

10
NONPROLIFERATION TREATY

1948-1

HEARINGS
BEFORE THE
COMMITTEE ON FOREIGN RELATIONS
UNITED STATES SENATE
NINETY-FIRST CONGRESS
FIRST SESSION
ON
EXECUTIVE H, 90TH CONGRESS, SECOND SESSION
TREATY ON THE NONPROLIFERATION OF NUCLEAR
(WEAPONS

PART 2

FEBRUARY 18 AND 20, 1969



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CONTENTS

	Page
Foreword.....	v
Statements by—	
Laird, Hon. Melvin R., Secretary of Defense.....	383
Rogers, Hon. William P., Secretary of State, accompanied by Hon. Gerald C. Smith, Director, Arms Control and Disarmament Agency and Hon. Adrian S. Fisher, Deputy Director, ACDA.....	305
Seaborg, Hon. Glenn T., Chairman, Atomic Energy Commission.....	312
Wheeler, Gen. Earle, Chairman, Joint Chiefs of Staff.....	385
Insertions for the record—	
Text of treaty on the nonproliferation of nuclear weapons.....	301
Letter from Secretary of State Dean Rusk to Senator Fulbright, January 17, 1969, together with a list of the signatories to the treaty and a memorandum relating to minority and individual views (in committee report) of the treaty.....	307
Letter from Assistant Secretary of State for Congressional Relations William B. Macomber, Jr. to Senator Sparkman, November 19, 1969, and two editorials from the Birmingham (Ala.) News.....	322
AEC memorandum on the Cape Kerandren (Australia) project.....	329
AEC memorandum on the activities included in U.S. offer to permit IAEA safeguards.....	332
AEC memorandum on the results of the conference of nonnuclear weapon states, 1968.....	342
Letter from Chairman Seaborg to Senator Fulbright, February 25, 1969, concerning assistance by the U.S.S.R. to Cuba in the nuclear energy field.....	381
Editorial from the Washington Post, February 20, 1969, entitled, "The Big ABM Brainwash (Con.)".....	387
Defense Department memorandum on the status of the treaty in time of war.....	424
Defense Department memorandum on article III.....	426
Letter from Director Smith to Senator Fulbright, February 27, 1969, clarifying certain terms.....	426
Article from The Reader's Digest, February 1969, "In Vietnam, The Enemy Is Beaten", an interview with Adm. John S. McCain, Jr., Commander-in-Chief, Pacific.....	432
Appendix—	
Article from Science, January 10, 1969, entitled, "New Canal: What About Bioenvironmental Research?".....	442
Article from BioScience, January 1969 entitled, "The Sea-Level Panama Canal: Potential Biological Catastrophe".....	445
"The Conference on Nonnuclear Weapon States, 1968: A Survey of Views and Proposals," paper by Charles R. Gellner, Library of Congress.....	450
"Effect of the Nonproliferation Treaty on International Institutions," paper by Ellen C. Collier, Library of Congress.....	462
"Action and Positions on the Nonproliferation Treaty at the 23d Session of the United Nations General Assembly," paper by Ellen C. Collier, Library of Congress.....	475
Questions posed by Senator Cooper and answers by the Department of State.....	485
Questions posed by Senator Cooper and answers by the Atomic Energy Commission.....	491
Questions posed by Senator Aiken and answers by the Atomic Energy Commission.....	500
Excerpts from lectures used in the national security seminar program, 1968-69.....	506
National security seminar prospectus, 1968-69, Industrial College for the Armed Forces.....	514
Index to examination of witnesses.....	519

FOREWORD

This is Part 2 of the hearings on the Nonproliferation Treaty held by the Committee on Foreign Relations.

Part 1 consisted of hearings on July 10, 11, 12, and 17, 1968. Subsequently the committee formally reported the treaty in its Executive Report No. 9, 90th Congress, second session. Due to Senate failure to take action, the treaty was rereferred to the committee on January 3, 1969, and the following hearings were held in order to obtain the views of the new administration.

J. W. FULBRIGHT,
Chairman, Committee on Foreign Relations.

NONPROLIFERATION TREATY

TUESDAY, FEBRUARY 18, 1969

UNITED STATES SENATE,
COMMITTEE ON FOREIGN RELATIONS,
Washington, D.C.

The Committee met, pursuant to notice, at 10 a.m., in room 4221, New Senate Office Building, Senator J. W. Fulbright (chairman) presiding.

Present: Senators Fulbright, Sparkman, Mansfield, Gore, Dodd, McGee, Aiken, Mundt, Case, Cooper, and Javits.

The CHAIRMAN. The committee will come to order.

This morning, as the Committee on Foreign Relations begins consideration for a second time of the Treaty on the Nonproliferation of Nuclear Weapons, we welcome for the first time in a public session the new Secretary of State, Mr. William P. Rogers. I am sure that all of my colleagues here join me in wishing Secretary Rogers success as he assumes the direction of the Department of State. We also are very pleased to have the distinguished scientist, Dr. Seaborg, Chairman of the Atomic Energy Commission, Mr. Gerard Smith, the Director of the Arms Control and Disarmament Agency, and Mr. Adrian Fisher, the Deputy Director of that agency, here with us this morning.

(The text of the Treaty on the Nonproliferation of Nuclear Weapons follows:)

TREATY ON THE NONPROLIFERATION OF NUCLEAR WEAPONS

The States concluding this Treaty, hereinafter referred to as the "Parties to the Treaty",

Considering the devastation that would be visited upon all mankind by a nuclear war and the consequent need to make every effort to avert the danger of such a war and to take measures to safeguard the security of peoples,

Believing that the proliferation of nuclear weapons would seriously enhance the danger of nuclear war,

In conformity with resolutions of the United Nations General Assembly calling for the conclusion of an agreement on the prevention of wider dissemination of nuclear weapons,

Undertaking to cooperate in facilitating the application of International Atomic Energy Agency safeguards on peaceful nuclear activities,

Expressing their support for research, development and other efforts to further the application, within the framework of the International Atomic Energy Agency safeguards system, of the principle of safeguarding effectively the flow of source and special fissionable materials by use of instruments and other techniques at certain strategic points,

Affirming the principle that the benefits of peaceful applications of nuclear technology, including any technological by-products which may be derived by nuclear-weapon States from the development of nuclear explosive devices, should be available for peaceful purposes to all Parties to the Treaty, whether nuclear-weapon or non-nuclear-weapon States,

Convinced that, in furtherance of this principle, all Parties to the Treaty are entitled to participate in the fullest possible exchange of scientific information for, and to contribute alone or in cooperation with other States to, the further development of the applications of atomic energy for peaceful purposes,

Declaring their intention to achieve at the earliest possible date the cessation of the nuclear arms race and to undertake effective measures in the direction of nuclear disarmament,

Urging the cooperation of all States in the attainment of this objective,

Recalling the determination expressed by the Parties to the 1963 Treaty banning nuclear weapon tests in the atmosphere in outer space and under water in its Preamble to seek to achieve the discontinuance of all test explosions of nuclear weapons for all time and to continue negotiations to this end,

Desiring to further the easing of international tension and the strengthening of trust between States in order to facilitate the cessation of the manufacture of nuclear weapons, the liquidation of all their existing stockpiles, and the elimination from national arsenals of nuclear weapons and the means of their delivery pursuant to a treaty on general and complete disarmament under strict and effective international control.

Recalling that, in accordance with the Charter of the United Nations, States must refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the Purposes of the United Nations, and that the establishment and maintenance of international peace and security are to be promoted with the least diversion for armaments of the world's human and economic resources,

Have agreed as follows :

ARTICLE I

Each nuclear-weapon State Party to the Treaty undertakes not to transfer to any recipient whatsoever nuclear weapons or other nuclear explosive devices or control over such weapons or explosive devices directly, or indirectly; and not in any way to assist, encourage, or induce any non-nuclear-weapon State to manufacture or otherwise acquire nuclear weapons or other nuclear explosive devices, or control over such weapons or explosive devices.

ARTICLE II

Each non-nuclear-weapon State Party to the Treaty undertakes not to receive the transfer from any transferor whatsoever of nuclear weapons or other nuclear explosive devices or of control over such weapons or explosive devices directly, or indirectly; not to manufacture or otherwise acquire nuclear weapons or other nuclear explosive devices; and not to seek or receive any assistance in the manufacture of nuclear weapons or other nuclear explosive devices.

ARTICLE III

1. Each non-nuclear-weapon State Party to the Treaty undertakes to accept safeguards, as set forth in an agreement to be negotiated and concluded with the International Atomic Energy Agency in accordance with the Statute of the International Atomic Energy Agency and the Agency's safeguards system, for the exclusive purpose of verification of the fulfillment of its obligations assumed under this Treaty with a view to preventing diversion of nuclear energy from peaceful uses to nuclear weapons or other nuclear explosive devices. Procedures for the safeguards required by this article shall be followed with respect to source or special fissionable material whether it is being produced, processed or used in any principal nuclear facility or is outside any such facility. The safeguards required by this article shall be applied on all source or special fissionable material in all peaceful nuclear activities within the territory of such State, under its jurisdiction, or carried out under its control anywhere.

2. Each State Party to the Treaty undertakes not to provide: (a) source or special fissionable material, or (b) equipment or material especially designed or prepared for the processing, use or production of special fissionable material, to any non-nuclear-weapon State for peaceful purposes, unless the source or special fissionable material shall be subject to the safeguards required by this article.

3. The safeguards required by this article shall be implemented in a manner designed to comply with article IV of this Treaty, and to avoid hampering the economic or technological development of the Parties or international cooperation in the field of peaceful nuclear activities, including the international exchange of nuclear material and equipment for the processing, use or production of nuclear material for peaceful purposes in accordance with the provisions of this article and the principle of safeguarding set forth in the Preamble of the Treaty.

4. Non-nuclear-weapon States Party to the Treaty shall conclude agreements with the International Atomic Energy Agency to meet the requirements of this article either individually or together with other States in accordance with the Statute of the International Atomic Energy Agency. Negotiation of such agreements shall commence within 180 days from the original entry into force of this Treaty. For States depositing their instruments of ratification or accession after the 180-day period, negotiation of such agreements shall commence not later than the date of such deposit. Such agreements shall enter into force not later than eighteen months after the date of initiation of negotiations.

ARTICLE IV

1. Nothing in this Treaty shall be interpreted as affecting the inalienable right of all the Parties to the Treaty to develop research, production and use of nuclear energy for peaceful purposes without discrimination and in conformity with articles I and II of this Treaty.

2. All the Parties to the Treaty undertake to facilitate, and have the right to participate in, the fullest possible exchange of equipment, materials and scientific and technological information for the peaceful uses of nuclear energy. Parties to the Treaty in a position to do so shall also cooperate in contributing alone or together with other States or international organizations to the further development of the applications of nuclear energy for peaceful purposes, especially in the territories of non-nuclear-weapon States Party to the Treaty, with due consideration for the needs of the developing areas of the world.

ARTICLE V

Each Party to the Treaty undertakes to take appropriate measures to ensure that, in accordance with this Treaty, under appropriate international observation and through appropriate international procedures, potential benefits from any peaceful applications of nuclear explosions will be made available to non-nuclear-weapon States Party to the Treaty on a non-discriminatory basis and that the charge to such Parties for the explosive devices used will be as low as possible and exclude any charge for research and development. Non-nuclear-weapon States Party to the Treaty shall be able to obtain such benefits, pursuant to a special international agreement or agreements, through an appropriate international body with adequate representation of non-nuclear-weapon States. Negotiations on this subject shall commence as soon as possible after the Treaty enters into force. Non-nuclear-weapon States Party to the Treaty so desiring may also obtain such benefits pursuant to bilateral agreements.

ARTICLE VI

Each of the Parties to the Treaty undertakes to pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament, and on a treaty on general and complete disarmament under strict and effective international control.

ARTICLE VII

Nothing in this Treaty affects the right of any group of States to conclude regional treaties in order to assure the total absence of nuclear weapons in their respective territories.

ARTICLE VIII

1. Any Party to the Treaty 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. Thereupon, if requested to do so by one-third or more of the Parties to the Treaty, the Depositary Governments shall convene a conference, to which they shall invite all the Parties to the Treaty, to consider such an amendment.

2. Any amendment to this Treaty must be approved by a majority of the votes of all the Parties to the Treaty, including the votes of all nuclear-weapon States Party to the Treaty and all other Parties which, on the date the amendment is circulated, are members of the Board of Governors of the International Atomic Energy Agency. The amendment shall enter into force for each Party that deposits its instrument of ratification of the amendment upon the deposit of such instruments of ratification by a majority of all the Parties, including the instruments of ratification of all nuclear-weapon States Party to the Treaty and all other Parties which, on the date the amendment is circulated, are members of the Board of Governors of the International Atomic Energy Agency. Thereafter, it shall enter into force for any other Party upon the deposit of its instrument of ratification of the amendment.

3. Five years after the entry into force of this Treaty, a conference of Parties to the Treaty shall be held in Geneva, Switzerland, in order to review the operation of this Treaty with a view to assuring that the purposes of the Preamble and the provisions of the Treaty are being realized. At intervals of five years thereafter, a majority of the Parties to the Treaty may obtain, by submitting a proposal to this effect to the Depositary Governments, the convening of further conferences with the same objective of reviewing the operation of the Treaty.

ARTICLE IX

1. This Treaty shall be open to all States for signature. Any State which does not sign the 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 United States of America, the United Kingdom of Great Britain and Northern Ireland and the Union of Soviet Socialist Republics, which are hereby designated the Depositary Governments.

3. This Treaty shall enter into force after its ratification by the States, the Governments of which are designated Depositaries of the Treaty, and forty other States signatory to this Treaty and the deposit of their instruments of ratification. For the purposes of this Treaty, a nuclear-weapon State is one which has manufactured and exploded a nuclear weapon or other nuclear explosive device prior to January 1, 1967.

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 or of accession, the date of the entry into force of this Treaty, and the date of receipt of any requests for convening a conference 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 X

1. Each Party shall in exercising its national sovereignty have the right to withdraw 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 and to the United Nations Security Council three months in advance. Such notice shall include a statement of the extraordinary events it regards as having jeopardized its supreme interests.

2. Twenty-five years after the entry into force of the Treaty, a conference shall be convened to decide whether the Treaty shall continue in force indefinitely, or shall be extended for an additional fixed period or periods. This decision shall be taken by a majority of the Parties to the Treaty.

ARTICLE XI

This Treaty, the English, Russian, French, Spanish and Chinese texts of which are equally authentic, shall be deposited in the archives 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 cities of Washington, London and Moscow, this first day of July one thousand nine hundred sixty-eight.

BACKGROUND OF TREATY

The CHAIRMAN. I think it would be useful at the outset to say something about the background of this treaty since Senate consideration spans two administrations and because the Foreign Relations Committee has slightly changed in size and composition.

I might say, Mr. Secretary, that I think the statement of the President requesting the Senate to approve this treaty was very encouraging. There was one sentence stating that negotiation rather than confrontation—I am not quoting exactly—is the policy objective of the Administration. I think it was very well said. It was a good example, as in the inaugural address, of hearing the word rather than the rhetoric.

This treaty was first transmitted to the Senate by President Johnson on July 9, 1968. On July 10, the Committee on Foreign Relations commenced a series of hearings on the treaty. On September 17, 1968 the committee, by a vote of 13 to 3, with three abstentions, recommended that the Senate give its advice and consent to ratification. Because the treaty did not receive final Senate action before the fall adjournment, it was rereferred to the committee in January.

Although I personally was in favor of ratification of the treaty last summer, I believe it may prove to have been fortunate that ratification was delayed until the new administration was in power. I am pleased that the interim period has brought a strong endorsement of the treaty by President Nixon. The President has requested the Senate to act promptly to consider the treaty and give its advice and consent to ratification.

With this background in mind, I welcome the new Secretary of State to the committee in his first appearance.

I might add that I believe the committee report dated September 26, 1968, together with the minority views, is available as background material for members of the press and others.

So with that, Mr. Secretary, we again welcome you. I believe both you and Dr. Seaborg have a statement. You may proceed in your own way, sir.

**STATEMENT OF HON. WILLIAM P. ROGERS, SECRETARY OF STATE;
 ACCOMPANIED BY HON. GERALD C. SMITH, DIRECTOR, ARMS CONTROL AND DISARMAMENT AGENCY; AND HON. ADRIAN S. FISHER,
 DEPUTY DIRECTOR, ARMS CONTROL AND DISARMAMENT AGENCY**

Secretary ROGERS. Mr. Chairman and members of the committee, I am happy to appear before your committee to express the Administration's support for the Treaty on the Nonproliferation of Nuclear Weapons. The policy of the Administration was set forth by President Nixon in his letter of February 5 to the Senate wherein he said:

I believe that ratification of the treaty at this time would advance this administration's policy of negotiation rather than confrontation with the U.S.S.R. Consonant with my purpose to strengthen the structure of peace, therefore, I urge the Senate's prompt consideration and positive action on this treaty.

CULMINATION OF YEARS OF EFFORT

Of course, as the committee knows, the treaty, which has now been signed by 87 countries and ratified by nine, is the culmination of many years of effort in both Republican and Democratic administrations. Beginning with the Baruch plan and the McMahon Act in 1946, the United States has searched for ways to curb the spread of nuclear weapons. President Eisenhower's "Atoms for Peace Plan" and the resulting International Atomic Energy Agency helped to lay the foundations on which a realistic and verifiable Nonproliferation Treaty could be built. Now, after long, patient negotiations by William C. Foster, Adrian Fisher, who is here with me this morning, and a very able team, during the administration of both President Kennedy and President Johnson, we have before us a carefully drafted and carefully balanced international agreement which can contribute to this country's nonproliferation goal.

In his press conference of February 6, President Nixon stated that, in asking the Senate to approve the treaty:

I did not gloss over the fact that we still very strongly disapproved of what the Soviet Union had done in Czechoslovakia and what it still is doing. But on balance, I considered that this was the time to move forward on the treaty, and have done so.

But the invasion of Czechoslovakia was not the sole cause of concern to President Nixon in his consideration of the Nonproliferation Treaty. He also wanted an opportunity to address the concerns of our allies, with whom we expect to have further discussions next week during the deliberations of the Senate.

EFFECT ON EXISTING DEFENSE ALLIANCES

In this connection, I want to reiterate that the Nonproliferation Treaty will not adversely affect our existing defense alliances.

As Secretary Rusk noted during the July hearings before this committee, we provided our NATO allies during the negotiation of the treaty with answers to questions they had raised concerning articles I and II. They are set forth in Executive II. I want to confirm at this time this administration's complete concurrence in those answers. We stand by them and will continue to do so.

With respect to the broader question of security assurances, I wish to make clear that the Nonproliferation Treaty does not create any new security commitment by the United States abroad and that it does not broaden or modify any existing security commitments abroad. My understanding of the effect and significance of U.N. Security Council Resolution 255 (1968) and the related U.S. Declaration is in complete accord with that expressed in the committee's report on the treaty last September.

SAFEGUARDS ARTICLE

With respect to the safeguards article of the treaty (art. III), I would like to stress the fact that this article was included at the insistence of the United States, following intensive consultation with our allies. We believe it should make an important contribution to the U.S. objective of safeguarding against diversion to nuclear weapons of the vast quantities of plutonium becoming available throughout the world

as a byproduct of the operation of peaceful nuclear reactors. Moreover, we believe that the three guiding principles enunciated by the United States (set forth at pps. IX and X of Executive II) constitute important and useful guidelines for the successful implementation of article III.

Mr. Chairman, the fact that I have referred explicitly to certain prior U.S. statements this morning but not to others should of course not be taken as in any way altering or denying the positions reflected in such other statements. This administration has considered the many technical issues raised by this treaty and we find ourselves in complete agreement with the positions previously taken by the United States. In this connection, I request that there be included in the record of these hearings the letter dated January 17, 1969, and accompanying memorandum from my predecessor, Dean Rusk, relating to the issues raised in the minority views of this committee.

In conclusion, Mr. Chairman, I would like to point out that the United States has for many years been in the forefront of the many countries which realize the awesome insecurity that could result from the spread of nuclear weapons. There is no effort of greater importance than the endeavor to prevent such an eventuality. Thus I sincerely hope that this committee will again report favorably on this treaty, and that the Senate will give its advice and consent to ratification as soon as it reasonably can in the light of the treaty's importance.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you, Mr. Secretary.

(The letter and memorandum referred to follow.)

DEPARTMENT OF STATE,
Washington, D.C., January 17, 1969.

Hon. J. W. FULBRIGHT,
Chairman, Committee on Foreign Relations,
U.S. Senate.

DEAR MR. CHAIRMAN: This is to provide you with information on the status of the Non-Proliferation Treaty and to describe some relevant developments in the period between last summer's hearings and today.

SIGNATURES AND RATIFICATIONS

Eighty-four countries have now signed the treaty. Six of these have deposited their instruments of ratification, including one nuclear power (the United Kingdom) and two other NATO members (Canada and Denmark). Mexico and Ecuador have completed all action necessary to permit deposit of their instruments of ratification. A list of countries that have signed or deposited their instruments of ratification is attached.

Of the seven countries noted by the AEC as among those having industrial economies probably capable of supporting the manufacture of a sizeable number of reasonably sophisticated nuclear weapons and delivery systems within five to ten years (Hearings, p. 31), two have signed: Sweden and Canada (which has also ratified). Of the other five, Australia, Italy and Japan all voted to commend the treaty at the UNGA last June; West Germany did not take part in that vote; and only India abstained and indicated that it did not intend to sign. Italy had planned to sign on August 26, and Japan and Germany were expected to do so later. However, after the invasion of Czechoslovakia these three countries decided to delay their signatures.

There are grounds for hoping that Italy will sign in the near future. A press spokesman for the Federal Republic of Germany stated that action by the U.S. Senate "could influence" German deliberations. The Japanese Foreign Ministry announced that factors prompting Japan's delay were the postponement of action on the treaty "in the United States, and the cautious attitude prevailing among potential nuclear nations, such as West Germany and Italy * * *." Sweden,

which has already signed the treaty, has announced that it would not ratify until the United States, the Soviet Union and West Germany did so.

The United States made the first detailed proposals for this treaty, offered the first draft, and has been a principal proponent during five years of negotiations. Some of the other countries are understandably looking to what we do before subscribing to it themselves.

We believe that, if the momentum for the treaty can be regained, all or almost all of these seven countries will sign—except for India. I do not mean to suggest that there will not be further delays from some of these countries. But we have little chance of overcoming their concerns if we show doubts about the treaty ourselves.

EFFECT OF INVASION OF CZECHOSLOVAKIA

In the time that has elapsed since the invasion of Czechoslovakia, the Soviet Union has felt the impact of our condemnation of that action in a variety of ways. I believe United States interests would best be served now by the earliest possible Senate consent to ratification of the treaty.

The undertakings in the treaty of greatest importance to us are those of the non-nuclear-weapon countries. These countries agree (a) not to acquire nuclear weapons and (b) to accept international safeguards on the nuclear materials in their peaceful nuclear activities to see that these materials are not diverted to nuclear weapons. The basic promise of the Soviet Union, like that of the U.S., is not to transfer nuclear weapons or control over them to others. In our view, the Soviets have as much interest as we do in keeping their nuclear weapons in their own hands, and this will be reinforced by the treaty obligation of potential recipients not to acquire them.

Your Committee's Report stated that "while the Soviet actions [in Czechoslovakia] were unconscionable, the treaty itself is multilateral in character and of such significance as a potential barrier to the further spread of nuclear weapons that any delay in taking final committee action was inadvisable." In the same spirit, if we still regard this treaty as in our interests, we should show that we do by moving promptly toward final Senate approval.

IAEA—EURATOM NEGOTIATIONS

As I indicated last summer (p. 14 of the Hearings on the treaty), there is good reason to be confident that negotiations between Euratom and IAEA would lead to a mutually satisfactory agreement meeting the requirements of Article III of the treaty. We understand, however, that Euratom will not commence such negotiations until all its non-nuclear-weapon members have signed the treaty. Our best current assessment of the positions of such members shows that U.S. Senate action on the treaty is a prerequisite to meeting this condition. If this is correct, it would obviously be fruitless for the Senate to await the results of negotiation between the IAEA and Euratom before taking action itself on the treaty.

RESPONSE TO OTHER MINORITY VIEWS

I am enclosing a memorandum responding to such points in the Minority and Individual Views printed with your Committee's Report as are not addressed above.

It is my earnest hope that, with the information hereby submitted to supplement that which led your Committee to report favorably without reservation on the treaty to the Ninetieth Congress, your Committee will be able to report equally favorably on it again early in the present Congress.

Respectfully yours,

DEAN RUSK.

Attachments:

1. List of signatories to the NPT.
2. Memorandum.

JANUARY 17, 1969.

TREATY ON THE NONPROLIFERATION OF NUCLEAR WEAPONS OPENED FOR SIGNATURE
AT WASHINGTON, LONDON, AND MOSCOW ON JULY 1, 1968

(Signature at Washington, and on July 1, 1968 unless otherwise indicated)*

- | | |
|--|----------------------------------|
| 1. U.S. | 43. Lebanon |
| 2. Afghanistan | 44. Lesotho—July 9 |
| 3. Austria | 45. Liberia |
| 4. Barbados | 46. Libya—July 19 |
| 5. Belgium—Aug. 20 | 47. Luxembourg—Aug. 14 |
| 6. Bolivia | 48. Malagasy Republic—Aug. 22 |
| 7. Botswana | 49. Malaysia |
| 8. Bulgaria | 50. Maldives Islands—Sept. 11 |
| 9. Cameroon—July 17
(R.D.***1/8/69) | 51. Mauritius |
| 10. Canada—July 23 (R.D.***1/8/69) | 52. Mexico—July 26 |
| 11. Ceylon | 53. Mongolia (M) |
| 12. Chad (M)** | 54. Morocco |
| 13. Republic of China | 55. Nepal |
| 14. Colombia | 56. Netherlands—Aug. 20 |
| 15. Congo (Kinshasa)—July 22 | 57. New Zealand |
| 16. Costa Rica | 58. Nicaragua |
| 17. Cyprus | 59. Nigeria (R.D.***10/7/68) |
| 18. Czechoslovakia | 60. Norway |
| 19. Dahomey | 61. Panama |
| 20. Denmark (R.D.***1/3/69) | 62. Paraguay |
| 21. Dominican Republic | 63. Peru |
| 22. Ecuador—July 9 | 64. Philippines |
| 23. El Salvador | 65. Poland |
| 24. Ethiopia—Sept. 5 | 66. Romania |
| 25. Finland | 67. San Marino |
| 26. Gambia—Sept. 20 | 68. Senegal |
| 27. Ghana | 69. Somali Republic |
| 28. Greece | 70. South Yemen (M) Nov. 14 |
| 29. Guatemala—July 26 | 71. Sweden—Aug. 19 |
| 30. Haiti | 72. Syria (M) |
| 31. Honduras | 73. Togo |
| 32. Hungary | 74. Trinidad & Tobago—Aug. 20 |
| 33. Iceland | 75. Tunisia |
| 34. Iran | 76. USSR |
| 35. Iraq (M) | 77. UAR (M) |
| 36. Ireland (R.D.***7/1/68) | 78. UK (R.D.***11/27/68) |
| 37. Ivory Coast | 79. Upper Volta—Nov. 25 |
| 38. Jordan—July 13 | 80. Uruguay |
| 39. Kenya | 81. Venezuela |
| 40. Republic of Korea | 82. Viet Nam |
| 41. Kuwait—Aug. 15 | 83. Yemen Arab Rep. (M) Sept. 23 |
| 42. Laos | 84. Yugoslavia—July 10 |

*The U.S. has not accepted notification of the signature of the GDR in Moscow.

** (M) Denotes countries which have signed in Moscow only.

***R.D. Denotes Ratification Deposited.

MEMORANDUM RELATING TO MINORITY AND INDIVIDUAL VIEWS ON THE
NONPROLIFERATION TREATY

This memorandum addresses those issues, not already covered in the letter of this date from Secretary Rusk to the Chairman of the Senate Committee on Foreign Relations, identified in the Minority and Individual Views appended to the Committee's Report on the Non-Proliferation Treaty (Executive Report No. 9, 90th Congress, Second Session).

ADEQUACY OF IAEA SAFEGUARDS

Concern was expressed in the Minority Views about "the reliability of the present international safeguards system of verifying that non-nuclear-weapon countries will not violate the treaty * * *."

While the experience and existing capabilities of the International Atomic Energy Agency, which has been assigned the primary safeguards responsibility

under the treaty, give it an incomparable head start toward being able to fulfill this responsibility, no one claims that it is yet in a position to do so. Its staffing, activities and financing have naturally been geared to the more modest tasks it has had to date. It will obviously have to gear itself up to meet the vastly greater responsibilities which the treaty contemplates for it. But to appreciate how far along we are toward the goal, it is only necessary to consider where we would have been if the alternative of creating a new international organization for this purpose had been chosen.

The IAEA was created as the result of United States initiative: President Eisenhower's Atoms for Peace Plan. Its first Director General was Sterling Cole, formerly Chairman of the U.S. Joint Committee on Atomic Energy. The United States has provided experts, funds and fissionable material to the Agency for over ten years.

