators may sit on more than one committee gives it greater competence to judge on matters concerning foreign policy.

The membership of the Foreign Relations Committee in 1963 consisted of: Senators Fulbright(Chairman),Sparkman, Humphrey, Mansfield, Morse, Gore, Lausche, Church, Symington, Dodd, Smathers, Hickenlooper, Aiken, Carlson, Williams of Delaware and Mundt of South Dakota.

Senators Humphrey and Gore have been identified with the idea of disarmament since 1958. In 1958 Senator Gore suggested that the United States should abandon its demands for a comprehensive test ban treaty and concentrate on a partial test ban. In 1959 Senator Humphrey proposed a limited test ban to be accompanied by a moratorium on testing in those environments where control techniques were not at that time adequate.

Senator Hickenlooper served on the Joint Committee on Atomic Energy and the Foreign Relations Committee. Senator Symington served on the Armed Services Committee and its Subcommittee on Preparedness.

Senators Gore and Hickenlooper had served as congressional advisers to the American delegation in Geneva and thus were able to bring their knowledge to the Committee on Foreign Affairs.

The formal hearings on the Limited Test Ban Treaty opened in Room 318, in the Old Senate Office Building, with the full committee in attendance. In addition to the Foreign Relations Committee, the Senate Committee on Armed Services and the members of the Joint Committee on Atomic Energy were invited and were in attendance. Senators Dirksen, Kuchel, Cooper, Bible, Javits, Allott and Miller were honored guests.

The hearings lasted from August 12th until August 27th. During this period the committee questioned forty-three witnesses, eleven of whom appeared before both the Foreign Relations Committee and the Senate Armed Services Subcommittee on Preparedness. The testimony of these eleven men was substantially the same before both committees.

The military's support of the treaty was increased with the testimony of General Shoup of the Marine Corps, who swore under oath that he had not been pressured by the administration to give positive support to the treaty. His testimony came in answer to additional questions by members of the Armed Services Committee that the Joint Chiefs had abnormal pressure applied to them and that each individual Chief of Staff had not been consulted privately by General Maxwell Taylor.

The Joint Chiefs of Staff insisted that the four safeguards stipulated before the Preparedness Subcommittee be adhered to for the national security.

General LeMay stated in open session that he probably would not have endorsed the treaty if the treaty had not already been signed. Later Senator Fulbright announced that General LeMay had given more substantial support to the treaty while testifying in executive session.[1]

Edward Teller appeared before both committees and was opposed to the treaty, holding that the Soviet Union could not be trusted to keep the treaty and would test clandestinely. He wanted more tests on the development of an anti-ballistic missile and felt that this could be done effectively only in the atmosphere.

Dr. John Foster also appeared before both committees as Director of the Lawrence Radiation Laboratory at Livermore, California. He concluded that from a strictly technical military point, the treaty had the appearances of being disadvantageous.

Dr. Harold Brown, Director of Defense Research and Engineering, Department of Defense, had been on the staff of the Lawrence Radiation Laboratory from 1952 through 1961. He ultimately served as the head of the Livermore Laboratory and as its Director from 1960 through 1961. He had also served on the American delegation at Geneva on the Conference of Experts in 1958. Dr. Brown supported the treaty and attacked Dr. Teller's depreciation of the intelligence reports of the United States.

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[1] The New York Times (August 20, 1963).

He said simply that Dr. Teller had not seen "all the facts."[1]

Dr. Norris E. Bradbury, Director of the Los Alamos Scientific Laboratory acknowledged that the treaty had certain scientific risks but he felt that they could be minimized through a program of vigorous underground testing. The Los Alamos scientists were generally more favorable to the treaty than were those from the Livermore Laboratory.

Two of the most important administration witnesses, Secretary of State Dean Rusk and Secretary of Defense Robert McNamara, appeared only before the Foreign Relations Committee. Although no official reason was given, it may be surmised that the administration felt that the Armed Services Committee did not have proper jurisdiction over the treaty and it was a well-known fact by this time that the members of the Armed Services Committee had no intention of accepting or considering any ban on testing.

Senators Goldwater, Thurmond, Stennis, Jackson and Symington had constantly derided the activities of Secretary of Defense McNamara and his use of computers in cost-analysis of defense programs. Secretary McNamara had also firmly re-established the principle of civilian control over the military.

On August 24, 1963, Senator Thurmond said that the Secretary of Defense had tried to deceive the Senate and pictured him as a "confidence man . . .who uses a deceptive and deceitful buildup with an overly strong implication to support the treaty."[2]

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[1] Ibid., (August 20, 1963).

[2] Ibid., (August 24, 1963).

It may be surmised that no constructive purpose would be served by the appearance of Secretary McNamara before the Subcommittee of the Armed Services Committee.

Secretary of State Dean Rusk

At the opening of the hearings, Senator Fulbright read the letter of transmittal from the President which contained ten considerations that he wished the committee to keep in mind during their deliberations:

1. The treaty was the complete document. There were no additional agreements or understandings made at Moscow.

2. The treaty did not assure world peace; it would inhibit, not prohibit the arms race. It would limit nuclear tests. It would not halt production or reduce existing arms stockpiles but it would be a first step toward limiting the arms race.

3. The treaty would curb the pollution of the atmosphere from nuclear fallout.

4. The treaty would protect our rights of the future by the withdrawal clause and the right of the Senate to approve amendments.

5. No combination of signatures would either imply or grant recognition to any signatory to the treaty.

6. Our testing facilities would be kept in constant state of readiness through underground testing, for the purposes of peace or war.

7. Our nuclear superiority was the factor that made the treaty possible, but there was no need for a sense of euphoria with the signing of the treaty.

8. Even though the Soviet Union should test clandestinely underground, our nuclear superiority would remain due to the fact that the United States had reached the point of total retaliatory capacity.

> 9. The risks of clandestine testing were far smaller than the risks of unlimited testing. The United States had developed technical means of detection.
>
> 10. The treaty was the product of two administrations. It grew out of the initial proposals of the Eisenhower administration, the Senate resolution and the platforms of both political parties in 1960.[1]

The President ended his letter with the words:

> This Treaty is in our national interest. While experience teaches us to be cautious in our expectations and ever vigilant in our preparations, there is no reason to oppose this hopeful step. It is rarely possible to recapture missed opportunities to achieve a more secure and peaceful world. To govern is to choose; and it is my judgment that the United States should move swiftly and approve the pending treaty.[2]

Before Secretary of State Dean Rusk could start his testimony on the treaty, Senator Hickenlooper called for an unprecedented move by requesting that all witnesses be sworn in so that their testimony would have the weight of an oath. Senator Fulbright agreed, but noted that it was highly unusual, particularly in the light of the caliber of witness to appear before the committee. As it later transpired, Senator Hickenlooper was adhering to the wishes of the conservative Senators from the Armed Services Committee who had implied throughout that the administration witnesses, particularly the Joint Chiefs of Staff, were either lying or were under heavy pressure from the administration to give only positive testimony. Senator Fulbright placed a ten-minute limitation on questions.

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[1] Hearings on Executive M., op. cit., pp. 2-4.

[2] Ibid.

Secretary of State Dean Rusk elaborated primarily the ten points made by President Kennedy in the letter of transmittal. The Secretary ended his statement with an eloquent quotation from Bernard Baruch, "We are here to make a choice between the quick and the dead."[1]

Senator Russell led the attack by questioning why there were no military men on the mission to Moscow to negotiate the treaty and furthermore whether the Kennedy administration intended to consult only civilians and lawyers in the Department of Defense on matters of disarmament. Secretary Rusk pointed out that the road of negotiations on the particular treaty was a very long one and involved persons of all walks of life; military men, civilians, and scientists as well as laymen and diplomats.

Senator Russell had made frequent references to his mail and the virulence it contained. It should be pointed out that during this period under consideration, the civil rights bill was being formulated, the "March on Washington!" was in progress and Secretary McNamara had called for an end to all discrimination in the construction of Armed Services projects, and had threatened to close Army bases that were near cities and towns who discriminated against servicemen. The southern Senators were using these hearings for a national platform to air their frustrations toward the whole Kennedy administration. Senator Sparkman picked up a point that Senator Russell had made in reference to his mail that both sides, for and against the treaty, were condemned in the broadest terms of hatred. However, Senator Sparkman had three questions for Secretary Rusk, questions which were

to be asked over and over again by the conservative bloc in the hearings. The questions asked were as follows: Can we trust the Russians?; Would we be prevented from developing atomic weapons?; and Could we use nuclear weapons in case of war? Secretary Rusk's answers were a qualified "yes" to the first, a "no" to the second and a "yes" to the third.

Senator Hickenlooper's performance was a rather curious one before the committee. He had served in the past on the Foreign Relations Committee and its Subcommittee on Disarmament. He had also served on the Joint Committee on Atomic Energy, as well as an adviser to the American delegation in Geneva on disarmament, and therefore should have been as well advised as any member of Congress present in the hearings on the test ban treaty. In addition the President had invited him to go to Moscow with a bipartisan group of Senators, but he refused, as did a number of other prominent Republicans. Therefore, it came as a surprise when he asked the Secretary of State, "What does the treaty do? We know fully what it doesn't do, but just what does it do?"[1] The Secretary tried to point out that this treaty was but a hopeful "first step" toward further agreements to limit the arms race. Senator Hickenlooper indicated that he intended to ask that all correspondence between the President and his staff with the Soviet Union be made public as to the "potential agreements after this treaty should be signed."

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[1] Ibid., p. 29.

Senator Saltonstall asked the Secretary more plainly if there were any side agreements or understandings made at Moscow, "Am I correct in my understanding from what you have said here and what you have said in conversation, that there are no side agreements, no other agreements of any kind, that go along with this treaty?" Secretary of State Rusk replied, "That is correct, sir." To which Senator Saltonstall added, "And you say that under oath?" "Yes, sir."[1]

Secretary Rusk had to deny this same inference from all the members of the Armed Services Committee who either did not comprehend or merely wished to antagonize the administration's witness. Senator Morse was not reluctant to defend the Secretary and attack his detractors. He made the following statements:

> Is it not true that the military establishment under our Constitution has no authority whatsoever to determine foreign policy? Here's one Senator who wishes the record to show that I am glad you did not take a member of the Joint Chiefs of Staff to Moscow for . . .we have not established a military government in this country, not yet. It is also true, is it not, that under our Constitution the policies of the Pentagon building shall be directed by civilian command?[2]

It was evident that the ten points made by the President had made no dent in the thinking of the "conservative-military" bloc of Senators from the Armed Services Committee. But Secretary Rusk was prepared for Senator Goldwater's question as to whether the treaty prohibited the use of and development of tactical nuclear weapons. Secretary Rusk produced a written opinion by the Attorney General with the answer, "no."

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[1] Ibid., p. 35.

[2] Ibid., pp. 56-58.

Senator Miller was not a member of the committee, but asked Senator Curtis to present two questions to Secretary Rusk. Senator Miller wanted a reservation to the treaty that would keep the treaty from becoming effective until the Soviet Union paid her debt to the United Nations. Secretary Rusk pointed out that such a reservation would not be accepted by the Soviet Union and would have the effect of killing the treaty. Furthermore, it would place the United States in the embarrassing situation that it found itself in after World War I when the Congress of the United States failed to join the League of Nations after having been the originator of the idea. The second question concerned Mr. Miller's concern about the will to win in the "cold war."

Senator Fulbright was the last person to make remarks and he used the committee as a platform for his own particular philosophy. The Senator had accompanied the delegation to Moscow and the entire committee had seen the draft as early as June and had for all practical reasons endorsed the treaty beforehand.

The Senator started out by pointing out to Senators Mundt and Hickenlooper that the Soviet Union was not the only nation to break treaties when it was in her national interest. With the confirmation of Secretary Rusk it was indicated that the United States had also broken treaties when it was useful for her purposes.

He pointed out that even though the Russians might be given a breathing spell from the arms race that the United States could well use the same time to our own advantage because "we cannot afford indefinitely to outspend the Russians in the field of armaments without

suffering a serious deterioration in our relative fields of health, education, poverty and urban decay."

The "hawkish" Senators from the Armed Services Committee did not question Secretary of State Rusk for any length of time due to the fact that they were hearing testimony with Dr. Teller the same day in the Subcommittee on Preparedness.

At the end of the day, Senator Aiken predicted that the treaty would be ratified by a margin of four to one.[1] However, the members of the Senate Armed Services Committee and the Atomic Energy Commission expressed grave doubts and reservations in spite of the excellent testimony by the Secretary of State.

Robert S. McNamara

After Secretary of Defense Robert S. McNamara was sworn in, he immediately gave a rundown on the nuclear superiority of the United States vis-a-vis the Soviet Union:

> Earlier this year I was able to report to the Senate Armed Services Committee that---allowing for losses from an initial enemy attack and attrition enroute to target, we calculate that our forces today could still destroy the Soviet Union without any help from the deployed tactical air units or carrier task forces or Thor or Jupiter IRBM's.
>
> . . .In the past twenty-four months alone there have been:
>
> A 100 percent increase in the number of nuclear war heads in the strategic alert forces.[2]

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[1] The New York Times (August 12, 1963).

[2] Committee on Foreign Relations, op. cit., p. 98.

A 60 percent increase in the tactical nuclear forces deployed in Western Europe.

A 45 percent increase in the number of combat ready Army divisions.

A 30 percent increase in the number of tactical air squadrons.

A 60 percent increase in airlift capability.

A 100 percent increase in ship construction and conversion to modernize the fleet.

A 200 percent increase in the special forces trained to deal with counterinsurgency threats.[1]

The Secretary of Defense was not concerned with the overall superiority of the United States. However, there were four areas that he wished to call attention to: (1)very large-yield weapons; (2) missile site survivability; (3) anti-ballistic missile defense; and (4) missile penetrability.