It is indicative of our confidence in the Agency that the Congress and the Executive Branch have worked together closely to transfer to the IAEA responsibility for safeguarding those peaceful nuclear activities that we have aided in other countries through our agreements for cooperation in the civil uses of atomic energy.

As AEC Chairman Seaborg testified during your Committee's hearings on July 12, the IAEA has been developing its safeguards principles and procedures for a number of years, and a cadre of competent, experienced inspectors has been established. The Agency's safeguards system has been applied to peaceful nuclear activities in over 30 countries, including a privately owned power reactor (Yankee) and a privately owned chemical separation plant (Nuclear Fuel Services, Inc.) voluntarily submitted to IAEA safeguards in the United States.

In recent months, the IAEA has in fact started to gear up for the greater responsibilities it will have in connection with the treaty: It is planning for the requisite expansion, setting budgetary goals, and has begun stepped-up recruitment and preparations for negotiating the implementing agreements contemplated in the NPT. Even at this early stage, the Agency has found that, with respect to recruiting for positions as safeguards inspector, there is no dearth of qualified applicants for the jobs that are now available. We do not underestimate the difficulties of meeting the challenge posed for it by the treaty. But given the importance of this task and the IAEA's record of performance to date in the field of safeguards, we believe that the Agency will be able to meet that challenge.

MANDATORY SAFEGUARDS ON NUCLEAR SHIPMENTS

Another concern of the Minority was that the treaty could be injurious to our relations with our European friends. We are convinced that it will not. Our conviction appears to be shared by the large number of such friends that have already signed the treaty. These include, among others, three of the five non-nuclear-weapon states that are members of Euratom, and two-thirds of the members of NATO.

More specifically, the Minority expressed concern over the possible impact on such allies of the undertaking by nuclear suppliers in Article III not to provide nuclear materials or related equipment to any non-nuclear weapon State for peaceful purposes unless the nuclear materials involved "shall be subject to the safeguards required by this Article." That Article necessarily provided for safeguards of such a nature that all parties to the treaty could have confidence in their effectiveness. It thus called for the negotiation of agreements with the IAEA. We have made clear our understanding that such agreements, while avoiding duplication and making appropriate use of existing records and safeguards (such as those of Euratom), should enable the IAEA to carry out its responsibility of providing assurance that no diversion to nuclear weapons or other nuclear explosive devices is taking place.

Article III was incorporated in the final drafts of the treaty only after intensive consultation with our Euratom allies and with the Commission of the European Communities. Their position is reflected in the statement that accompanied signature of the treaty by the three Euratom members who have already signed the treaty. They pointed out that they do not consider that there is any incompatibility between the goals pursued by the NPT and Euratom; that the safeguards provided for in Article III of the NPT will be the subject of agreements to be concluded with the IAEA; that to avoid the possibility that the application of the NPT might be incompatible with provisions of the Euratom treaty, safe-

guards must be defined in such a way that the rights and obligations of the Member states and the Community remain intact, in accordance with the opinion of the Commission issued pursuant to Article 103 of the Euratom treaty; that for that purpose, the Commission of the European Communities should enter into negotiations with the IAEA; and that it is their intention not to ratify the NPT before such negotiations have produced an agreement.

Our confidence in the success of such negotiations and our current assessment that U.S. Senate action on the treaty is a prerequisite to their beginning are discussed in the accompanying letter from Secretary Rusk.

COSTS OF SAFEGUARDS

Another concern of the Minority related to the varying estimates of the cost of administering safeguards around the world, and how much would be borne by the United States.

The best estimates available to the Executive Branch were supplied for the record of your Committee. (See Hearings, pp. 153-155; 281-285). But it is to be noted that these estimates were made on a world-wide basis and thus include, in addition to the safeguards contemplated by the treaty itself, the cost of safeguards on all peaceful nuclear facilities in the nuclear-weapon states. They indicate costs amounting to approximately one percent of the cost of electricity produced in nuclear power reactors. But they are necessarily preliminary estimates, and do not reflect the reductions in unit costs that should result from improved safeguards techniques and the evolution of the safeguards system from a small scale to a full scale operation.

As to the financing of the safeguards called for by the treaty, the United States and most other members of the IAEA have taken the position that, since the beneficiary of safeguards is the world at large, safeguards should be financed out of the IAEA regular budget rather than by the party inspected. All costs related to safeguards activities of the IAEA are therefore included in the "Regular Budget" of the Agency, which is funded by assessed contributions of member states. The U.S. assessed contribution to this budget has averaged about 32 percent since the inception of the Agency.

These safeguards costs are in our view an acceptable price to pay to check nuclear proliferation and thus to help reduce the risk of nuclear war.

PEACEFUL NUCLEAR EXPLOSIONS

The Minority also expressed concern about the "nuclear largesse" which they believed they saw in Article V of the treaty dealing with peaceful nuclear explosions.

During negotiation of the treaty, some non-nuclear-weapon states expressed concern that they would suffer economically from being prohibited under the treaty from manufacturing their own nuclear explosive devices for peaceful purposes. Such a prohibition is necessary since the technology for manufacturing nuclear weapons is indistinguishable from the technology for manufacturing nuclear explosive devices for peaceful purposes. Therefore, the U.S. expressed its willingness to provide to non-nuclear-weapon parties to the treaty the same nuclear explosion services, and on the same basis, that we intend to make available to U.S. industry. By joining in the undertaking now contained in Article V, the U.S. would reassure non-nuclear-weapon parties to the treaty that they could obtain such services from a nuclear-weapon state, or through an appropriate international body, at a reasonable cost.

A few countries have argued that the nuclear-weapon states should supply peaceful nuclear explosion services free-of-charge to non-nuclear-weapon parties to the treaty in exchange for their adhering to it. The U.S. does not agree and the treaty does not so provide. We believe that each country must decide for itself whether it is in its national interest to adhere to the treaty. In order to make that decision less difficult, we announced our willingness to join with the other parties to the treaty in an undertaking to take appropriate measures to insure that the potential benefits of peaceful applications of nuclear explosives would be made available to non-nuclear-weapon parties to the treaty. You will note that the treaty language describes the benefits as "potential" in recognition of the fact that they are not yet technically and economically feasible.

In connection with this undertaking it has always been contemplated that, consistent with past U.S. policy in the field of international cooperation in the peaceful uses of nuclear energy, the U.S. would be willing to make nuclear explo-

sion services available to other countries on what amounts to a cost reimbursable basis. We stated that the U.S. would attempt to keep the cost of the explosion service as low as possible and would not include a charge for the research and development on the explosive devices used. It was felt that it would be unfair for the United States to try to recoup from adherents to the treaty the costs which we have already incurred (by far the larger part of which has in fact been incurred for the development of nuclear weapons), of those which we would have incurred irrespective of the treaty, for research and development on nuclear explosive devices.

But the costs of furnishing the explosive service, including, among others, the full cost of all materials and the fabrication of the explosive devices, would be borne by the foreign users, not the U.S. taxpayer. Moreover, Article V does not contain a commitment to support or to conduct explosions of an experimental nature abroad. However, if it were deemed to be in our national interest to conduct such an experiment, we could do so (and even participate in the experiment on a partial contribution basis, as we are doing domestically, if we were sufficiently interested), even though we would not be under a treaty obligation to do so. In sum, the American taxpayer will incur no greater expenses in the field of peaceful nuclear explosion services as a result of the treaty than he would without it.

Thus we are convinced that a reservation in connection with Article V is unnecessary as well as undesirable. If the United States, a principal proponent of the treaty, attaches a reservation, other countries are much more likely to attach their own reservations on this and other subjects. Some of these reservations might not be to our liking. Some might even prevent the treaty from coming into force for particular reserving countries.

NON-NUCLEAR CONFERENCE

According to the Minority Views, another reason for Senate delay was the fact that the Conference of Non-Nuclear-Weapon States had not completed its deliberations when your Committee's Report was issued. The Non-Nuclear Conference completed its final session on September 23. No clear consensus was reached on the need for further security assurances or guarantees of protection to non-nuclear parties. On the subject of the peaceful uses of atomic energy, many delegates made clear they would want and expect assistance with or without the Non-Proliferation Treaty.

These same observations apply to the recently completed session of the U.N. General Assembly.

The treaty already contains adequate assurances to non-nuclear-weapon states that their progress in the peaceful uses of nuclear energy would not be impaired by their relinquishment of the right to manufacture nuclear weapons or other nuclear explosive devices. The treaty would in fact enhance their opportunity to make continued progress in the field of peaceful uses of nuclear energy.

The record of the Non-Nuclear Conference, as well as that of the latest session of the U.N. General Assembly, indicates that if we are to get other countries to adhere to the Non-Proliferation Treaty, we must move ahead ourselves on the treaty.

JANUARY 17, 1960.

The CHAIRMAN. I believe it would be more orderly, since we have Dr. Seaborg here now and so that the members could have an opportunity to question either one of them, to hear his statement now. Do you have a statement, Dr. Seaborg?

Dr. SEABORG. Yes; I do.

The CHAIRMAN. Will you proceed, please.

STATEMENT OF HON. GLENN T. SEABORG, CHAIRMAN, ATOMIC ENERGY COMMISSION

Dr. SEABORG. Mr. Chairman and members of the committee, I am glad to appear today and I welcome the opportunity to reaffirm my support for the Treaty on the Nonproliferation of Nuclear Weapons.

When I appeared before this committee last July to testify in support of the treaty, I pointed out that it not only represents a notable landmark in our efforts to control the atom, but that it should also inaugurate a new and important era in mankind's effort to use the atom for peaceful purposes.

PROVISIONS FOR INTERNATIONAL SAFEGUARDS

I will not repeat the detailed statement I made at that time, but I do wish to address a number of questions which have been raised. In my testimony, I noted the particular importance of the treaty's provisions for international safeguards in all peaceful nuclear activities of nonnuclear-weapon states party to the treaty. Those provisions, embodied in article III of the treaty, represent a historic accomplishment in the effort to achieve the broadest possible application of international safeguards in the peaceful uses of atomic energy. That effort was initiated by the United States 15 years ago and has been pursued, with the strong support of the Congress, by each administration since that time.

In my discussion last July, I reviewed the development of the International Atomic Energy Agency and its safeguard function in particular, and I explained the basis for our confidence that the IAEA, by building upon its solid, though modest, foundation of experience in the field of safeguards, will be able to carry out the increased responsibilities assigned to it by the treaty.

In September of last year, I had the honor to head the U.S. delegation to the general conference of the IAEA. I can report that the IAEA has already begun to prepare itself for carrying out the important responsibilities it will have under the treaty.

SAFEGUARDS PROCEDURES BEING DEVELOPED BY IAEA

The Secretariat of the Agency is engaged in analyzing its role and the steps which must be taken in the area of safeguards. It is studying requirements for personnel and funds in future years. The safeguards agreements called for by the treaty are being developed. Consultants from several countries, including the United States, are assisting the IAEA safeguards staff in the preparation of more detailed safeguards procedures to supplement the regulations already in effect. Recruiting and training of safeguards personnel to be added to the IAEA staff during this year were initiated some time ago. The results have been most encouraging and, in fact, the Director General has authorized recruiting for posts against 1970 staffing levels. Thus, whereas in 1967, the IAEA's safeguards staff included only 13 professionals, that number increased to 28 last year, and by the end of this year, the professional safeguards staff is expected to reach 44. As I noted last July, the IAEA's safeguards personnel requirements in the future will be many times its current needs. By the same token, however, the number of specially trained people in the nuclear industry throughout the world will also increase, thus providing a much larger pool for recruitment of safeguards personnel.

I believe the treaty will be an important stimulus in obtaining recognition by governments and individuals that active participation in the

IAEA's safeguards activities represents a meaningful contribution to world peace.

In my previous visits to other countries and in conversations with representatives of many other countries in Vienna, it was clear that the enormous importance of the IAEA's safeguards function under the NPT was universally appreciated. I am confident that this widespread recognition will be manifested by the continued financial support by its members, of the IAEA's safeguard activities, even when the magnitude of those activities will have increased many fold.

At the general conference, the IAEA also took the first step in preparing itself to play a role in the implementation of article V of the treaty, under which the potential benefits of peaceful nuclear explosions are to be made available to non-nuclear-weapon states party to the treaty. In accordance with a resolution of the general conference, the Director General is preparing a study of the role that might be played by the IAEA in that effort. In fact, a preliminary analysis by the Director General has already been distributed to the members of the Board of Governors for consideration at their meeting next week.

U.S. OBLIGATIONS UNDER ARTICLE V

I would like to discuss briefly the concern that has been expressed regarding the extent of the obligations the United States will be undertaking in connection with article V of the treaty. That concern is related to two points: first, the nature and terms of the services to be provided in accordance with article V and, second, the possibility that the treaty could be misinterpreted as requiring the undertaking of peaceful nuclear explosions of a research and development nature abroad.

First, the negotiating record makes it clear that article V contemplates the performance of peaceful nuclear explosion services on a commercial basis, only for developed applications. I should like to assure you that such services will be performed on the basis of full cost recovery. Generally, these would exclude the general costs of research and development on nuclear explosive devices (including our cumulative costs to date) since such costs have been and will be incurred in the furtherance of our own technical programs. Of course, most of our fundamental knowledge in this area has been acquired for nuclear-weapon development.

All costs of furnishing the explosion service, including, among other things, the full cost of all materials, the fabrication of the explosive devices, and the firing of them, would be borne by the foreign user and not the Atomic Energy Commission. Appropriate overhead costs would also be included. We would also be reimbursed if we undertook work relating to a particular adaptation of a nuclear device or of our operations for the benefit of a specific user. This overall approach is consistent with the pricing policy which the Commission follows in connection with other materials and services that it provides domestically and abroad.

In order for us to reach the point where we can provide the type of commercial service anticipated by article V, the Commission intends to continue to carry out a vigorous research and development program, including appropriate experiments.

This leads us to the second point I would like to discuss. Article V of the treaty does not obligate the United States to undertake experimental peaceful nuclear explosions abroad. In most cases, this experimental program will be conducted within the United States. In a few cases, however, it may be in our programmatic interest, although not required by the treaty, to carry out an experiment overseas in collaboration with another nation. The Australian project at Cape Keraudren for which the feasibility of nuclear excavation techniques is now under study, could be such an experiment. Any research and development experiment that we might wish to conduct would have to be considered and evaluated, on a case-by-case basis, in terms of its programmatic interest to the Commission. Our financial contribution to any such experiment would be related to that interest. I can assure you that the Joint Committee on Atomic Energy will be consulted with regard to any such experiment. Moreover, before undertaking to conduct any such explosion involving the expenditure of Commission funds, the experiment would obviously have to be reviewed by the Joint Committee and Appropriations Committees as part of the authorization and appropriation process.

The CHAIRMAN. Thank you, Dr. Seaborg.

Mr. Fisher, do you wish to make a statement?

Mr. FISHER. No sir.

COMMITTEE REPORT COMMENT ON U.N. RESOLUTION

The CHAIRMAN. Mr. Secretary, you anticipated one of my questions when you said that you are in full accord with the statement in the committee report with regard to the effect and significance of the U.N. Security Council Resolution. You cleared that up very satisfactorily so I won't reiterate it. I was very pleased that you did, because there has been a misapprehension about it. I thought the committee report made the point very clear.

I want to say, too, in general, that I shall try to be brief in order that everyone may have an opportunity to question today. The Secretary is going abroad on Saturday or Sunday. When he returns, at some reasonable period, we will have a further open hearing for a general discussion of policy.

RELATIONSHIP OF AUSTRALIAN PROJECT TO TEST BAN TREATY

I also have this question for you, Dr. Seaborg, and the Secretary as well, about the Plowshare program. One project in particular is anticipated for Australia. This obviously brings up the question of how that project would be reconciled with our obligations under the test ban treaty. I wonder if you could say anything about it. How can you have such an experiment or such a project without violating the test ban treaty?

Dr. SEABORG. Well, of course, we have agreed only to a feasibility study. We will have to wait until this study has been completed in order to determine the technical and economic feasibility of that particular experiment.

Then we would have to make an evaluation as to whether it could be conducted within the requirements of the limited test ban treaty.

The CHAIRMAN. Has Australia signed the treaty?

Dr. SEABORG. The test ban treaty; yes.

The CHAIRMAN. No; has she signed the Nonproliferation Treaty?

Dr. SEABORG. No.

Secretary ROGERS. No.

The CHAIRMAN. Why do you choose a country which hasn't signed the Nonproliferation Treaty to begin a feasibility study on, to begin a project which is really provided for in the treaty? I am curious why you choose a country which hasn't signed or ratified the treaty.

Dr. SEABORG. We don't feel that this is part of the services that would be supplied under article V.

The CHAIRMAN. You don't.

Dr. SEABORG. No.

The CHAIRMAN. Why?

Dr. SEABORG. Senator Fulbright, this is a research and development experiment that would be part of our overall development program for perfecting the use of nuclear explosions for excavation.

The CHAIRMAN. On that basis, are we going to pay the whole cost?

Dr. SEABORG. No; we are not.

The CHAIRMAN. What are we going to do?

Dr. SEABORG. We are going to pay for the cost of the nuclear explosives. How much more of the costs we would pay has yet to be determined. The company involved and the other participants in Australia would bear a part of the cost in this case.

However, we do have in our program for the development of excavation techniques, and in the budget, an experiment equivalent to this experiment, which we would otherwise do in the United States if we didn't do it under these conditions.

The CHAIRMAN. Do you with your present knowledge think it is possible to conduct such an excavation project without violating the test ban treaty? Is it possible to confine the debris of such an explosion within the territorial limits of Australia?

Dr. SEABORG. Well, as I have indicated I think this would have to be the subject of a careful evaluation.

EFFECT OF PLOWSHARE EXPLOSION ON ECOLOGY OF AREA

The CHAIRMAN. Do we have any more knowledge about confining this kind of debris than the oil companies do about the oil which is now invading California from the sea? [Laughter.]

Dr. SEABORG. Well, I think, we have developed very clean nuclear explosives, in a continuing program that the Atomic Energy Commission has, so that I don't believe that it would be a question of spreading radioactivity in any manner analogous to the oil spread.

The CHAIRMAN. This is what I am trying to bring out. I don't know that. Do you think such an explosion wouldn't effect the marine life or the general ecology of that area?

Dr. SEABORG. It would be part of our study to determine that it wouldn't. We have developed increasingly clean explosives and improved emplacement techniques for the firing of the explosives as a prelude to their being used in such excavation projects in our country and throughout the world.

The CHAIRMAN. Have they been tried in the ocean? Have they been demonstrated?

Dr. SEABORG. We haven't. This would be the first explosion—the first experiment utilizing a nuclear explosive—that would be conducted under the bottom of the ocean.

The CHAIRMAN. The sort of thing that has happened in California has focused attention on the problem of contamination of our beaches and the living conditions of people all in the interests of business exploration. It is a very sad case.

Of course this is the second major disaster now, after the *Torrey Canyon* caused such devastation off the coast of England. Now we have one. I must say as long as we are entering the Nonproliferation Treaty to choose a country that has not signed it and is not interested enough to sign it seems a little odd. There must be other countries you could favor with such an experiment, assuming it is a favor. I am not sure it is.

The CHAIRMAN. I will have to rely on you for that evaluation.

Dr. SEABORG. We wouldn't do it if that potential existed.

The CHAIRMAN. I hope you won't.

(Subsequently the Chairman placed two articles on the scientific aspects of nuclear excavation projects in the appendix. See pp. 442-449.)

ATTITUDE OF NONNUCLEAR POWERS TOWARD SIGNING

The CHAIRMAN. Mr. Secretary, the question of the nonnuclear powers, of course, is a very important one. I believe the Swedish delegate to the General Assembly said the following about a major power's responsibilities in the disarmament field as a result of the Nonproliferation Treaty:

During the preparation of the Nonproliferation Treaty, we, the non-nuclear-weapon powers, were demanding tangible steps to accompany or follow it. But no steps have so far been taken to accompany the readiness on the part of the majority of us to accept non-nuclearization of our military forces. No steps have been taken to "follow". This is probably one of the reasons for a certain reluctance to sign and ratify the Nonproliferation Treaty.

Referring to the superpowers, this delegate went on to say:

An agreed cessation of strategic arms race, or at least an immediate moratorium, is the counterpart disarmament measure now expected from them. The credibility of the superpowers in regard to disarmament is now at stake.

What is your comment on this statement of the Swedish delegate that the reluctance of many countries to sign the treaty is based at least in part on the seeming unwillingness of the major powers to stop the upward spiral in arms?

Secretary ROGERS. Well, Mr. Chairman, I would doubt that that was true in most cases.

I think there is a desire on the part of the nonnuclear powers that the superpowers proceed in accordance with article VI of the treaty, and if the treaty is ratified and put into effect we certainly will live up to the commitments that were made in article VI.

The CHAIRMAN. Do I understand then if this treaty is ratified and put into effect that you might be more persuaded to abandon the ABM project?

Secretary ROGERS. Well, I wouldn't want to limit my comment to any particular phase—

The CHAIRMAN. It is just an example—a current example.
[Laughter.]

Secretary ROGERS. As I say, I think what I would like to stand on is the language of article VI. I think it is in the interest of the United States and peace in the world to pursue seriously and in good faith efforts to limit the arms race.

The CHAIRMAN. So do I. I am thoroughly in accord with article VI but there seems to me a little inconsistency on our professing, as you do now, and with which I agree, devotion to the sentiments of article VI and, at the same time, proceeding, if we should, to build an ABM system. This is all I mean. It has been known that we sometimes talk one way and act another.

Secretary ROGERS. Yes.

The CHAIRMAN. And I hope this administration won't do that.

Secretary ROGERS. No; but I think that realism requires there be a certain mutuality.

The CHAIRMAN. Oh, yes; I agree.

Secretary ROGERS. And that is what we hope for.

The CHAIRMAN. I agree with that, yes, indeed. But if we are going to ratify the treaty, I would hope we would take that provision as seriously as the Swedish delegate does.

Secretary ROGERS. Yes.

The CHAIRMAN. I think it could be a very important aspect.

Secretary ROGERS. I'm more concerned about the Soviet Union than I am about the Swedes as far as that particular question is concerned.

AUSTRALIA'S INTENTIONS TOWARD NPT

The CHAIRMAN. I am, too. We all are, of course. Incidentally, why hasn't Australia signed this treaty? Do you know any reason? Does she have any intention of signing it or not signing it? Does either of you know?

Secretary ROGERS. I don't happen to know, Mr. Chairman.

Dr. SEABORG. No; I don't.

The CHAIRMAN. You do not know?

Mr. FISHER. Mr. Chairman, Australia voted in favor of the U.N. General Assembly Resolution commending the treaty last June. But it has not expressed its intention whether to sign or not. That will have to come.

The CHAIRMAN. You don't know, as of now, whether they will or not?

Mr. FISHER. The only indication is a favorable vote on the 12th of June.

The CHAIRMAN. Yes.

U.S. PLOWSHARE EXPLOSION IN NEVADA

Another question I should have mentioned on the debris matter is this: there has been a great deal of speculation in the press that one of our own explosions recently did put debris into the atmosphere beyond our own territorial limits. Do you wish to say anything about that now, Mr. Seaborg? It was the recent explosion in Nevada, I believe.

Dr. SEABORG. Yes.

The CHAIRMAN. That explosion vented. Is that the right word?

Dr. SEABORG. I think you have reference to the Plowshare cratering explosion, the Schooner shot, that took place in December.

There were reports that fluctuations in the background radiation in Canada were higher than normal. Our own monitoring stations in that region, in that part of the country—in the Northeast part of our country—did not show fluctuations greater than normal.

The CHAIRMAN. What you are saying is that it did not, in your opinion, constitute a violation of the test ban treaty?

Dr. SEABORG. That is right.

The CHAIRMAN. In the case of Australia, do I understand that you believe, either that you can control the fallout or you will be sure that you can before you attempt the project, or if you wish to go ahead with the project and it would violate the treaty, you would seek to get some kind of an amendment to the treaty concurred in by other parties? Is that our attitude?

Dr. SEABORG. That is right, or an agreement as to the interpretation of the test ban treaty.

The CHAIRMAN. Well, that is what I meant by some kind.

Dr. SEABORG. Well, that might occur short of an amendment, which is a time-consuming and laborious process.

The CHAIRMAN. But you clearly are not intending to just go ahead and violate the treaty just to satisfy some experimental urge?

Dr. SEABORG. No, sir.

The CHAIRMAN. Thank you very much, both of you.

Senator SPARKMAN?

Senator SPARKMAN. Thank you, Mr. Chairman.

TRANSFER OF NUCLEAR DELIVERY SYSTEMS

Mr. Secretary, I want to ask you this question: Secretary Rusk testified that it is the U.S. understanding that the treaty does not prohibit the transfer of nuclear delivery vehicles or delivery systems or control over them to any recipient so long as such transfer does not involve bombs or warheads.

The United States has also given our NATO allies a statement on the Nonproliferation Treaty promising not only that there will be no change in our nuclear relationships with Europe, but our understanding that a new federated European state could assume the nuclear weapons of one of its former components.

Do you subscribe to that statement by Secretary Rusk?

Secretary ROGERS. Yes, I do, Senator.

Senator SPARKMAN. How has the Soviet Union responded to these assurances by the United States?

Secretary ROGERS. Well, I will ask Mr. Fisher, he has been in touch with them.

Senator SPARKMAN. Fine.

Mr. FISHER. Senator Sparkman, the observations that are found on page arabic 6 of Executive H, which is before the committee, cover this subject. Those have been shown to key members of the ENDC. They have now been made available to all members of the U.N., and an indication that this is the way the United States proposed to proceed. There has been no indication of objections.

Senator SPARKMAN. Nor any indication of raising the question in the future.

Mr. FISHER. No, sir.

DEFINITION OF A DEVELOPED COUNTRY

Senator SPARKMAN. I want to ask Dr. Seaborg a rather brief question. Dr. Seaborg, in discussing the use of nuclear power, nuclear explosion services in other countries, you said in your statement that article V contemplates the performance of peaceful nuclear explosion services on a commercial basis only for developed applications. Does that mean applications from developed countries? Does it draw a line between developed countries and others that are not fully developed?

Dr. Seaborg. Well, as a practical matter the only two countries that would be in a position to perform the service would be the United States and the Soviet Union, and here I am referring to applications that we have developed or perfected as distinguished from experimental applications which would be an exception.

Senator SPARKMAN. Well, as I recall our hearings back last summer, there was a distinction made between industrial nations that were able to carry the expense and those that were not industrially developed and not able to carry the whole expense. Is there such a differentiation?

Dr. SEABORG. Well, in this case the explosive would be furnished by us, actually developed and fabricated by us; the application would be developed and perfected by us, and then the service performed by us for the other country with the other country paying all of the expenses, exclusive of those connected with our research and development costs.

Senator SPARKMAN. Does that apply all across the board, to all countries?

Dr. SEABORG. So far as the treaty is concerned it would apply in principle to all signers, all non-nuclear weapon adherents to the treaty. They would receive the service as a practical matter, either from the United States or the Soviet Union.

Senator SPARKMAN. But would pay the same share of expenses across the board?

Dr. SEABORG. Would pay the same share of expenses so far as we are concerned. I don't know what the arrangements—

Senator SPARKMAN. I am asking.

Dr. SEABORG. Yes.

Secretary ROGERS. So far as the treaty is concerned, that is correct, Senator. There is no question about that.

Senator SPARKMAN. I assume so far as the application of it is concerned that same thing is true?

Secretary ROGERS. Yes, it would be unless Congress changed its mind.

NATIONS NEAREST A NUCLEAR CAPABILITY

Senator SPARKMAN. Would you name the states that are nearest to a nuclear capability whose ratification would be necessary or certainly greatly desired in order to make the treaty a success? Dr. Seaborg, would you answer that?

Dr. SEABORG. Yes.

I furnished for the record at the time of the July hearings, or following the July hearings, a list of countries in two categories. There are all gradations of readiness in this area, and also, the countries that you would put in any list. The list is determined by what you

mean by developing a nuclear capability. Do you mean just one weapon or do you mean somewhat of a stockpile?

In the category that would include countries that could produce a substantial number of nuclear weapons, and the delivery capability to go with them, within a period of about 5 to 10 years, I, at that time, listed Australia, Canada, the Federal Republic of Germany, India, Italy, Japan, and Sweden.

In a category that could develop nuclear weapons capability at a lower level, not a substantial number and perhaps not sophisticated delivery systems and perhaps on a longer time scale, one or the other or all of these, I listed Argentina, Austria, Belgium, Brazil, Chile, Czechoslovakia, Hungary, Israel, the Netherlands, Pakistan, Poland, South Africa, Spain, Switzerland, the United Arab Republic, and Yugoslavia.

Now, also the time scale here could be different if any of these countries decided to put an inordinate amount of their national product and effort into trying to produce the fissionable material and to fabricate nuclear weapons. That could shorten the time scale in the case of any of them.