Very Large-Yield Weapons

Although the Soviet Union had tested a sixty megaton device and could probably go as high as 100 megatons, they did not have a missile that could deliver such a warhead to the continental United States.

The United States strategy was aimed at military sites and we could, with underground testing, develop sophisticated weapons that would fulfill our mission.

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[1]Ibid.

Missile Site Survivability

The missile force of the United States was deployed in such a fashion that the United States could sustain a "first strike" and still retain much of the original striking force.

The Secretary stated that "we can say with assurance . . . that even after a Soviet strike, the total surviving United States strategic nuclear force will be large enough to destroy the enemy."[1]

Anti-Ballistic-Missile System

Without further testing the United States now has the capability to weaponize a variety of possible ABM warheads.

Regarding ABM radar blackout and communications blackout, the United States possessed the facilities and capabilities to design around any existing uncertainties.

Any problems that the United States had at that time related to reaction speed, missile performance, traffic handling capacity and the capacity for decoy discrimination were all factors that were not related to the limited test treaty.[2]

Penetration Capability

It was only in this area of penetration of enemy anti-ballistic-missile systems that the United States could not be certain.

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[1] Ibid., pp. 102-103.

[2] Ibid., pp. 103-104.

We could test the vulnerability as to radiation underground, but we could not fully test the vulnerability of the ballistic-missile warhead to kill by blast.

Under the treaty we could not test or confirm the resistance of new, hard-warhead designs. But the Secretary indicated that it was his belief, based on current intelligence reports, that the Soviet Union had not explored the bulnerability of re-entry vehicles to blasts.[1]

By way of summary or conclusions from the Secretary's opening remarks:

> . . .If testing continued indefinitely without limit as to the test environment or size of yield, the most likely ultimate results would be technical parity between the United States and the Soviet Union. . . .Except for the very-high-yield weapons where we have no great interest. . .unlimited underground testing by both sides would also tend to produce technological partity. But, by limiting Soviet testing to the underground environment, where testing is more difficult and more expensive and where the United States has had substantially more experience, we can at least retard Soviet progress and prolong the duration of our technological superiority. . . .This prolongation of our technological superiority will be a principal direct military effect of the treaty on the future military balance. I believe it to be a significant one.[2]

The questioning of Secretary McNamara by the members of the Armed Services Committee was a very carefully orchestrated performance. Senator Fulbright had put a ten-minute limit on the time each individual Senator would have for questions. Senators Russell, Stennis, Goldwater, Thurmond, Young and Lausche asked questions that overlapped

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[1] Ibid., pp. 104-105.

[2] Ibid., p. 105.

each other and each one asked them in such a way that there were built-in responses. They frequently demanded a "yes" or "no."

They insisted that the Joint Chiefs of Staff were not telling the absolute truth. In scientific matters they disregarded all testimony except that of Dr. Edward Teller, even after he admitted that he did not have all the current intelligence information.

Regarding "Plowshare" Mr. McNamara indicated that the ban would not inhibit the development of technical instruments to build a canal but under this treaty we could not use atomic energy for explosive means to dig an actual canal.

Some authors have indicated that the hearings were something less than a college debate on points. However, in the light of the present attacks on the "military-industrial" complex, the exchange of pointed remarks between Senators Fulbright and Hickenlooper has pertinance:

> HICKENLOOPER:. . .With regard to the educational system in Russia and the United States and other places in the world, does your examination show that in ancient Cathay, with all its refinements and education, that the scholars were able to stand at the gates of their cities and ward off Genghis Khan when his hordes came through?
>
> MCNAMARA:. . .I believe I read the same books you did and the answer is that they did not, but I am not certain that Cathay would have lasted any longer and I think that is the test.
>
> HICKENLOOPER:. . .Do you think the Greek civilization which was very high indeed was able by pedagogical fiat to ward off the hordes that came from the East and conquered it? Inotherwords wasn't it the physical strength that was necessary to ward off these things that would have saved them?

> MCNAMARA:. . .I think both of us would agree that physical and intellectual strength are required and as a matter of act in the present day, with the complex weapons systems that we are dpending upon as a foundation for our military strength, intellectual strength is an absolute requirement for military strength, and we need an expansion of the educational system for that reason as well as other.
>
> HICKENLOOPER:. . .But, educational strength alone can't command the sun to stand still, can it?[1]

After the usual protocol of thanking the witness and his response, Chairman Fulbright intervened in the dialogue with:

> . . .I would remind the Senator that the real downfall of Greece was that foolish military expedition against Syracuse rather than any hordes from the East, I think, if I remember the history correctly.[2]

Senator Hickenlooper had been one of Secretary McNamara's most consistent critics over his handling of defense contracts, particularly the TFX award and decision to build. In addition, Senator Hickenlooper had long and close personal ties with Dr. Edward Teller[3] and ideologically fell into line with Senators Jackson, "the Senator from Boeing," and Carl Mundt.[4]

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[1] Ibid., p. 123.

[2] Ibid.

[3] Norman Moss, Men Who Play God (New York:Harper & Row, 1968).Mr. Moss has written a highly informative albeit journalistic work. His style comes from the fact that he was a former reporter for Reuters, The Reporter, The Sunday Times of London and the Saturday Review. His chapter "The Scientist" is a particularly critical analysis of Dr. Teller's personality and his conflict within the atomic community of scientists. His analysis in part substantiates remarks made to this author by his former student and associate from Los Alamos to the effect that Dr. Teller was of a singular mind and would not hesitate at anything to achieve a goal even to distortion of facts. Interview with Harold Agnew of Los Alamos, Physicist.

[4] Ibid.

Either by planning or "happenstance" the Atomic Energy Commission detonated a nuclear device with an intermediate-yield underground in Nevada on the opening day of the Senate Foreign Relations Committee's hearings. This was almost to underscore the point of Secretaries Rusk and McNamara and Glenn T. Seaborg, that the administration intended to do all that it could to maintain American readiness, including increasing the underground testing program.

At the end of Secretary McNamara's testimony, the New York Times reported in headlines that the Senate Foreign Relations Committee was generally very pleased with Secretary McNamara's testimony, with particular praise coming from Senator Everet Dirksen, Republican from Illinois. The members of the Armed Services Committee and the Atomic Energy Commission "expressed doubts and reservations." Senators Thurmond and Goldwater said that they were not impressed. One important convert, however, was Senator Hickenlooper, who gave grudging support and favorable praise to the day's hearings.

The Military

Although the Joint Chiefs of Staff had testified the day before, on August 14th, before the Senate Committee on Armed Forces Prepardedness Subcommittee, they appeared the next day before the Senate Foreign Relations Committee. The testimony of the Joint Chiefs was the same as it had been the day earlier. However, the real purpose of Senator Hickenlooper's insistence that all witnesses be put under oath became apparent with the "questioning" of General Maxwell Taylor. General Taylor was regarded as a "Kennedy man" although the General is a registered Republican. General Taylor had been brought back out of

retirement to head the Joint Chiefs of Staff and make an investigation of the "Bay of Pigs" fiasco. General Taylor had wellknown views regarding the role of a Secretary of Defense and also that of a leader of the Joint Chiefs of Staff:

> A Secretary of Defense needs a strong chairman to direct the works of the Chiefs, to keep their noses to the grindstone, and to extract from them timely advice and recommendations. . . .preferably of a kind which can be accepted and approved without embarrassment. . . .Thus, the chairman has become a sort of party whip, charged with conveying the official line to the Chiefs in the hope and expectation that they will be guided thereby in their actions.[1]

Senator Russell was the chief questioner and he led off with his now familiar:

> When were the Joint Chiefs of Staff brought into consultation on this treaty for the first time? Had you been consulted from time to time during the course of the negotiations? We hear a great deal in this day and time about pressures that are brought to bear on the Joint Chiefs to cause them to surrender purely military views to what might be called political considerations of one kind or another; whether they are in the national interest or not is not important for the purposes of this question. But have any unusual pressures been brought to bear on you or on any other member of the Joint Chiefs, to your knowledge, in the consideration of this treaty?[2]

General Taylor once again replied:

> No, sir; definitely not.[3]

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[1]Maxwell D. Taylor, The Uncertain Trumpet (New York: Harper & Row, n.d.), pp. 109-111.

[2]Committee on Foreign Relations, op. cit., pp. 280-281.

[3]Ibid.

Senators Fulbright and Humphrey came to General Taylor's defense by the parliamentary device of asking him questions that would allow him to defend his honor and integrity. Through Senator Humphrey's questions it was brought out that the Joint Chiefs had been consulted and made recommendations to the President and the Committee of Principles on points relating to the final treaty. Although there was no military man physically present with Ambassador Harriman in Moscow, there was a representative of the Department of Defense and the Ambassador received his instructions directly from the President, who in turn was advised by the Joint Chiefs and members of his administration. General Taylor was privy to all cables from Moscow and he in turn informed the other Chiefs of Staff as to their content and the progress of negotiations. Although the Joint Chiefs of Staff could have objected and had the right to intervene, they saw nothing to object to at any time and gave full accord to the treaty before it was initialed.[1]

The following day the remainder of the Chiefs of Staff appeared and answered the conservative bloc's question with a unanimous,"No, sir." Senator Kuchel, Republican of California, indicated that he had received an "abnormal" amount of mail from southern California indicating that the Joint Chiefs of Staff were opposed to the treaty but that they had been brainwashed. The answers Senator Kuchel received from the Chiefs should have silenced the opposition on this one position:

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[1]Ibid., pp. 297.

GENERAL LEMAY:. . .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 say again that there has been no pressure applied to me in this matter.

GENERAL WHEELER:. . .I, too, would resent any pressure being put upon me. . . .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.

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 on me.

GENERAL SHOUP:. . .I agree with that statement. . . .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 out.[1]

Edward Teller

Dr. Teller's appearance before the Foreign Relations Committee has been called a "tour de force" in defending his opposition to the treaty. His position was basically the same as he had given before the Armed Services Subcommittee but he warned the Senators, "If you ratify this treaty you will have given away the future safety of our country, and increased the danger of war."

By August 22, 1963, the committee had worked its way through nearly all the military and scientific community and on that day they heard from Dr. Willard Libby and Admiral Lewis L. Strauss. While Dr. Libby endorsed the treaty, Admiral Strauss, although he did not oppose the treaty, gave essentially negative testimony.

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[1]Ibid., pp. 354-356.

By late afternoon on August 22, 1963, it seemed that the circle had turned full with the appearance of Harold E. Stassen, accompanied by his daughter Kathleen. Mr. Stassen had been President Eisenhower's first appointee in charge of disarmament. Mr. Stassen supported the treaty and called for full "bipartisan" support because the treaty required, in the national interest, above all else, in the interest of humanity, overwhelming and bipartisan support.

From this point on the committee heard from individuals who wished to be heard on the subject, before the committee published its findings. One of themmost important individuals who was responsible for the test ban treaty and much of the advice regarding timing of President Kennedy's June 10th speech was Norman Cousins, Editor of the Saturday Review.

Mr. Cousins had an opportunity to spend three hours with Premier Khrushchev in December of 1962 and six hours in April of 1963. In his conversations with the Russian leader it became evident that Khrushchev tied his political future to the test ban treaty, hoping that he could point to the treaty as a positive gain from the missile confrontation with the United States in 1962, for which he was under severe criticism from the Communist Chinese. Furthermore, there was trouble with the Russian economy and Khrushchev did not want to lose the material gains in housing projects, power installations, or dams. President Kennedy's June 10th speech was the opening of a door that the Russians thought was closed to them.

Mr. Cousins indicated that primarily Mr. Khrushchev, in pressing for a nonmilitary showdown was not foregoing his aims, but recognized that nuclear war was not a realistic enterprise. Cousins added that:

> . . .It seems to me [Cousins] that Khrushchev had tied his political future to some understanding with the United States which would make it possible to call off or at least reduce the dangers of war and free him for dealing with the Chinese Communists. He made that choice. That choice was clear.[1]

Professor Marshall Darrow Shulman of the Fletcher School of Law and Diplomacy backed up Mr. Cousins' contentions that Premier Khrushchev had clearly placed his political future with that of the United States:

> . . .I hope that in the consideration of this treaty that we would bring to bear the view of our long-term interests in relation to the Soviet Union; that is to say, it seems to me important that we always have present in our minds in deciding upon immediate measures to undertake, what the direction is we are trying to move in in relation to the Soviet Union, and if the direction is to bring them along to the point where we can moderate some of the hazards of this confrontation, and perhaps over a very long period of time moderate the force of their policy direction that makes it possible to live at a lower level of tension, that this should be done, and that measures that we take to protect our security in the short-term should not be violative of our long-term interests.[2]

As a contrast to Mr. Cousins and Dr. Shulman, the committee also heard from Mr. Robert E. Bauman, National Chairman, Young Americans for Freedom, Inc., a national conservative youth organization with more than 25,000 members in colleges, high schools and

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[1] Ibid., pp. 792-794.

[2] Ibid., p. 810.

communities all over the United States. The Y.A.F. was opposed to the ratification of the treaty by the United States Senate.[1] To back up his position, Mr. Bauman quoted Theodore Roosevelt, but for all practical purposes he could have been quoting the members of the Armed Services Preparedness Subcommittee: "Weakness always invites attack. Preparedness usually prevents it."[2] Mr. Bauman made the unfortunate mistake of listing as opposed to the treaty Dr. Ernest O. Lawrence, in addition to Dr. Edward Teller. Senator Fulbright informed Mr. Bauman that Dr. Lawrence had been dead for about four years and the Senator wondered aloud where Mr. Bauman obtained his source.

Of the remaining potpourri of witnesses, support came from Arthur H. Dean, Ambassador to the Eighteen Nation Disarmament Conference; John J. McCloy, adviser to Presidents Eisenhower and Kennedy and architect of the Arms Control and Disarmament Agency; Hans Bethe and Dr. Herbert York; Professors I. Rabi, Linus C. Pauling, Edward M. Purcel and Dr. George B. Kistiakowsky. Dr. Robert Strausz-Hupe, Director of the Foreign Policy Research Institute, University of Pennsylvania gave approval of the treaty, but only after the United States and the Soviet Union had settled all political questions confronting the two in areas such as Cuba, Laos, Vietnam, and Berlin. Senator Humphrey asked Dr. Hupe if he

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[1] Ibid., p. 712.

[2] Ibid.

did not clearly understand the President's message that this treaty was but a first "tenative" step toward reduction of tensions so that other political questions could then be considered. Additionally, Dr. Hupe was concerned that the Senate make it clear by way of a "sense of the Senate" resolution or amendment to the treaty that signatures in concert with other nations did not constitute "de facto" or "de jure" recognition of East Germany or Red China.

The Report

On September 3rd, the Committee on Foreign Relations filed its report. The Committee approved the treaty by a vote of sixteen to one with Senator Russell B. Long, Democrat of Louisiana dissenting. Before adopting the final report, which in itself is an excellent summation of the arguments for and against the treaty, the committee: (1) rejected by a vote of ten to seven the Hickenlooper motion that copies of all treaty correspondence between the principles of the treaty be handed over to the Committee; (2) rejected by a vote of eleven to five the motion by Senator Carl Mundt to delay the vote until printed copies of the testimony already heard were made available; and (3) rejected Senator Lausche's motion to delay the vote until a joint discussion could be held between the Armed Forces Committee and the Joint Atomic Energy Commission by a vote of eleven to five.

Although these three Senators signed the report, they were in-the-main all critical throughout the hearings and "orchestrated" their questions very closely with the "hawks" from the conservative Armed Services Committee. They announced that even though they were signing the report they reserved the right to change their minds after they had a chance to review the portion of the hearings of the Senate Preparedness Subcommittee which were "closed."[1]

The Hickenlooper demand for the correspondence was met by Secretary of State Rusk who offered to show it to the Foreign Relations Committee. Senator Aiken said that the committee rejected it because they did not want the responsibility of passing judgment on it.[2]

Senator Mundt indicated that approval of the treaty by the Foreign Relations Committee did not mean that the Senate would not attach reservations to the treaty.

Both Senators were very influential within the Republican Party and the conservative Southern bloc of Democrats. Their attitudes indicated further trouble for the treaty in the Senate.

The close cooperation between Chairman Fulbright and the administration gave a superficial picture that the treaty would have no trouble obtaining the Senate's consent.

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[1] Newsweek (September 9, 1963).

[2] The New York Times (August 31, 1963).

President Kennedy and his staff had been careful to answer or anticipate the objections of the "conservative-coalition" in the Senate against the treaty. While the Foreign Relations Committee was the forum used to answer the coalition, it is inescapable to note that the committee did not fully realize the role of Congress to investigate to inform itself, but at times took on the appearance of a propaganda machine and debating society.[1]

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[1]Meg Grenfield, "Ping Pong on the Potomac," Reporter (September, 1963).

CHAPTER VII

ADVICE AND CONSENT

Afticle II, Section 2, of the United States Constitution gives the President power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur. The President may not ratify a treaty until the Senate gives its endorsement.

The Senate has other alternatives than merely accepting or rejecting a treaty. Reservations may be added to a treaty. Such reservations most generally lead to renegotiations and, as in the case of the Treaty of Versailles, may lead to rejection.

The Senate may also approve ratification of a treaty with an "understanding" of its intent. These "understandings" are frequently accepted by the Committee on Foreign Affairs and, as such, do not have the damaging effect of amendments or reservations.

There is an executive device available to the President of the United States to implement or, in some instances, to "get a-round" a rebellious Senate. This device is the Executive Agreement. There are three types of Executive Agreements: those which are used to implement authority given to the Executive by the legis-lative branch; those which are entered into and then later approved by resolution by a simple majority of the legislative branch when it appears that the two-thirds vote will not be forthcoming from

the Senate; and those which require no legislative action or approval and which have been used to conclude armistice agreements, agreements to commit troops of the United States in support of our foreign policy, and agreements with the heads of other nations. The "hot line" was an example of the latter executive agreement. Unfortunately, the involvement in Korea, the Middle East, and Vietnam are other examples.

In the history of the United States' actions on treaties, the United States Senate has acted on 1,357. They have approved, without reservations or understandings, 944. Two hundred fifty-two treaties have passed with reservations or understandings and 133 treaties have been rejected outright.[1]

Senate Debate

President Kennedy submitted the treaty to the Senate for its advice and consent to ratification on August 8, 1963:

> This treaty is in our national interest. While experience teaches us to be cautious in our expectations and ever vigilant in our preparations, there is no reason to oppose this hopeful step. It is rarely possible to recapture missed opportunities to achieve a more secure and peaceful world. To govern is to choose, and it is my judgment that the United States should move swiftly to make the most of the present opportunity and approve the pending treaty.[2]

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[1] Congressional Quarterly (August 2, 1963).

[2] Congressional Record, op. cit., p. 14558.

Offically, the Senate took up formal debate on the treaty on September 9th, and the debate lasted until September 24th. However, as early as August 6th Senator Robertson, of Virginia, made a particularly virulent attack on the treaty. Members of the Armed Service Committee continued their attack up to and including the formal debate. Senator Goldwater was the most vocal of the group during the pre-debate interim. He used the floor of the Senate as an extension of the hearings being held by the Preparedness Subcommittee of the Armed Services Committee. Senator Thurmond, while refraining from speaking extensively during this period, inserted voluminous copies of conservative newspaper editorials, statements by right wing journalists, and propaganda from the John Birch Society. Senator Thurmond is listed by the Young Americans for Freedom on their Congressional Advisory Board. He later registered as a Republican on September 16, 1964, in support of the Goldwater campaign. Democratic Senators Jackson and Stennis made minor contributions to the pre-debate colloquy.

The treaty was defended during this period by Senator Humphrey of Minnesota. Senator Goldwater had used the Senate to sound out his fears of the treaty without any major opposition from the administration. However, on August 19th, Senator Humphrey obtained the floor for the purpose of answering the Senator from Arizona:

> I rise to protest the strawmen that are set up day after day for someone to knock down and say "I have proved my point." . . .I believe that the Senator's speech presents a constant attitude of doubt and suspicion. I do not believe that it makes a constructive contribution to a thoughtful discussion of the all-important treaty that is before us.[1]

There are several reasons why Senator Goldwater had been allowed to pursue his derogatory oratory against the treaty. The month of August was a very trying time for Congress and the Chief Executive. On August 9th, the President and Mrs. Kennedy's infant son died. On August 10th, Senator Kefauver died. The Peaceful March on Washington climaxed on August 28th. Secretary of Defense McNamara had issued his decree regarding "off-base discrimination" in cities and towns near military bases and, because of this, the Southern bloc of Senators was as busy condemning the Secretary as they were the Limited Test Ban Treaty.

On August 31st, two important events gave the administration hopes for the treaty. Senator Bourke Hickenlooper, ranking Republican on the Foreign Relations Committee and Atomic Energy Commission, announced his support for the treaty. The Gallup Poll showed that 63 percent favored the treaty to 17 percent opposed. Fifty-eight percent of all Republicans were in favor to 67 percent Democrats. More surprising was the figure that 52 percent of all those identified as being Goldwater supporters favored the treaty.[2]

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[1] Ibid., p. 15289.

[2] American Institute of Public Opinion.

The final vote on the treaty represented a "bipartisan" vote led by Senator Everet Dirksen, Republican of Illinois, and Senators Bourke Hickenlooper of Iowa and Mundt of North Dakota.[1]

At the beginning of the session, Senator Dirksen inserted into the Record all of his public statements regarding any test ban treaty and policy statements of the Republican Party which indicated that there might be a number of amendments and reservations from the Republican Party. Although the Senator did not give his approval at this time, there was some reason to think that it would be forthcoming. Senator Dirksen reacted quite strongly in favor of the motion to commit the treaty to the Senate Foreign Relations Committee. In the motion to commit, Senator Sparkman made note that Senator Russell had asked that the Armed Services Committee be allowed to sit separately to hear witnesses on the treaty.

> The Armed Services Committee would serve only in an advisory capacity, because jurisdiction of course, is solely in the Committee on Foreign Relations.[2]

Senator Albert Gore of Tennessee told this writer that he thought Senator Hickenlooper had more influence on Senator Dirksen in supporting the treaty than vice-versa. Of all the Republicans, Senator Hickenlooper would have had more information and expertise than anyone, with the exception of Senators Gore and Humphrey, regarding disarmament. The speeches of Senator Hickenlooper and Mundt

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[1]A. Krock, The New York Times (August 20, 1963).

[2]Congressional Record, op. cit., p. 14558.

are particularly interesting for their concern over the role of the Senate to give "advice" to the President regarding the substance of foreign policy.

Professors Crabb,[1] Dahl,[2] and Snyder[3] indicate that generally the role of the Senate in treaty-making has declined to the point of a mere formality. However, as we shall see in the role of the Executive, the Senate in this case was extremely instrumental and well-informed on the merits of the treaty.

The Senate debate was divided into roughly three distinct groups: (1)the proponents of the treaty headed by Senators Mansfield, Fulbright and Humphrey (2) the opponents of the treaty led by Senators Goldwater, Stennis, Thurmond, Russell, and Tower and supported by the "conservative-coalition"[4] and (3) a bipartisan group of Republicans and Democrats of both conservative and liberal ideologies.

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[1]Crabb, op. cit.

[2]Robert A. Dahl, Congress and Foreign Policy (New York: W. W. Norton & Co., Inc., 1950).

[3]Richard C. Snyder and Edgar S. Furniss, American Foreign Policy: Formulation, Principles, Programs (New York: Rinehart & Co., 1954).

[4]Defined in Supra, Chapter II. Senators scoring high on the Congressional Quarterly scoreboard are: Southern Democrats:Stennis, Mississippi; McClellan, Arkansas; Russell, Georgia; Eastland, Mississippi; Byrd, Virginia; Jordan, North Carolina; Ervin, South Carolina. Republicans: Thurmond; Hickenlooper; Young; Jordan; Allott; Mundt; Williams; Goldwater. NorthernDemocrats:Cannon, Nevada; Byrd, West Virginia; Bible, Nevada; Lausche, Ohio; Anderson, New Mexico; Symington, Missouri.

Proponents

Senator Fulbright

Senator Fulbright, as Chairman of the powerful Senate Committee on Foreign Relations, led the formal defense of the Limited Test Ban Treaty and pushed for its adoption without any reservations or amendments. While approval of the treaty would require two-thirds vote by the Senate, amendments and reservations would require a simple majority. Such amendments would have the effect of killing the treaty. Any additions to the body or spirit of the treaty would require renegotiations with the Soviet Union and England. In addition, over fifty other nations had signed the treaty at the time of the Senate's consideration. More important, this was an instrument of American foreign policy, initiated and negotiated by our diplomats.

When Senator Fulbright opened debate on September 9th, he asked certain fundamental questions about the desirability of a treaty. Would the treaty be compatible with the military security of the United States? Did the treaty advance the purposes of American Foreign Policy?[1]

Senator Fulbright concluded that the treaty was both "safe" and "wise." The treaty, furthermore, was but a tenative and precautionary "first step" towards stability and moderation and it would in some small measure mitigate the fears and suspicions of the cold

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[1]Congressional Record, op. cit., pp. 16525-16545.

war and perhaps lead to other areas of accommodation. This use of the term "other areas of accommodation" had led the opponents of the treaty to conclude that there were other secret agreements made at Moscow and they concentrated a great deal of their attacks on this idea.

As a former professor, the Senator pointed out a fundamental fact of power politics: there are areas of mutual consensus that the United States and the Soviet Union might both profit by. Primarily, a respite in the cold war tensions could produce a period of detente whereby each nation could work on domestic problems.

Senator Fulbright noted that there were good reasons for the Soviet Union wanting a relaxation of tensions at this time: (1)the Sino-Soviet dispute was primary in their considerations. A test ban would help the Russians immeasurably in their ideological dispute with the Red Chinese who had berated the Soviet Union for its actions after the missile crisis in 1962. The Soviet Union had pictured itself as a model of restraint and its main propaganda position was "peace" and "reasonableness." (2) competitive co-existence had failed and the Russians were having difficulties at home in agriculture. The difficulties were caused by the demands of the Russian people for more and better foods and "soft" goods for consumption. The Soviets were also having difficulties with their satellites in Eastern Europe because of the obvious difference between the economic recovery between East and West Germany. All of these factors contributed to the over-all desire of the Soviet

Union for a period of peaceful detente with the West.

Senator Fulbright concluded his initial report by remarking that: "A generation ago we were speaking of making the world safe for Democracy. Having failed, we must now seek ways of making the world reasonably safe for the continuing contest between those who favor Democracy and those who oppose it."[1]

Senator Fulbright, as floor leader for the treaty, was called upon to answer almost every opposing Senator. He proved to be a splendid parliamentarian in patiently explaining the procedures of "advice and consent" to the Senators of the "conservative-coalition," particularly Senators Mundt and Hickenlooper.