NONPARTICIPATION OF CERTAIN NUCLEAR AND NEAR-NUCLEAR NATIONS

Senator SPARKMAN. I believe most of the objection that we have heard, so far as nonparticipation of countries is concerned, has been directed primarily toward Israel and Western Germany. They are potential nuclear nations, aren't they? France and China are mentioned as nuclear powers—

Dr. SEABORG. They are nuclear powers now.

Senator SPARKMAN. And they are not signing. Can the treaty be a success without the inclusion, first, of France and China?

Dr. SEABORG. Oh, I think so, very definitely.

Senator SPARKMAN. Can it be without the inclusion of Israel and West Germany?

Dr. SEABORG. That would be—that would limit its success. That would be a partially successful treaty.

Senator SPARKMAN. And what about India and Japan?

Dr. SEABORG. If they didn't adhere to the treaty that, of course, would limit its usefulness even further.

Senator SPARKMAN. What would you suggest are the prospects of Japan, for instance, in becoming a party to the treaty?

Dr. SEABORG. I think the prospects are very good that Japan will become a party to the treaty.

Senator SPARKMAN. What about India?

Dr. SEABORG. India has, as I understand it, expressed doubt that she will adhere to the treaty.

Senator SPARKMAN. What about Israel?

Dr. SEABORG. Israel has not committed itself publicly as to its stand, its eventual stand.

Senator SPARKMAN. Are you hopeful?

Dr. SEABORG. I am hopeful in the case of Israel. I believe Israel will.

Senator SPARKMAN. Does West Germany come into that same category?

Dr. SEABORG. Yes; West Germany is in that same category.

Senator SPARKMAN. Senator. Thank you very much. I have some correspondence from Assistant Secretary Macomber that I would like inserted at this point as well as an editorial on the treaty.

(The correspondence referred to follows.)

DEPARTMENT OF STATE.

Washington, D.C., November 19, 1968.

HON. JOHN SPARKMAN,
U.S. Senate.

DEAR SENATOR SPARKMAN: In the absence of the Secretary, I have been asked to reply to your letter of November 8, 1968 regarding a recent editorial concerning the Treaty on the Non-Proliferation of Nuclear Weapons. In response to your request for a brief discussion of each of the points raised in the editorial, I submit for your consideration the following observations. I will enumerate each of the issues raised in the editorial and follow each with some brief comments.

1. The editorial cites the Soviet invasion and occupation of Czechoslovakia and claims that "the present atmosphere is wrong" for Senate consent to ratification of the Non-Proliferation Treaty.

This Government, in statements by the President, the Secretary of State, and other high officials, has joined others in the free world in condemning the outrageous action of the Soviet Union and five other Warsaw Pact powers for the unjustified invasion of Czechoslovakia. We have taken a number of concrete steps to show our displeasure.

As you know, there has been a great deal of discussion both in and out of the Government as to the effect the Soviet intervention in the internal affairs of Czechoslovakia should have on Senate action on this Treaty. It is our conclusion that significant delay in Senate approval will not serve the best interests of the United States.

The Non-Proliferation Treaty, as you well know, is not a bilateral agreement with the Soviet Union but rather a world-wide treaty to prevent the spread of nuclear weapons to nations not now possessing them. Over eighty nations have signed the Treaty. Czechoslovakia was one of the first to do so.

At the General Conference meeting of the International Atomic Energy Agency in Vienna on September 28, 1968, one month after the invasion, the Czech delegate recognized the urgency of maintaining the momentum behind the NPT and said: "I am sure I shall be expressing the sincere and deep-felt wish of everybody in this room this afternoon if I say we all hope every member state of our Agency will find it possible within a very short time to take all necessary steps to become party to this treaty." An extended delay in Senate action will not penalize the Soviets for their actions in Czechoslovakia so much as it will harm our own self-interest and that of the rest of the world in its race against time in preventing other nations from acquiring the means of nuclear destruction.

It should be remembered that this Treaty is a United States treaty. We proposed it first in 1964; we offered the first treaty draft; and we finally convinced the Soviets and many other countries in four years of tough bargaining.

2. The editorial cites an article in "Central Europe Journal" which contends that while the NPT "ostensibly" stops the spread of nuclear weapons, it really "attempts to establish cooperation—and to some extent nuclear condominium—between the U.S. and the U.S.S.R."

In Article I. of the Non-Proliferation Treaty, the nuclear-weapon Parties agree not to transfer nuclear weapons to anyone. In Article II, the non-nuclear-weapon Parties agree not to acquire nuclear weapons. These are the basic anti-proliferation undertakings in the Treaty. They do not establish nuclear "cooperation" or a nuclear "condominion" between nuclear-weapon parties.

3. In a further quotation from the article in "Central Europe Journal," the editorial notes the claim that the NPT "ensures disarmament of states which the U.S.S.R. may want to conquer . . ." and "destabilizes the situation in Central and Western Europe . . ."

The Non-Proliferation Treaty prohibits parties which do not now have nuclear weapons from acquiring them. It thus is not a "disarmament" agreement but an agreement by non-nuclear nations not to arm themselves with nuclear weapons. The NPT does not relate to any weapons other than nuclear weapons and does not in any way "ensure disarmament of states which the U.S.S.R. may want to conquer . . ."

During the Hearings before the Committee on Foreign Relations on the Non-Proliferation Treaty in July of 1968, Secretary Rusk referred to the answers we

had given to our NATO allies concerning questions they had raised regarding Articles I and II of the Treaty. He said:

"The treaty . . . does not deal with allied [NATO] consultation and planning on nuclear defense so long as no transfer of nuclear weapons or control over them results. It does not deal with arrangements for deployment of nuclear weapons within allied territory as these do not involve any transfer of nuclear weapons or control over them unless and until a decision were made to go to war, at which time the treaty would no longer be controlling * * *".

The Treaty has no effect on the present Alliance structure concerning "Central and Western Europe." If anything, it should help to "stabilize" the situation in that area by removing the uncertainties which would be created should one of the nations in the heartland of Europe come into control of nuclear weapons.

4. The editorial contends that "proper nuclear armaments with adequate safeguards against provocative or unauthorized use—such safeguards are entirely feasible—would have provided full protection against ground invasion and nuclear blackmail, and therefore would have enhanced European and world security".

The testimony of Secretary Rusk, quoted in the preceding section of this letter, makes clear that the Treaty does not prohibit "arrangements for deployment of nuclear weapons within allied [NATO] territory as these do not involve any transfer of nuclear weapons or control over them . . .". This, of course, assumes that the weapons remain in the custody and control of U.S. forces in allied territory.

To go beyond this—to transfer nuclear weapons to a non-nuclear country—would violate the Atomic Energy Act as well as the Treaty. Moreover, to design any system of safeguards against what the editorial calls "provocative or unauthorized use" would be extraordinarily difficult. Even if a clever technician could not circumvent such a system to remove the nuclear weapon, he could acquire highly sensitive design information on the warhead through X-rays and other scientific techniques. The practical and political objections—to say nothing of the bar imposed by the Atomic Energy Act—makes such a transfer wholly unrealistic.

5. The editorial goes on to raise the issue of "security assurances" in connection with the NPT. The editorial questions whether the treaty may force the United States "to shoulder the burden of defending the entire globe * * *".

As you will recall, in the course of the negotiation of the Treaty, a number of non-nuclear-weapon states, including especially non-aligned states, expressed the need for some form of assurance with respect to their security that would be appropriate in light of their renunciation of the right to acquire nuclear weapons. Members of alliances, such as our NATO allies, will continue of course to have the benefit of these alliances under the Non-Proliferation Treaty.

While there is no provision on security assurances in the Treaty, a resolution on this subject was adopted by the United Nations Security Council on June 19, 1968 by a vote of 10-0 (with 5 abstentions). The United States, the United Kingdom and the Soviet Union each issued substantially identical declarations in explanation of their votes for this resolution.

The Security Council Resolution recognizes that "aggression with nuclear weapons or the threat of such aggression against a non-nuclear-weapon State would create a situation in which the Security Council, and above all its nuclear-weapon State permanent members, would have to act immediately in accordance with their obligations under the United Nations Charter." The United States in its declaration stated that "the United States affirms its intention, as a permanent member of the United Nations Security Council, to seek immediate Security Council action to provide assistance, in accordance with the Charter, to any non-nuclear-weapon State party to the treaty on the non-proliferation of nuclear weapons that is a victim of an act of aggression or an object of a threat of aggression in which nuclear weapons are used."

The United States dealt with this issue in the context of the United Nations since we were not prepared to undertake world-wide obligations beyond our present commitments, including those in the U.N. Charter. As Secretary Rusk stated at the Hearings on the Non-Proliferation Treaty, "We have made it very clear in this matter we are not directly or indirectly making ourselves a bilateral ally with every non-nuclear state. We are simply expressing our responsibility as a permanent member in the Security Council in accordance with the Charter which has been part of the law of the land since the United Nations was organized."

In response to a question from you, Secretary Rusk also noted at these hearings that the United States will remain free to use its veto power in the event a future proposal before the Security Council seems incompatible with the interests of the United States.

6. The editorial states that "the undeveloped nations say the Non-Proliferation Treaty does not satisfactorily provide for development of nuclear technology for industrial uses". On the contrary, the Treaty assures non-nuclear-weapon parties that they will not suffer any loss in participating in the peaceful uses of nuclear energy by adhering to the NPT. Article IV of the Treaty specifically affirms "the inalienable right of all Parties to the Treaty to develop research, production and use of nuclear energy for peaceful purposes * * *" and calls for cooperation for contributing "to the further development of the application of nuclear energy for peaceful purposes".

7. The editorial questions whether sufficient nuclear explosive devices for peaceful purposes, when and if technically and economically feasible, will be available in order to carry out the undertakings in Article V of the Treaty. As the United States representative to the Eighteen Nation Disarmament Committee said on February 22, 1968:

"Some speakers have wondered about * * * the possibility that the demands for nuclear explosion services could outweigh the available supply of nuclear explosive devices; and they ask how priorities would be determined. To this I can reply that the United States does not foresee that there will be any scarcity of nuclear explosive devices once the peaceful applications of nuclear explosions become feasible. A sufficient number of explosive devices should be available to meet all foreseeable needs for these services, domestically, bilaterally or through an international body."

I hope this discussion of the points raised in the editorial will meet your needs. If I can be of any further assistance in this matter, please do not hesitate to let me know.

Sincerely yours,

WILLIAM B. MACOMBER, JR.,
Assistant Secretary for
Congressional Relations.

[From The Birmingham News, Oct. 28, 1968]

THE NONPROLIFERATION TREATY

President Johnson has indicated he may call the Senate back into special session after the election in order to pass the Treaty on Nonproliferation of Nuclear Weapons. He apparently believes it's that important.

The *Times* believes, too, that meaningful steps toward peace are important, and that some form of nonproliferation treaty (not necessarily the one currently under consideration) may prove helpful.

However, as we pointed out last month, the present atmosphere is wrong. Soviet troops still occupy Czechoslovakia; Europe is apprehensive about the future. And the arguments against ratification of the particular nonproliferation treaty now before the Senate are beginning to tell.

The current issue of *Central Europe Journal*, for example, carries 24 pages of objections to the nonproliferation treaty. While Americans may not agree that all the objections are well-founded, a lot of them do make sense.

One author contends, for instance, that the treaty is not what it appears to be. "Ostensibly, it stops the spread of nuclear weapons. In reality, it attempts to establish cooperation—and to some extent nuclear condominium—between the U.S. and the USSR."

This may be all right for the U.S. and the USSR, the writer goes on, but there are other nations—Red China and France, to name two—that don't trust either the Americans or the Soviets.

He says: "The pact ensures disarmament of states which the USSR may want to conquer before tangleing with the U.S. directly . . . In particular, the pact destabilizes the situation in Central and Western Europe, both by increasing the extent of the direct threat and by stimulating radical political movements. By contrast, proper nuclear armaments with adequate safeguards against provocative or unauthorized use—such safeguards are entirely feasible—would have provided full protection against ground invasion and nuclear blackmail, and therefore would have enhanced European and world stability."

It is asked, if the U.S. wants to have a nuclear monopoly, will the U.S. bear all the costs and responsibilities of nuclear defense? Is the U.S. prepared to shoulder the burden of defending the entire globe against Communist imperialism?

Europe has heard some of the same senators who favor the nonproliferation treaty say that America cannot assume the role of world policeman. Who, then, will underwrite the freedom of non-nuclear states? Is America ready to become involved in a whole series of "little wars"?

It is asked, if India is attacked by a non-signatory power (Red China), who will come to India's defense, America or Russia?

Underdeveloped nations say the nonproliferation treaty does not satisfactorily provide for development of nuclear technology for industrial uses. They say that road building, mining, and so on can be speeded up by the application of nuclear power. "The notion that the two super-powers will run a large program of industrial explosions for the entire world (an estimated 3000 detonations per year), when they may be barely able to satisfy their own needs, and that in so doing they would be able to reconcile the contradictory national interests of their various clients, is fanciful."

Promises that are kept vague and which are not given legal force are, at best, mere words, say the *Central Europe Journal* writers. The nonproliferation treaty now before the Senate isn't specific enough; it's open to misinterpretation, deliberate or otherwise; and it relies too heavily upon an "understood" atmosphere of *entente* between Russia and America.

That atmosphere has been poisoned by the invasion of Czechoslovakia, and non-nuclear, neutral states have lost a good deal of faith in what some of them thought was a mellowing Soviet Union.

The Senate would do well not to act upon President Johnson's treaty just yet. This isn't the proper time.

[From The Birmingham News, Feb. 8, 1969]

NONPROLIFERATION

There are many good reasons, a number of which The Birmingham News has cited in the past several months, to justify a belief that the Senate was correct to delay action on ratifying the nuclear nonproliferation treaty.

That's the agreement engineered primarily by the United States and Russia, to which Great Britain also is a party, by which the nuclear powers would bind themselves to refrain from furnishing nuclear weapons to nations which do not already have them; and the nonnuclear nations not to manufacture any.

There never has been much dispute of the wisdom of such a pact, in *The News'* view: the more nations possessing atomic arms, the greater the chance on a purely mathematical basis that sooner or later somebody would use them; and the risk actually would go up more rapidly than in simple mathematical progression as the arms came into the possession of smaller, shakier governments perhaps less apt than the big powers to make responsible decisions as to their use.

But while the aim is good, there are obvious obstacles to an ironclad pact to that effect: For one thing, not all of the existing nuclear powers will agree to it (France and Red China are not parties to the treaty immediately at question); and for another, there is always the possibility that one or more of the signatories will violate the pact, either openly, when the spirit moves them, or clandestinely if they think they can get away with it.

The Communists' record for keeping treaties is not encouraging in that regard. Ratification of this treaty was further complicated by the Russian invasion of Czechoslovakia. Whatever the merits of the treaty, that brutal suppression of the Czechs' moves toward greater freedom hardly created an atmosphere in which steps toward "detente" could proceed heedless of what had happened.

Under the circumstances it was perfectly proper, as *The News* said at the time, for the Senate to hold off on ratifying the pact.

Now President Nixon has asked that body to give its approval to the nonproliferation treaty.

While still seeing reason to be hesitant, it becomes at this point, it seems to this newspaper, a matter of the Senate and the country--giving a vote of confidence to the newly elected President.

Richard Nixon could hardly be called a soft-liner or an "appeaser." He's hard-headed, and he knows the Communists' record. In making this recommendation, he has weighed all factors and concluded that the advantage to be gained--and

we are certain that he sees more specific advantage than simply creation of the illusion of a rosy glow between Washington and Moscow—is greater than the real or potential drawbacks.

He is asking the country, in effect, to take a calculated risk.

Mr. Nixon is not the kind of man to ask the country to take such a risk unless he were convinced that the odds were reasonably safe that it would produce the desired result, or, at the very least, that if it didn't pan out the national security would not be imperilled.

That being the case, the Senate should go along with his request.

The CHAIRMAN. Senator Aiken.

Senator Aiken. Let me say at the outset that I am in favor of any move to restrict the spread of nuclear weapons throughout the world, particularly to nations who do not now have them.

I also am very much in favor of sharing our facilities, our knowledge, for peaceful purposes with other states if their economies could be improved by such a process of sharing.

Third, I am in favor of giving the Senate, the full Senate, the right to debate this question which is now before us, and for that purpose I expect to vote to report the treaty to the Senate regardless of whether I am opposed to any portion of it.

I want to say further that I think this treaty was prompted by the best of intentions on the part of the State Department and the Atomic Energy Commission and all those who are in favor of a more secure world.

INSPECTION OF U.S. ATOMIC INSTALLATIONS

I have been somewhat disturbed by two provisions in the treaty, the first being the statement of our executive branch that we would throw open all atomic energy installations in the United States to inspection. There was a similar statement on the part of England, and no statement to that effect on the part of Russia.

It seems to me that a statement on our part that will make our atomic facilities available for inspection by foreign countries or representatives of foreign countries should be contingent on all the nuclear powers that are party to this treaty making the same statement.

UNLIMITED SUBSIDY TO PRIVATE INDUSTRIES FEARED

I was also somewhat disturbed last July, at a hearing before the Joint Committee on Atomic Energy, by the testimony of the representatives of the Atomic Energy Commission which could have been interpreted as meaning that article V could constitute an unlimited subsidy to the international oil and mining companies, and that has disturbed me considerably, and I made my support of the treaty contingent on a satisfactory explanation of that.

LETTER FROM THE ATOMIC ENERGY COMMISSION

I have asked the State Department and the Joint Atomic Energy Commission to get together and draw up an interpretation on this treaty which would be satisfactory to both, and which would make it clear that the United States is not committing itself to an unlimited subsidy to private industries or even to foreign countries.

Last week these two agencies worked very strenuously on such an interpretation of the treaty and last Saturday I received a letter from

Dr. Seaborg, which I will say goes a long way toward allaying my fears.

I think perhaps I should read this letter into the committee record. It will take about 3 minutes.

Honorable George G. Aiken :

United States Senate :

Dear Senator Aiken :

In accordance with our telephone conversation of February 11, I am writing in response to the interest you have expressed in obtaining more explicit assurances from the Administration that Article V of the Non-Proliferation Treaty will not impose a burden on the U.S. taxpayer by compelling us to subsidize peaceful nuclear explosion projects in foreign countries.

I can understand and endorse your desire for clear and unequivocal assurances regarding the character of the commitment undertaken by the U.S. in this Treaty. It is in this spirit that I am writing you this letter. As you know, the Atomic Energy Commission will be the agency for carrying out peaceful nuclear explosion projects, both domestic and foreign. Therefore, we are sensitive to the points you have raised and I also believe that we are in position to provide you with the assurances that you understandably desire on this matter, and we would welcome having these assurances made a matter of record.

I believe your concern is related to two points: first, the nature and terms of the services to be provided in accordance with Article V of the proposed Non-Proliferation Treaty; and second, the possibility that the Treaty could be misinterpreted as requiring the undertaking of peaceful nuclear explosion services of a research and development nature abroad.

First, the negotiating record makes it clear that Article V contemplates the performance of peaceful nuclear explosion services only for developed applications on a commercial basis. I should like to assure you that such services will be performed on the basis of full cost recovery, excluding only the charges for the general costs of research and development on nuclear explosive devices (including our cumulative costs to date) since these costs have been and will be incurred in the furtherance of our own technical programs, much of them in the past development of nuclear weapons.

All other costs of furnishing the explosion service, including, among other things, the full cost of all materials, the fabrication of the explosive devices, the costs of emplacing and firing the device, and the appropriate overhead costs would be borne by the foreign user and not the Atomic Energy Commission. We would also be reimbursed if we undertook development work relating to a particular adaption of a nuclear device or our operations for the benefit of a specific user. This overall approach is consistent with the pricing policy which the Commission follows in connection with other materials and services which it provides domestically and abroad.

As you have suggested, clear-cut assurances that the explosion services provided pursuant to Article V of the Treaty would be compensated for as I have described above could well be considered in connection with the legislation authorizing the Commission to furnish these services.

I might add, Mr. Chairman, if there are any questions unanswered at these hearings, the Joint Committee on Atomic Energy certainly will see that they are cleared up before implementing legislation is reported out. I continue :

In order for us to reach the point where we can provide the type of commercial service anticipated by Article V, the Commission intends to continue to carry out a vigorous experimental program. This leads us to the second point that I would like to discuss. Article V of the Treaty does not obligate the United States to undertake experimental peaceful nuclear explosions abroad. In most cases, this experimental program will be conducted within the United States. In a few cases, however, it may be in our programmatic interest, although not required by the Treaty, to carry out an experiment overseas in collaboration with another nation. The Australian project at Cape Keraudren, for which the feasibility of nuclear excavation techniques is now under study, could be a case in point and an example of this type of experiment. Any research and development project that we might wish to conduct would have to be considered and evaluated, on a case-by-case basis, in terms of its programmatic interest to the

Commission and our financial contribution to any such project would be related to that interest. I can assure you that the Joint Committee on Atomic Energy will be consulted with regard to any such project; and, moreover, any such project involving the expenditure of Commission funds would have to be reviewed by the Joint Committee and Appropriations Committees as part of the authorization and appropriation process.

I hope these comments shall serve to clarify how we view this question and to provide the assurances which you have sought against the possibility that Article V of the Treaty will work to our disadvantage.

I realize that Article V was regarded by the negotiators as a central element in our ability to encourage the other prospective signers to relinquish their options to manufacture nuclear explosive devices. I am confident that provision will be administered on the basis that I have described, and that the interest of the United States will be well served by the ratification of this important Treaty. Secretary Rogers has asked me to let you know that he concurs in this letter.

Cordially,

GLENN T. SEABORG, *Chairman.*

As I say, that letter goes a long way in its reassurances.

AUTHORITY UNDER ARTICLE V

However, there will be some questions, I am sure, arise as a result of that. For instance the statement that article V of the treaty does not obligate the United States to undertake experimental peaceful nuclear explosions abroad. However, do you consider, Mr. Seaborg, that article V authorizes but not obligates the United States to conduct these experiments abroad?

Dr. SEABORG. Well, no-----

Senator AIKEN. Not under this treaty?

Dr. SEABORG. I don't think that article V authorizes the United States to undertake such experiments abroad. That authorization is our responsibility as a country that rests with us.

Senator AIKEN. I am glad to have that answer to my question.

Now, in the case of Australia, if we conduct joint experiments with Australia, that would have to be done through bilateral arrangements, would it not, or would it be done under the treaty?

Dr. SEABORG. That would be done bilaterally. This particular experiment would be done under bilateral arrangements.

Senator AIKEN. I am not going to ask more questions. I think somebody else should ask questions later because it saves a little effort on my part.

APPLICATION OF ARTICLE V TO AUSTRALIAN PROJECT

The CHAIRMAN. On that last question, let's pursue the meaning of the sentence on Australia.

Senator AIKEN. That is right.

The CHAIRMAN. Article V is a central element, as you say, in our ability to encourage other prospective signers to relinquish their options. It doesn't seem to apply to Australia. You are using it in a case apparently where they don't want to sign it.

Dr. SEABORG. Yes; I was referring there to the furnishing of nuclear explosion services for developed uses. The Australian project is a research and development project which conforms to our own programmatic interests, and replaces an experiment that we would otherwise do elsewhere.

The CHAIRMAN. I think we are bothered by semantics. You told me that you know so much already about the project, that there is no danger in conducting it. If that is true, I think the project is developed. If it is purely experimental, how do you know it wouldn't destroy the ecology of that area, which would be a great disaster?

Dr. SEABORG. Well, we need to conduct more excavation experiments in order to develop the technology so that it can then be used—nuclear explosives can then be used—for these engineering projects in the future such as the construction of canals and harbors and so forth.

We clearly need to do such experiments.

We are doing those in a stepwise fashion and developing cleaner and cleaner explosives and better and better emplacement techniques as we go along so that we can also assure the public health and safety.

HISTORY OF CAPE KERAUDREN PROJECT

Senator AIKEN. I wonder, Mr. Chairman, if the Chairman of the Atomic Energy Commission couldn't provide us, for the record, with the history of the Cape Keraudren project up to this time—at least, the circumstances out of which the project grew, the prospective breakdown of costs to the United States, to Australia, and to any private enterprises that might participate. As I understand it is to be a joint operation.

Dr. SEABORG. Joint operation, yes.

Senator AIKEN. What would be our interest, the extent to which the United States or foreign private enterprise would participate and benefit in such experiments? What would be the benefits?

Dr. SEABORG. We would be glad to do that. Of course, the division of costs hasn't been worked out yet, but we will indicate what we think the principles that would govern that should be.

(The information referred to follows:)

CAPE KERAUDREN PROJECT

A few years ago massive iron ore deposits were discovered in the northwestern part of Western Australia. This area is very sparsely populated, and largely underdeveloped. Numerous companies in Australia, the U.S., and perhaps other countries, have been developing these deposits for export of the ore. However, one of the obstacles to the development of this resource is the shortage of adequate harbor facilities in the area.

One of the companies attempting to develop the iron ore deposits is the Sentinel Mining Company and its Australian partners. Sentinel Mining Company is a wholly U.S. owned company and is a part of National Bulk Carriers.

Several months ago, representatives of the Lawrence Radiation Laboratory, Livermore, which is operated for the U.S. Atomic Energy Commission by the University of California, discussed with representatives of Sentinel Mining Company the possibility of constructing a harbor on the Australian Coast with nuclear explosions. As a consequence of these discussions, Sentinel Mining Company approached the Government of Australia through the Government of Western Australia about the possibility of constructing such a harbor near Cape Keraudren. Subsequently, the Australian Government approached the U.S. Government, requesting that the U.S. Atomic Energy Commission participate in a study of the proposed project's technical, economic and safety feasibility, and the U.S. agreed to do so. Planning for the Feasibility Study is now underway.

The AEC has, in its Plowshare program, the broad objective of developing and demonstrating the practicability of nuclear excavation technology. More specifically, the AEC is currently seeking technical data relevant to the sea-level transisthmian canal studies now being conducted by the Atlantic-Pacific Interoceanic Canal Study Commission. The Canal Study Commission is charged

with the responsibility of determining, among other things, the feasibility of using nuclear excavation to construct a sea-level canal. From a very preliminary look at the proposed Australian harbor project, it appears to the AEC that such a project could contribute directly to the needs of the Plowshare program by replacing one of the experiments necessary to support the Canal Study Commission's program. Consequently, the United States is willing to participate in the Feasibility Study.

Other than providing and maintaining custody and control of the nuclear explosive device, the specific role for the AEC in the project, if it were to be conducted, and the AEC's contribution to it, are not known at this time. However, in determining the extent of AEC involvement in the project, we would be guided, first, by those capabilities, such as nuclear operations, which are unique to us; and second, by the value of the total project, which should be clarified by the Feasibility Study, to our own program to develop nuclear excavation technology. It is expected that the industrial partner will participate financially in the project. However, the precise role to be played and contribution to be made by each of the interested parties involved in the project would be subject to discussion and negotiation after completion of the Feasibility Study.

Source: Atomic Energy Commission

U.S. SHARE OF INSPECTION COSTS

Senator AIKEN. Now, on the question of the matter of costs under the treaty, I understand that the United States' share, shall we say, is 31 percent of the inspection costs.

Dr. SEABORG. That is our part of the assessed budget for the International Atomic Energy Agency. That is about 31 percent.

Senator AIKEN. And each other participating country would be expected to pay its share of the costs, the same as is done in other international operations today?

Dr. SEABORG. Yes; that is with respect to the operations of the International Atomic Energy Agency.

Senator AIKEN. Do you know how much Russia owes on special assessments to the United Nations? You need a computer for that one. But it is a lot. Is there any real assurance that she would not renege on any of these other costs?

Dr. SEABORG. I believe that Russia is up to date.

Secretary ROGERS. I think the Soviet Union is up to date on its contribution to the IAEA.

Senator AIKEN. Yes; but I said the United Nations. The IAEA has not had very heavy costs.

We have had peacekeeping operations in the United Nations, whereupon Russia says, "We will pay if we think it benefits us to pay."

Secretary ROGERS. Yes. Well, of course, the Soviet Union has never agreed with the concept of peacekeeping activities in the United Nations, whereas they have agreed with the IAEA procedures. So we have no reason to suspect that they wouldn't pay their fair share of the assessment for that organization.

APPLICATION OF IAEA SAFEGUARDS TO U.S. NUCLEAR ACTIVITIES

Senator AIKEN. Now, in regard to inspection, on December 2, 1967, President Johnson stated, I suppose in an effort to pacify the non-nuclear countries for whom inspection is compulsory, the following:

"... when such safeguards are applied under the Treaty, the United States will permit the International Atomic Energy Agency to apply its safeguards to all nuclear activities in the United States, excluding only those with direct national security significance."

As I understand it, on February 5, 1969, President Nixon endorsed the commitment made by President Johnson. Is that commitment binding on all future administrations?

Secretary ROGERS. As you know, Senator, it is not part of the treaty, but we should consider it is binding on this administration and probably on subsequent administrations.

I might say, as the committee knows, that assurance was requested by our allies, and they felt that somehow we would have a competitive advantage in nuclear power activities without it.

Also, I might say, that the inspectors would be those that would be acceptable to the United States. In other words, we would have a veto power over the inspectors so that this is not a matter that refers to the United States vis-a-vis the Soviet Union. It really is a matter that relates to our relationships with our allies.