Both Senators questioned when the process of "advice" was started and why Senator Fulbright did not seek the "advice" of the Senators before the treaty was ratified by over fifty nations and initialed by the Secretary of State or considered by the Foreign Relations Committee. More properly, the two Senators were wondering why the Executive branch had not sought either a "sense of the Senate" or a resolution of the Senate indicating the Senate's desire for any treaty. While the course desired by the conservative Senators might have been desirable, and even possible, during the 19th Century, such an approach would be cumbersome, time-consuming, and would bring about a certain paralysis and indecision. One might seriously question Senator Hickenlooper on this fact since

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[1] Ibid.

he had participated in the negotiations in Geneva. Surely, the Senator understood that the United States might, one day, actually come up with a formula for limitations on atomic testing.

Senator Robertson of Virginia attacked Senator Fulbright personally for "playing down" the testimony of the military. Senator Fulbright pointed out that his committee had heard the Joint Chiefs of Staff and all concerned military who had current intelligence information. He further took this opportunity to attack the encroachment of the Armed Services Committee on the Foreign Relations Committee's jurisdiction:

> . . .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 . . .for a subcommittee of another committee to presume to take up a treaty in the first place. . . . We took the testimony of all the important and accredited officials of the military . . .we did not believe it appropriate or necessary to take the testimony of former military men who now have no responsibility for the security of this country.[1]

Hubert H. Humphrey

More than anyone else, Senator Hubert H. Humphrey deserves credit for the Limited Test Ban Treaty between the United States and the Soviet Union.

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[1] Ibid., p. 17059.

From the very outset of negotiations in Geneva in 1958 and 1959, Senator Humphrey, as Chairman of the Senate Foreign Relations Subcommittee on Disarmament, had always called for the United States to separate a test ban from the other measures of disarmament and enter into negotiations on a test ban only.[1]

During the Senate debate, Senator Humphrey was called upon time and time again to refute Senator Goldwater and seemed delighted to match wits with the Senate from Arizona.

Senator Humphrey's position supported that of the President and the Foreign Relations Committee. Earlier in August he had objected to the "strawmen" that Senator Goldwater and his conservative military-minded friends from the Armed Services Committee continued to set up.

In his speech of September 10th, he attacked the other objections that the Armed Services Committee had: "While some military and technical experts expressed doubts about the treaty, those scientists, governmental officials and military officers supporting the treaty were those with access to the latest and most comprehensive intelligence and scientific data on which to reach the most balanced conclusions."[2] Furthermore, since Dr. Edward Teller had depreciated the art of the United States intelligence gathering service, the facts given in secret hearings

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[1] Humphrey Interview, January 1, 1970.

[2] Congressional Record, op. cit., pp. 16612-16635.

indicated that our intelligence service had proved "very reliable."[1]

On September 23rd, one day before the formal vote, Senator Humphrey categorically denied each allegation against the treaty:

> Argument: The treaty might limit the right of the President to use nuclear weapons in time of war.
>
> Answer: Legal opinions of the legal adviser to the Department of State and the General Counsel of the Department of Defense concluded that the treaty cannot be so interpreted.
>
> Argument: Accession to the treaty will involve recognition of East Germany.
>
> Answer: The opinion of the legal adviser of the Secretary of State is that recognition is not involved. Article III of the treaty provides for accession procedures.
>
> Argument: The treaty may conflict with U.S. commitments to our allies for defensive purposes.
>
> Answer: The treaty will not affect any existing commitments for defensive purposes with allies of the United States.
>
> Argument: The treaty will inhibit the U.S. Plowshare program for peaceful use of nuclear explosions.
>
> Answer: According to Dr. Seaborg, presently proposed Plowshare projects can be conducted underground.
>
> Argument: What effect would a accidental violation of the treaty through "a little venting" have on the treaty?

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[1]In the interview with the Vice President, he indicated that it was through Project VELA that the President and himself were able to eventually overwhelm any opposition from the Republicans Dirksen, Mundt, and Hickenlooper to the treaty. The scientific community was overwhelmingly in favor of this treaty and the weight of this testimony before the Senate and the persuasive powers of the President enabled the U.S. to combine a political decision with a scientific and technological breakthrough into an important "first step."

Answer: A small accidental breach would not abrogate the treaty.

Argument: Is the definition of an underground test sufficient?

Answer: Yes.

Argument: The treaty contains no assurance that amendments will be subject to the advice and consent of the Senate prior to their entering into effect.

Answer: The treaty makes clear provision for U.S. ratification of amendments to the treaty which under the Constitution cannot be obtained without the advice and consent of the Senate.

Argument: The preamble of the treaty commits the United States to eventual nuclear disarmament.

Answer: No preamble to any document ever committed anyone to anything. At most, a preamble suggests. . . .

Argument: A treaty may have been made contingent upon some undisclosed agreement with the Soviet Union.

Answer: The President of the United States has given absolute assurances that is not the case.

Argument: In the event of a violation, the United States would be prevented from testing under the treaty's terms for the 90-day period specified in the treaty's withdrawal clause.

Answer: In the event of violation the United States may immediately declare itself no longer bound by the treaty and resume testing.[1]

Senator Humphrey also answered point-for-point the "questions" of the "right wing" and "military-minded" Senators as to whether Russians could be trusted and what they were getting out of the treaty. A state of euphoria might exist allowing the American

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[1]Ibid., p. 17803.

people to drop their guard against Russian duplicity. Under a heading "Arguments Relating to the Ratification Process," the questions were answered as to whose witnesses were more competent, those of the Preparedness Subcommittee or of the Foreign Relations Committee.

More important were the questions regarding the "Military and Scientific Considerations:"

> First: The Joint Chiefs of Staff were not adequately consulted in the development of policy relating to the treaty.
>
> Answer: General Taylor as Chief of Staff participated in the formulation of the treaty as a member of the Committee of Principles transmitting the wishes of the Joint Chiefs, i.e., the withdrawal clause.
>
> Second: Clandestine tests are a serious risk.
>
> Answer: The Secretary of Defense indicated that the Soviet Union could not test without incurring high costs and high risk of detection. Dr. Brown and the Joint Chiefs of Staff concurred.
>
> Third: Cooperation among Communist countries entails a high probability of successful cheating.
>
> Answer: The withdrawal clause permits the United States to resume testing if explosions anywhere in the world are deemed to threaten the country's security.
>
> Fourth: The treaty would involve a serious risk for the continued capability of United States missiles and their ability to penetrate the Soviet defensive system.
>
> Answer: It is easier to rely on an offensive than on a defensive weapons system.
>
> Fifth: The treaty would seriously affect our development of an effective anti-ballistic-missile system.

Answer: The Soviet-United States AMB development efforts in resolving the problems of an effective ABM system are comparable in magnitude and success; that the future U.S. development will be concerned chiefly with difficulties largely unrelated to the relatively simple nuclear component of the system.

Sixth: The Soviet Union may have bested us in developing an effective counter force threatening the survival of our second-strike capability.

Answer: The variety and dispersal of our land, sea, and airborne second-strike force, including, in the near future, airborne command and control posts, plus the extreme hardening of the land-based portion of that force based on our own experience as to its vulnerability from tests conducted in the past, provide strong assurance that the strategic-missile force is designed to survive and it will survive.

Seventh: The Soviet Union may have bested us in developing knowledge of the effects of high-altitude nuclear weapons tests.

Answer: Consensus concerning the effects of nuclear blasts on communications radar and on nuclear weapons is that the Soviet and United States experience is roughly the same.

Eighth: Irrespective of our nations will power, the condition of our nuclear laboratories will deteriorate as the result of the test ban.

Answer: During the three year moratorium, laboratory personnel grew by some 50 percent.

Ninth: Irrespective of our right of immediate resumption of testing in the face of any violation of the treaty, we may be left behind because of the gains obtained by the Russians in the tests violating the treaty.

Answer: The Secretary of Defense and other military witnesses have denied that any absolute advantage could be conferred on the Soviets simply from one series of tests.[1]

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[1] Ibid., pp. 17804-17805.

While Senator Humphrey had seemingly knocked down "strawman," his reasons for supporting the treaty were not so concrete. He supported the treaty because:

> It inhibits the proliferation of nuclear weapons. It reduces the chance of war. It minimizes the spread of radioactive fallout. It weakens the unity of the Communist bloc. It enhances the prospects for an era of peaceful coexistence. The treaty strengthens our posture as a proponent of peace without weakening our security.[1]

Senator Mansfield

Senator Mansfield has been depicted as being uncomfortable with power and his Democratic colleagues have characterized him as "a nice guy and everybody loves him. . .but he isn't a leader."[2] To further impair the majority leader's effectiveness was his long-standing dislike and lack of rapport with the Whip, Senator Long of Louisiana.[3]

More importantly Senator Mansfield has always been solicitous of the minority party's members and rights so that he could count on them for substantive support on major issues. He and Senator Dirksen, Minority Leader, were pictured as having a particular personal rapport with each other.

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[1] Ibid., p. 16612 and Appendix "B."

[2] Randall B. Ripley, Power in the Senate (New York: St. Martins Press, 1969), pp. 90-96.

[3] Ibid., quoted in Washington Post (September 25, 1966). "Mansfield was appalled when Long, having dined well but not wisely, had to be carried out of the chamber, flush-faced by three of his brawny colleagues. . . ."

While Senator Mansfield did not take a large part in the debate, he did express the views of his geographic area where fears of radioactive fallout were greatest. He protested Senator Hickenlooper's statement that in certain areas of life, i.e., fisheries and experimental laboratories, a little radiation might even prove to be beneficial. In addition, according to Senator Hickenlooper's statistics, a very small number of Americans would be harmed by radioactive fallout. Senator Mansfield noted that "it would not be very well to tell that to the specific Americans who will suffer the consequences."[1]

While the anti-radioactive fallout position was supported by Western Senators such as Church and McGee, none was more eloquent or emotional than Senator Neuberger in her speech on September 16th. She pointed out that the President and the executive department had been properly cautious in delineating the test ban treaty's 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 dimunition of international tension. 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. If there is a "mothers' vote" on the nuclear test ban, then it is a vote cast for the genetic future of mankind.[2]

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[1] Congressional Record, op. cit., p. 16328.

[2] Ibid., p. 17109.

The primary goal of the proponents of the treaty was to point out that this was but a hopeful "first step." It was more a psychological ploy rather than a concrete move toward disarmament. Their debate reflected the President's April 10th speech calling upon Americans to "re-examine our attitudes" toward the Soviet Union and the President's letter of transmittal to the Senate.[1] At one point, Senator Humphrey said that the treaty would not cure "arthritis" but it was a hopeful step toward a period of relaxed tensions with the Soviet Union. While other members of the administration pointed out what the treaty would not do, it was also carefully pointed out that the United States possessed nuclear superiority over the Soviet Union and even in areas where they might conceivably catch up with the United States the risks involved would be "liveable."[2]

The main strength of the proponents of the Limited Test Ban Treaty came from liberal Democrats from the Northeastern industrial states, the moderate Democrats from the Border states, and loyal Democrats from the Midwestern states.

Certainly, President Kennedy was correct when he expressed the fears that there might be sufficient strength among Southern Democrats and conservative Republicans to block or impair the final ratification of the test ban treaty.[3]

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[1] Supra, Chapter II.

[2] McNamara's testimony. Supra, Chapter V.

[3] Sorenson, op. cit., p. 737.

Opposition

The opposition to the treaty came from the members of the Armed Forces Committee headed by Senator Russell of Georgia. Senator Russell is a man of considerable power and influence in the Senate because of his long seniority. Senator Thurmond was the most persistent challenger to the supporters of the treaty. Senator Goldwater was the rallying point for the Republican and ideological conservatives of the United States Senate.[1]

The Senators who eventually voted against the treaty[2], with the exception of Senator Smith, came from the West, Midwest, and South. In sum, they may be called political conservatives based upon ideology and voting records. Of a total of nineteen votes against the treaty, seven, including Russell, Stennis, both Byrds, Thurmond, Goldwater and Mrs. Smith, are all members of the Armed Services Committee and had signed the Preparedness Investigating Report which stressed the military disadvantages of the treaty. The nine other members of the Armed Services Committee, including Symington, Jackson, Ervin, Cannon, Young, Inouye, Case,

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[1]Waltz, op. cit.

[2]Bennet, Republican of Utah; Byrd, Democrat of Virginia; Byrd, Democrat of West Virginia; Curtis, Republican of Nebraska; Eastland, Democrat of Mississippi; Goldwater, Republican of Arizona; Jordan, Republican of Idaho; Lausche, Democrat of Ohio; Long, Democrat of Louisiana; McClellan, Democrat of Arkansas; Mechem, Republican of New Mexico; Robertson, Democrat of Virginia; Russell, Democrat of Georgia; Simpson, Republican of Wyoming; Smith, Republican of Maine; Stennis, Democrat of Mississippi; Talmadge, Democrat of Georgia; Thurmond, Democrat of South Carolina; Tower, Republican of Texas.

Saltonstall and Beall, eventually abandoned the negative position of the chairman and voted for the treaty.[1]

Barry Goldwater

Senator Barry Goldwater was clearly running for the honor of representing the Republican Party in the Presidential campaign of 1964 during the debate on the Limited Test Ban Treaty. The Washington Star pointed out in an editorial on September 7, 1963, that the Senator had reserved fifty-one rooms of the Mark Hopkins Hotel in San Francisco for a period coinciding with the Republican Convention.

Senator Miller made frequent allusions to the fact that the treaty could be a factor in the 1964 presidential campaign and endorsed Senator Goldwater's candidacy.[2]

By the time of the Senate debate, it was evident to most of the nation's leading newspapers that the Senate, in all likelihood, would ratify the test ban treaty.

Senator Goldwater had a record of supporting his party along party lines, but he frequently diverted his direction to the far right and became intransigent when his far right ideology was concerned or affected.[3] As a retired Air Force man and

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[1]Congressional Quarterly (September 27, 1963).

[2]The New York Times (September 15, 1963).

[3]Congressional Quarterly:Supplement on Barry Goldwater (1964).

ideological leader of the far right wing of his party, he insisted on opposing the treaty, even after the Republican Minority Leader Dirksen came out in favor of it.

In the period prior to the actual Senate debate, Senator Goldwater laid the foundation for the reservations that he eventually would offer to the treaty.

During the period from August 8th until the final vote on September 23rd, the Senator first announced that he would vote for the treaty with certain reservations. Soon afterwards, he restated his position as being one that would depend upon the acceptance of his reservation to the treaty calling on the Russians to pull their remaining troops and arms out of Cuba. After Senator Goldwater offered this amendment, he admitted that, even if his amendment was accepted by the Senate, he would not vote for final passage of the treaty. By demanding that the Soviet Union withdraw its troops and materials from Cuba, the United States would be making the Soviet Union "pay a price." The Senator evidently failed to take note that the limited treaty was an American instrument and was negotiated at American initiative. In sum, the Senator was willing to use the Cuban situation and the Limited Test Ban Treaty as a partisan campaign issue in 1964. Senator Goldwater evidently was sure that the Soviets would probably break the treaty by open or clandestine testing in violation of the treaty.[1]

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[1] Congressional Record, op. cit., pp. 17191-17205.

Senator Goldwater had constantly complained that the Executive merely wanted the Senate's "consent" rather than its "advice." Further, he said that his proposed reservation did not involve the textual contract of the treaty, but "just the time of its ratification," and therefore would not have to be re-negotiated by the high contractural powers.

Senator Dirksen called his reservation "ungermane" and a confession of weakness. Senator Humphrey called the reservation "partisan mischief," a theme picked up by a majority of the nation's newspapers.[1]

Senator Javits, long a proponent of the Soviet withdrawal from Cuba, protested against the reservation and asked Senator Goldwater to withdraw his reservation. Eventually the reservation was defeated by a vote of seventeen to seventy-five.[2]

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[1]Raleigh (N.C.) News and Observer(September 12, 1963); The Boston Herald (September 9, 1963); Chicago Sun-Times(September 9, 1963); Pittsburg Post-Gazette(September 7, 1963); Detroit Free Press(September 7, 1963); Decatur(Ill.) Herald(September 7, 1963); Fairmont (W.Va.) Times (September 9, 1963); Washington Star(September 7, 1963); Little Rock Arkansas Gazette(September 7, 1963); Little Rock Democrat(September 8, 1963); New York Herald Tribune(September 8, 1963); Washington D.C. Post(September 7, 1963); New York Times (September 9 and 12, 1963); New York Post(September 15, 1963); St. Louis Post-Dispatch(September 9, 1963); DeMoines Register(September 7, 1963); The Denver Post(September 8, 1963); Hartford Times (September 9, 1963); Congressional Record inserts.

[2]See Appendix "C" for voting analysis.

Senators Thurmond and Stennis

Senators Stennis and Thurmond were the most vocally active of the opponents of the Limited Test Ban Treaty on the floor of the United States Senate. Every Senator speaking for the treaty was challenged by one or the other. If support for their position came from unexpected sources, as well as that from expected sources, then that Senator could expect congratulations on thoughtful independence of mind and judgment.

In refuting the proponents of the treaty, the two Senators accepted the positions of Edward Teller and General Power, both of whom appeared before the Preparedness Investigating Subcommittee of the Senate Armed Forces Committee. Dr. Teller was particularly worried about the effects resulting from nuclear blasts on our radar and communications. He had argued that the 100 megaton blast by the Soviet Union had given them advantages that the United States did not have. Furthermore, only by continued testing could we gain knowledge of weapons' effects in the atmosphere.

General Power was worried that the treaty, by allowing the Soviet Union to test underground and develop low-yield tactical weapons, would give the Soviet Union a net gain.

Both Teller and Power agreed that the development of an ABM system would not be impeded by the testing underground but they were concerned that the United States would not be able to test fire the weapons.

Senator Thurmond, who later became a Republican and supported Senator Goldwater, openly espoused "right-wing" ideologies and was responsible for inserting into the Record evidences of public support for his position against the treaty.[1]

Senator Thurmond completely rejected President Kennedy's suggestion that Americans should re-examine old attitudes and time-worn cliches.

On September 11, 1963, Senator Thurmond stated that the only way peace had been maintained was the "significant imbalance of power in favor of the United States vis-a-vis the Soviet Union." Furthermore, the United States superiority depended upon the invulnerability of the second-strike force which would have to survive an initial first-strike by the enemy. Any curtailment on atmospheric testing would greatly hinder that ability of the United States to defend itself.

Generally the stylized language of the Senators is stifling, but during the occasion of the debate there were many Senators willing to speak plainly to Senator Thurmond.

Senator Morse said that he was concerned about the military buildup in the United States:

> I refer to the buildup of what I consider dangerous influence of the military on American foreign policy. There have been implications of it in the present debate. . . there have been Senators who seem to be of the opinion that the judgments of the military should be substitued for those

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[1] National Review; Dallas Morning News; U.S. News & World Report; The Manion Forum; Columbia (S.C.) State; Knoxville Journal; Los Angeles Times; Freedom Press; and his own weekly newsletter to his constituency. Congressional Record inserts.

> of American civilian officials in the determination of American public policy. . . .I say from the floor of the Senate today to the American people, keep yourselves on guard against the power of the military. Keep yourselves on guard against the growing and dangerous power of American military minds over public policy, for it is important in a democracy to keep the military always in its place; and its place is subordinate to our civilian leaders. Its place is to carry out policy determined by our civilian leaders, and not determined by military minds.[1]

Senator Clark was more positive in his identification:

> If one looks at the names of Senators who are opposed to 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. . . .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 . . .represents the hard core---the low water mark, if we will--- of the Senate establishment. . . .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. It may be that one day we shall have a treaty calling for complete disarmament which the Senator from South Carolina so fears. . . .With that elimination, radical as it may seem, might even come the abolition of the Senate Armed Services Committee and its Preparedness Subcommittee.[2]

It was pointed out by Senator Clark that Senators Thurmond, Stennis and Goldwater had made great points about "secret" testimony from the military before the Preparedness Subcommittee. He pointed out that this same information was available to the Foreign Relations Committee who approved the treaty by sixteen to one. The

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[1] Congressional Record, op. cit., pp. 17387-17390.

[2] Ibid., p. 17093.

same information was available to the President, the Chief of the CIA, the Secretary of Defense and each member of the Joint Chiefs of Staff, each and every one of which recommended the Senate approve the treaty. "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 ninety-two other nations had ratified the treaty."[1]

Senator Smathers, a fellow Southerner, was less charitable with the Senator:

> It is obvious that the minds of men who long have been intthe 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. . . .Although we weigh the testimony of military men, I believe it sometimes more important to weigh the testimony of the scientist and others because their careers are not so directly affected by our decisions. . . .But I believe we should consider the views of other witnesses too, should weigh all the evidence and then should arrive at our conclusions.[2]

Senator Richard Russell

Three days before the publication of the Preparedness Investigating Subcommittee Report on September 9th, Senator Russell,

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[1] Ibid.

[2] Ibid., p. 17102.

along with Senator Stennis, announced that they would vote against ratification of the treaty.

They reasoned that the United States would be "mouse-trapped" by the treaty and (to the contrary) the treaty was not a "hopeful first step" but a "direct step" toward unilateral disarmament. Furthermore, the Senator from Georgia was afraid that a sense of "euphoria" would settle over the American people and would allow the United States to make further concessions in "on-site" inspections.

The only addition to the treaty that was allowed by the Senate was an amendment to the Preamble to the treaty by Senator Russell. The amendment reasserted the Senate's constitutional perogative to pass on all amendments to the treaty.

Senator Russell is considered by most Congressmen to be a first class parliamentarian and a strict interpreter of the Constitution. He certainly knew that the President could not alter the body of any treaty without the consent of the Senate. However, it appeared that Senator Russell was more afraid of any executive agreement that might "de facto" alter the treaty without submitting such agreements to the Senate.

Since the amendment touched only upon the resolution of ratification and did not touch the substantive issues it would not mean that the treaty would have to be re-negotiated. The amendment was accepted by Senator Fulbright and Dirksen and it passed by a rollcall vote of seventy-nine to nine. Voting against

the amendment were Senators: Douglas, Hart, Javits, McCarthy, McNamara, Morse, Moss, Neuberger and Pell. Senators Byrd of Virginia, Lausche, Long and Hruska abstained from voting.

John Tower

Senator Tower of Texas is a self-proclaimed conservative and ardent supporter of the "conservative-coalition." The Congressional Quarterly gives Senator Tower a rating of 78 percent in supporting the "conservative-coalition" to 0 percent for the opposition in the 88th Congress.

Senator Tower did not participate in the questioning of the witnesses before the Foreign Relations Committee or the Preparedness Investigating Subcommittee. On September 19th, Senator Tower proposed two amendments that offered the most serious threat to the treaty.

The first was a reservation providing that the United States ratification should be contingent upon full payment by the Soviet Union of all arrears for peace and security operations of the United Nations. The second called for a return by the original parties to positions that would demand adequate "on-site" inspections to detect any violations.

The first amendment was defeated by eleven to eighty-two. The second one was defeated by a vote of sixteen to seventy-six.[1]

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[1]See Appendix "D" for voting record.

Reprise

It appears that the opposition to the treaty, lacking any firm support from the public except from the right wing[1] or any substantive support from the members of the Senate, attempted to kill the treaty by means of amendments and reservations. In the final analysis the opponents were joined by the ideological conservatives from the West, Southwest and Southern Senators who had enough disappointments with the Kennedy administration's racial and military policies.

Bipartisan Support

The Limited Test Ban Treaty of 1963 would never have been ratified without the support of the Republicans in the 88th Congress.

The bipartisan efforts of the 88th Congress, however, would merely imply "bipartisan" voting on a measure involving national security. The President and his leaders[2] followed the more important aspects of "biparbisanship" than did any of the Republican members of the 88th Congress or the Southern Democrats.

It would be difficult in any situation to obtain complete "bipartisan" support from Congress, primarily due to the very nature of Congress. We have already seen the conflicting jurisdiction among standing committees, but more importantly, we have

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[1]See Humphrey interview, Appendix "B".

[2]See Chapter VIII.

also seen the weaknesses of party discipline.[1]

The weaknesses were also displayed when in voting for the final treaty nine members of the Armed Services Committee approved ratification after having signed the negative Preparedness Sub-committee Report.[2] One member of the Foreign Relations Committee voted against the treaty after signing the favorable report to the Senate from that committee.

Vice President Humphrey in an interview stated that the reasons there was "bipartisan" voting was due to the overwhelming scientific and technological evidence that the treaty in no way threatened the security of the United States and opposition to it would have been mere "obstructionism."

Senator Everet Dirksen

Shortly after the President's letter of transmittal of the Limited Test Ban Treaty was read on August 8, 1963, recommending passage of the treaty, Senator Dirksen obtained the floor and entered into the Record the history of his negative position on past negotiations that were conducted in Geneva:

> March 22, 1962: We are taking a desperate risk in signing a test ban treaty even if it contained our proposals for on-site inspections.

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[1] Supra, Goldwater's voting record.

[2] See voting, Appendix "D".

> August 8, 1962: The greatest single deterrent to war today is our nuclear superiority. . . .If our negotiators should try to contrive a nuclear test ban treaty by executive agreement at Geneva instead of a treaty which would require Senate ratification, there would be real trouble.
>
> February 28, 1963: . . .reports from Geneva indicate that the Kennedy administration is considering lowering the number of on-site inspections to seven or five. . . .This has become an exercise not in negotiation but in giveaway.
>
> June 13, 1963: President Kennedy's proposal to reexamine our attitudes toward the Soviet Union is a triumph for the accommodators in his administration. . . .The President tells us that constructive changes within the Communist bloc might bring within reach solutions which now seem beyond us. What constructive changes? The Berlin Wall? Vietnam? Laos? Missiles in Cuba?[1]

After this preliminary statement, Senator Dirksen had little to say publicly until September 11, 1963, when he delivered one of his more colorful speeches. He was depicted by the New York Times as "arms outthrown, hair in disarray" to a larger than usual gallery and membership of the Senate. In order to explain his abrupt about-face and change of mind in announcing his support for the treaty he said:

> I said to my people, I said to the country publicly and I said to the press in the gallery that I would take a hard look at the treaty. I said I would be diligent in examining its every implication, and that there would be only one standard by which to come to a vote and that would be: what is best for the present and for the future of the United States of America.[2]

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[1] Congressional Record, op. cit., pp. 14558-14560.

[2] Ibid., p. 16788.

The Senator from Illinois took note that the Preparedness Subcommittee had relied primarily on Dr. Edward Teller and General Powers for their conclusions. He pointed out that scientists with as much expertise, and with up-to-date information, approved the treaty. The Joint Chiefs of Staff had also approved the treaty.

Senator Dirksen had breakfast with President Kennedy, Senator Humphrey, Secretary McNamara on September 9, 1963. At this breakfast the President presented Senator Dirksen with an overwhelming abundance of evidence that our intelligence gathering apparatus through Project VELA made "on-site" inspections unnecessary except underground. Furthermore, the scientific community with recent access to information was overwhelmingly for the treaty.[1]

Afterwards the Senator announced to the press that he had been favorably impressed and furthermore he was opposed to any attempts by the Senate to amend or attach reservations to the treaty.[2]

To help Senator Dirksen with his more conservative party members, President Kennedy wrote a letter which the Senator introduced from the Floor. The President gave unequivocal assurances

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[1]Humphrey interview, Appendix "B".