Senator AIKEN. Would a representative of the Soviet Union conduct inspections in the United States?

Secretary ROGERS. No.

Senator AIKEN. Why not?

Secretary ROGERS. Well, because the IAEA does not permit that kind of inspection by an inspector that we don't approve of.

Senator AIKEN. They do not.

EXTENT OF OBLIGATION TO SHARE KNOWLEDGE OF PEACEFUL USES

Let me go on through the resolution adopted by the United Nations. On April 26, 1968, Ambassador Goldberg explained the U.S. obligations under these articles and I quote Ambassador Goldberg:

"On behalf of the United States and with the full authority of my Government I pledge unreservedly, in this open forum and before this important Committee of the Assembly, that, in keeping with the letter and spirit of this treaty provision, we will appropriately and equitably share our knowledge and experience acquired at great cost, concerning all aspects of the peaceful uses of nuclear energy with the parties to the treaty, particularly the nonnuclear parties."

But not exclusively apparently—

"This is not only a promise; when this treaty takes effect it will become an obligation under a treaty which, when approved by our Congress and President, will be, under our Constitution, a part of the supreme law of the land."

Now, if the United States should withdraw from the treaty some time in the future, would that still be part of the supreme law of the land?

Secretary ROGERS. No; it wouldn't, Senator.

Senator AIKEN. It would not?

Secretary ROGERS. No.

Senator AIKEN. And does this statement of Ambassador Goldberg make the statement of President Johnson the supreme law of the land also?

Secretary ROGERS. No.

Senator AIKEN. Can you have a statement by a Government official the supreme law of the land without any action by the Congress?

Secretary ROGERS. No.

Senator AIKEN. Good. That is reassuring. You don't need a national commitments resolution.

The CHAIRMAN. Well, put it in writing.

Senator AIKEN. I think I have just two or three more questions.

NUMBER OF U.S. FACILITIES TO BE PLACED UNDER IAEA INSPECTIONS

Possibly Mr. Seaborg could tell us how many existing U.S. facilities will be placed under IAEA inspection when the Nonproliferation Treaty goes into effect?

Dr. SEABORG. Well, this would have to be determined. What we would do is negotiate an agreement with the IAEA that would specify the terms and conditions. I couldn't state those at this time, but I would hope that the IAEA would choose a representative number that would serve the purpose for which President Johnson's offer was made; namely to assure that we are in the same position as others, such as our Western allies, with respect to the possibility of industrial secrets being revealed through this inspection process.

Senator AIKEN. Could you furnish us with an estimate as to what number, in your opinion, should be opened to IAEA inspection? You don't need to do it now at this time.

Dr. SEABORG. We could furnish an estimate of the number that in our view would be adequate to meet this concern.

(The information referred to follows:)

ACTIVITIES INCLUDED IN U.S. OFFER TO PERMIT IAEA SAFEGUARDS

In connection with the hearings before the Committee on Foreign Relations during July, 1968, the AEC supplied a memorandum (p. 110-112) explaining the offer that when such safeguards are applied under the Treaty, the United States will permit the IAEA to apply its safeguards to all nuclear activities in the United States—excluding only those with direct national security significance.

The memorandum noted that the date in the future when the offer is to take effect cannot be fixed at this time. It notes further that we will wish to consider the progress being made in gaining adherence to the Treaty and in negotiating and implementing the agreements between non-nuclear-weapon parties and the IAEA, in determining when the U.S. offer will take effect.

The memorandum also points out that the U.S. offer will be fulfilled by the negotiation of a formal agreement, between the IAEA and the U.S. Government, which would identify the U.S. activities in which the IAEA could apply its safeguards. In implementing the agreement, the IAEA will determine in which of the listed activities its safeguards are to be applied. The memorandum states that it is doubtful that the IAEA will wish to apply its safeguards to all activities listed, nor do we believe that the purpose of the U.S. offer would require that it do so. The memorandum goes on to state our belief that, rather than apply its safeguards to all the U.S. activities on the list, the IAEA will elect to apply safeguards to a representative number of U.S. activities, at least initially.

The memorandum included an illustrative list of facilities, in six categories, which might meet the criteria of the U.S. offer. The number of facilities built, being built, or planned in each of the six categories are:

(a) Approximately 55 central-station electric power reactors operating or under construction, and some 30 additional reactors now planned;

(b) Two dual purpose plants now planned;

(c) Five experimental electric power reactors currently operable or under construction.

(d) Approximately 100 facilities in the category of test, research and university reactors currently operable or under construction.

(e) Approximately 20 critical assembly facilities currently operable;

(f) Approximately 10 fuel fabrication, scrap recovery, and chemical processing facilities currently handling fuel associated with the facilities noted above.

The facilities now in operation, being built or planned which might be included, subject to our review at the time the agreement will be negotiated with the IAEA, total about 200. As noted above, the IAEA may choose to apply safeguards only to a representative number of the activities which will be included in the list at that time. For example, the IAEA would probably choose to apply its safeguards only to a small number of the activities listed in categories A through F above, but to most or all of the fuel fabrication and chemical processing facilities handling the fuel for the nuclear reactors selected.

It should be noted that before a definitive list of the activities or the facilities is included in the agreement to be negotiated with the IAEA, a detailed review will be conducted by the US to assure that none have direct national security significance.

Source: Atomic Energy Commission.

Senator AIKEN. It makes a difference whether it would be 200 or 200,000. It would depend on the interpretation.

When do you expect the rules and guidelines that may be laid down on that, assuming that the treaty is approved by the Senate.

Dr. SEABORG. Yes; I would think that this would be not until the treaty was in full effect and inspections were taking place in other countries that were adhering to the treaty. Then we would negotiate this agreement.

Senator AIKEN. Is there any hope that Russia may agree to inspection by the IAEA of atomic facilities in that country?

Dr. SEABORG. She has not given any indication that she would allow this.

Senator AIKEN. Well, I wouldn't sit up nights waiting for that.

ATTITUDE OF INDUSTRY LEADERS TOWARD INSPECTION

Now, have any representatives of U.S. industry taken a look at the plans which have been drawn so far to determine if they place undue burden on the company to be inspected?

Dr. SEABORG. Yes.

Senator AIKEN. They have?

Dr. SEABORG. Yes.

We consulted rather broadly with representative leaders of the different parts of the American nuclear industrial economy before President Johnson made this offer, and they agreed that it would be in our national interest to do this.

Senator AIKEN. What is the U.S. position in regard to facilities that process both military and peaceful nuclear materials?

Dr. SEABORG. These would not be subject to this inspection.

Senator AIKEN. They would not be subject?

Dr. SEABORG. They would not be subject to this inspection procedure.

Senator AIKEN. That is another good answer.

COMPOSITION OF INSPECTION TEAMS

You have already answered the question, but could citizens of Soviet bloc nations inspect U.S. facilities?

Dr. SEABORG. They may not.

Secretary ROGERS. They may not.

Dr. SEABORG. They may not, if we ask they not be included on the inspection team.

Senator AIKEN. Very well, and if they were included then that might threaten the continuation of the treaty itself, I suppose?

Secretary ROGERS. We wouldn't permit it. It is understood by every one. As a matter of fact, Senator, I think it is important to point out that we don't think this statement by President Johnson, which has been supported by President Nixon, really gives the Soviet Union any advantage. As a matter of fact, the Soviet Union probably would have

been just as satisfied if we had not made it. The statement was really made to cooperate with our allies. Also it should be noted that it doesn't apply to any nuclear activity that has any direct national security significance. So it only applies to peaceful uses, and we don't believe—I wouldn't want the impression to continue here that somehow this was giving the Soviet Union an advantage in the nuclear field. I don't think it does.

Senator AIKEN. However, there is the possibility of disclosure of nuclear trade secrets, I suppose.

Dr. SEABORG. Yes; but that would be more to our Western allies and vice versa and I don't believe that is a serious threat either.

We have placed under the disposal of the International Atomic Energy Agency some of our plants already, on an experimental basis.

Senator AIKEN. Yes.

Dr. SEABORG. And have concluded, from that, that it doesn't represent any appreciable threat for our industrial secrets in that field.

Senator AIKEN. Yes. I think your statement that facilities processing both military and peaceful nuclear material would not be subject to inspection is very reassuring.

The CHAIRMAN. Would the Senator yield on that point?

Senator AIKEN. I yield.

RECIPROCAL INSPECTION

The CHAIRMAN. Supposing they offer reciprocal inspection, would you still reject it?

Dr. SEABORG. Well, I believe that—

The CHAIRMAN. You seem to be so positive that under no circumstances would a Soviet scientist be allowed to look at our facilities. Do you mean that or do you mean if they would reciprocate you might?

Secretary ROGERS. I think if they reciprocate we might approve. I think it is a good idea, the more contact we have like that the better.

Senator AIKEN. But it wouldn't be necessary to go through the treaty to do that?

Secretary ROGERS. No.

Senator AIKEN. You could have a bilateral treaty.

Dr. SEABORG. Or the Soviets could make the same offer as we did and then, Senator Fulbright, I agree it would be a different situation.

Senator AIKEN. We would work outside the treaty?

The CHAIRMAN. I don't want the record to show that under no circumstances would you allow somebody from the Soviet Union to look at your plants. If they would let you look at theirs I don't know why you wouldn't reciprocate.

Secretary ROGERS. I don't intend to convey that impression.

Dr. SEABORG. We have exchange arrangements involving Soviet scientists and engineers and our scientists and engineers.

The CHAIRMAN. You told me we had quite an extensive exchange.

Dr. SEABORG. They visit our laboratories and our power reactors and so forth and we visit theirs.

SUFFICIENT NUMBER OF INSPECTION EXPERTS

Senator AIKEN. Have you enough Admiral Rickovers to do the inspecting on our part?

Dr. SEABORG. You mean will the IAEA have enough?

Senator AIKEN. Yes.

Dr. SEABORG. No, they won't have enough.

Senator AIKEN. They don't turn them out too easily.

Dr. SEABORG. They wouldn't have enough men of that capability, but they will have enough men of the capability that would be required, I am sure. They will be able to recruit a sufficient staff to do this job. I feel certain of that.

Senator AIKEN. Well, Mr. Chairman, I am through with my questions. I feel a little better than I did before I asked the first one.

The CHAIRMAN. I am happy about that. [Laughter.]

Senator AIKEN. I thought you would be.

(For further questions asked by Senator Aiken and answers supplied by the Atomic Energy Commission, see page 500 of the appendix.)

The CHAIRMAN. Senator Mansfield.

Senator MANSFIELD. Mr. Secretary, is the purpose of this treaty to prevent nations not now possessing nuclear weapons from obtaining them?

Secretary ROGERS. Yes, Senator.

Senator MANSFIELD. Senator Sparkman raised the question as to how many nations are on the verge of developing their own nuclear weapons, and I would assume that from the answer, which was fairly all-inclusive, that you consider a span of, say, from 1 to 5 years to become nuclear weapon operative.

Secretary ROGERS. That is correct.

ADEQUACY OF INSPECTION PROCEDURES

Senator MANSFIELD. Are the inspection procedures in the treaty adequate, in your opinion? For example, if one of the three nuclear powers were to ship under the table, so to speak, nuclear weapons, devices or know-how, are there adequate procedures to bring about a denial of such a procedure, in your opinion?

Secretary ROGERS. Well, I would think that the answer to that probably would be that you couldn't give absolute assurance that if there were clandestine attempts or clandestine efforts to violate the treaty that they could all be discovered. But we would hope that those nations that signed the treaty would not do that.

Certainly, as Dr. Seaborg can tell you better than I can, the detection devices have improved a great deal, so I think the chances are that we would have a much better chance to determine that if that happened. But this treaty, of course, if it is signed by most of the nations in the world will require a certain amount of good faith on their parts to live up to the treaty. We recognize that there always is a possibility that they will not be adhered to but we would hope that they will be.

Senator MANSFIELD. In other words, Mr. Secretary, insofar as you are able to determine, on the basis of what information is at your disposal at this time, the inspection procedures are adequate?

Secretary ROGERS. Yes; under the circumstances. Put it this way, I think it is a better way to put it. The cause of peace will be served

appreciably by the ratification of this treaty. Now, I think no one could claim it is perfect in all respects, but we think it is a very important step on the road to peace.

Senator MANSFIELD. It is in the interests of this country, in your opinion, that we subscribe to it?

Secretary ROGERS. Very much so, Senator.

EXPECTED BEHAVIOR OF NONSIGNATORY NUCLEAR NATIONS

Senator MANSFIELD. What will prevent France and China, two nonsignatories for obvious reasons, from supplying nuclear weapons to some of the have-not nations?

Secretary ROGERS. Well, I suppose that in the case of Communist China, one of the answers would be self-interest. Obviously, it would be preferable if they were a party to the treaty, but we don't have much hope for that.

As far as France is concerned, they have taken the position in the United Nations as follows:

"France for its part," and I quote what the permanent representative said in the United Nations, "France for its part, which will not sign the Nonproliferation Treaty, will behave in the future in this field exactly as the states adhering to the treaty. There is certainly no doubt in that respect in the minds of anyone." So we have that assurance from the permanent representative of France.

Senator MANSFIELD. And considering the situation in Paris, I think that is a reasonable assurance, all things considered.

Secretary ROGERS. Yes, Senator.

EFFECT OF TREATY ON U.S. SECURITY COMMITMENTS

Senator MANSFIELD. Now, Mr. Secretary, would this treaty call for more protection by the United States of the signatories, the non-nuclear powers, who affixed their agreement to it?

Secretary ROGERS. No. This treaty does not add anything to our present security arrangements. We do not undertake any additional obligations of that nature.

Senator MANSFIELD. In other words—and this ties in with the next question I have—the possibility of our being committed overseas is neither increased nor decreased but remains what it is at the moment?

Secretary ROGERS. Our treaty obligations overseas would not be enlarged or increased in any way. We would hope that the possibilities of involvement overseas would be lessened if a lot of nations signed the treaty.

Senator MANSFIELD. That is to be devoutly hoped for.

EFFECT ON NUCLEAR PROLIFERATION

Mr. Secretary, would the treaty actually stop nuclear proliferation? Perhaps I should ask Mr. Seaborg that question.

Dr. SEABORG. Yes; I believe very definitely that it would.

Senator MANSFIELD. You think it would, if these near nuclear powers which you have enumerated were to become signatories and their respective parliaments were to agree that this would be a step in the right direction and would reduce the possibility of nuclear proliferation.

Dr. SEABORG. Yes; very definitely.

Senator MANSFIELD. Mr. Secretary, you would agree?

Secretary ROGERS. Yes; and I don't see any motive in signing that if they didn't intend to do that. They don't have to sign if they don't want to.

Dr. SEABORG. Conversely, if we don't have the treaty we would have many of these near nuclear powers becoming small nuclear powers in the years ahead.

Senator MANSFIELD. I am delighted to have that for the record.

Would it be an important step, the ratification of this treaty, in our relations with the Soviet Union?

Secretary ROGERS. Yes; I think very definitely so, Senator.

Senator MANSFIELD. Now, one more question, gentlemen.

REVIEW OF ABM SYSTEM

I note article VI of the treaty which reads:

Each of the Parties to the treaty undertakes to pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament, and on a treaty on general and complete disarmament under strict and effective international control.

At the present time, on the order of the President of the United States a review is being undertaken of the antiballistic missile system. I think that fits in with article VI in this treaty, at least indirectly and the first question I would like to ask are the Department of State, the Atomic Energy Commission, and the Disarmament Agency in on this review of the ABM?

Secretary ROGERS. Yes, Senator.

Senator MANSFIELD. Mr. Seaborg?

Dr. SEABORG. Yes.

Senator MANSFIELD. Mr. Smith?

Mr. SMITH. That is correct.

Senator MANSFIELD. I am delighted that that is the case, and it just reinforces the opinion I have always had that this review is not something being done incidentally, but is being looked into seriously, and contrary to newspaper reports, which I do not agree with, I do not believe that this review is a whim of the moment and that a decision has already been made as to what will be done when this review is completed.

But I did want to bring out that in article VI of this treaty there would be such matters, I believe, worthy of consideration, such as missiles in general, the ABM, and what is being done in that respect by the Soviet Union, both within the Galosh system, I believe around Moscow, and the so-called Tallinn system around Leningrad. I would hope we would find out just how effective and how far advanced these systems are, what has been done recently in either stopping or reducing the building of them, what we know about their effectiveness, and the costs in relation to what we contemplate doing in this country.

So there is this relationship, which I am glad to note, which all three departments of the executive branch are being consulted on, and on that hopeful note, Mr. Chairman, I have no further comments.

The CHAIRMAN. One further clarification, you said that nonsignatories to the treaty such as France and China could still offer nuclear

weapons assistance to signatories to the treaty. It also is true that some 80 nonnuclear countries have agreed not to accept nuclear weapons assistance, is that right?

Secretary ROGERS. That is right. Of course, that is one of the main safeguards.

The CHAIRMAN. That is what I mean. That wasn't clear. They are not free completely even if they wanted to accept aid from those who have not signed the treaty.

Secretary ROGERS. That is correct.

The CHAIRMAN. Senator Mundt.

DEFINITION OF PROLIFERATION APPLICABLE TO TREATY

Senator MUNDT. Mr. Chairman, Mr. Secretary, and gentlemen, unfortunately the terms proliferation and nonproliferation seem to be rather imprecise terms so far as the general public is concerned and as far as some of our colleagues are concerned.

I would like to ask each and all of you to start with which of the two definitions of proliferation is applicable to this treaty. Proliferation could be and, in my opinion, is, the area to which this treaty relates, the spread of nuclear power and its expansion to other countries which don't have it or the continued development of nuclear capacity in a country which is just beginning to get it.

Proliferation could also apply to what is done in countries which already have nuclear striking capacity, the development of new weapons, and expansion of new systems.

Senator Mansfield alluded to that about what the Russians have done in terms of ABM. Is there anything in the treaty anywhere whatsoever that relates to the kind of proliferation which would be proliferation if Russia or the United States or France or China expanded their own striking capacity very startlingly and very spectacularly?

Secretary ROGERS. No, Senator; the definition of proliferation is the one you gave in the first part of your question, not the second part of your question.

Senator MUNDT. I am sure that is correct. I felt sure it was correct but some of the questions I get in my mail show that people have some hopeful notion that this is related to the whole problem of nuclear attack and nuclear striking capacity. This relates only to proliferation with other countries.

Secretary ROGERS. That is correct.

Senator MUNDT. Dr. Seaborg.

Secretary ROGERS. That is correct.

Dr. SEABORG. Yes, sir; except to the extent that article VI indicates a hope that we will get on with the-----

Senator MUNDT. Yes.

Secretary ROGERS. No, but as far as the treaty itself is concerned, you are right, Senator.

Senator MUNDT. Treaties cannot very well validate or invalidate hopes. They can just make pious expressions. They are utterly meaningless so far as behavior is concerned.

Dr. SEABORG. That is right. So far as the treaty is concerned, your first definition is the correct one.

EFFECT ON ALLIES OF U.S. RATIFICATION

Senator MUNDT. Let me raise a couple of questions now that were before us when we considered the treaty last summer.

At that time a question was raised repeatedly that the ratification of the treaty at that time could prove injurious to our relationships with West Germany, the Netherlands, and Belgium, some of the so-called Euratom nations. And none of us, I am sure, wants to increase disharmony among the friendly countries of the world. We would be hopeful if this treaty were ratified it would move to greater understanding, greater harmony, and greater cooperation.

I would like to have one of you or all of you, probably the Secretary of State is the man to answer, tell us if there is a likelihood that our ratification of this treaty could create disharmony among friendly countries.

Secretary ROGERS. No, Senator, I don't believe so. As I said in my opening statement, the President is going to talk next week with some of our allies about this treaty.

We don't anticipate that there will be any feeling of that kind, the kind that you indicate, among our allies. They do have some questions about certain phases of it. We hope to be able to answer those questions in our discussions.

The President has indicated that he hopes that the other nations of the world will ratify this. He also indicated he will not engage in any arm twisting.

So I would say, in answer to your question, that we expect that the ratification of this treaty by the United States will not injure our relations with any of our friends or allies.

Senator MUNDT. I am glad to have you say that and I want to congratulate our Chairman or you or both of you on setting this hearing up at this particular time prior to your trip to Western Europe, because obviously this is one of the things which will be discussed on and off the record at your meetings. I would hope that, if you find some evidence on that trip which is contrary to what your convictions presently are, you will share them with the committee.

Secretary ROGERS. Yes.

Senator MUNDT. For example, the Secretary General of NATO, General Manlio Brosio, a fine friend of ours, and a very fine friend of freedom and a fine friend of NATO said this:

It is one thing for Germany or Italy to feel secure and thereby not choose to acquire atomic weapons. It is quite another thing formally to oblige them in the face of their nuclear allies never to claim nuclear weapons. In such a case the political repercussions on the moral cohesion of the alliance should be carefully weighed.

I think that is a pertinent statement and I think it is something you would want to discuss.

Secretary ROGERS. In that connection, of course, Secretary General Brosio was here last week and we had lunch with him at the State Department and he had dinner with the President at the White House and we did discuss this matter with him and I wouldn't want to give an expression here about his views but I think that my previous answer is correct, the correct answer.

IS A NUCLEAR SUBMARINE A NUCLEAR WEAPON?

Senator AIKEN. Will the Senator yield? I would like to ask this: Is a nuclear submarine regarded as a nuclear weapon?

Secretary ROGERS. No, it is not, Senator; not as far as this treaty is concerned.

Senator AIKEN. Thank you.

Senator MUNDT. That is a curious definition if it excludes a nuclear submarine which has great killing power. It is not considered a weapon at all?

Secretary ROGERS. I refer this to my lawyer.

Senator MUNDT. Mr. Fisher.

Mr. FISHER. Well, by its terms, the treaty applies only to transferring nuclear weapons or other nuclear explosive devices or control over such nuclear devices. To come within the ambit of the treaty it has to be something that explodes—a warhead is that, a nuclear weapon is that. An ordinary nuclear reactor is not, a submarine itself is not.

The CHAIRMAN. The weapon on the submarine.

Secretary ROGERS. The nuclear weapon on the submarine comes within the provisions of the treaty. The submarine itself is powered by nuclear energy and that is not prohibited by the treaty.

Senator MUNDT. The treaty does not relate to the delivery system.

Secretary ROGERS. It is not an explosive device under the treaty.

Senator SPARKMAN. Will the Senator let me ask this question to clear up my own thinking? I presume under your definitions that a Polaris submarine with the Polaris explosive on it would be prohibited by the treaty?

Secretary ROGERS. Yes, not the submarine.

Senator SPARKMAN. Not the submarine.

Secretary ROGERS. But the missile.

Senator SPARKMAN. The fact that it had a missile on it.

Secretary ROGERS. That is correct.

Senator MUNDT. I am glad you mentioned that, Secretary, because I was a little confused too. I would hate to think if this treaty is ratified, every nation in the world which was on the border of the sea could build a great fleet of nuclear submarines equipped with Polaris weapons and be able to render destruction.

Senator SPARKMAN. I think when we mention the Polaris submarine we think of it as being loaded.

Senator MUNDT. That is right.

Secretary ROGERS. Senator, Mr. Fisher wants to make a point.

Mr. FISHER. That point was also mentioned on, the point on, page 6 in the statement of interpretation on Executive II and, as I indicated to Senator Sparkman, that was seen by the Soviets and key members of the ENDC before it was made public and there was no objection. In view of the fact it is public, and has been referred to on a public hearing, I assume all countries in the world are on notice of our intention.

POSITION OF WEST GERMANY

Senator MUNDT. I want to quote a statement made by Herr Strauss, the German Finance Minister who recently said :

As long as the Soviet Union insists on imposing the victor's rights over the loser of World War II contained in Article 53 and 107 of the Charter it must be presumed that for the Soviet Union the nonproliferation treaty may also serve to discriminate against and threaten the Federal Republic of Germany.

If that position and thought pervades the people of Germany, I understand they would be against the treaty and I hope you can do something to allay those feelings.

Secretary ROGERS. Yes, Senator. Of course, the United States does not agree with that, with those interpretations of 53 and 107. And we have attempted to get the Soviet Union to take a different position on that. In fact I met with a representative of the Soviet Union about a week or 10 days ago, and subsequent to that time, I am not sure that necessarily as the result of a meeting, but subsequently thereto, at least there has been an additional assurance by the Soviet Union to West Germany which has given them some consolation. I am not sure that it has totally answered the question in their mind but at least they feel somewhat reassured by the Soviets.

Senator MUNDT. Would it be a violation of the treaty if the United States were to supply nuclear weapons to Canada?

Secretary ROGERS. Yes; yes. It doesn't affect our NATO alliance, but as far as just supplying a nuclear weapon to Canada it would be a violation of the treaty.

Senator MUNDT. Would it be a violation of the treaty for Russia to give nuclear weapons to a Warsaw Pact power?

Secretary ROGERS. Yes.

Senator MUNDT. So that it works both ways.

Secretary ROGERS. That is correct.

Senator MUNDT. At the time we previously considered the treaty, I was one of the members who signed the minority views. Now, like George Aiken, I feel that an issue involving the survival of humanity, should have the action of the whole Senate. So, I will vote to report it to the Senate and stand ready to be convinced about the desirability of voting for it at the later time. I am not sure.

RESULTS OF NONNUCLEAR WEAPON STATES CONFERENCE

But let me ask you this. We raised in the minority view, which I am sure you read, the fact that at that particular time a conference of the nonnuclear weapon states was meeting in Geneva, and that conference was supposed to have been concluded about last September. I don't know whether it was or not or whether anything came out of the conference which would be relevant to the treaty discussion. Can any of you answer that?

Mr. FISHER. The conference has met, Senator Mundt. It has passed a series of resolutions. We can submit those resolutions for the record. Although we did not have voting rights at the conference—some of them we would have supported and some of them we would not. I don't think it has any bearing now on the Senate action of this treaty.

We will supply you with a précis on it so you will be free to make your judgment.

Senator MUNDT. It would be helpful if you would. It was one of the problems before us and we weren't able to follow through on it to be sure.

(The information referred to follows:)

RESULTS OF CONFERENCE OF NON-NUCLEAR WEAPON STATES, 1968

A précis of the results of the Conference of Non-Nuclear Weapon States, held in Geneva, Switzerland, from 29 August to 28 September 1968, is set forth below.

Although the conference was attended by representatives of the United States, the Soviet Union, the United Kingdom and France, none of them had the right to vote and none of them spoke. In short, our role was that of interested observers of the activities of the 92 non-nuclear countries present.

As the précis indicates, none of the actions taken at the conference related to the acceptability of the Non-Proliferation Treaty or preconditions to signing it. Moreover, while there was widespread concern over the problem of assuring security in the nuclear age, no consensus was reached at the conference on the need for further security assurance as a price for adhering to the treaty. A resolution was passed, with no negative votes, urging the United States and the Soviet Union to enter at an early date into bilateral discussions on limiting the strategic arms race.

The précis is extracted from a pamphlet on the Conference issued by the United Nations Office of Public Information in November 1968.

PRECIS

Scores of proposals and suggested recommendations were advanced in the course of the opening 10 days of general debate and later in the proceedings of the two main committees, the first of which dealt with questions of security and disarmament, and the second with the peaceful uses of nuclear energy and nuclear explosives.

The Conference, acting on the recommendations of its Committees, ultimately adopted 14 specific resolutions and a Declaration. These aimed at stronger measures of security for the non-nuclear States, the prevention of further proliferation of nuclear armaments and encouragement towards disarmament, and the development of programmes for co-operation in the field of peaceful uses of nuclear energy, particularly in developing countries.

CONFERENCE RECOMMENDATIONS

The decisions and recommendations of the Conference, contained in its Final Document were adopted in plenary by a required two-thirds vote. In summary, the Conference took these decisions:

Measures to assure the security of non-nuclear-weapon States

Reaffirmed the principle of the non-use of force and the prohibition of the threat of force in relations between States; the right to equality, sovereignty, territorial integrity, non-intervention in internal affairs and self-determination of every State; and the inherent right recognized under Article 51 of the Charter of individual or collective self-defence "which, apart from measures taken or authorized by the Security Council of the United Nations, is the only legitimate exception to the overriding principle of the non-use of force in relations between States".

The nuclear-weapon States are asked to reaffirm these principles. (Adopted by 56 votes in favour to 5 against, with 26 abstentions.) (Sponsor: Federal Republic of Germany.)

Establishment of nuclear-weapon-free zones

Declared that establishment of nuclear-weapon-free zones is one of the measures which can contribute most effectively to halting proliferation, and that for maximum effectiveness of any such treaty "the co-operation of the nuclear-weapon States is necessary and that such co-operation should take the form of commitments likewise undertaken in a formal international instrument which is legally binding"; recommended that non-nuclear States study the possibility of establish-

ing by treaty the military denuclearization of their zones; and regretted that not all the nuclear-weapon Powers had signed Additional Protocol II of the Treaty for the Prohibition of Nuclear Weapons in Latin America (Treaty of Tlateloco), under which they assume obligations to respect the nuclear-weapon-free status of Latin America and not to use or threaten to use nuclear weapons against parties to that Treaty. (Adopted by 74 votes in favour to none against, with 10 abstentions.) (Sponsored by 16 Latin American States.)

Effective measures for the prevention of further proliferation of nuclear weapons, the cessation of the nuclear arms race at an early date and nuclear disarmament

Requested the General Assembly at its twenty-third session to recommend that the Eighteen-Nation Disarmament Committee begin not later than March 1969 to undertake negotiations for (a) prevention of further development and improvement of nuclear weapons and their delivery vehicles; (b) a comprehensive test ban treaty as "a matter of high priority"; (c) immediate cessation of the production of fissile materials for weapons purposes and the stoppage of the manufacture of nuclear weapons; and (d) reduction and subsequent elimination of stockpiles of nuclear weapons and delivery systems. (Adopted by 76 votes in favour to none against, with 8 abstentions.) (Sponsored by 21 countries.)

Urged the Soviet Union and United States to enter at an early date into bilateral discussions on the limitation of offensive strategic nuclear weapons delivery systems and systems of defence against ballistic missiles, and expressed deep concern at "the imminent danger of a renewal of the strategic nuclear arms race and its escalation to new levels which become uncontrollable." (Adopted by 79 votes in favour to none against, with 5 abstentions.) (Sponsored: Pakistan.)

Safeguards against the diversion of source or special fissionable material from peaceful to military uses, and safeguards against industrial espionage

Recommended the acceptance by all non-nuclear States of the International Atomic Energy Agency (IAEA) system of safeguards, as may be evolved from time to time and which would provide against diversion of source or fissionable material; recognized the urgency of preventing proliferation of nuclear weapons, and stated that the IAEA is most suited to administer safeguards. (Adopted by 34 in favour to 8 against, with 41 abstentions.) (Sponsor: Pakistan.)

Recommended the establishment within the IAEA and under its Board of Governors of institutional machinery on safeguards, of which both suppliers of nuclear materials and other member countries shall form part; recommended that the IAEA simplify the safeguard procedures through use of instruments and other technical devices at certain strategic points, simplify safeguards concerning fissionable materials in small quantities for research, and incorporate in agreements rules laid down against industrial risks including industrial espionage; and urged the nuclear-weapon Powers to conclude safeguards agreements with the IAEA. (Adopted by 35 in favour to 5 against, with 45 abstentions.) (Sponsored by Argentina, Brazil, Chile, Colombia, Ecuador, Spain and Switzerland.)

Programmes for co-operation in the field of peaceful uses of nuclear energy

Requested the Secretary-General to appoint a group of experts to prepare a full report on "all possible contributions of nuclear technology to the economic and scientific advancement of the developing countries". (Adopted by 69 votes in favour to none against, with 1 abstention.) (Sponsors: 16 Latin American States.)

Called on the IAEA to undertake studies on arrangements to facilitate exchange of scientific and technical information, on ways to increase funds available for technical assistance, on effective means to ensure access to special fissionable materials, and on the Agency's possible role in regard to nuclear explosions for peaceful purposes; invited the nuclear-weapon States to advise the IAEA at regular intervals on the possibility of declassifying scientific and technical information; urged the nuclear States to facilitate the availability of fissionable materials for peaceful nuclear programmes of the non-nuclear-weapon States "accepting the application of safeguards as envisaged in Article III of the Treaty"; and expressed the assumption that the IAEA would examine its procedures, as well as the composition of its Board of Governors, with a view to adapting them as necessary in the light of its new responsibilities. (Adopted by 51 votes in favour to 15 against, with 10 abstentions.) (Sponsors: Austria, Denmark, Finland, Japan, Norway, Sweden and Switzerland.)

Recommended that the IAEA should undertake to examine the basis on which arrangements can be made by the Agency to secure finances from international sources for the creation of a "Special Nuclear Fund" to provide loans and grants for nuclear projects. (Adopted by 70 in favour to none against, with 4 abstentions.) (Sponsor: Pakistan.)

Requested the General Assembly to consider at its twenty-third session the establishment of a nuclear technology development programme for the benefit of developing countries within the United Nations Development Programme; requested the World Bank to consider establishing a similar programme; invited the nuclear States to assume the main responsibility for financing the two programmes; requested the IAEA to consider establishing a "Fund of Special Fissionable Materials", and invited the nuclear States to give "a firm undertaking" regarding the supply of such materials to the Fund. (Adopted by 51 in favour to none against, with 22 abstentions.) (Sponsors: 15 Latin American States and Jamaica.)

Recommended that the IAEA broaden the representation on its Board of Governors so as to reflect equitable geographical distribution and the views of a broad spectrum of developing countries. (Adopted by 47 in favour to none against, with 29 abstentions.) (Sponsors: Cameroon, Dahomey, Ivory Coast, Kenya, Uganda, United Republic of Tanzania and Zambia.)

Expressed its conviction on the "urgent need" to obtain a comprehensive test ban treaty, and on the other hand to create a separate international instrument for international regulation and control of all explosions for peaceful purposes as exceptions from the general prohibition under a comprehensive test ban; and endorsed the views of the eight non-aligned members of the Eighteen-Nation Disarmament Committee concerning the close link between a comprehensive test ban and a solution of the problem of nuclear explosions for peaceful purposes. (Adopted by 61 in favour to none against, with 16 abstentions.) (Sponsors: Sweden and Nigeria.)

Requested all nuclear-weapon States and non-nuclear States in a position to do so "to provide access for students and scientists for purposes of training and acquisition of knowledge on a non-discriminatory basis to their scientific institutions and nuclear establishments engaged in research and development of the peaceful uses of nuclear energy". (Adopted by 37 in favour to none against, with 43 abstentions.) (Sponsor: Pakistan.)

Implementation of Conference decisions

Invited the General Assembly at its twenty-third session "to consider the best ways and means for the implementation of the decisions taken by the Conference" and to consider at a subsequent session the question of convening a second Conference of Non-Nuclear Weapon States. (Adopted by 75 in favour to none against, with no abstentions.) (Sponsor: Brazil.)

The Declaration

The provisions of the "Declaration of the Conference of Non-Nuclear Weapon States", reaffirm the universal responsibilities and obligations of States to guarantee peace, security and development in the world and reflect, in general terms, the more detailed recommendations contained in the Conference resolutions.

In summary, the Declaration expresses the following views of participants: The future of mankind "cannot be secure without the complete elimination of the use or threat of use of force in the spirit of the United Nations Charter". An early solution of the question of security assurances in the nuclear era is necessary.

All countries should observe the United Nations Charter and the generally accepted norms of international law governing relations among States.

Immediate cessation of the arms race and acceleration of the process of nuclear and general disarmament under effective international control are indispensable for world peace and economic progress; pending achievement of general and complete disarmament, steps should be undertaken urgently to reach agreements on collateral measures.

The Treaty on the Non-Proliferation of Nuclear Weapons should be followed up by disarmament measures, particularly nuclear disarmament.

Nuclear-weapon-free zones, established under appropriate conditions, constitute an effective contribution to non-proliferation and disarmament.

It is imperative to ensure conditions to promote the peaceful uses of nuclear energy and ensure unhampered flow of nuclear materials under appropriate safeguards, as well as of scientific knowledge and advanced nuclear technology for

peaceful purposes, on a non-discriminatory basis. Appropriate international arrangements should be prepared for the use of nuclear explosive devices for peaceful purposes.

International assistance, including financing, is needed for the greater application of the peaceful uses of nuclear energy; all nations, particularly nuclear Powers, should facilitate international co-operation in this field.

The Conference recommends to the General Assembly the continuation of efforts to deal with these problems, taking into consideration the best ways and means of implementing the Conference decisions, including the convening of another Conference at an appropriate time.

Source : Atomic Energy Commission.

FUNCTION OF IAEA INSPECTORS

Senator MUNDT. Dr. Seaborg, you raised a point or two on that question that I would like to question you about.

On the Appropriations Committee we are not particularly impressed with the relationship of the numbers of employees to achievements which come out of any particular agency. I noticed that in lauding the work of the IAEA you gave us the feeling that they were doing a great job because they have increased their members from three, then to 28 and now, lo and behold, they have 44 employees.

I wonder if you couldn't give us a more meaningful report as to what these people do or what this means in terms of progress, in terms of nuclear safety.

Dr. SEABORG. These are people who are experts in the nuclear energy and nuclear power field, people who have experience in this field.

They go to the nuclear installations and inspect the materials and the operations, and the records concerning the special fissionable materials that are involved at the installations.

Senator MUNDT. These are the inspectors.

Dr. SEABORG. These are inspectors. These are professional people, scientists and engineers and those who are expert in accounting procedures that go to the places and make actual onsite inspections.

Senator MUNDT. They do that now?

Dr. SEABORG. They do that now.

Senator MUNDT. How will their functions differ if the treaty is ratified?

Dr. SEABORG. It will be much the same, except perhaps their inspections will be a little more thorough and more penetrating and there will be a lot more of them.

Senator MUNDT. They will have a little bit more latitude and freedom of action?

Dr. SEABORG. Yes; I would think so although they are not being particularly limited in that way now.

Senator MUNDT. Will there be new areas in which they can make inspection?

Dr. SEABORG. There would be new areas of activity which they can begin to inspect although at the present time most of the areas are addressed to the regulations of the IAEA and subject to inspection in these countries where the IAEA now has access. Of course, the reason that we need the NPT is that these countries are so limited in number.

Senator MUNDT. Very good, that is a much better reason as far as I am concerned than the numbers of people. I didn't want to have the new Secretary of State feeling that in coming before the Appropriations Committee or the Foreign Relations Committee a year from now

and saying "I am doing a whale of a good job, I have doubled the number of employees in the State Department."

Secretary ROGERS. Senator, I will never say that, at least if you are in the room I won't.

Senator MUNDT. I understand that.

MIDDLE EASTERN SIGNATORIES

Now all of the countries from the troubled Middle East except Saudi Arabia and Israel have signed the Nonproliferation Treaty, and you mentioned that hopefully you felt Israel and West Germany would sign the treaty. I don't think you mentioned anything about Saudi Arabia. Do you think Saudi Arabia is moving in the direction of signing the treaty?

Secretary ROGERS. We really don't know the answer to that question, Senator.

Senator MUNDT. They are a long way from having any capacity. I would assume, for making a nuclear bomb, if I recall my visits to Saudi Arabia. We don't want to do anything certainly to stir the troubled waters of that area.

What do you believe would be the reaction of the Middle East states and the United Arab Republic, if Israel did not sign the Nonproliferation Treaty. Is this something that might create new troubles and new suspicions? What is your candid reflection on that?

Secretary ROGERS. Well, I think that the reaction of the Arab countries would be adverse, and certainly it is the hope of the United States that Israel, along with other nations, will sign this treaty.

Senator MUNDT. Let me ask you this because I don't think I have ever read the rationale of the Government of Israel as to why it would not want to sign this treaty. It would look to me as if there were any one country that is likely to be the beneficiary of this kind of a treaty it would be Israel. She has a nuclear capacity of some status now, and is surrounded by unfriendly states, none of which has any nuclear capacity. It is difficult for me to understand the rationale of Israel saying "We don't like it."

Secretary ROGERS. I think it would be unfortunate to leave the impression that they are not going to sign the treaty. They voted for the treaty in the United Nations so we would hope that Israel would sign the treaty. I don't think they have indicated they are not going to. So there is no rationale for that position.

DOES THE TREATY GO FAR ENOUGH?

Senator MUNDT. Let me make this comment leading to my final question. I have great admiration for Bill Foster. I saw him many times when he was wrestling with this problem. My basic reaction to this treaty is not that it goes too far but that it does not go far enough.

It seems to me we started out with stardust in our eyes hoping to produce some kind of a nuclear mountain which would end the fear of nuclear extermination, and we have come up with what to me is just a kind of diplomatic mouse. It doesn't go very far. It really doesn't do very much, and I notice you were candid enough in your statement to say that this isn't the answer to humanity's fears.

Now, true proliferation is a very dangerous factor, and to the extent that this treaty would stop proliferation, as we have defined it, it is a laudable goal, but it seems to me progressive stockpiling of nuclear arms by such great powers as the United States and Russia, and now China, is infinitely more dangerous in terms of trying to free the world from this dreadful weapon.

And so I would like to ask you this question, feeling as I do that the basic danger is not really touched by this treaty. It doesn't do, as I can see, anything to free the world from the possibility in the next decade or in the next 10 days of a great nuclear conflict.

DOES TREATY GUARANTEE AGAINST NUCLEAR ATTACK?

I would like to ask you this question. In your opinion will our ratification of this treaty make it more likely that in the predictable future we can work out with the Russians, forget the Chinese for the time being, a nuclear disarmament pact, buttressed and supported by complete and total mutual inspection? Because without that you increase the peril, instead of decreasing it, but this is the goal, this is what Eisenhower first thought about way back on his open skies proposal. It is what Bernard Baruch talked about. It is what all our Presidents have talked about. This doesn't even accomplish an inch of gain in that direction unless hopefully it might be sort of a prelude to further discussions or further negotiations which would lead to the kind of nuclear disarmament pact reinforced by international and mutual inspection so we could be free of this kind of conflict.

Now if I thought this were going to lead toward that hopeful destination I could resolve my other doubts about this treaty, but if I thought this was going to give Russia and the United States sort of a feeling of complacency and say "well, now, we have got something accomplished," and each continues to build both its offensive and defensive weaponry in the nuclear field, then I think the ratification of this treaty would be a hideous mistake. I would like to have your comments in that connection.

Secretary ROGERS. Senator, let me say, and I want to be as precise as I possibly can, that no one could represent that this treaty guarantees peace in the world.

Senator MUNDT. Or freedom from nuclear attack is the thing I am thinking about. It doesn't guarantee that.

Secretary ROGERS. Or freedom from nuclear attack, right.

PREVENTION AGAINST INCREASE IN NUCLEAR CAPABILITY

So far as your last comment, the first part of your comment is concerned, where you say that that does not prevent the Soviet Union and the United States and other nuclear powers from increasing their nuclear capability, that is correct. But it doesn't seem to me that is particularly relevant at the moment because both sides have sufficient nuclear capability now to destroy each other and probably the world. So the fact that you add to a potential that is so awesome and devastating really doesn't make that much difference in terms of—

Senator MUNDT. Will you yield? That is correct.

Secretary ROGERS. Yes.

Senator MUNDT. Providing neither power either gets or thinks it has a complete superiority over the other that it can take the chance.

Secretary ROGERS. That is right, and this treaty doesn't relate to that point at all. This treaty does suggest that the superpowers that now have the capability of destroying each other and possibly most of the world, feel that it is in the common interests of each other and the future of the world not to proliferate that power, not to pass it on to other nations.

Now, we think that this treaty is the best possible one that can be devised at the present time to accomplish that goal. Obviously it is not totally foolproof. But it is an important step toward that goal.

Now in regard to the last part of your question, I think that this treaty, if ratified by most of the nations of the world, will hold out some hope that superpowers may be able in the future to negotiate further arms reduction. It would be a brave man to suggest that that is in any way assured. But this certainly is an important first step. It is one that has been discussed and negotiated about for 5, 6, 7 years, and it seems to me that all we can do is to ratify this treaty and hopefully negotiate in the future for further arms reduction and limitations, and it seems to me that that is the attitude of this administration.

Senator MUNDT. I would hope that you would go further than hope. If this is ratified, while the people are in the mental condition that you describe which might be reflected by whatever induces them to ratify, it, I would hope that you would press as persistently, persuasively as possible for Russia to work out with us a nuclear disarmament pact.

Secretary ROGERS. We certainly will do that. I think I used the word "hope" because obviously when you are negotiating with the other side it depends to some extent on this attitude of the other side.

Senator MUNDT. No question about it.

Secretary ROGERS. I used the word "hope" just because I am a realist.

Senator MUNDT. Well, press forward with hope.

Secretary ROGERS. I will accept that.

Senator MUNDT. That is all, Mr. Chairman.

UNDERTAKING TO NEGOTIATE

The CHAIRMAN. In that connection, Mr. Secretary, article VI specifically, as you can see, says both countries, and others undertake to negotiate.

Secretary ROGERS. That is right.

The CHAIRMAN. They may not live up to it. The trouble is not the treaty. It is the orneriness of human beings, isn't it?

Secretary ROGERS. That is right.

The CHAIRMAN. There is nothing new about that.

Senator MUNDT. The trouble, Mr. Chairman, is that article VI doesn't do anything to change the condition. We could have done it any time since either power has had nuclear capacity.

The CHAIRMAN. It is a solemn undertaking, that is all. It is all any treaty is. You can't remake human nature by a treaty.

Senator Gore?

CONCERN OVER ARTICLE VI EXPRESSED

Senator GORE. Mr. Secretary, I must say that your repeated use of the word "hope" and Dr. Seaborg's use of the word "hope" with respect to article VI is a matter of concern. As a Senate adviser to the delegation in Geneva that negotiated the treaty, article VI was not, to my knowledge, ever referred to there as a matter of mere hope.

Secretary ROGERS. Senator, I think you misconstrued my use. I don't talk about hope in connection with the use of article VI. I said I hoped we could conclude an agreement that could result in further arms limitation. We subscribe totally to the words in article VI as the Chairman has indicated.

Senator GORE. Maybe in order that we do understand the importance of it, I would like to read it:

ARTICLE VI

Each of the Parties to the Treaty undertakes to pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament under strict and effective international control.

Secretary ROGERS. Right.

Senator GORE. Now, I understand this to be not only in the preamble, but an effective article of the treaty.

Secretary ROGERS. Right.

Senator GORE. And that we and other parties to the treaty undertake to engage in negotiations looking toward measures relating to the cessation of the armaments race. Do you so interpret it?

Secretary ROGERS. Yes; I have—Senator, I want to make it clear. There is nothing I have said in my testimony that suggests any amendment or alteration of article VI—when we ratify the treaty, we subscribe to every article in the treaty including article VI.

Senator GORE. In November, Mr. Kosygin, chairman of the Supreme Soviet expressed willingness, I can almost say anxiety, to initiate negotiations with respect to avoiding the mutual deployment of antiballistic missiles, so-called ABM systems. Does not article VI upon treaty ratification commit the United States to a willingness to initiate this negotiation?

Secretary ROGERS. Well, it indicates just what it says, that we will pursue negotiations in good faith on effective measures relating to cessation of nuclear arms race at an early date. I don't think it refers to any particular phase of the nuclear arms race.

Senator GORE. It refers to nuclear disarmament.

Secretary ROGERS. That is correct, but doesn't refer to the ABM.

Senator GORE. It refers to cessation of the nuclear armaments race.

Secretary ROGERS. That is correct.

IS ABM DEPLOYMENT A VIOLATION OF ARTICLE VI?

Senator GORE. Is not deployment of antiballistic missiles a part of the armaments race?

Secretary ROGERS. Yes.

Senator GORE. Then does not this refer to it?

Secretary ROGERS. Well, it doesn't single it out. It refers to a lot of other weapons that are involved in the nuclear arms race, too, other than ABM. I mean, as I understand this provision, it applies to all nuclear weapons.

Senator GORE. Then it does apply to the ABM deployment?

Secretary ROGERS. It applies to all of them, yes, all nuclear weapons.

Senator GORE. And the fact that it is not specifically mentioned does not mean that it is excluded?

Secretary ROGERS. No; not at all.

Senator GORE. Well then, upon ratification of the treaty, have we not then undertaken a willingness to begin negotiations to avoid mutual deployment of ABM?

Secretary ROGERS. No; I don't think that is correct, Senator. The treaty doesn't set any priorities. It doesn't say anything about ABMs. Now, it seems to me that the treaty is perfectly clear that we have an obligation, and so does the Soviet Union and so does any other nation that signs the treaty, to negotiate in good faith on effective measures relating to the nuclear arms race at an early date. It doesn't set forth any priorities and I don't think we should as a nation set forth priorities. I think we should do just as the treaty suggests.

Senator GORE. I wasn't suggesting priorities. Maybe I should put it another way. Is ABM deployment included or excluded with respect to article VI?

Secretary ROGERS. It is included along with all the other nuclear weapons.

Senator GORE. But though included, just what do you mean, Mr. Secretary? Does this commit the United States to negotiations on ABM or willingness to negotiate on ABM or does it not? I am a little confused by your answer.

Secretary ROGERS. Senator, I will see if I can make it clear. I didn't mean to confuse the record.

As I understand this article, it obligates those states which ratify to pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date. Now, that would include all nuclear weapons.

Senator GORE. And all deployments?

Secretary ROGERS. And all deployments.

Senator GORE. So as I understand your interpretation now, this does have a bearing upon our willingness to negotiate on ABM?

Secretary ROGERS. On all nuclear weapons including ABM.

Senator GORE. I think we understand each other.

The CHAIRMAN. Will the Senator allow me to put it in a little different way?

Senator GORE. Yes; I have tried to put it in a different way.

IS ABM DEPLOYMENT INCONSISTENT WITH ARTICLE VI?

The CHAIRMAN. Would you consider, Mr. Secretary, after the treaty has been agreed to and ratified and in full force, that to proceed unilaterally with the ABM would be inconsistent with this article?

Secretary ROGERS. No, not at all.

The CHAIRMAN. You don't?

Secretary ROGERS. Well, if I understood your question—read the question back.

The CHAIRMAN. It wouldn't be inconsistent with article VI?

Secretary ROGERS. I didn't understand your question. Let me get it back. I thought you talked—

The CHAIRMAN. After it is in full effect.

Secretary ROGERS. Yes.

The CHAIRMAN. For the United States to proceed unilaterally to construct and deploy the ABM, would that be inconsistent with article VI?

Secretary ROGERS. No, I don't think so.

The CHAIRMAN. It seems to me that the article means nothing if it wouldn't. This, and I might point out, is not only in article VI but a similar version, a short version, is in the preamble. The preamble says "declaring their intentions to achieve at the earliest possible date the cessation of the nuclear arms race and to undertake effective measures in the direction of nuclear disarmament."

In other words, it is in both the preamble and in article VI. I can't imagine that after the treaty is in full effect, if we then proceed with the ABM unilaterally without trying to negotiate an agreement to halt deployment, that this would not be utterly inconsistent with article VI.

Secretary ROGERS. Senator, if you say without attempting to negotiate—

The CHAIRMAN. I said unilaterally, when I put the question I meant this.

Secretary ROGERS. Let me say this. I think we should at an appropriate time attempt to negotiate arms limitations as provided in article VI.

U.S. OBLIGATION TO NEGOTIATE FELT

The CHAIRMAN. Yes. I wouldn't expect us to do it if they tell us "no, go about your business," and themselves have nothing to do with it. But it seems to me we are obligated to act in good faith to persuade the Russians and agree ourselves not to deploy ABM. That is the most crucial question at present. There is nothing else quite comparable to it, is there?

Secretary ROGERS. I think there are other things.

The CHAIRMAN. I can't think of one. Is there another in this area quite comparable?

Secretary ROGERS. Well, multiple warheads is pretty serious.

The CHAIRMAN. I don't know enough about multiple warheads. I don't know the status of them.

Secretary ROGERS. Well, the only thing I would like to suggest is that this treaty doesn't refer to any particular nuclear weapon.

The CHAIRMAN. I agree with that.

Secretary ROGERS. Secondly, I agree with you that once the treaty has been ratified we have an obligation as well as the Soviet Union to attempt to negotiate in good faith to limit the arms race.

The CHAIRMAN. Yes.

We mention ABM because it is the matter before the Senate, the one that we are, many of us here are interested in, particularly Senator Cooper. This is the problem that is really bothering a great many people at the moment.

Senator MUNDT. Will the Senator yield?

The CHAIRMAN. The Senator from Tennessee has the floor.

Senator MUNDT. Will the Senator yield?

Senator GORE. Yes.

EFFECT OF POSSESSION OF ABM SYSTEM ON NEGOTIATIONS

Senator MUNDT. Just to be sure the record does not indicate by the sweeping gesture of the Chairman that all the members of this committee feel exactly the same way about ABM, let me say that some of us believe that in order to negotiate effectively with the U.S.S.R. about ABMs we have to put something on the table besides a plea. You can't negotiate very effectively if you go to the other fellow and say "you have something I don't have and we wish you would get rid of it." Perhaps the indication that we, too, can get it or could have it, might lead to negotiations. So I think there is no inconsistency at all in trying to study the desirability or the necessity of an ABM system and also trying to negotiate with the Russians.

The CHAIRMAN. Senator Gore.

Senator GORE. Well, I don't quite understand either, Mr. Secretary, your reference to multiple warheads. Did you intend to infer that the development of multiple warheads is comparable to deployment of the ABM?

Secretary ROGERS. No.

Senator GORE. In the matter of disarmament.

Secretary ROGERS. I just indicated there are other areas that when we get into negotiation we will want to talk about.

ABM AS THE ISSUE IN ARMS LIMITATION

Senator GORE. Yes; I certainly can agree with that. But I agree with the Chairman that the question of deployment of antiballistic missiles by both the United States and the Soviet Union is now the big issue with respect to limitation of the nuclear armaments race. Would you agree with that?

Secretary ROGERS. Yes; I think so. Senator, I was just relating it to the treaty provision. I don't disagree with you on that point.

Senator GORE. All right.

Then, if that is the big question on limitation of nuclear armaments, and the Union of Soviet Socialist Republics has indicated in an official communication a willingness to initiate negotiation either to limit or to avoid such deployment, would not ratification of this treaty with article VI contained therein, obligate this country to good faith negotiation on this subject?

Secretary ROGERS. Yes; I think so.

Senator GORE. That is a firm answer and thank you, sir. I shall support it on that basis.

ARMED SERVICES COMMITTEE HEARINGS ON TREATY

Yesterday the distinguished chairman of the Senate Armed Services Committee issued a press release in which he said that the Armed Services Committee would hold a hearing with respect to this treaty. Maybe I had better read the second paragraph of the release:

Chairman Stennis stated that the hearings by Armed Services would be brief and would last only a few days but that he felt that it is important that the Armed Services Committee look at the Treaty from the special military aspects to determine what impact, if any, its ratification would have on our nuclear armaments and our military posture *vis-a-vis* the other nuclear powers.

Have you been invited to testify before the Armed Services Committee?

Secretary ROGERS. I haven't. I think it is going to be next week. I am going to be out of the country, Senator.

Senator GORE. Do you know if Secretary Laird has been invited?

Secretary ROGERS. I don't know.

Senator GORE. Would you think it would be the proper province of this committee to examine the foreign policy implications of anti-ballistic missile deployment?

Secretary ROGERS. I think on my first appearance here I would rather not get involved in a jurisdictional dispute, Senator. [Laughter.]

The CHAIRMAN. It is a very wise answer. [Laughter.]

Senator GORE. That verifies I acted wisely in voting for your confirmation. [Laughter.]

One other question, and then I shall desist.

PROGRESS ON A SAFEGUARDS AGREEMENT

Earlier, members of the committee referred to the number of countries that have adhered to the treaty. This is important, but the adherence to the treaty of Cameroon doesn't have the importance that members of Euratom does. In Geneva this was one of the sensitive points, as I think Ambassador Fisher will surely recall.

Now, as I understand it, some of the countries in Euratom, to wit: Germany, Italy, Belgium, the Netherlands, and Luxembourg, have indicated a reluctance to ratify the Nonproliferation Treaty until a mutually satisfactory safeguard agreement has been worked out between IAEA and Euratom.

Last year this committee was assured that in the opinion of the Administration, there would be no difficulty in reconciling the safeguard systems of Euratom and IAEA.

My question is, after that background, what progress has been made in reaching an agreement on this point since last July?

Mr. FISHER. Discussions are just beginning, Senator Gore. I think it is fair to say that the Euratom countries don't want to really get down to negotiations until after all the Euratom countries, save France, have signed the treaty. All have, save France and Germany, at the present time.

I think it is also fair to say that the Germans are waiting to see what action this Senate takes or the United States takes before making up their own minds.

So in looking at the related items we are a little bit like the old Tennessee law that was once passed. It says if two trains meet at a grade crossing both must stop and neither shall proceed until the other has passed.

Senator GORE. We repealed that. [Laughter.]

Mr. FISHER. I think if favorable action is taken we can anticipate perhaps signature by all the Euratom countries, save France, and then prompt action on negotiations.

I share the view there is no incompatibility between the safeguard systems, and reaffirm your position that this was the matter we negotiated quite hard on, to get a treaty provision that would make possi-

ble a Euratom-IAEA agreement and we have high hopes this will be done.

Senator GORE. Do you concur in that, Mr. Secretary?

Secretary ROGERS. Yes, I do.

Senator GORE. Thank you, Mr. Chairman.

The CHAIRMAN. Senator Case.

Senator CASE. Thank you, Mr. Chairman.

U.S. OBLIGATION IN THREAT AGAINST NONNUCLEAR STATE

Mr. Secretary, Dr. Seaborg and Mr. Fisher, most of the questions that I had, have been quite well covered. But I would like, Mr. Secretary, to ask you to expand a bit on what happens so far as the United States being obligated to act in the event of a threatened aggression against a nonnuclear state. I am referring now to the resolution adopted in the Security Council last year which says that the Council, and above all, its nuclear weapons state permanent members, would have to act immediately in accordance with their obligations under the United Nations Charter.