[2]The New York Times (September 10, 1963).

to the members of the Senate, to the entire Congress and to the country that:

1. The underground testing program would be "vigorously and diligently carried forward."

2. That the United States would maintain its readiness to test in the prohibited environments, and that it would "resume atmospheric testing 'forthwith' if the Soviet Union violated the treaty."

3. That the United States would maintain facilities to detect nuclear weapons tests and would be expanded and improved as required.

4. That the treaty in no way limited the "authority of the Commander-in-Chief to use nuclear weapons for the defense of the United States or its allies."

5. That if the Island of Cuba should be used to circumvent or nullify the Treaty, the United States would take all necessary action in response.

6. That the treaty in no way changed the status of East Germany.

7. That the government would "maintain strong weapons laboratories in a vigorous program of weapons development," and that it would "maintain strategic forces fully insuring that this Nation will continue to be in a position to destroy any aggressor, even after absorbing a first strike by a surprise attack."

8. And the nation would continue to pursue the development of nuclear explosives for peaceful purposes underground and when developments made possible constructive uses for peaceful shots in the atmosphere, the United States would seek international agreements to permit this.[1]

The President also gave assurances that any amendments to the treaty would be submitted to the Senate for its approval.

The final assurrance came from the Republican Platform of 1960 which stated:

> We are similarly ready to negotiate and to institute realistic methods and safeguards for disarmament, and for suspension of nuclear tests. We advocate early agreement by all nations to forego nuclear tests in the atmosphere and the suspension of other tests as verification techniques permit. We support the President in any question of resumption of underground nuclear explosion testing.[2]

Senator Dirksen indicated that he did not take party platforms lightly:

> It is no campaign oratory in my book when one's party goes to the country and asks the country to give to it the direction of the affairs of the country. That is either a covenant or it is not. If it is a covenant, it is made to be kept.[3]

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[1] Congressional Record, op. cit., pp. 16790-16791.

[2] Ibid., p. 16790.

[3] Ibid.

Referring to the "first step" philosophy as a possible step toward nuclear detente, the Senator said that one of his age thinks about his destiny a little. Therefore, he did not want it written on his tombstone, "He knew what happened at Hiroshima, but he did not take a first step." He said, "I support the treaty; and I will vote for approval of the treaty with no reservations whatsoever."[1]

In spite of his protests to the contrary, this was a radical change as indicated by his preliminary statements of August 9th. He later attributed this radical change in position to a change of mind based on hard facts and that to do otherwise would represent "blind obstructionism."[2]

Senator Dirksen confirmed the notion of prior consultation by the President in that he had seen a "thermofax" copy of the treaty prior to its being initialed and he had made suggestions that were incorporated in the final draft.[3]

The endorsement by Senator Dirksen assured at least "bipartisan voting" support for the treaty from most members of the Republican Party.

Senators Hickenlooper and Mundt

Two of the most powerful members of the "conservative-coalition" from the Republican Party are Senators Mundt and

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[1] Ibid.

[2] CBS Documentary on the Death of Senator Dirksen, September, 1969.

[3] Congressional Record, op. cit., p. 17788.

Hickenlooper.

As previously noted, Senator Hickenlooper was a member of the Foreign Relations Committee and the Committee on Atomic Energy. Senator Mundt also served on these two committees.

Senator Hickenlooper, on September 20th, called the treaty a remarkable document. It was remarkable for the questionable hopes it may have aroused in this country and the rest of the world. The rest of his speech was devoted to his personal philosophy of the role the legislative branch should play in foreign policy making. In his opinion the two branches were co-equals in the act of making a treaty. He pointed out that one time in our history the President sought the "advice" of the Senate before negotiating a treaty. The example he cited was the 1923 Senate resolution establishing the General Claims Commission. Out of the 1923 resolution came a treaty to which the Senate gave its consent in 1927. The treaty was signed eight months later. Senator Hickenlooper indicated that the President "has no power to make treaties prior to Senate action and it would therefore follow that he has no power to bind us in advance of authorization by the Senate."[1] The President had not sought the "advice" of the Senate, but merely its "consent."

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[1] Ibid., p. 17649.

On September 23, 1963, Senator Mundt gave his primary speech and indicated that he too would vote for the treaty, but he joined Senator Hickenlooper in resenting the processes by which the treaty was negotiated and the administration's reasons for supporting the treaty. He ended his speech with a warning to the Executive that there were other Senators who also resented this action and the procedures of treaty making in general.

Senator Mansfield answered the two conservative members of the Senate with a point-for-point outline indicating the dates and persons involved when the Executive branch consulted with the Senate in committee seeking the advice of the Senate committees regarding the limited test ban treaty.[1]

The final vote of eighty to nineteen favoring the treaty was representative of "bipartisan voting support" for the treaty by Senators Dirksen, Hickenlooper and Mundt.

Senator Dirksen's support was an about-face from previously stated party positions.[2] The support of Senators Hickenlooper and Mundt must be considered as prime examples of United States Senators abandoning ideological positions in favor of the "national interest" of their country. It was evident from their speeches that this was not an easy task. Senator Mundt, in fact,

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[1] Supra, Chapter III.

[2] Supra, Chapter VII.

voted for Senators Goldwater and Tower's amendments that would have killed the treaty.

Mr. Humphrey indicated that both Senators, although of the most conservative of persuasions, had listened very carefully to the scientific testimony given before the Foreign Relations Committee and had come away impressed that the treaty was not a danger to national security and that the treaty might be a hopeful first step toward a political breakthrough in the cold war.

CHAPTER VIII

EXECUTIVE SUPPORTS

The Limited Test Ban Treaty of 1963 has been depicted as President Kennedy's greatest achievement during the short period of his Presidency.[1]

Professor Waltz[2] indicated that the President had "ran scared" during the negotiations and in fact had "oversold" the negative aspects of the treaty, rather than emphasizing the positive aspects. The only positive aspects were contained in the phrase "a hopeful first step." Only history could tell if there were to be any positive gains from the treaty.

The President had indicated to his close confidants that he would have gladly given up any hope of being re-elected in 1964, if he could but get this treaty for peace.[3]

The President had reason to believe that it would take extraordinary measures to gain the support of the Senate. He was particularly afraid that the "conservative-coalition" of conservative Democrats and Republicans would be able to block the treaty. Of the nineteen votes against the treaty, ten of the Democrats were found in the South and one from the Midwest.[4]

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[1]This view was expressed at different times in personal interviews with Maxwell Taylor, Adrian Fisher, Albert Gore and Hubert Humphrey.

[2]Waltz, op. cit.

[3]Sorenson, op. cit., pp. 719-740.

[4]The Democrats were: Byrd(Virginia);Byrd(W.Virginia);Eastland; Long; McClellan; Robertson; Russell; Stennis; Talmadge; Thurmond; and Tower. Lausche of Ohio was the lone Midwesterner to vote against the treaty.

It is difficult to say why any Senator votes on any given topic, but in the case of the Limited Test Ban Treaty the domestic politics of the Kennedy administration may have had a great impact on some of the Southern Senators.

The push for a Civil Rights bill had climaxed on August 28th, with the peaceful march on Washington by citizens of all races, denominations and social backgrounds. The Secretary of Defense had infuriated the members of the Armed Services Committee by insisting on civilian control over the military. Secretary McNamara, in addition to asserting control over the military, had also placed orders that would seriously affect any city or section of the country that discriminated against members of the Armed Services of the United States.

Of the eight Republicans voting against the treaty, all but one came from the newly conservative Western states.[1] In addition to Senators Mundt and Hickenlooper, many other Senators who are normally classified as being more conservative than liberal voted for the treaty.[2]

Correspondent Max Frankel of the New York Times in his column "Advice and Consent" on September 25th, speculated that the United

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[1] Curtis of Nebraska, Jordan of Idaho, Mechem of New Mexico, Simpson of Wyoming, Bennett of Utah and Goldwater of Arizona. Mrs. Smith of Maine was the lone Northern Republican.

[2] Senators Allot and Dominick of Colorado, Williams of Delaware, Thomas Dodd of Connecticut and Jackson of Washington.

States Senate was "haunted by the memory of the World War I fight over the League of Nations." James Reston of the same New York Times edition reinforced this idea that the Senate had "never quite forgotten about its vote against the League of Nations."[1]

Presidential Pressures

Mr. Frankel indicated that President Kennedy was the chief architect of the victory for the Limited Test Ban Treaty. Not only was President Kennedy successful with the Senate but he even "persuaded the Russians to negotiate with one eye on the Senate."[2]

The President also sought and received a peculiar endorsement by President Eisenhower. President Eisenhower recommended that the four safeguards of the Joint Chiefs of Staff should be implemented. He also suggested a curiously worded phrase that was taken as meaning a reservation against the treaty. President Eisenhower said that "in the event of any armed aggression endangering a vital interest of the United States, this nation would be the sold judge of the kind of weaponry and equipment it would employ as well as the timing of their use."[3]

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[1] The New York Times (September 25, 1963).

[2] Ibid.

[3] Hearings on Executive M., op. cit., pp. 846-891.

Later Senator Dirksen indicated that President Eisenhower did not have in mind any formal reservation that would alter or hamper the ratification of the treaty by the Senate.[1]

Appeals for Public Support

When the President speaks to the nation by way of radio broadcasts, telecasts, speeches to organized groups, and his press conferences, he commands the attention of most of the attentive public. By these instruments the President can generate public support for his program and motivate his constituency, which is national, to place pressure on individual Congressmen.

The general public, when it is confronted with matters concerning military, scientific and technological affairs, looks to the administration for a definition of policy.[2] In times of crisis the public will support the President and not his critics.[3]

During the debate on the Limited Test Ban Treaty President Kennedy called together several groups of citizens to support him and the treaty. The most active and influential was the "Citizens Committee for a Nuclear Test Ban Treaty" and its membership read

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[1] Congressional Record, op. cit., pp. 16788-16791.

[2] Eugene J. Rosi, "Mass and Attentive Opinion on Nuclear Weapons Test and Fallout, 1954-1963," Public Opinion Quarterly, XXIX (Summer, 1965), pp. 280-297.

[3] When President Kennedy sent additional troops to Berlin in 1961 and called up additional reserves, his popularity was not effected at all. After the Bay of Pigs invasion his popularity reached its peak at 83 percent over an average of 70 percent while in office. American Institute of Public Opinion, Release, (December 5, 1962).

like a "Who's Who" of every conceivable segment of American Society.[1]

The President never failed to mention the Test Ban Treaty in his weekly press conferences and speeches around the nation.[2]

The Harris Poll kept close tabs on the public opinion concerning the Test Ban Treaty.[3]

Throughout the hearings in committee and the debate in the Senate, individual Senators complained or mentioned the inordinate amount of mail they were receiving on the treaty.

Mrs. Smith indicated that her mail was running almost eight to one against the treaty, but when the mail was broken down to her home state the mail was two to one in favor of the treaty.

Senator Aiken reported that there was an organized mail campaign against the treaty with over 80 percent of the mail coming from Texas and California. His own constituency supported the treaty overwhelmingly.

According to Senators Gore and Humphrey, in their personal conversations with this writer, such mail is disregarded when the actual vote comes on any matter. Generally speeches are made to placate any of their own constituency who might have the same

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[1]Sorenson, op. cit., p. 739.

[2]Documents on Disarmament, 1963, op. cit.

[3]See Appendix "E" for the opinions on the test ban for two months of this time.

opinion as the organized mailers. The Senators can then tell their constituency that in view of the overwhelming evidence for the treaty and national support they voted for the treaty.

Results

On September 13th, the bits and pieces began to fall together. Surprisingly enough the first person to change his position from opposition to approval was Senator Henry Jackson of Washington. After announcing to the President that he could not support any treaty that limited the Armed Forces of the United States and attacking the treaty at every point announced that he would vote for the treaty. The New York Times indicated that it was the most "curious" speech since General LeMay's qualified approval of the treaty. Senator Thurmond was reported as wondering if the Senator was for or against the treaty because the speech that Senator Jackson made was very hostile towards the treaty.[1]

Senator Ervin was the first of the Southern conservatives to indicate that he was for the treaty on September 19th.

Senator Hurska, conservative Republican of Nebraska gave his approval on the same day as Senator Ervin.

Senator Hickenlooper voiced his qualified approval on September 20th and Senator Mundt on September 23rd.

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[1]While Senator Jackson was on the campus of Mankato State College for a speech on the "military-industrial complex" he was "marshmellowed" by the students who opposed his role as the "Senator from Boeing." The Senator cancelled his scheduled interview with this writer after he was asked why he had changed his position.

Analysis of Voting

On September 25, 1963, James Reston said that of the 125 speeches made concerning the Limited Test Ban Treaty, Senator Henry Jackson's early acceptance had the effect of quieting the doubts of other Senators. Furthermore, the Senate was not prepared to say that it would not take another chance for peace, that it would defy the hopes of its allies and the recommendations of the President and vote its doubts and fears.

John D. Morris of the New York Times said that "few Southern Congressmen actually disliked President Kennedy but the race issue was an emotional issue at home and many would have to oppose the administration for no other reason."[1]

One must be cautious in attributing motives to other men's actions but the following can be observed:

1. Of the seven members of the Preparedness Investigating Subcommittee of the Armed Services Committee, four (Senators Stennis, Thurmond, Goldwater and Smith) voted against the treaty. Two highly respectable members of the Armed Services Committee, Senator Richard B. Russell and Harry F. Byrd, voted against the treaty.

2. The Preparedness Investigating Subcommittee had three members voting for the treaty. Senator Saltonstall had been a member of the "bipartisan" group of Senators accepting President Kennedy's bid to accompany Secretary of State Dean Rusk to Moscow

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[1]The New York Times (September 25, 1963).

for the signing of the treaty. The "yea" vote of Senator Saltonstall was not totally unexpected. Senator Symington indicated that the treaty was not a great risk to national security and therefore supported the treaty. Senator Jackson's vote was positive but remains a mystery why he changed his mind from negative to positive.

3. Of the remaining votes against the treaty the majority of them came from the conservative strongholds in the South and West.

4. Senator Goldwater became the Republican nominee in 1964 with his strongest support coming from Senator Thurmond, who switched parties from the Democratic Party to the Republican Party.

5. Nearly all of the Southern Democrats either openly supported Senator Goldwater during the election or stayed at home on election day.

CHAPTER IX

CONCLUSIONS

The central hypothesis of this dissertation was that the Limited Test Ban Treaty of 1963 represented a "bipartisan" effort by the Kennedy administration.

Bipartisanship was defined as:

1. Prior consultation with members of Congress in the initial stages of policy formulation.

2. Cooperation with party leaders in Congress.

3. Bipartisan voting.

4. Appeals to public opinion calculated to generate Congressional support.

5. Appointment of minority members to responsible policy making roles.

President Kennedy appointed many highly qualified Republicans to his administration. The most important appointments were John J. McCloy as his adviser on scientific and technological matters and Robert S. McNamara as Secretary of Defense.[1]

Mr. McCloy was instrumental in the establishment of the Arms Control and Disarmament Agency. The Arms Control and Disarmament Agency was fought by the Armed Services Committee, particularly Senators Goldwater and Thurmond. Through the efforts of the Arms Control

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[1] Supra, Chapter III.

and Disarmament Agency the United States was able to table a complete draft of a treaty at Geneva. The treaty represented, for the first time, the unified thinking of the vast military scientific and political resources of the United States.[1]

The appointment of General Maxwell Taylor, a Republican, as Chairman of the Joint Chiefs of Staff was effective in bringing about the support of the military. The testimony of the Joint Chiefs of Staff generated a great deal of confidence in the treaty that would have been lacking without their support.[2]

The President, with his eye on historical precedent, appointed a "bipartisan" group of Senators to accompany Secretary of State Dean Rusk to Moscow. Originally he asked Senators Dirksen and Hickenlooper to go with Secretary Rusk, but they refused, contending that it would give the appearance of prior approval of the treaty before it was debated in the Senate. Senator Saltonstall, senior member of the Republican party and a member of the Armed Services Committee did accompany Secretary of State Rusk to Moscow.

Opposition

President Kennedy expected to receive strong opposition from the "conservative-coalition" of Democratic and Republican Senators. He had a Democratic controlled Congress, but due to the seniority

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[1] Supra, Chapter IV.

[2] Ibid.

system most important committees were chaired by Southern Senators. The Armed Services Committee was irritated by his Secretary of Defense and had opposed the establishment of the Arms Control and Disarmament Agency. It was from the Armed Services Committee that the greatest threat and negative votes against the treaty came.[1]

In order to overcome the opposition from the Armed Services Subcommittee and the conservative members of both parties the President was very careful to consult with the appropriate committees concerning the progress of negotiations at Geneva.[2] He sought the advice of the Foreign Relations Committee and showed a thermofax copy of the treaty to Senator Dirksen, minority leader of the Senate.[3]

It is not too surprising that the Armed Services Subcommittee opposed the treaty. It was pointed out by members of the Senate that the committee was composed of men who, through their long identification with the military, had developed a "military frame of mind."[4] The military frame of mind is depicted by Professor Cecil V. Crabb as one relying on military factors over political factors in foreign policy and "a predictable readiness to believe that the nation's military defenses are inadequate, irrespective of the current military defense

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[1] Supra, Chapter V.

[2] Supra, Chapter IV.

[3] Supra, Chapter VII.

[4] Supra, Chapter VI and VII.

spending. . .and a temptation to reduce complex diplomatic issues into contests of power and force."[1]

In addition to consulting with the appropriate committees prior to the negotiation of the treaty, President Kennedy consulted with keymmembers of the Senate on an informal basis. This concept of "cooperation with party leaders" is especially difficult for any researcher. The problem arises because the methods used are personal and confidential between the Congressman and the President. This aspect of "bipartisanship" can occur at almost any time, any place and any manner. In the instance of the treaty under consideration, the researcher was fortunate to be able to interview Mr. Hubert H. Humphrey. Mr. Humphrey indicated that it was at breakfast with Senator Dirksen that President Kennedy was able to convince the minority leader, "with an overwhelming amount of scientific evidence" that the treaty posed no threat to United States superiority or national interest.[2]

It may be debated whether or not appeals to public opinion to generate Congressional support is a truly valid concept of "bipartisanship" because the President must constantly appeal to the public to support him. In this instance the President apparently

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[1]Crabb, op. cit.

[2]Supra, Chapter VIII.

thought it was important and he devoted a great deal of time to generating public support. The Harris Poll[1] indicates that the President was successful in generating support but what effect the public opinion had on the actual vote is debatable.[2]

As Waltz reported, the President did not claim too much for the treaty. In fact it seemed that the administrative witnesses emphasized what the treaty would not do more than what it would do. The treaty was but a "hopeful first step" toward lessening of tensions and opened the channels of diplomacy between the Soviet Union and the United States.

It was in the area of "hopefulness" that President Kennedy started his administration and his "Strategy for Peace." The Strategy would have five steps:

1. A nuclear test ban agreement.

2. Cessation of production of nuclear materials for war.

3. Prohibition on the transfer of nuclear weapons to countries not presently possessing them.

4. An East-West agreement to ban nuclear weapons in outer space.

5. The destruction of existing stockpiles of nuclear weapons and conversion of fissionable materials for peaceful uses.[3]

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[1]See Appendix "E".

[2]Supra, Chapter VIII.

[3]Supra, Chapter II.

The Limited Test Ban Treaty became a reality during the administration of President Kennedy. He was killed in October of 1963.

During the administration of President Kennedy's successor, President Lyndon B. Johnson, the United States and Russia concluded the Consular Convention. A Nuclear Non-Proliferation Treaty was negotiated during the Johnson administration and ratified under the Nixon administration, in 1969. Also during the John administration the treaty banning the use of nuclear weapons and outer space was achieved. With the exception of items two and five of President Kennedy's "Strategy for Peace" the rest have been achieved. This would seem to verify the statement made by his administration that the Limted Test Ban Treaty was but a "hopeful first step" toward lessening of tensions with the Soviet Union.

To achieve this lessening of tensions or detente with the Soviet Union, President Kennedy used six devices commonly associated with the concept "bipartisanship."

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Philip J. Farley, Deputy Assistant Secretary for Politico-Military Affairs, Department of State; Special Assistant to Secretary of State for Atomic Energy, Disarmament and Outer Space.

Adrian S. Fisher, Assistant to Ambassador Harriman at Moscow, Arms Control and Disarmament Agency; Dean of Law, Georgetown University.

Senator Henry Jackson, Democrat, Washington.

Senator Albert Gore, Democrat, Tennessee.

Hubert H. Humprey, Vice President of the United States, Senator from Minnesota, Professor of Political Science, MacAlester College, St. Paul, Minnesota and the University of Minnesota, Minneapolis, Minnesota.

Burton M. Sapin, University of Minnesota, author, The Making of United States Foreign Policy(The Brookings Institution and Frederick Praeger, 1965).

General Maxwell D. Taylor, Former Chairman, Joint Chiefs of Staff.

APPENDIX "A"

TREATY BANNING NUCLEAR WEAPON TESTS IN THE ATMOSPHERE, IN OUTER SPACE AND UNDER WATER

The Governments of the United States of America, the United Kingdom of Great Britain and Northern Ireland, and the Union of Soviet Socialist Republics, hereinafter referred to as the "Original Parties,"

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 incentive to the production and testing of all kinds of weapons, including nuclear weapons,

Seeking to achieve the discontinuance of all test explosions of nuclear weapons for all time, determined to continue negotiations to this end, and desiring to put an end to the contamination of man's environment by radioactive substances,

Have agreed as follows:

Article I

1. Each of the Parties to this Treaty undertakes to prohibit, to prevent, and not to carry out any nuclear weapon test explosion, or any other 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

(b) in any other environment if such explosion causes radioactive debris to be present outside the territorial limits of the State under whose jurisdiction or control such explosion is conducted. It is understood in this connection that the provisions of this subparagraph are without prejudice to the conclusion of a treaty resulting in the permanent banning of all nuclear test explosions, including all such explosions underground, the conclusion of which, as the Parties have stated in the Preamble to this Treaty, they seek to achieve.

2. Each of the Parties to this Treaty undertakes furthermore 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, anywhere which would take place in any of the environments described, or have the effect referred to, in paragraph 1 of this article.

Article II

1. Any Party may propose amendments to this Treaty. The text of any proposed amendment shall be submitted to the Depositary Governments which shall circulate it to all Parties to the Treaty. Thereafter, if requested to do so by one-third or more of the Parties, the Depositary Governments shall convene a conference, to which they shall invite all the Parties, to consider such amendment.

2. Any amendment to this Treaty must be approved by a majority of the votes of all the Parties to this Treaty, including the votes of all the Original Parties. The amendment shall enter into force for all Parties upon the deposit of instruments of ratification by a majority of all the Parties, including the instruments of ratification of all the Original Parties.

Article III

1. This Treaty shall be open to all States for signature. Any State which does not sign this Treaty before its entry into force in accordance with paragraph 3 of this Article may accede to it at any time.

2. This Treaty shall be subject to ratification by signatory States. Instruments of ratification and instruments of accession shall be deposited with the Governments of the Original Parties---the United States of America, the United Kingdom of Great Britain and Northern Ireland, and the Union of Soviet Socialist Republics--which are hereby designated as the Depositary Governments.

3. This Treaty shall enter into force after its ratification by all the Original Parties and the instruments of ratification.

4. For States whose instruments of ratification or accession are deposited subsequent to the entry into force of this Treaty, it shall enter into force on the date of the deposit of their instruments of ratification or accession.

5. The Depositary Governments shall promptly inform all signatory and acceding States of the date of each signature, the date of deposit of each instrument of ratification of and accession to the Treaty, the date of its entry into force, and the date of receipt of any requests for conferences or other notices.

6. This Treaty shall be registered by the Depositary Governments pursuant to Article 102 of the Charter of the United Nations.

Article IV

This Treaty shall be of unlimited duration.

Each Party shall in exercising its nationality have the right to iwthdraw from the Treaty if it decides that extraordinary events, related to the subject matter of this Treaty, have jeopardized the supreme interests of its country. It shall give notice of such withdrawal to all other Parties to the Treaty three months in advance.

Article V

This Treaty, of which the English and Russian texts are equally authentic, shall be deposited in the archieves of the Depositary Governments. Duly certified copies of this Treaty shall be transmitted by the Depositary Governments to the Governments of the signatory and acceding States.

In witness whereof the undersigned, duly authorized, have signed this Treaty.

Done in triplicate at the city of Moscow, the fifth day of August, one thousand nine hundred and sixty-three.

APPENDIX "B"

INTERVIEW WITH FORMER VICE PRESIDENT HUBERT HUMPHREY

JANUARY 8,1970, MACALASTER COLLEGE, ST. PAUL,MINN.

QUESTION: Mr. Vice President, will you give me your views concerning the Test Ban Treaty of 1963?

ANSWER: The genesis of the Test Ban Treaty, of course, goes back to some of Adlai Stevenson's thoughts of 1956 and to the establishment of our special committee on disarmament in the Senate which was established by a Senate resolution as a separate subcommittee and with legislative authority and not established under the normal procedures of a major committee but by special resolution. It was a joint committttt for the subject of disarmament and arms control. It was within this committee that we started to discuss the nuclear test ban treaty and in its initial discussion stage included across the board limitations on atmospheric underwater and land systems of testing. Later on as we came into the 60's, we altered that because it became quite obvious that all of this could not be successfully or without risk monitored. During the Eisenhower administration, Professor Berkner came out with a report to the effect that we could monitor tests in the air, in the atmosphere and on the ground by space satellite as well as by other electronic and magnestic devices.

QUESTION: Is this our Project "VELA" and is this information still "classified?"

ANSWER: I'm not sure, I wish I could go over my records, but Project VELA was one that I pushed for continually and was fought by the conservatives very hard for appropriations in order that we could continue scientific experimentation that needed to take place to carry out the Berkner report. It is my view first of all that Project VELA made it possible to safely enter into a nuclear test ban treaty with the Soviet Union and it was this fact that finally convinced---when we were able to demonstrate this pretty successfully to Dirksen, to Mundt that they started to relent---to give up their resistance to a test ban treaty. I spent a good deal of time talking to these men and as you know there was quite a liyyle argument about it. The Defense Department came through very well on this, as did the Joint Committee on Atomic Energy. Of course there was Teller, and others, that didn't agree with it at all. We had a number that wouldn't go along. Hans Bethe was a very powerful influence and Professor York, who was the President's adviser, were both strong constructive influences for the test ban treaty.

QUESTION: Mr. Vice President, in the Congressional Record you made references to "Strawmen" that Senators Goldwater and other conservative Senators set up and then purported to knock down in support of their arguments against the treaty. Could you tell me something about this aspect of the Senate debate?

ANSWER: Senator Dodd was the most important one in my mind. Now I worked with Dodd on this and this was a coup to get Dodd. Actually I was going to introduce that resolution but we needed a "hawk," a strong arm that had been anti-test ban treaty for a period of time to support it.