What happens if the Security Council does not act immediately, what is our obligation?

Secretary ROGERS. Well, Senator, before you, I think, just before you came into the room, in my statement I pointed out that the Administration agrees with the committee's—

Senator CASE. Yes, I saw that.

Secretary ROGERS. The committee's report on page 11 says that under the treaty the U.S. does not incur any new obligations; that we do not take on any new security commitments as a result of this.

And I think the way the committee has expressed it in the paragraph third from the bottom of page 11 is very adequate and very accurate.

Senator CASE. In substance, what the committee said then and what you are saying now is that under normal Charter proceedings even without this treaty we have the option to call any case of aggression to the Security Council's attention, and now we have the obligation—

Secretary ROGERS. Yes.

Senator CASE. To call it to their attention.

I don't mean to make it harder to get nonnuclear states to go along. On the other hand, I don't want any fuzziness about what our obligation for action is, to result in either any question in this country or doubt or uncertainty or overoptimism in the minds of any foreign leaders.

Secretary ROGERS. That is right.

Senator CASE. And I would just like to have you talk a little about it, because this summary is quite pat but it is a very thin kind of a commitment.

Secretary ROGERS. Yes; it is.

Well, let me say that the Administration does not consider that this treaty or the United Nations resolution adds to our commitments in any security arrangements. I would say, as the committee suggests, that it is possible that what we do is commit ourselves to bring such a violation to the attention of the Security Council. But if you analyze it that is not giving up much of an option because

if there were nuclear attacks certainly the Security Council would be brought into play.

But, as far as the specific question is concerned, the United States, as a result of ratification of this treaty and as a result of the United Nations resolution, does not take on any additional security guarantees.

Senator CASE. One phase of that question, of course, involves the relations between the President and the Congress, and I take it that in your opinion, neither the treaty if it become effective—

WEAKNESSES IN SECURITY COUNCIL

Senator AIKEN. Will the Senator yield just a minute? I point out that one of the weaknesses in the references to the Security Council to take action on violations is that one member of the Security Council can veto any act.

Secretary ROGERS. Yes.

Senator AIKEN. And Russia has already, I don't know how many times, used the veto.

Secretary ROGERS. That is right.

Senator CASE. Of course, it was against that background that my question was asked. The same effectiveness and the same disabilities apply here as to any other possibility of action by the Security Council.

Secretary ROGERS. Yes; that is correct.

Senator CASE. We can't act if Russia or Britain or China exercise a veto. In other words, we can only act if we are all in agreement.

Secretary ROGERS. That is correct.

Senator CASE. The question that I was raising was whether there is anything in the treaty or in the Security Council resolution, in any statement by the President so far and our action of ratification against that background that would give rise to new commitments. I know the Security Council can't change the President's authority vis-a-vis Congress or vice versa, but the action we take in ratification of the treaty against the background of such statements might. There have been Presidents who have suggested that something less than this has resulted in a commitment by the Nation and ratification of it by the Congress. Is there anything here which increases the President's authority?

Secretary ROGERS. No; not at all, sir.

Senator CASE. In any of this background or our action on it?

Secretary ROGERS. No.

Senator CASE. I am very much obliged to you for that answer, Mr. Secretary.

CLARIFICATION OF ARTICLE I

Would you tell me, please, what the reason is for the distinction in article I of the proposed treaty between our obligation not to transfer to any recipient whatever weapons or other nuclear explosive devices or control of such weapons or nuclear explosive devices directly or indirectly, and our obligation in the second part of that article not to assist, encourage, or induce any nonnuclear weapon state to manufacture or otherwise acquire such weapons.

Why are we absolutely prohibited from giving the first to anybody and only limited in respect to our action in the second point about encouragement and assistance to nonnuclear weapon states?

Mr. FISHER. That was to make possible a continued cooperative arrangement with the nuclear weapon state with whom we have had close cooperative arrangements since 1942; that is, the United Kingdom. If we had the same language in the second clause that we had in the first it would force a breach of that relationship and that was felt not a wise thing to do.

Now, our relationship has never involved the actual transfer of weapons or control over them but it has involved a form of cooperation and this has been—in this, Senator Case, I am carrying coals to Newcastle with members of the Atomic Energy Committee here, but this almost parallels the distinction made in domestic legislation of cooperation in weapons development but with certain rather precise findings and hard arrangements that can be done with certain friendly nuclear weapon states. It is much harder to transfer weapons under our domestic legislation and we more or less followed, the negotiators did, the pattern laid down in U.S. law.

Senator CASE. Under the Atomic Energy Act, for example, it wasn't possible to help France get the capacity, was it?

Mr. FISHER. Under atomic energy legislation.

Senator CASE. If it is comparable.

Mr. FISHER. It is comparable; yes. France is, of course, now a nuclear weapon power so it—

Senator CASE. Not now. In the past the argument was made we should have helped them and it would have stopped a lot of—

Mr. FISHER. It is an old argument.

Senator CASE. I am not making it. I say this illustrates the difference.

Mr. FISHER. Yes; it does, sir.

MERGER OF NONNUCLEAR STATE WITH A NUCLEAR STATE

Senator CASE. What happens if a nonnuclear weapon state and a nuclear weapon state merge?

Mr. FISHER. Well, if the merger involved a true merger, involving what international lawyers would call the doctrine of state succession, a real merger, with one conduct of foreign policy, one conduct of military affairs, this would not be prohibited.

Senator CASE. Which would the new state be?

Mr. FISHER. That depends on the nature of the merger, sir. The nature of the merger, if it was a true state succession—and you have all sorts of cases where there are things that are less than state succession—if it were a true state succession, the merged state would inherit the status of both of the states. It would be a nuclear weapon state though because it had had in its armed forces nuclear weapons in its merged state but it would have to be a true merger.

Senator Case, that too was a point that was set out in the statement of observations that you will find on page 6 of Executive H and which were, prior to the fact they were made public here, were shown to certain other members of the negotiations including several of the people here.

Senator CASE. I want to have this developed a little bit in the open record so that the people as well as those who have to read all of these papers would have a little better understanding.

APPLICATION OF TRANSFER PROVISIONS TO NATO

What happens, for instance, insofar as NATO goes? It isn't going to be possible for any alliance to be created or something like NATO to which we could give a nuclear capacity either by way of information or assistance or in the extreme case, weapons, is that correct?

Mr. FISHER. Well, we could give nuclear assistance to one member, that is the United Kingdom.

Senator CASE. Suppose the United Kingdom weren't there, no?

Mr. FISHER. That is correct.

There is nothing in this treaty that prohibits deployment or prohibits the deployment of U.S. weapons or prohibits for that matter even the transfer of delivery systems so long as the U.S. retains control over its weapon and does not transfer the weapon or control over it to any recipient whatsoever. This does not deal with deployment, but the requirement is the United States cannot transfer the nuclear warhead or other explosive device or control over it to any recipient whatsoever, and it's quite unequivocal on that and that would be true whether or not this was a true political federation. It says, the transfer section prohibits to any recipient whatsoever.

Senator CASE. Any recipient at all.

How would that apply, if a NATO country wanted a veto, a restraining finger on the trigger, of our nuclear weapons located in their territory? We couldn't give it, could we?

Mr. FISHER. I wouldn't say that. They could tell us not to put the weapons in their country in the first place.

Senator CASE. Well, suppose they are there, and suppose they want the right to restrain us from using it, they want joint control?

Mr. FISHER. I wouldn't call that joint control in that sense.

Senator CASE. Well, the veto on the trigger, you know what I am trying to say.

Mr. FISHER. Yes; I am saying that would not be prohibited and I would not refer to it as a form of joint control. That is a straight aspect of territorial sovereignty. A country that doesn't want nuclear weapons to be launched from its own territory without its knowing, it can say so.

Senator CASE. Well, now look, we are dealing with a very difficult thing. You have dealt with it, I am sure, many times.

Mr. FISHER. But I would prefer not to characterize it as joint control, Senator CASE. I would prefer to characterize it as an attribute of a country that has control over its own territory and we haven't transferred anything to them. They have had it all along.

Senator CASE. Let's imagine, if we can, that the weapon was in a place where the country of location was satisfied to leave it but NATO, or another country, because it is right next door, wants a veto on control, on the use of that weapon by us. This would not be possible, I guess, because this is control over a weapon, is it not?

Mr. FISHER. I would say not. I would say it is not control over a weapon to have, for example, things like a nuclear planning group

under which members of NATO get together and make contingency plans as to what they will or will not do. I think control in this sense means the ability to actually pull the button.

Secretary ROGERS. I would like to answer that.

Senator CASE. I wish you would.

Secretary ROGERS. I think the answer to that is "No"; it wouldn't prohibit that because as long as the final control remains with the United States that would be just an additional veto.

Senator CASE. The final firing is in the hands of the United States.

Dr. SEABORG. Custody and control.

Senator CASE. But we can't fire it if that nation, and in this hypothetical case, says no. Now, we certainly have given up—partially at least—the control of that weapon.

Secretary ROGERS. But that is an additional safeguard against the use of the bomb. So that would not be covered by this treaty.

ALLIED CONSULTATION ON NUCLEAR DEFENSE

Senator CASE. Is there anything in the record of the negotiations, Mr. Fisher, that deals with this point that you can refer to as making this more than just your view that a negative control is not control from the standpoint of this treaty?

Mr. FISHER. Well, I would refer you again to page 6 in Executive H where we have made clear that allied consultations and planning on nuclear defense is not prohibited, not dealt with so long as no transfer of nuclear weapons or control over them results.

Now, we have taken the position, and continue to take the position, that the sort of consultative arrangements and contingency planning that you work out even though that does not involve the transfer of control and in fact cannot because under U.S. legislation—

Senator CASE. We can't now, no, I know.

Mr. FISHER. We are limited from doing it. And the sort of contingency planning that is worked out, does not involve that, and I would prefer not to characterize it as negative control. I would prefer to characterize it as the participation in some sort of planning group. But as long as the final decision is a U.S. decision, and we keep the weapon in our hands, and we do not transfer the weapon or control over, the treaty is complied with.

CONCEPT OF A NUCLEARIZED EUROPEAN FEDERATION

Senator CASE. There have been people, of course, who have urged it would be in everyone's interest if a European federation had a nuclear capacity.

Mr. FISHER. Well, if this treaty, if it were a true federation, and if either France—

Senator CASE. Not federation, federation is not a succession, is it?

Mr. FISHER. Well, it depends. The papers that led to the Constitution of the United States were the Federalist Papers. We sometimes refer to ourselves as a Federal system. It depends on whether or not we have a single foreign office and single control over foreign policy primarily. If it involved a doctrine of state succession, we could refer to it as a new federated state. Now, on this we have

said a new federated European state would have to control all of its external security functions including defense, and all foreign policy matters related to external security, but would not have to be so centralized as to assume all governmental functions, as in fact we have not, in the United States.

Senator CASE. NATO doesn't meet that requirement at all.

Mr. FISHER. It does not, sir.

Senator CASE. So that NATO could not receive this.

Mr. FISHER. That is correct.

Senator CASE. It would require a very close drawing together and a cession by each of the member states of control over its foreign policy entirely to the central body.

Mr. FISHER. That is correct, sir.

Senator CASE. The central body.

Then in that case this new state might be treated as a successor, if Britain were in there—

Mr. FISHER. Yes.

Senator CASE. To a nuclear state and, therefore, a nuclear capable state or a nuclear weapon state under this treaty.

Mr. FISHER. That is correct.

Senator CASE. Then no longer, I suspect, would the new state be a nonnuclear state and subject to the commitments of nonnuclear states, not to acquire weapons, not to go after them, and so forth. The fact that one state constituent of a new state was a nuclear weapon state then makes this a nuclear weapon state.

Mr. FISHER. That is correct, and again I commend to your further consideration, Senator Case, the question and answer 4 on page 6 of Executive II.

Senator CASE. I wanted this to be brought out in the hearing today just to see where we are.

Mr. FISHER. Yes, sir.

STATUS OF A STATE ACQUIRING A NUCLEAR CAPACITY

Senator CASE. Suppose a country which doesn't now have a nuclear weapons capacity does not join. It gets its nuclear weapons and then it joins, what is it? Is it a nuclear weapon state for the purposes of the treaty?

Mr. FISHER. For the purposes of the treaty, sir, article IX, paragraph 3, provides that for the purposes of the treaty a nuclear weapon state is one which has manufactured and exploded a nuclear device, a nuclear weapon or other nuclear explosive device prior to January 1, 1967. That may indicate a little optimism on behalf of the drafters of the treaty as to when it might come into effect, but that is the provision of the treaty that is before the Senate and before this committee—

Senator CASE. That is the provision on which I raise the question now. Does that mean it will exclude any nation which acquires a nuclear capacity after that date?

Mr. FISHER. That is correct.

Senator CASE. It cannot join unless the treaty is amended in accordance with the rather difficult provisions that naturally are required for amendment.

U.S. OBLIGATION TO ABATE DEPLOYMENT OF ABM

Just one other point in connection with this treaty and the antiballistic missile.

During the General Assembly debate last year in the United Nations I think Britain, the Netherlands, and Sweden all held that both Russia and we had a responsibility to abate the development of antiballistic missile systems which in their view threatened to give increased impetus to the nuclear arms race, and that this was an obligation undertaken under article VI of the pending treaty. This was dealt with in your discussion with Senator Gore, of course. I take it that you do not disagree with these countries that we do have a responsibility to abate this thing as quickly as we can, as we do to abate all our weapons in a negotiation undertaken in good faith with all the nuclear weapon powers.

Mr. ROGERS. That is right.

I think I should say this, that it seems quite clear to me what article VI says and what it means. I think that negotiations though should not be necessarily limited to any one phase of disarmament, and we shouldn't go into them with that in mind.

We have to consider the total offensive and defensive positions of both governments. Now, obviously ABM is a factor in that consideration, but I would not think it would be wise to commit ourselves in advance that any negotiations were going to be limited to any one phase either defense or offense because that is not what the terms of the treaty say.

Senator CASE. I fully agree with that. I am just raising the general question now because it has been suggested many times that the way to get the Russians to negotiate is to go ahead as fast as we can with the antiballistic missile system, and I frankly have some doubt that that is a very important factor.

Mr. Chairman, I thank you, and I thank you, Mr. Secretary.
The CHAIRMAN. Senator McGee.

SECURITY IMPLICATIONS FOR NONNUCLEAR SIGNATORIES

Senator MCGEE. Mr. Secretary, I would like to pursue the question Senator Case has raised in regard to whatever security implications may be in that section of the treaty.

It recalls the complaint of the delegate from Yugoslavia at the time that the Security Council resolution was adopted, when he said "one would simply be hypocritical not to see that the guarantees offered in that pledge, particularly by the three nuclear powers, do not raise the level of security for the nonnuclear powers one iota." And I am wondering what incentive you then see in securing the adherence to the treaty by those who are outside the nuclear club.

Secretary ROGERS. Senator, I am not sure I quite understood the question.

Senator MCGEE. Let me phrase it differently. The objection, among a good many around the U.N. at the time that the Security Council resolution on security assurances was adopted, was that there had been no giving up on the part of the members of the club of anything significant that could represent a better security option for the non-club members, those without the nuclear power. How do you answer

this objection on their part? You just mentioned with Senator Case that the United States takes on no new obligation here, makes no concession of any sort in this regard. What does this mean for the non-nuclear signatories?

Secretary ROGERS. Of course, I was speaking about a security arrangement. As far as the United States is concerned it takes on the treaty obligation not to proliferate. I mean we have the obligation by statute now under the McMahon Act but this then becomes a treaty obligation of the United States that it will not give nuclear bombs or warheads or other nuclear explosive devices to nonnuclear states. But I think that the other states in the world have pretty much recognized it is to everyone's advantage to prevent proliferation, and I don't think this treaty was negotiated, in the spirit, that we would give up something and they would give up something. I think the spirit of the negotiation was that it was in the interests of world peace not to proliferate nuclear weapons, and I think that there is a recognition that there is an important first step on that road.

Senator MCGEE. The security guarantee to a signatory to the treaty however, in the light of your response to Senator Case, isn't really a guarantee that if attacked there would be action forthcoming which they could rely on in their own national interests.

Secretary ROGERS. That is correct.

Senator MCGEE. I guess it is a matter again of hope or faith which you addressed yourself to before.

Secretary ROGERS. I think the committee in its report states it about as well as it could be stated on page 11 and I don't really think I should paraphrase it, I think you have done it as well as I can do it.

INDIA'S ATTITUDE TOWARD TREATY

Senator MCGEE. The Indian delegate at one of the exchanges in the 18-nation disarmament conference in 1965, and I quote, put it this way: He said it is an "unrealistic and irrational proposition that a Non-proliferation treaty should impose obligations only on nonnuclear countries while the nuclear powers continue to hold on to their privileged status or club membership by retaining and even increasing their deadly stockpiles."

You would relegate this basic Indian position to the same general category that they are still in the long run profiting from this—

Secretary ROGERS. Yes, plus the hope that is expressed in article VI that the nuclear powers will proceed on the road to arms limitation.

Senator MCGEE. In other words, this leaves them no worse off than they are now and it might open up a tiny crack of light?

Secretary ROGERS. Yes, because the more the weapon is proliferated the greater the risks to peace, and if there was a world conflict they would be involved probably.

Senator MCGEE. Would it be fair to say or to generalize that had we been able to achieve something like this years ago that it would have been for the better?

Secretary ROGERS. Well, I think so. I think my answer would be "yes." I think—

Senator MCGEE. I think most of us generally feel that the fewer the nuclear capable powers there are, the easier to arrive at some kind of control.

Therefore, I suppose the other questions, many of which have been raised here this morning, find their best answers in that category that there is nothing that the treaty introduces anew that does not already exist now in terms of jeopardy or insecurity or national concern.

Secretary ROGERS. I think that is correct.

VIOLATIONS OF TREATY

Senator MCGEE. The question was raised by one of the members of the committee in regard to the clandestine possibilities of somebody cheating. Well, they can cheat to their hearts content now.

Secretary ROGERS. That is right.

Senator MCGEE. This is where we came in; this is where we started. Would it be fair then to say that the only hope or faith, whatever abstraction it is that describes the possible constructive side of this, is in its inhibiting qualities?

Secretary ROGERS. Yes; I think that is correct. I think it has inhibiting qualities and I think it will be successful in that in certainly a very measurable way.

Senator MCGEE. If it doesn't succeed we are only back where we are now.

Secretary ROGERS. That is correct.

Senator MCGEE. So there is not really a great deal being left except our faith and hope.

Secretary ROGERS. Well, I wouldn't want to state it quite as negatively as that. I think it does hold out promise for improvement in nonproliferation, hopefully it will result in considerable success in that field, and more importantly to me, if you are going to proceed on a path of disarmament you have to start taking some steps, and this is an important step, I think.

PLOWSHARE ASSISTANCE TO NONNUCLEAR SIGNATORIES

Senator MCGEE. In terms of the proposed treaty itself, is there any distinction made in the treaty or intended by it concerning our nuclear cooperation with those who sign the treaty and those who do not sign the treaty?

Secretary ROGERS. No. I don't think the treaty provides that. As Mr. Fisher points out in peaceful things there maybe would be more of an inclination to assist those who sign the treaty with help in the explosive device field, and the Plowshare concept type of thing. But the treaty doesn't call for that necessarily.

Senator MCGEE. There is no policy that is laid down to distinguish the nonnuclear countries in regard to assisting them in peaceful uses.

Secretary ROGERS. I will have Mr. Fisher answer that.

Mr. FISHER. Senator McGee, almost by the nature of the treaty, obligation of the treaty only runs to the parties of the treaty. I mean you normally don't obligate yourself to people who don't take part in the same arrangement. It is true in this treaty with respect to both articles IV and V.

Secretary ROGERS. There is nothing negative in that that doesn't say we will not do it.

Senator McGEE. Zambia has not expressed approval. This does not mean that you would refuse to engage in an agreement with Zambia on peaceful uses?

Secretary ROGERS. That is correct.

Mr. FISHER. You would have to see those agreements were safeguarded, of course. It seems to me you raise one possible point here and that is one of the obvious inducements to a smaller country to adhere to the treaty would be the prospects that there might be a greater or a readier degree of cooperation.

Secretary ROGERS. That is right.

Senator McGEE. And if this were opened and there were no lines drawn there at all, why sign up?

Secretary ROGERS. That is correct. Certainly, if you were going to permit a nonsignatory state to obtain explosive services you would require appropriate safeguards to be followed very scrupulously because you might be suspicious about the motives otherwise.

ANTICIPATED SOVIET ACTION ON TREATY

Senator McGEE. Is there any indication that the Soviets are likely to follow rather quickly our action if we were to ratify the treaty?

Secretary ROGERS. Well, I don't know as we have any specific assurances but certainly that is taken for granted. They are very anxious to have the treaty ratified and I don't think there is much question about the fact that is the case.

Senator McGEE. I note in a series of very small and yet hopefully meaningful negotiations of this type just in the years I have been here, beginning with the Antarctic Treaty in 1959, the Nuclear Test Ban Treaty in 1963, the Outer Space Treaty in 1967, and the Consular Convention a year ago or more, that in each case the Soviets were not only behind us in the ratification but sometimes rather far behind. I didn't know whether, if this pattern continued, that would impinge upon the anticipated impact of the treaty.

Secretary ROGERS. I would be surprised if that is the case in this treaty, Senator.

Senator McGEE. I would appreciate the fact that you couldn't second guess what whoever does this in the Soviet Union might do in terms of time. Many of us thought the treaty should have been ratified last fall, that it was a matter of at least psychological urgency in the diplomatic realm and could see no relevancy to the Czech crisis or anything else. It seems to me it is on an entirely different level and I regret even now that we couldn't have acted on it way back.

So I suppose we would have to understand the Soviets get into this same kind of a bind, although I don't think they have a presidential election coming up that might intercede there. [Laughter.]

That is all the questions I have, Mr. Chairman.

The CHAIRMAN. Senator Cooper.

Senator COOPER. Mr. Chairman, I have three questions. I direct my questions to articles of the treaty about which, I do not believe, we have received enough information. The first question concerns the first article. I will direct my question to Mr. Fisher.

CONTROL OVER NUCLEAR DEVICE ON FOREIGN TERRITORY

It is correct that the language of the first article does not prohibit the United States from deploying nuclear weapons on the soil of another country.

Mr. FISHER. That is correct, sir.

Senator COOPER. Provided that control is retained by the United States.

Mr. FISHER. Yes.

Senator COOPER. I refer now to the question asked by Senator Case. It is a fact, is it not, that in a prior draft treaty the word "control" was defined.

Mr. FISHER. That is correct.

Senator COOPER. I read from the draft U.S. treaty of March 1966: "Control means right or ability to fire nuclear weapons without the concurrent decision of an existing nuclear weapons state."

I assume that it is meant that we could discuss with an ally—a nuclear weapons state, whether or not a nuclear weapon should be fired, but if the United States retains the right—the independent decision to fire the weapon, it would constitute "control."

Mr. FISHER. Well, under that—that was a treaty that had not only a different definition but it had a different substantive article. It had opened a series of different options. This was not an agreed text as you understand, Senator Cooper. It was merely a U.S. proposal.

Senator COOPER. Of course, we have hundreds—thousands of nuclear weapons deployed on NATO territory. Was the question ever discussed with the Soviet Union as to whether or not they admitted a right under article I to deploy these weapons?

This is important to the defense of our deterrent and the security of our country. I don't believe this has ever been answered in the record.

Mr. FISHER. In the course of the negotiations we advised the Soviets that this question would be raised, accurately predicting that it would be raised in the context of Senate consideration of the treaty, and we told them the answer we were going to give and said that this is the way we proposed to do it. If they would object they would bear the responsibility. They have not indicated acquiescence or agreement because they can't be asked to agree about certain arrangements that we keep secret. I have referred to page 6 of Executive H that has been shown to the other side. They have been told that this would be made public in the context of this very hearing or the hearing last summer, and that if they were to object they would bear the responsibility for the consequences that would happen.

We have received no objection. That is the precise parliamentary situation, Senator Cooper, if I may use parliamentary in this type context.

Senator COOPER. Do you mean also that we have received no acquiescence from the Soviet Union?

Mr. FISHER. That is correct.

Senator COOPER. Do you consider there would be any possibility that the Soviet Union might say that the deployment of our nuclear weapons in another country, particularly West Germany, to which they

have given notes asserting the right to intervene unilaterally, is in violation of the treaty? Is there any point at which they might say "you are violating the treaty or the spirit of the treaty by the deployment of these weapons in NATO territory?"

Mr. FISHER. I cannot state what they might or might not do, Senator Cooper. I can say that the negotiating history would belie such a claim, and we would be quite firm at that point in pointing out the interpretations in Executive H and the discussions before this committee as to how we interpret.

It will be read, and if they enter into this treaty, which I believe they will, they know the basis on which we are entering it. This Executive H, four questions and answers, has not been kept secret and I am happy to talk about it now just for that reason.

Senator COOPER. You made the point that the executive branch has made our position clear. This may not be a question for you to answer, but I believe the committee might consider whether or not an understanding would be appropriate to show the position of the Congress.

Mr. FISHER. Well, an understanding can take two forms. It can take the form of something appended to the actual instrument of ratification, which I think would be not wise. An indication of your point of view in a committee report or something like that is quite a different matter. It has already been made quite clear this is the interpretation we put on it, and this is the way the United States is going to carry out its responsibility and other arrangements under it.

LACK OF AGREEMENT ON SAFEGUARDS

Senator COOPER. Another question that I address to Dr. Seaborg and to you also. As to the Euratom countries, I have understood that no negotiations have been undertaken with IAEA. We assume they will be able to reach agreement, but if IAEA should be more stringent upon Euratom, particularly Germany, and make it so difficult that they felt they could not come into agreement with IAEA, is it not correct that under the terms of the treaty we could no longer furnish our allies materials for the peaceful uses of atomic energy?

That would create a very difficult situation for the United States, I would think.

Secretary ROGERS. Senator, on that point you will recall that Secretary Rusk made a fairly precise answer to which I agreed, and I think at that point if efforts were being made and an 18-month period wasn't lived up to exactly we would have to consider a rule of reason.

OBLIGATION TO CEASE ARMS RACE

Senator COOPER. I won't belabor the ABM issue. It has been very adequately covered by Senator Mansfield, Senator Gore, Senator Fulbright, Senator Case, and others. But I do differ from the statement that only one kind of proliferation is comprehended by this treaty, that is the proliferation of weapons to countries which do not now have nuclear weapons.

The preamble and article VI commit the nuclear weapon countries, and particularly the United States, the Soviet Union, and the United

Kingdom to undertake to negotiate at an early date, first, on the cessation of the nuclear arms race, then on nuclear disarmament, and on a treaty of general and complete disarmament under strict and effective international control. I think that to disarm nuclear weapons which are already in possession, or to agree on a treaty of strict and effective international control on all weapons will be very difficult with respect to its Euratom allies. But the first clause of article VI concerns the cessation of the nuclear arms race.

The immediate problem before us is the deployment of the anti-ballistic-missile system--such deployment could escalate the nuclear arms race. The issue before the country is whether the United States should begin this new weapons system--the anti-ballistic-missile system--without first making an effort with the Soviet Union to mutually agree against its deployment.

I must say, and I say it with great respect for you, because I know you have undertaken a tremendous responsibility--I know you are going to Europe to discuss all of these matters and probably some things that you don't feel appropriate to talk about now--but I thought your position with regard to article VI was unclear. I think most of those who support and oppose the ABM system consider the relation of article VI to the ABM issue of great importance. Those who support it very evidently consider it of great importance; those who oppose deployment of the ABM--at least until we see what the possibilities for negotiations are think article VI is of great importance.

ABM DEPLOYMENT IS A MAJOR STEP TO INCREASE ARMS RACE

The deployment of the ABM is a major step to increase the arms race. The action of one side or the other to deploy such a system will result in more powerful offensive weapons choking the earth. It seems to me this is an immediate step that can be taken --to determine whether we can enter into negotiations leading to a limitation of nuclear weapons. So I would hope that the position of the State Department, the Administration should be very clear on this. I don't think it is very clear.

Secretary ROGERS. Senator, let's see because I don't like to feel it is not clear. I don't disagree with anything you said. The only point I made was that article VI of the treaty does not refer to any particular weapons.

Senator COOPER. I understand that.

Secretary ROGERS. Secondly, I don't think it is necessarily advisable to announce in advance what the negotiations are going to be about except in a general way. Obviously the ABM system is an important system and when those negotiations start it will be an item of very great importance. So I don't quite see what there is about my position that isn't clear.

Senator COOPER. I thought it was unclear whether negotiations could be on the ABM system. It seemed that the United States must discuss all of the different weapons systems, the different questions of nuclear disarmament.

Secretary ROGERS. No.

Senator COOPER. Then later you said that the ABM is included as part of the intent of article VI and it ought to be discussed in negotia-

tions. I think the point that most of us made or tried to make in talking to you was that we considered the ABM a matter which is most urgent—I would hope that the negotiations with the Soviets on this subject of the ABM take place before we take this new major step in the nuclear arms race. I am hopeful about that.

Secretary ROGERS. I would hope so, too, Senator.

Senator COOPER. I think it can be done. That is the point I am trying to urge. That is all I have to say.

(For further questions asked by Senator Cooper and answers supplied by the Department of State and the Atomic Energy Commission, see pages 485-499 at the appendix.)

The CHAIRMAN. Senator JAVITS.

Senator JAVITS. Mr. Secretary, this is your first appearance before us and also it is mine in respect to the Nonproliferation Treaty, so I hope you will forgive me a minute, perhaps a minute, more than some of the others have taken.

ENFORCEMENT PROVISIONS ARE ABSENT

I find no enforcement provisions in this treaty, Mr. Secretary. That is a fact, is it not that there are no enforcement provisions here?

Secretary ROGERS. Well, if you don't count the safeguard provision, that is correct. But I think the safeguards provision surely is an important provision.

Senator JAVITS. All the safeguard provision allows us to do is to exercise the right to withdraw if we don't think the safeguards are being met, isn't that true? There is no way of enforcing this treaty, making the people perform it. All we can do is pull out, isn't that true?

Secretary ROGERS. Well, we also, I suppose, there are other steps that could be taken in the field of international organizations, but it is true that we don't have any superenforcement body.

Senator JAVITS. But there is the right to pull out, isn't that true?

Secretary ROGERS. That is true.

Senator JAVITS. Now that right is very brief, is it not, 3 months.

Secretary ROGERS. That is right.

Senator JAVITS. In fact, General Wheeler says as I understand it if we go to war we are out, we don't even have to wait 3 months.

Secretary ROGERS. Well, I think that is true. I think it is pretty self-evident. [Laughter.]

RIGHT OF WITHDRAWAL

Senator JAVITS. Now, the technical provision which is article X, I am very interested in because I think that is the real safeguard in this treaty in terms of the national security of the United States—the right to pull out on rather short notice. That says each party shall, exercising its national sovereignty, have the right to withdraw 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. That is a completely unilateral decision, is it not?

Secretary ROGERS. That is right.

Senator JAVITS. And not subject to contest?

Secretary ROGERS. That is right.

Senator JAVITS. So, for example, suppose the Russians said that they have to pull out because they do or do not wish to make agreements

with people who asked for it about the peaceful uses of atomic energy, and that they would say is that serving, let's say, a nation like Brazil which has a military dictatorship, jeopardizes its "supreme interests" and thereupon they pull out. They could do that, isn't that true?

Secretary ROGERS. That is true.

Senator JAVITS. Nothing could stop them?

Secretary ROGERS. That is true.

Senator JAVITS. Do we feel the same way? Will we, if we decide unilaterally we ought to pull out, pull out—without getting all tangled up in legal justifications and self-inhibiting restrictions?

Secretary ROGERS. Well, Senator, you ask, will we feel the same way. I don't think the Soviet Union would feel that way to begin with. So I wouldn't want to say we would feel the same way. I think we would consider the provisions of article X, and we would take them very seriously, and we would not think of withdrawing unless the language of the treaty applied.

In other words, I think it would have to be a situation where extraordinary events related to the subject matter of this treaty jeopardize the supreme interests of their country.

In other words, I wouldn't want to leave the impression that we were just taking this treaty lightly and any time we could pull out in 3 months. I think the language is pretty clear, and we take the language very seriously.

Senator JAVITS. And we would endeavor to hold the Soviet Union to the same standard?

Secretary ROGERS. Well, we would—

Senator JAVITS. And it should really be honestly something that they could claim, with at least some color of plausibility, represented a jeopardy to the supreme interests of their country?

Secretary ROGERS. Yes. We would think that, we would hope that they had the same general attitude about this treaty that we have, but certainly, Senator, it is in their interests, I think, as it is in our interests, to ratify this treaty and in their interests to continue the treaty. So I don't believe it is a matter of enforcement. It is just a matter of judgment. They want the treaty ratified. They think it is in their best interests. We want it ratified. I think we think it is in our best interests and hopefully it will serve the cause of peace.

DISCUSSION OF CONDITIONS OF WITHDRAWAL

Senator JAVITS. Now, could we ask Mr. Fisher whether that question came up at all in the negotiations, the question of this speed of withdrawal and the conditions for withdrawal.

Mr. FISHER. Well, this had previously been discussed, Senator Javits, at some length in the context of another treaty; namely, the limited test ban treaty. Similar language, in fact identical language, is in the limited test ban treaty. It was felt that this was about as strong as a treaty really could be, requiring a statement of this kind and defending it before an international body. That last requirement, incidentally, is not in the test ban treaty. The Security Council reference is new in this one and it was felt if a country really felt it was being hurt and its national security was being jeopardized, the supreme national interests being jeopardized, due to something it didn't know about when it went into a treaty, that it was going to get out anyhow, so why not face

it. There was some concern that it might be an even shorter period but the feeling was that in the absence of a state of all-out war which General Wheeler talked about, it was a reasonable period of time and this was discussed.

SIGNIFICANCE OF SOVIET EAGERNESS TO ENTER TREATY

Senator JAVITS. Mr. Secretary, I have heard you say on a number of occasions at this hearing that the Soviet Union is very anxious to sign this treaty. There is some feeling in the world, Mr. Secretary, with which you are well acquainted, that they are extremely anxious to get this treaty and that they would consider it a great diplomatic victory if they got it, especially as it affects West Germany. Is there any implication in your comment that they are very anxious to get this one, is there some superior benefit to them rather than to us, which has not yet been disclosed?

Secretary ROGERS. Well, I think that that fact has been taken into consideration all during the time this treaty has been negotiated, and it certainly has been taken into account by the Administration.

It seems clear that it is to their advantage but it is also to our advantage and I think if every time we make a proposal for advancing the cause of peace, the Soviet Union is suspicious of us, or they make a proposal and we are suspicious of them, pretty obviously we will never have a meeting of the minds.

On this treaty, it seems to me that there is a mutuality of interest. Certainly, they have an interest to prevent proliferation. So do we. And I would hope that possibly in the years ahead we can treat each other with a certain amount of respect so that if one country makes the suggestion the other doesn't automatically say, they must have something up their sleeve.

Senator JAVITS. I think you are absolutely right but that really was not the thrust of my question. The thrust of my question was really to dredge your own mind and those of your colleagues to tell us if there are any advantages or disadvantages which have not yet been laid on the table; so far as you know, of course.

Secretary ROGERS. As you know, being a trial man, I don't like to use the expression "dredge my mind," but I can't think of anything, Senator.

Senator JAVITS. What about your colleagues, the same way with Dr. Seaborg, too. In other words, does the idea that the Russians are very anxious to enter into this treaty generate in your mind any advantages or disadvantages so far as we are concerned, or they are concerned, that we ought to know about that haven't actually been gone into on the record?

Dr. SEABORG. No; I don't think of any at the moment.

IS THERE AN IMPLIED COMMITMENT NOT TO USE NUCLEAR WEAPONS?

Senator JAVITS. Now, do you, Mr. Secretary, or either of your colleagues, consider that this treaty establishes any implied commitment for the nuclear powers not to use nuclear weapons? After all, the treaty becomes operative in the sense that we are not going to distribute nuclear weapons, and so forth, to discourage their use. It doesn't actually say, beyond article VI, that we do propose to discour-

age their use. Do you think there is anything implied in it about not actually using nuclear weapons?

Secretary ROGERS. I don't think so, Senator. I think the awesomeness of the weapon is so great that no piece of paper is going to add or subtract to that.

Senator JAVITS. I gather that is one of the reasons that we take the position we do in our country. As you know, I am very favorable to the ratification of this treaty, and I am asking these questions precisely for that reason. I would like to get the most unfavorable ideas, if there are any, on the record and I gather that is one of the reasons we take the position we do about entering into this notwithstanding that Communist China will not be entering in it; that is the awesomeness of the weapon.

We had a list of 23 countries that are either within, or close to, the capability of developing nuclear weapons which has been submitted; Mr. Fisher referred to it.

EFFECT ON OTHER COUNTRIES OF U.S. ACTION

Suppose that all or a majority of those countries fail to sign this treaty, would you still advise us to ratify?

Secretary ROGERS. Well, I would certainly hope that that would never come to pass.

I think it is certain all 23 would not refuse to sign. I would say this, the more nations that refuse to sign, the less significant the treaty is. We would do everything we could to reasonably persuade other states to sign. I think in answering your question actually we would still, I believe, urge ratification. Hopefully this question will never arise.

Senator JAVITS. Well, nonetheless, and I think it is important that we have that, as we are in a sense going to be the leader in this ratification, we would still urge ratification.

Dr. SEABORG. Yes; I think our ratification will help determine whether some of these other countries ratify.

Senator JAVITS. But I think it is only prudent, Dr. Seaborg and you would agree with me, I am sure, that when we ratify we should be prepared for the worst, that is, that none or at least not too many of the 23 go in, but nonetheless we should act. That, I think, would be an important inducement—to have your assertion and that of Mr. Fisher and the Secretary on that score.

Secretary ROGERS. Oh, yes.

Senator JAVITS. That may happen. We can't assume they are going to sign.

Secretary ROGERS. I think maybe I misled you a little bit. Certainly, we ought to ratify as soon as possible because that will encourage other nations to do it. I thought you meant whether in the final analysis they would refuse to ratify.

Senator JAVITS. I mean exactly that.

Secretary ROGERS. But in any event even if they didn't ever ratify, I think we should go ahead, but as Dr. Seaborg says, if we ratify, that will, I think, set the stage for a lot of other states to ratify.

Senator JAVITS. Does Mr. Fisher agree with that?

Mr. FISHER. Yes, sir. I think we should point out, and Dr. Seaborg is perhaps better qualified to testify on this than I am, that putting into effect, the building up of the safeguards system will be an important thing in itself, because once the treaty goes into effect and you start establishing the safeguards system nonsignatories have to get their raw materials from other nonsignatories. You have begun the nucleus of an international control system which will have an effect of its own.

REGIONAL SECURITY ARRANGEMENTS

Senator JAVITS. Now, I would like to ask you just one other question on this score and then pass to peaceful uses.

We are very interested naturally in what this will lead us to if we ratify. Is it not a fact that this will lead to a greater need than ever for regional agreements with respect to security?

Let me explain myself on that score. This has not been gone into very thoroughly in this hearing. But there is some disquiet expressed about the fact that the nuclear protection we give the nonnuclear signers depends on Security Council procedures, and those are subject to veto. But this does not take into account article 51 of the U.N. Charter, which says: "Nothing in the present Charter shall impair the inherent right of individual or collective self-defense if an armed attack occurs against a member of the United Nations until the Security Council has taken the measures necessary to maintain international peace and security."

Under those provisions, if you had an agreement for collective self-defense, the United States could immediately come to the aid of any nonnuclear signatory; is that not true?

Mr. FISHER. I think this doesn't in any way change the commitment that we have and I don't mean to get into a discussion as to what those commitments are or are not. But those commitments would still exist under article 51, and covered by article 51 of the Charter. The NATO treaty is still there and is still strong.

Senator JAVITS. But, Mr. Fisher, your answer is rather a defensive one and I don't think it helps the case particularly. What I am trying to point out is that you are not locked into helping the nonnuclear signer by only that provision which can be vetoed by the Soviet Union.

Mr. FISHER. That is correct. You have other defensive arrangements which are still in effect.

Senator JAVITS. That is right. So, it could be an inducement for the United States to make even more defensive arrangements because they would be free of that veto power that the Soviet Union has under other parts of the United Nations Charter. That is correct, is it not?

Mr. FISHER. Well, I would rather defer to the Secretary on the question of further defensive arrangements: that is a little outside of my league. All I can say is that they are not in any way inhibited or banned by this treaty.

Senator JAVITS. So, that is a way you can argue to the nonsigner who is or may be a party to a collective defense agreement with the United States, that he is not blocked, he can't be blocked by the Soviet Union. The Soviet Union couldn't both attack him with nuclear weapons and veto our action, could he?

Secretary ROGERS. That is correct.

Senator JAVITS. I am sure that couldn't happen but even theoretically so we can make good on our declaration to the United Nations, to wit, that we recognize the obligation to come to the aid of nonnuclear signers who are attacked with nuclear weapons or are threatened with such an attack.

Secretary ROGERS. Well, we certainly want to make clear that we will continue our obligations under the United Nations Charter.

Senator JAVITS. Well, I think it is very important, Mr. Secretary, to define what we understand that those are, and that there is a very different one under the article relating to self-defense, than there is under the resolution relating to the Security Council action. We spelled it out very clearly in our declaration as to the Security Council action and everybody knows it includes the right of a veto but we don't spell it out very clearly under the collective right of self-defense. As Mr. Fisher says, the Russians are going to read this record and if they do, let us have them read what are the words of our Secretary as to what the situation would be.

Secretary ROGERS. That is correct.

Senator JAVITS. So you agree with my interpretation?

Secretary ROGERS. That is correct.

Senator JAVITS. Just one or two questions on the peaceful uses of atomic energy and then I will be through.

COOPERATING WITH NONSIGNER FOR PEACEFUL USES

I think you said, Mr. Secretary, and I think it is very important to spell it out that there is no inhibition from cooperating with a nonsigner for the peaceful uses of atomic energy under the appropriate article of the treaty, which is article III.

Secretary ROGERS. That is right.

Senator JAVITS. I think you are going to have to justify that and I will tell you why. If you will read article III or look at it with me—and I want your interpretation which is much more studied obviously than mine would be—it seems to indicate that any nonnuclear weapon state with which you deal must conclude an agreement with the International Atomic Energy Agency to meet the requirements of this article. In other words for inspection, and so forth, and then it says, and I invite your attention to the end of section 4, "Negotiations of such agreements shall commence within 180 days from the original entry into force of this Treaty. For States depositing their instruments of ratification or accession after the 180-day period negotiation of such agreements shall commence not later than the date of such deposit. Such agreements shall enter into force not later than 18 months after the date of initiation of negotiations." That would seem to tie the agreement with the IAEA, the International Atomic Energy Agency to entering into this treaty.

Now, if we are not going to interpret it that way, and I would agree with you that it is susceptible of another interpretation, we had better make that clear so that again the Soviet Union reads it and can't complain later that we have agreed in effect, because of this tie in that I have just described, not to deal with nonsigning, nonnuclear nations on peaceful uses of atomic energy.

Secretary ROGERS. Yes, sir. We have not agreed to that, in that regard.

Senator JAVITS. So that we could, we could give them peaceful uses cooperation and they could make an agreement with the international agency?

Secretary ROGERS. IAEA.

Senator JAVITS. Without the fact that they are parties to this treaty?

Secretary ROGERS. Right.

Senator JAVITS. I think it is very important.

Now, just two other points and then I shall be through.

MEANING OF "NONDISCRIMINATORY" CLAUSE

The legal question arises, it seems to me, about Australia. There is a provision here which interests me greatly, that we shall extend this so-called service in peaceful uses on a "nondiscriminatory" basis. Those are the words of the article, on a "nondiscriminatory" basis. Doesn't that mean that once you started with Australia, you have to do it for everybody else?

In other words, if you have a joint deal with Australia and somebody else comes in and offers you a joint deal, don't you have to go ahead with it, that being the meaning of the words "nondiscriminatory basis"?

Dr. SEABORG. I don't think we regard the arrangement that we might conclude with Australia as coming under article V. Article V refers to a perfected, or more or less finished, application of nuclear explosives. In order to reach that situation we have a program of excavation experiments, and one of these is of the type that we would perform either in this country or in Australia if we finally reached an agreement with Australia.

Senator JAVITS. So we do not consider that kind of a deal as binding us to deal that way with everybody?

Dr. SEABORG. No.

Senator JAVITS. Under the nondiscriminatory clause?

Dr. SEABORG. No, this is an experiment that suits our own programmatic interests.

Senator JAVITS. Well, in fact, Dr. Seaborg, do we not leave ourselves free to have some judgment as to the good faith of the feasibility of peaceful uses of an atomic energy project in which we will cooperate? Isn't that true, because I noticed that these words that Senator Aiken referred to, of Ambassador Goldberg in the U.N., included the words "appropriately and equitably." We will appropriately and equitably share our knowledge and experience, and you said and I quote also elaborating on the same thing "when particular applications are found to be feasible we plan a nuclear explosion service." So this will not be automatic. We will use our judgment.

Dr. SEABORG. That is right.

Senator JAVITS. As to whether it is feasible, as to whether it is commercial?

Dr. SEABORG. That is right.

Senator JAVITS. As to whether it is appropriate?

Dr. SEABORG. That is right. When we have perfected the technique to the point where it is commercially applicable.

Senator JAVITS. Good.

WILL THERE BE LINEUP OF TWO POWER BLOCKS?

One last question. Do you see the world lining up into two power blocks with the Soviet Union serving Czechoslovakia, Hungary, Bulgaria, and so forth, and the United States serving its friends in the world with peaceful uses of atomic energy, and a nation like Czechoslovakia being up for grabs? Or how do you see this thing working?

Dr. SEABORG. Do you refer to article V here.

Senator JAVITS. Yes.

Dr. SEABORG. I of course don't know how it will work out, but as a practical matter I believe that it would in large part, at least start that way. I could picture, however, and particularly if this treaty is as successful as we hope it will be, that those lines won't continue to be drawn, and I could picture situations under which it would be to our advantage, for example, to go into Czechoslovakia and furnish this service for them under the conditions spelled out in the treaty.

Senator JAVITS. And we couldn't scream very loudly if the Russians went into Latin America, with Peru or some other country?

Dr. SEABORG. I would say as the treaty developed, and if it served the purpose that we would hope that it would, we could look forward to such action with equanimity.

Senator JAVITS. Mr. Secretary, I have just two other questions.

Secretary ROGERS. I would like to associate myself with that answer.

Senator JAVITS. Mr. Secretary, suppose we ran into another Cuba situation with missiles and eyeball to eyeball confrontation, is our situation changed by this treaty?

Secretary ROGERS. No.

Senator JAVITS. We could still insist they be pulled out?

Secretary ROGERS. That is correct.

U.S. NEGOTIATIONS WITH COMMUNIST CHINA

Senator JAVITS. My last question is this. Do you consider that article VI with relation to committing us to good faith negotiations for disarmament, and so forth, would apply to our negotiations with Communist China? Suppose Communist China should tomorrow evidence a desire to negotiate, would we feel that good faith undertaking by virtue of the provisions of this treaty require us to do so?

Secretary ROGERS. Well, of course as far as the treaty itself is concerned it wouldn't be applicable because Communist China probably will not be a party to the treaty. But in terms of the spirit of the treaty, I think we should pursue that, too, if they showed any interest.

Senator JAVITS. So that the words of the treaty apply only to parties to the treaty?

Secretary ROGERS. That is correct.

Senator JAVITS. But the spirit of the treaty would include Communist China if it showed any disposition?

Secretary ROGERS. Well, yes; I think it is more than the spirit of the treaty. I think it is in the interest of mankind and certainly represents the attitude of our Government. I think anything that we can do to effectively limit armaments is in the interests of peace and mankind.

Senator JAVITS. Mr. Secretary, thank you very much and may I say that I think you have acquitted yourself, and so have your colleagues, most admirably, and the country should be very grateful.

Secretary ROGERS. Thank you very much.

The CHAIRMAN. Mr. Secretary, I am sorry we have gone on so long but it is a very interesting meeting. You have all done very well indeed.

CHINESE CANCELLATION OF WARSAW MEETING

There is another matter which has just been brought to my attention, and since you are here and the committee is interested, I wonder if you have any comment to make upon the announcement that the Chinese have just canceled the meeting that was to take place in Warsaw.

Secretary ROGERS. Well, yes, Senator. I have seen on the ticker we have issued a statement on that subject.

The CHAIRMAN. I haven't seen your statement.

Secretary ROGERS. I can read it for you. We say:

We are disappointed that the Chinese Communists cancelled the meeting scheduled in Warsaw for Thursday.

We especially regret this action inasmuch as our representative has been instructed to make or renew constructive suggestions. These suggestions included consideration of an agreement on peaceful co-existence consistent with our treaty obligations in the area, the subjects of exchange of reporters, scholars, scientists and scientific information and the regulation of postal and telecommunications problems.

We continue to stand ready to meet with the Chinese Communists at any time.

The charges made by the Chinese Communists that the United States had engineered the defection of Liao Ho-shu are untrue.

So far we have no further information about the motivation except what they say.

The CHAIRMAN. The only comment I would offer is it is a little reminiscent of the U-2 incident where we allowed our intelligence activity to get in the way of our diplomacy. I am not sure but what the diplomacy should have priority over the intelligence, if I had my choice about the matter.

Secretary ROGERS. As I said, Mr. Chairman. We were not responsible for the defection of this Communist Chinese.

The CHAIRMAN. Do you know where Liao is?

Secretary ROGERS. I think he is in this country.

The CHAIRMAN. We must have had some interest in it then if he is here.

Secretary ROGERS. Well, interest is—

The CHAIRMAN. He didn't come on his own steam?

Secretary ROGERS. No, he asked for asylum.

The CHAIRMAN. With us?

Secretary ROGERS. I think he asked first—

The CHAIRMAN. With the Dutch.

Secretary ROGERS. With the Dutch and then asked to come here.

The CHAIRMAN. I didn't know. I think it is very regrettable that these talks are broken off, I must say.

Secretary ROGERS. I would be surprised if that was the reason for it.

The CHAIRMAN. You would.

Secretary ROGERS. Yes.

The CHAIRMAN. Senator Gore has just one or two questions to pursue I think on one of these subjects. I wonder if you would excuse me. I am late to a policy meeting.

Secretary ROGERS. Yes.

The CHAIRMAN. But I want to express my appreciation. You have all done a very good job. It has been an excellent hearing.

Secretary ROGERS. Thank you very much, Mr. Chairman, I appreciate it.

The CHAIRMAN. And I wish you all the luck in going to Europe.

Secretary ROGERS. Thank you.

STAGE-BY-STAGE DISARMAMENT NEGOTIATIONS

Senator GORE. Mr. Secretary, how do we, in your opinion, approach the negotiations to which we commit ourselves, at least to the extent of willingness to cooperate on good faith, toward achievement of general and complete disarmament? Lest my question appear in the dark, let me read you from a statement of joint principles agreed to by the United States and the Soviet Union in 1961.

Mr. Fisher cited it. I think I heard him read the statement at the 18 nation disarmament conference.

Secretary ROGERS. Oh, yes.

Senator GORE. I will read from paragraphs 4, 5, and 6:

The disarmament programme should be implemented in an agreed sequence, by stages until it is completed, with each measure and stage carried out within specified time limits.

All measures of general and complete disarmament should be balanced so that at no stage of the implementation of the treaty could any State or group of States gain military advantage and that security is insured equally for all.

All disarmament measures should be implemented from the beginning to end under strict and effective international control as would provide firm assurance that all parties are honoring their obligations.

I read you all three paragraphs because the point of my question is, do you concur in these principles that in the negotiations toward a complete and general disarmament the subject must be approached in stages?

Secretary ROGERS. Yes, I think I do generally agree with what you just read.

Senator GORE. Thank you, sir. I think that is good, and it is important to get this on the record.

DISARMAMENT NEGOTIATIONS URGED

Now, this is also the policy, of course, of the Soviet Union to which they have committed themselves. I wanted to advert to this because I may have done a little injustice to a conversation earlier if I implied that Mr. Kosygin was more anxious than we to begin these conversations on ABM. He emphasized the point that it was the equal responsibility of the United States and the Soviet Union.

Now, I would like to know why the United States is reluctant to begin these conversations. Let me say that I do not understand why the previous administration didn't begin negotiations. I was never able to get a satisfactory answer. Are you reluctant now to enter into these negotiations?

Secretary ROGERS. No, we are not reluctant, Senator.

Senator GORE. That is good. When do you think they can begin, before or after we deploy ABM?

Secretary ROGERS. Well, I would rather not relate it to ABMs because—

Senator GORE. That is the context I am talking about.

Secretary ROGERS. Well, let me tell you—I would not like to relate anything to ABM if you would like to ask—

Senator GORE. Let me back up. Maybe I misstated my question. I did intend to ask you why we are reluctant, if we are reluctant, to begin a conference on the deployment of antiballistic missiles.

Secretary ROGERS. Well, we are not reluctant to enter into negotiations as provided in article VI with the Soviet Union. On the question of time we want to first review what has happened up to this point. There have been a lot of papers circulated, there have been a lot of discussions about it. We want to talk to our allies about the subject matter because they have a very strong interest in those negotiations.

We don't want to proceed bilaterally without consultation. As soon as we are prepared, fully prepared, and as soon as we have preliminary discussions about how to set up the negotiations and what we are going to talk about then we are prepared to enter into negotiations.

When you ask me how much time that will take I can't say. It won't be immediate and it won't be too far away.

EFFECT OF ABM DEPLOYMENT ON NEGOTIATIONS

Senator GORE. Could you give the country some assurances that there would not be a vast contractual commitment with respect to an ABM deployment until the Administration does make a decision on initiating the negotiations?

Secretary ROGERS. No, I don't want to make any commitment for the Administration about ABMs. That is a subject that is under review now. It will be considered by the appropriate committees of Congress. We will have to submit our plans for fiscal 1970, and I think that is something that I would not want to comment on now. But as far as the attitude of the Administration, as far as my own attitude is concerned, I would hope that we can initiate talks on strategic arms limitation with the Soviet Union as soon as we can after we are fully prepared and after we have had some preliminary discussions with them about how they view the negotiations.

Senator GORE. When do you think the preliminary discussions could be held.

Secretary ROGERS. Well, we have discussions with the Soviet Union all the time so we will continue to have discussions with them in the days ahead.

Senator GORE. Are you not prepared to give us any estimate of time when negotiations could begin?

Secretary ROGERS. Well, I would rather not. I think it is better not to do it. I think that I have said about all I would want to say on that subject.

So far as time is concerned, it will depend a little bit on their attitude, too. We want to talk to them about that and we will. Certainly it will be before this treaty—I would hope we could start them before this treaty is ratified by the nations that have to ratify it before it becomes effective.

Senator GORE. Well, that is no indication of time at all.

Secretary ROGERS. Well, that is an indication of in the area of 6 months or less.

Senator GORE. Six months or less.

Secretary ROGERS. I said that; I am not sure.

Senator GORE. Well, Secretary Laird will be before the committee on Thursday, and he will be interrogated on this point, too. Are you and Secretary Laird in agreement on this subject?

Secretary ROGERS. On the subject of negotiations?

Senator GORE. On the subject of deployment of antiballistic missiles.

Secretary ROGERS. Well, as I say, the subject of deployment of antiballistic missiles is under review by the Administration, particularly insofar as it relates to fiscal 1970. We haven't come to any decision on that.

FOREIGN POLICY IMPLICATIONS OF DELAY IN TALKS

Senator GORE. What do you see as the foreign policy implications of a delay?

Secretary ROGERS. Well, I think that obviously the quicker we can have successful negotiations on disarmament with the Soviet Union the better it would be for peace in the world and therefore for the foreign policy of the United States generally.

I do think it is important not to confuse the beginning of negotiations with success of negotiations. These negotiations on NPT lasted for how many years, 5 years, and I sense a feeling on the part of some persons that indicate that they think the beginning of negotiations in themselves has some great significance. I think that what counts is the conclusion of the negotiations, not the beginning of the negotiations.

Senator GORE. I think both are significant. I am one of those who does think that beginning negotiations would be important. In fact about the only thing that the nonnuclear Nonproliferation Treaty signers can look to in this treaty as beneficial to them is contained in article VI, the promise that the signatory powers, the nuclear powers will, in fact, undertake negotiations for disarmament, and to stop the nuclear armaments race.

Yes, I am one of those who think it is very important to initiate negotiations. Conclusion is more important, but initiation is of great importance.

Secretary ROGERS. Well, obviously you have to have initiation before you have conclusion.

Senator GORE. And you have to start trying to do something before you have any reasonable expectation of doing it.

Secretary ROGERS. But my point is that the results of the negotiations are what count.

Now you could have negotiations that started quickly and get off the track, and the negotiations could last 4 or 5 years. You could have other negotiations that would start at a later date that would end 2 years quicker.

THE SOONER TALKS BEGIN THE BETTER FOR MANKIND

Senator GORE. Well, one concluding question.

Is it your view and your position, based upon your statement a moment ago, that the sooner we could achieve disarmament the better for the United States, and the better for mankind and the world, the better for peace in the world?

Secretary ROGERS. Yes.

Senator GORE. That the nondeployment, the mutual nondeployment, of antiballistic missiles, would be a contribution to disarmament and would, in fact, be a check on the armaments race?

Secretary ROGERS. I do definitely.

Senator GORE. And you would like to see this achieved?

Secretary ROGERS. I would.

Senator GORE. Thank you very much.

Secretary ROGERS. And I would like to do it as soon as possible.

Senator GORE. That is good. Thank you, sir. Senator Dodd.