QUESTION: How did you get him to change his mind?

ANSWER: Well, just a personal relationship basis. He had listened to the arguments and after a long series of personal visits he came to me one day and said, "you know, I"ve begun to change my mind about that test ban. Maybe we ought to do something about that." And I said, "well, I was going to introduce a resolution, but, why don't you introduce a resolution that just puts us on record in a general way and specifically ignores or excludes underground testing." He asked why I didn't because I was the leader, and I said, "no, you do it and I'll join you," and then we got a number of other Senators to join us. I always felt that the best way to get something through Congress was not always to be the front man yourself. Tom Dodd was on the Foreign Relations Committee with me and we needed someone who wasn't exactly friendly to this concept and this time. He finally came alive after hearings, talks, and a very good personal relationship and having him appear as the leader was very significant because at that time he was regarded as an ally of Hickenlooper, Mundt and Dirksen on these matters of disarmament.

QUESTION: What happened at the breakfast with Senator Dirksen, Secretary Mansfield and yourself with the President that led Senator Dirksen to come around to supporting the treaty?

ANSWER: The main reason for that wasn't due to my influence. It was at that breakfast that the President, as I recall, was able to bring in some pretty solid information as to what Project VELA would be like and what the security factor would be. This was, after all the military had re-examined the testimony and my own testimony regarding the project. You know, Senator Dirksen started out against us on the test ban and Civil Rights and eventually came all the way around. You'll have to remember that Senator Dirksen always liked to play the role of the man that finally brought about the victory. He was an actor in a sense, and I don't mean this in a derogatory manner. He would resist much of the time because he wanted to press you for a good argument. This meant that he could say to his more conservative constituents, "well, you see the reason I changed my mind is that the evidence was just so overwhelming that I had to do it." Everet Dirksen was never as conservative as his utterances or his earlier statements in the Record would indicate.

But in order to survive politically with his political heritage, he had to give the appearance of being much more cautious and conservative than his record actually demonstrated.

QUESTION: How, then, did he get Mundt and Hickenlooper, who are very conservative, to support the treaty?

ANSWER: Mundt and Hickenlooper were both on the Foreign Relations Committee and they listened at length to that testimony. Hickenlooper and Mundt were very adamant at first. They were with the Teller group so to speak. But the evidence we had; the amazing amount of evidence we could bring up as to the safety involved in doing this; the relative strength we had from nuclear side as compared to the Soviet Union; had its impact upon these men. In addition, we had a great deal of public opinion on our side.

QUESTION: Many Senators mentioned the heavy mail against the treaty while the polls indicated strong public support. Was this an organized campaign against the treaty?

ANSWER: Yes, definitely. The Life-Line Program, the Hunt broadcasting outfit, Paul Harvey, and a lot of more or less conservative reporters and commentators really steamed it up. Edward Teller was their kind of hero and his opposition to it was always pointed to as support against the treaty.

QUESTION: Did Edward Teller have access to current intelligence information during this period?

ANSWER: No, he did not. But he was still such a significant figure in the development of the hydrogen and atom bomb that he was looked upon with a great deal of respect, particularly in the more conservative sections.

QUESTION: Throughout the Preparedness Subcommittee hearings the Senators accused General Maxwell Taylor of failing to consult the other Joint Chiefs and in fact questioned the truthfulness of his testimony. At the start of the Foreign Relations hearings, Senator Hickenlooper asked that each witness be sworn in. Was this to see if they were actually lying?

ANSWER: Yes, this was to see whether or not there was any evidence of perjury and of course you have got to remember that these people, Hickenlooper and Mundt, were so adamantly opposed to any idea of disarmament. I think that it is fair to say that most of the Generals and Admirals would just as soon not have had a limitation on arms, but we don't let Generals and Admirals run this country and when we do we will be in serious trouble and most of them admit this also. The

President, after listening to the civilian advisers, the technical advice of his scientists, and the military, made the decision to go ahead with talks regarding disarmament. As a matter of fact the best argument that we had in favor of the treaty came from the Department of Defense. Generally these people are automatically conservative, they believe in weapons, not non-weapons, but the scientific side of the Department of Defense was overwhelming in its support of the treaty. The Arms Control and Disarmament Agency was primarily responsible for the synthesizing of tons of information that the United States had been gathering for six or seven years and they deserve a great deal of credit for the treaty.

QUESTION: What was the purpose of Senator Goldwater's mixing of the terms "comprehensive" and "limited"? Did he personally not understand the differences involved?

ANSWER: I think Senator Goldwater purposefully tried to confuse the "limited" test ban treaty with the "comprehensive" treaty because most everybody---the vast majority of Senators--would never had voted for a comprehensive test ban treaty because we just didn't have enough evidence that we could fully and adequately monitor what we call a small kiloton test underground and we did have evidence that we could successfully and carefully monitor tests in the atmosphere and on the surface. So I don't think that Goldwater was being fooled. He used it as an opportunity to cloud the record.

QUESTION: Had President Kennedy been alive in 1964, would Senator Goldwater and his friends have used the treaty in the campaign for President?

ANSWER: Yes, I think he would have used his negative position on the test ban treaty against the President.

QUESTION: One persistent theme of the Senate conservatives was that there were secret side agreements made at Moscow. Senator Saltonstall accompanied the "bipartisan" group of Senators to Moscow, but he still asked Dean Rusk if there were any side agreements made. When Dean Rusk said no, then Senator Saltonstall said, "and you say that under oath?" Can you elaborate why the Senator asked that question?

ANSWER: Well, I think this is just another of Senator Saltonstall's way of reassuring the critics. He was a fine and wonderful man, and he was the epitomy of integrity. I think that he was obviously under severe criticism for being as active as he was in support of the treaty. He was never a forceful man, you know. He was sort of=a kindly, honorable, decent gentleman and I have the feeling that this was just another way of removing criticism. When this happens with organized mail, the Senator can quote from the Record and say, "I took your mail seriously

and I know you think there were signed agreements and so I asked the Secretary of State while he was under oath and he said 'no,' and I therefore just had to believe him."

QUESTION: Was the Limited Test Ban Treaty of 1963, in retrospect, a hopeful "first step" toward detente with the Soviet Union?

ANSWER: I think it was a very significant first step. It was the first major agreement between the United States and the Soviet Union on matters of national, and critical national security, in which we were able to come to some understanding. I also think it was the first time we were able to involve the advance technology of the space age in the field of arms control. It is my view that if the space program had done nothing else but to provide the Project VELA it would have been worth everything. The fact that we were able to find an opportunity to trust, and that is exactly what we were able to do in this agrrement. Through the advance of science and technology we were finally able to combine this with a political decision to enter into a nuclear test ban treaty. I feel that this was a significant breakthrough between ourselves and the Soviet Union. This led to the non-proliferation treaty and you know we made that accomplishment in a relatively limited period of time. And now after the nuclear nonproliferation treaty we have moved toward a treaty on placing weapons on the ocean floor. We were able to move on the prohibition of the deployment of weapons of mass destruction in outer space. I think that it was the test ban treaty that started to ventilate the clogged channels of diplomacy between the United States and the Soviet Union. I don't think we ought to overestimate it. My own view is that we have to negotiate every treaty with the Soviet Union on a very hard basis and we have to work with precaution, but then they too have to work with caution.

APPENDIX "C"

SENATE INVESTIGATING SUBCOMMITTEE REPORT ON THE MILITARY IMPLICATIONS OF THE PROPOSED LIMITED NUCLEAR TEST BAN TREATY

TEST OBJECTIVES	Can Be Done Under Treaty
1. Survivability and responsiveness of hard ended site missile launch complexes to high-yield nuclear weapons.	No
2. Response of hardened underground structures to blast and cratering from high-yield surface burst weapons.	No
3. Response of hardened underground structures to ground motion.	Yes
4. Determination of missile warhead and nose cone vulnerability to nuclear explosions during atmospheric reentry.	No
5. Reduction of missile warhead and nose-cone vulnerability to nuclear explosions.	Yes
6. Study of atmospheric and high altitude radar blackout phenomena.	No
7. Study of communications blackout phenomena from high-yield nuclear explosions.	No
8. Fullscale operational tests of AMB systems.	No
9. Development of ABM warhead with maximum lethality and minimum blackout properties.	Partially
10. Development of very high-yield warheads equal to or surpassing Soviet achievements.	No
11. Determination of very high-yield nuclear weapons effects.	No
12. Determination of underwater nuclear weapon effects for improved antisubmarine warfare(ASW) systems.	No
13. Development of weapons requiring less fissionable material than present designs.	Yes
14. Development of pure fusion warheads.	Yes
15. Development of reduced fallout weapons.	Yes
16. Fullscale performance and reliability tests of Minuteman and Titan missile systems.	No
17. Yield verification tests of stockpiled weapons up to approximately one megaton.	Yes
18. Yield verification tests of stockpiled weapons above approximately one megaton.	No
19. Troop and crew training tactical exercises using nuclear weapons.	No

APPENDIX "D"

RESERVATIONS AND AMENDMENTS TO

LIMITED TEST BAN TREATY

Goldwater: Subject to the reservation, which is hereby made a part and condition of the instrument of ratification of the treaty by the United States, shall not be deposited as provided by paragraph 3 or Article III thereof until the Union of Soviet Socialist Republics has removed all nuclear warheads and all Soviet Military and military technical personnel from Cuba, and until arrangements have been made for inspection within Cuba by the United Nations to determine and confirm such removal, and confirmation of such removal has been given by the United Nations.

Rejected 17-75. For the Amendment:

Bennett	Jordan, Idaho	Stennis
Byrd, Virginia	Mechem	Talmadge
Curtis	Mundt	Thurmond
Dominick	Robertson	Tower
Eastland	Russell	Williams, Delaware
Goldwater	Simpson	

Tower Reservation Number 1: Subject to the reservation, which is hereby made a part and condition of the resolution of ratification, that the instrument of ratification of the treaty by the United States shall not be deposited as provided by paragraph 3 or article III thereof until the President shall have determined and certified to the Senate that all assessments for the financing of peace and security operations of the United Nations heretofore made by the United Nations upon the Union of the Soviet Socialist Republics have been fully paid.

Rejected 11-82. For the Amendment:

Bennett	Goldwater	Simpson
Byrd, Virginia	Jordan, Idaho	Thurmond
Curtis	Mechem	Tower
Dominick	Russell	

Tower Reservation Number 2: Subject to the reservation, which is hereby a . . .the treaty . . .shall not be deposited. . .until such treaty has been revised by the original parties so as to provide for a system of on-site inspections adequate to detect any violations thereof, and advice and consent to the ratification of the treaty as so revised has been given by the Senate.

Rejected 16-76. Voting for the Reservation:

Bennett	Mechem	Talmadge
Byrd, Virginia	Mundt	Thurmond
Curtis	Robertson	Tower
Goldwater	Russell	Williams, Delaware
Jordan, Idaho	Simpson	
McClellan	Stennis	

Tower on behalf of Long of Louisiana:Subject to the reservation that the treaty does not inhibit the use of nuclear weapons in armed conflict.

Holland amended Long "reservation" to "understanding," which was accepted by voice vote.

Motion to Table by Mansfield accepted 61-33. Voting against:

Allott	Goldwater	Robertson
Beall	Hickenlooper	Russell
Bennett	Hill	Simpson
Byrd, Virginia	Holland	Smith
Cannon	Jordan, North Carolina	Stennis
Cotton	Jordan, Idaho	Talmadge
Curtis	Lausche	Thurmond
Dominick	McClellan	Tower
Eastland	Mechem	Walters
Ellender	Miller	Williams, Delaware
Ervin	Mundt	Young, North Dakota

Russell Amendment: Add to the resolution of ratification a preamble stating that amendments to the treaty would be subject to approval by two-thirds of the Senators present and voting.

Accepted 79-9. Voting against:

Douglas	Hart	Javits
McCarthy	McNamara	Morse
Moss	Neuberger	Pell

APPENDIX "E"

VOTING RECORD OF SENATORS AGAINST THE

TREATY AND THE AMENDMENTS

Voting Against the Treaty	Goldwater	Tower#1	Tower#2
Bennett, Utah	yes	yes	yes
*Byrd, Virginia	yes	yes	yes
*Byrd, W. Virginia	no	no	no
*Curtis, Nebraska	yes	yes	yes
*Eastland, Mississippi	yes	no	no
*Goldwater, Arizona	yes	yes	yes
*Jordan, Idaho	yes	yes	yes
*Lausche, Ohio	not voting	no	no
Long, Louisiana	not voting	not voting	not voting
*McClellan, Arkansas	no	no	yes
*Mechem, N. Mexico	yes	yes	yes
*Robertson, Virginia	yes	no	yes
*Russell, Georgia	yes	yes	yes
Simpson, Wyoming	yes	yes	yes
Smith, Maine	no	no	no
*Stennis, Mississippi	yes	no	no
Talmadge, Georgia	yes	no	yes
*Thurmond, S. Carolina	yes	yes	yes
*Tower, Texas	yes	yes	yes

*Member of Democratic-Republic "conservative-coalition" as defined by the Congressional Quarterly, 1963.

APPENDIX "F"

HARRIS POLL

Reasons for Favoring or Opposing the Test Ban	September	July
Unqualified approval	81%	52%
Cut fallout	21	12
Must end tests	18	18
End risk of atomic war	15	12
Stop world suicide	13	6
Step to world peace	9	0
Halt the cost of testing	5	4
Qualified approval	11	29
If Russia keeps her word	8	12
Only with inspections	2	12
If on our terms	1	5
Opposed	8	19
Russia will break it	4	17
Will hurt U. S. defenses	4	2