VIOLATIONS OF SPIRIT OF TREATY

Senator DODD. First of all, I want to apologize to the Secretary and the Chairman and to Mr. Fisher for my departure. I had a commitment on the floor of the Senate.

I think you know my views. I tried to state them at the time of the first hearings and I based them principally on the preamble of the treaty and what I considered to be a violation of it. I don't want to question you about it, Mr. Secretary, because I know you are aware of the problem. But since that time it seems to me, and I wish you would think about this, Mr. Secretary, Dr. Seaborg, and Mr. Fisher, it seems to me there have been three additional violations, the first one being of course the invasion of Czechoslovakia. Then in early September—I think I am right in recalling, that the treaty was signed by the Soviet Union in July of 1968—

Secretary ROGERS. That is correct.

Senator DODD. In September it seems to me that the Soviet Government alleged that there were neo-Nazi and militaristic activities going on in West Germany, and declared in so many words that it was ready to take the necessary effective measures to deal with these activities. That seems to me to be a threat to the political integrity of West Germany, not in the fullness of what was done to Czechoslovakia, but it is a threat; and the preamble refers to a threat as well as the fact of force.

And the third violation of the treaty was the announcement by Brezhnev, of what is now called the Brezhnev Doctrine; that is, of the right of Soviet Union, I guess it would be accurate to say, to intervene militarily in any of the so-called socialist countries of the world. That to me means that they are saying that if anything goes wrong in a socialist country, if there is a revolt or if they don't like the way things are being run, they will do just the same as they did in Czechoslovakia. They will do it in Hungary, Poland, Rumania, any of the other countries. That seems to me to be another violation of the preamble.

These things bother me. Other people say they are not of substance, but I think really the only validity that this treaty has is in the good

faith of the signatories. This is true of most other documents, as you know better than I.

CUBA'S ATTITUDE TOWARD SIGNING TREATY

And finally I wanted to bring up the information I just heard about with respect to Cuba. Now Cuba has not signed, I am quite sure. Am I right about that?

Mr. FISHER. Yes.

Senator DODD. They didn't sign the nuclear test ban treaty. They didn't sign the treaty on the peaceful uses of outer space nor even the treaty prohibiting nuclear arms in Latin America, the Latin American nuclear agreement. Last May, it was announced by the Cuban Minister of Foreign Affairs, or, in effect, announced, that Cuba would never give up her right to defend herself with weapons of any kind whatever their nature may be and despite the decisions reached on this question by this or any other international organization.

He said more than this. I don't want to take up your time, but it is available, and I will see that it is made available. So is it true or can you tell me, Dr. Seaborg, as I am informed that the Soviet Union in November of 1968 completed work on a nuclear reactor in Cuba. And on January 8 of this year a nuclear agreement was signed between Havana and Moscow under which Moscow undertook to help Cuba expand the Cuban nuclear research institute.

Dr. SEABORG. I am not familiar with that, Senator Dodd.

Senator DODD. I didn't know whether you were or not. I believe my information is accurate, but if it is, assuming that it is, what would be the consequences of this for parties to this treaty? I have read the report of the monitoring of a broadcast over the Havana radio on January 9, which was made by the president of the National Commission of the Cuban Academy of Sciences and he said that Cuba could now branch out into atomic research and that the Soviet Union is supplying not only scientific material but also the research.

He said, "they are helping us by training in their best Soviet centers the first Cuban engineers and nuclear physicists who will join this institute within the next few months."

Then he went on and gave numbers. He said there are now 231 top Russian scientists in Cuba with 222 more due to arrive shortly.

Well, so Cuba says she has no intention of signing the treaty: and what if we ratify it and the Soviet Union ratifies it, what is the situation with respect to Havana, Moscow, and the rest of them?

Dr. SEABORG. Well, I would think that in such an arrangement and I have seen press reports concerning it, the type of nuclear reactor that they are talking about now would be a small research reactor, something not capable of producing enough fissionable material to make one nuclear bomb in less than maybe 10 years or something of that order.

Senator DODD. Does it really take that long?

Dr. SEABORG. For the average size research reactor, yes, sir; and some of them up to a hundred years.

Senator DODD. It seems to me—am I right, there is a difference of opinion about this in the scientific community.

Dr. SEABORG. No. It depends only on the power of the reactor, and the research reactor operates at a power level that is small and we can calculate the rate at which it will produce plutonium. That is just a matter of calculation.

Senator DODD. I understand. You say you are not sure there is such an agreement or such a treaty between Havana and Moscow or you don't know whether these facts or what I have said to be true.

Dr. SEABORG. No, I don't have any firsthand evidence. I have just read press reports about it.

Senator DODD. Well, do you think you could check that out?

Dr. SEABORG. I think we—I am sure that this will be known in some circles of government.

(The information requested is as follows:)

U.S. ATOMIC ENERGY COMMISSION,
Washington, D.C., February 25, 1969.

HON. J. W. FULBRIGHT,
Chairman, Committee on Foreign Relations,
U.S. Senate.

DEAR SENATOR FULBRIGHT: During the Senate Foreign Relations Committee hearings on the Non-Proliferation Treaty on February 18, 1969, Senator Dodd raised several questions concerning assistance by the USSR to Cuba in the nuclear energy field. I am pleased to provide your committee with the following additional information on the status of such Soviet assistance to Cuba:

In September of 1967, an agreement of cooperation on the use of atomic energy for peaceful purposes was signed by Cuba and the Soviet Union. In announcing the agreement, it was stated that it would cover the creation of scientific cadres in Cuba and the organization and performance of research work in the use of atomic energy in the national economy. I understand that a subcritical reactor assembly and three laboratories arrived in Cuba in June 1968. A subcritical reactor assembly is one which cannot sustain a chain reaction. This equipment was provided by the USSR in connection with the Cuban/Soviet agreement for the development of an "Atoms for Peace" project in Cuba. Plans call for setting up the subcritical assembly and the laboratories and for selecting teams of young scientists who will be trained by physicists, chemists, and mathematicians. The three referenced laboratories are identified as one for nuclear physics, one for reactor physics, and one for isotope chemistry.

According to recent reports, a subcritical research reactor, furnished by the USSR, was dedicated on January 9 by Fidel Castro at the Institute of Nuclear Physics and Sciences in Cuba. Vladimir Nikolaevich Novikov, Deputy Chairman, USSR Council of Ministers, attended the ceremony. The subcritical reactor assembly would be used as a research and training tool and is not capable of producing any nuclear weapons material.

I should also point out that when the Non-Proliferation Treaty enters into force, and whether or not Cuba becomes a party to the Treaty, the Soviet Union, as a signatory of the Treaty, would only be able to supply uranium for the assembly under the provisions of Article III of the Treaty. That article requires that the uranium supplied be subject to safeguards specified by the article.

You may wish to make this letter a part of the record of the Committee's hearings.

Cordially,

GLENN T. SEABORG,
Chairman.

Senator DODD. I have some other questions but I think there is plenty of time to take those up at a later date, Mr. Chairman. I don't want to hold the committee.

Senator GORE. Senator Cooper?

Thank you very much.

Secretary ROGERS. Thank you very much, I have enjoyed it.

(Whereupon, at 1:45 p.m., the hearing was concluded.)

NONPROLIFERATION TREATY

THURSDAY, FEBRUARY 20, 1969

UNITED STATES SENATE,
COMMITTEE ON FOREIGN RELATIONS,
Washington, D.C.

The committee met, pursuant to recess, at 10.05 a.m., in room 4221, New Senate Office Building, Senator J. W. Fulbright (chairman), presiding.

Present: Senators Fulbright, Gore, Symington, Dodd, Aiken, Mundt, Case, Cooper, Williams, and Javits.

The CHAIRMAN. The committee will come to order.

This morning we continue hearings on the Treaty on the Nonproliferation of Nuclear Weapons with the Secretary of Defense, the Honorable Melvin R. Laird and the Chairman of the Joint Chiefs of Staff, General Earle Wheeler, who will discuss the national security aspects of this treaty.

You all know Secretary Laird had a very long—22 years, I believe—and a distinguished career as a Member of the House of Representatives. In that capacity he often stood up in a very effective way for the role of the Congress in our government. And I only hope, Mr. Secretary, that moving across the river hasn't caused you to change your views about the significance of the Congress in the operation of our government; that you should be very considerate and helpful to us. I think you will. In some ways I think it is a very good idea to take a man from the Congress and put him in a position in the executive.

I believe you have a prepared statement, Mr. Secretary.

Secretary LAIRD. Yes, Mr. Chairman; I have.

The CHAIRMAN. And General Wheeler, also?

General WHEELER. I have a short statement.

The CHAIRMAN. Will you proceed? We will hear your statements first, please, gentlemen.

STATEMENT OF HON. MELVIN R. LAIRD, SECRETARY, DEPARTMENT OF DEFENSE

Secretary LAIRD. Mr. Chairman, and members of the committee, I am delighted to have this opportunity to appear before you this morning. It is true that I have had an opportunity to sit on the other side of the table as a Member of the House of Representatives and as a critic of the executive branch, and as a very strong advocate of the role of Congress in dealing with the affairs of our government as a coequal branch of our government.

I find my role as Secretary of Defense somewhat of a change for me. But I am shifting from the role of a critic and a questioner to the responsibilities of Secretary of Defense as rapidly as I can, and making as effective a transition as possible.

I am happy to present the views of the Department of Defense today on the Treaty on the Nonproliferation of Nuclear Weapons. I fully support the statements made by Secretary Rogers in his appearance before this distinguished committee on Tuesday last. My statement will, therefore, be brief.

INTERDEPARTMENTAL COOPERATION ON TREATY NEGOTIATIONS

The Department of Defense worked closely with the Department of State, the Arms Control and Disarmament Agency, and others in developing U.S. positions on the important questions which arose in the course of formulating and negotiating this treaty.

The pros and cons of every major issue were examined throughout the Department and the advice of all participants was fully considered. The advice of the Joint Chiefs of Staff was most useful on all issues and was of great importance in our efforts to make sure that the provisions of the treaty would be entirely consistent with our mutual defense arrangements. General Wheeler is with me today, as you pointed out, Mr. Chairman, and will present the views of the Joint Chiefs of Staff.

MUTUAL SECURITY ARRANGEMENTS AND OBLIGATIONS

Throughout the development of the Nonproliferation Treaty the Department of Defense devoted particular attention to the problem of achieving a treaty which would effectively defer the spread of nuclear weapons without adversely affecting our mutual security arrangements and obligations. Our allies wished to make sure that the NPT would neither interfere with existing NATO arrangements nor prevent allied consultations on nuclear matters, particularly in NATO's Nuclear Planning Group. We were able to assure them that the treaty would do neither. Some of our allies were concerned also that this treaty might prohibit possible steps toward European unification in the defense field, particularly the establishment of a European nuclear force which would own and control its own nuclear weapons. We were able to assure them that the treaty would not prevent a European federated state from succeeding to the nuclear status of one of its components, such as France or the United Kingdom.

The assurances that we provided our allies on these points were made part of the public record during the last Senate hearings on the treaty in July of 1968. The Soviet Union has not taken issue with these assurances. Our European allies generally share our view that the NPT will contribute to worldwide security and stability.

I would like to reaffirm the view expressed by the former Deputy Secretary of Defense, Mr. Nitze, that the United States and all other signatory nations will mutually benefit from this treaty and that it will not provide any unique advantages for the Soviet Union. This treaty will not affect our ability to meet our defense obligations or interfere with any existing nuclear arrangements we have with our

allies. In my view, it will be a strong deterrent to the spread of nuclear weapons.

Therefore, despite disturbing international events such as the invasion of Czechoslovakia last year, I believe that every effort should be made to bring this treaty into force promptly. We should now move promptly to ratify it. Our action will encourage other nations to do the same. Accordingly, the Department of Defense urges that this committee recommend to the Senate that it give its early advice and consent to the ratification of the Nonproliferation Treaty by the United States.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you, Mr. Secretary. That is a very clear and candid statement.

General Wheeler, would you like to make a statement?

STATEMENT OF GEN. EARLE WHEELER, CHAIRMAN, JOINT CHIEFS OF STAFF

General WHEELER. Thank you, Mr. Chairman.

Mr. Chairman and members of the committee, I again welcome the opportunity of appearing before your committee to discuss the military implications of the Treaty on the Nonproliferation of Nuclear Weapons. As I have indicated previously, the Joint Chiefs of Staff have long been on record as supporting balanced, phased, safeguarded, and verifiable arms control measures. The Joint Chiefs of Staff have worked closely with the U.S. negotiating team throughout the course of the Nonproliferation Treaty negotiations in an effort to assure that this treaty met these standards. In addition, the Joint Chiefs of Staff set forth certain principles relating to the national security interests of the United States and our allies. These principles have been protected. In the opinion of the Joint Chiefs of Staff, the Nonproliferation Treaty does not operate to the disadvantage of the United States and our allies; does not disrupt any existing defense alliances in which the United States is pledged to assist in protecting the political independence and territorial integrity of other nations; does not prohibit deployment of U.S.-owned and controlled nuclear weapons within the territory of our non-nuclear NATO allies; does not prohibit the United States from using nuclear weapons in any situation wherein nonuse of nuclear weapons would be inconsistent with U.S. security interests; does not involve automatic commitment of U.S. military forces.

In July of last year, I testified that the Joint Chiefs of Staff were in agreement with the expressed objectives of this treaty and supported ratification of the treaty as not inimical to U.S. security interests. There have been no subsequent developments that warrant a change in this position.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you very much, General Wheeler.

UNANIMOUS OPINION OF JOINT CHIEFS

Is this a unanimous or a majority view of the Joint Chiefs?

General WHEELER. This is a unanimous opinion of the Joint Chiefs of Staff, sir.

The CHAIRMAN. They all believe that this treaty is in the security interests of this Nation?

General WHEELER. That is correct, sir.

The CHAIRMAN. Secretary Laird, do all of your assistants and deputies support the treaty and agree with the views you have expressed?

Secretary LAIRD. Mr. Chairman, they do support the views that I have stated here today. I have several of my assistant secretaries who have not been confirmed as yet, but all of those that have been confirmed and are aboard support those views and I am sure those that will come aboard will support these views.

The CHAIRMAN. The reason I ask this is that some years ago we had before us the Antarctic Treaty. The Pentagon officially supported it, but to my own knowledge, some officials didn't really approve of it as individuals. This can happen, of course, in any big organization, and I hope this isn't likely to happen in this case. That is why I ask you if the Joint Chiefs are unanimous and if there are any of the important deputies who take a different view. I hope not, but that is what prompts me to ask you that type of question.

U.S. OBLIGATION UNDER ARTICLE VI

I was very interested, Mr. Laird, in your statement, and I certainly approve of it, that you fully support the statement of Secretary Rogers. The Secretary told us on Tuesday if this treaty is ratified and put into effect, the United States would have an obligation to enter into missile limitation talks with the Soviet Union. Do you agree with this interpretation of the U.S. obligation under article VI of the treaty?

Secretary LAIRD. I would certainly agree with Secretary Rogers that when this treaty becomes effective there is an obligation on the part of the United States, as well as other nuclear powers, to discuss possible limitations of offensive and defense weapons under the terms of article VI.

Senator GORE. Article VI also goes further, to negotiate for the cessation of an armament race. You would agree that is included in section VI?

Secretary LAIRD. I think that is very much a part of any negotiations that have to do with limitations on offensive and defensive strategic weapons.

The CHAIRMAN. Secretary Rogers told the committee that he hoped negotiations on the subject of antiballistic missiles would take place before the United States entered into this new phase of the nuclear arms race. Do you share that hope?

Secretary LAIRD. Well, Mr. Chairman, I certainly share the hope that upon the effective date of this treaty when ratified by 40 nations and the three major nuclear powers that we will be in a position to go forward with discussions with the major powers.

I am not in the position to set forth a timetable as far as those talks are concerned. I am concerned, as Secretary of Defense, in protecting the security and the safety of the people of this country, and as Secretary of Defense, I believe that this is an important role for me to play, and the security and the safety of our country will always be foremost in my mind in dealing with matters of this kind.

I am concerned about the escalation of the arms race, particularly by the Soviet Union in the last 24 months, and it is my responsibility as Secretary of Defense to keep this in mind and it will have some influence on the decisions which I make as Secretary of Defense.

The CHAIRMAN. Mr. Secretary, I certainly don't quarrel with your statement as to your responsibilities. But as a Congressman, didn't you feel that it was your responsibility to look after the defense and the security of this country just as Senators do? There is no difference in our objectives. We both, I think, want to look after the security of the country.

There can be a difference as to which is the best way to do that. You would agree with that?

Secretary LAIRD. I certainly feel there can be differences.

The CHAIRMAN. There can be differences as to how to achieve common objectives?

Secretary LAIRD. As a Member of Congress I differed at times from the recommendations of the executive branch.

The CHAIRMAN. That is right.

Secretary LAIRD. And I would assume that Members of Congress will sometimes disagree with me now that I am a member of the executive branch.

JOINT RESPONSIBILITY FOR NATIONAL SECURITY

The CHAIRMAN. I don't want the record to appear to show that you have a different objective in mind from the members of the committee. I think we all are interested in the security of this country. Our Constitution doesn't give you the sole responsibility for the security of this country. I think we all are interested in that subject. But what we are further interested in is what is the most efficient way and the most sensible way to achieve that objective. This is at the moment a very crucial question, probably the most crucial one, as evidenced, for example, by an editorial in this morning's Washington Post. Did you read it?

Secretary LAIRD. I did read the editorial, Mr. Chairman.

The CHAIRMAN. I think, Mr. Reporter, I will put it in the record at this point. It bears directly upon this question of the ABM and the activities of your Department in its efforts to persuade a particular point of view. I will put it in the record at this point.

(The editorial referred to follows:)

[From The Washington Post, Feb. 20, 1969]

THE BIG ABM BRAINWASH (Con.)

In response to an irrelevant question at his press conference on Tuesday, Secretary of Defense Laird replied with appropriate irrelevance that "as far as I am concerned, we are not spending vast sums of money propagandizing as far as the Sentinel program is concerned." Which only goes to show that if you ask an irrelevant question . . . but never mind. The question that had been raised by the publication in this newspaper last Sunday of official, confidential memoranda on the subject of Army public relations plans for the Sentinel project had nothing directly to do with "vast sums of money." Rather, it had to do with a vast public relations program (presumably at some cost to the taxpayer) on behalf of the proposed deployment of the so-called Sentinel Anti-Ballistic Missile system. However, since Mr. Laird was willing to deal with the matter of cost in a negative way, perhaps he could give us some positive estimate

of what is being spent for public relations, not only on the Sentinel but on other weapons systems, not only by the Army but by the other services as well. For this is the center of our concern--the extraordinary capacity of the military to work its way into our politics and our policy-making process by the sheer weight of its resources, by the award of contracts, by the location of bases and by the mustering of massive and comprehensive propaganda and lobbying efforts in support of particular projects such as the Sentinel.

All this power has been more or less apparent for a long time, of course, but only dimly for the most part; President Eisenhower warned of the encroachments on our society of a military-industrial complex as he was leaving office in early 1961. But the General didn't give us much guidance about how to deal with it while he was in office and even when the average citizen gets a clear view of any part of it, the glimpse is likely to be no more than fleeting, yielded grudgingly, shielded as much as possible.

So it is, unhappily, in this case. For example, one of the documents reported in *The Washington Post* last Sunday was a proposal for a "Public Relations Program for Sentinel." made to Secretary of the Army Stanley Resor by Lt. Gen. Alfred D. Starbird, manager of the Sentinel project. Mr. Laird has now made public the program that was finally approved and, with one or two changes, it exactly matches the Starbird proposal. All of it is there--the information kits, the television films and taped radio shows; the ceaseless round of calls on Congressmen, governors, mayors, local community leaders, editors and publishers, the articles to be written for scientific journals by Army officials and officers; the carefully prepared interviews with the press; the coordination of the whole effort with the private public relations efforts of industrial firms involved in the building of the Sentinel System.

This, according to officials, is the program as approved last fall. Yet Mr. Laird went on to say on Tuesday that "as far as our program is concerned, we have no propaganda program (for) the Sentinel because our . . . final decision has not yet been made." Maybe the hang-up comes with the word "propaganda." But if the 15-page program actually made public does not add up to propaganda of a kind, or at least one hell of a selling job--and at a time when the President is still making up his mind--we are at a loss to know what it is.

We are at a loss, too, to know how the Secretary of Defense could pretend that the program was available all along to anyone who requested it when the final program was marked "For official use only" and the Starbird memorandum was more tightly classified "confidential" on security grounds. And we are further at a loss to know why any of this classification was necessary if the original document could be so readily released, almost verbatim, on Tuesday.

And there was another document--a covering memorandum from Mr. Resor, forwarding the Starbird proposals to then Secretary of Defense Clifford--of which Mr. Laird had nothing to say, although it had a certain relevance. For example, it contained word that the Army would be in contact "shortly" (this was last September) with scientists favorable to the Sentinel in an effort to encourage them to write articles answering scientists less well disposed to antiballistics missilery. "We shall extend to these scientists all practical assistance," Mr. Resor said. Is this going on now?

Finally, nothing was said about a much earlier public relations plan for the Sentinel, referred to in the Starbird memo and apparently approved almost a year ago, long before Congress had given its authorization to a start on the Sentinel system.

The merits of the ABM aside, for the moment, we continue to wonder whether this is healthy or wise or necessary--this mammoth, all pervasive, overwhelming sales job, if you will--and we continue to hope that the Congress will wonder, as well.

BEGINNING CONVERSATIONS ON ABM SYSTEM

The CHAIRMAN. Mr. Rogers said that he, and I quote, "Was not reluctant to begin conversations on antiballistic missiles and offensive weapons." Would you take the same position?

Secretary LAIRD. Mr. Chairman, I would hope that we could move toward these discussions at an early date. I do feel that we are in a position now where we are moving forward with the talks in Paris, we are moving forward with the four-power talks as far as the United

Nations are concerned in the Middle East, and I am hopeful that we will meet with success in Paris. I am hopeful that we can show signs of success as far as the four-power talks in the Security Council in the Middle East are concerned.

Now, I would hope that we could move into these discussions at an early date. But some people say this treaty will be ratified in 12 months, some say that it will take longer.

The CHAIRMAN. By us?

Secretary LAIRD. No, become effective by 40 nations.

The CHAIRMAN. Forty?

Secretary LAIRD. Forty nations ratify it plus the three nuclear powers.

At the time of my confirmation hearings I indicated then that I felt that the invasion of Czechoslovakia had delayed the talks from 9 to 12 months as far as the Soviet Union was concerned with the United States. Now, that invasion took place in August, and I believe that the delay in the talks was not caused by any action by the U.S. Government but by the untimely invasion by the Soviet Union of Czechoslovakia.

The CHAIRMAN. Are you saying you are not reluctant to begin conversations when this treaty goes into effect? You have no reservations?

Secretary LAIRD. I don't want to tie myself down to that long a period. It might be shorter. It might take that long. If it is that long, the effective date of this treaty might be from 12 months to 24 months and I do not want to give a timetable, Mr. Chairman, because I think it depends on the other developments. And, I would not want to make the effective date of this treaty the timetable as far as these talks are concerned because that could be 12 months away. It could be 24 months.

SENATE ATTITUDE TOWARD ARTICLE VI

The CHAIRMAN. But supposing, to make a point, that this committee acts, and I don't think it is going to wait 12 months, I anticipate it will act within a month—

Secretary LAIRD. I was talking about the effective date of the treaty which Mr. Rogers—

The CHAIRMAN. I understand. But when the Senate acts, and let's assume it does and I believe it will, with the support of the President, his unequivocal support, and that of the Joint Chiefs and yourself, it would seem to me that Senate approval would be a clear expression on the part of this body that we want to move into these discussions and not proceed to deploy the antiballistic missiles which, I think, would be inconsistent with article VI. This is the very point we argued with Secretary Rogers, and I would like, if possible, for you to be as clear as you can on this. Knowing of your respect for the Congress, I would like to see what you think about honoring the express opinion of the Senate which would result from affirmative action on this treaty.

Secretary LAIRD. First, Mr. Chairman, I would like to say that we are currently undertaking a very thorough budget review in the Department of Defense, and we hope to have that review completed so that we can present any amendments to President Johnson's and Secretary Clifford's budget during the week of March 15. We have been asked to present those amendments to the Congress, if we have amend-

ments to the budget submitted by President Johnson and supported by Secretary Clifford, on approximately the 15th day of March.

I have noted with some interest that some of our newspaper friends, the Chicago Sun-Times, has a copyrighted story stating that the decision has been made by the new Secretary of Defense to cancel the Sentinel system.

The CHAIRMAN. I had seen that.

REVIEW OF ABM DEPLOYMENT

Secretary LAIRD. I had noted other newspaper stories which have indicated that the decision has been made to move forward on a Sentinel system or a revised Sentinel system.

I want to assure the Chairman of this committee and the members of this committee that this is a very thorough and complete review that we are making of major systems. One of the major systems in the budget submitted by President Johnson for continuation is the Sentinel antiballistic missile system.

Now, we are looking at all the options. We are looking, for example, at the option of no system at all from the standpoint of discontinuing the program, as it was approved by the U.S. Congress last year in a vote in the House and in the U.S. Senate. We are looking at the option of modifications of the proposal which was first made and approved by Secretary McNamara and, as another example, at the option of increasing or expanding the system as approved by Secretary McNamara. Those are the major areas we are looking at, but there really are six or seven different options involved in this complete study.

The only action that I have taken, as Secretary of Defense, has been to discontinue the construction of the program approved by the U.S. Senate and by the House of Representatives. This was not an easy task for me to make that decision because I respect the opinion of the House and of the Senate, and I realize that even the site had been approved as far as the House Armed Services Committee was concerned. But I did take it upon myself to put those construction contracts in Boston under suspense, and contracts No. 1 and No. 2 are not going forward at this time pending this review.

Now, when this review is completed we will take our recommendations to the President of the United States and to the National Security Council. In the National Security Council meeting the State Department, the Arms Control Agency, and other members of the National Security Council will have an opportunity to pass judgment on the review that has been made in the Department of Defense of the budget submitted by President Johnson and Secretary Clifford. Any amendments that we finally do submit to the Congress, after the 15th of March, will have the approval of the President of the United States and the National Security Council.

Now, I give you that in the way of background because I don't want to leave the impression with this committee or anyone in this country that this is not a serious and complete and a thorough review of this program as well as other major weapon systems in the 1970 budget as submitted to this Congress.

ASSESSMENT OF CHINESE THREAT

The second part of your question, Mr. Chairman, dealt with the deployment, possible deployment, of an ABM system if this treaty is approved by the Senate and ratified by the President of the United States.

I would merely say that I think that here again I must take into consideration in my recommendations to you and to the Congress and to the President, the national security of the United States and the safety of our people. The Soviet Union has gone forward with an ABM system. They are going forward with tests on a sophisticated new ABM system on the basis of the best information which has been made available to me as Secretary of Defense. I would not be surprised if this budget review shows that we should go forward with an ABM system. That is so, merely because talks had started or talks were shortly to take place in a period of 6 to 9 months, I would not want to be in a position where I would tell you today that we would not go forward with this particular system if it was decided that we should go forward in this budget review, because these talks could take a long period of time. With the Soviet Union going forward at a very high rate in their offensive and defensive strategic weapons systems, I believe that it would not be proper for me as Secretary of Defense to make any other recommendation.

I want to make it very clear that I had certain questions about the ABM system, and its possible use as far as the Chinese were concerned when I was a Member of Congress, and I questioned Secretary McNamara at some length, because I did not believe that his assessment of the Chinese threat was correct at the particular time that he was outlining it before our committee.

I have since found that his assessment is correct and mine was wrong, and I believe that the Chinese will fire a test ICBM missile within the next 18 months, and they will have the capability by 1975 of having from 20 to 30 ICBM launch missiles available that could hit the United States of America.

I questioned the Secretary of Defense, Secretary McNamara about this assessment, but I am willing to admit that my assessment was wrong and that his assessment was right.

Senator GORE. Mr. Chairman, will you yield?

INCLUSIVENESS OF BUDGET REVIEW

The CHAIRMAN. Let me ask one question and then I will yield. You say budget review. Does this budget review include the views of the Atomic Energy Commission and the Disarmament Agency or purely those of the Department?

Secretary LAIRD. The budget review is within the Department, but our budget review recommendations on the weapons systems will go before the National Security Council for their approval and then the Disarmament Agency as well as the State Department will become a part. All agencies are conducting—

The CHAIRMAN. They don't participate in the process until you bring it to the National Security Council, is that right?

Secretary LAIRD. That is correct.

TARGET OF ABM SYSTEM

The CHAIRMAN. One last question before I yield to Senator Gore. I thought the ABM system was designed against China. Now, I take, it is designed against both China and Russia; that is, you are not confining it to either China or Russia. Originally we were told this was to be against China only, is that not correct?

Secretary LAIRD. I want it made clear, Mr. Chairman, that one of the options we are looking at does include some protection as far as the Soviet Union is concerned from submarine launched missiles, from accidental launches and from the new FOB's system which has been tested by the Soviet Union at this time.

There was a very interesting story in the press today, I think many of you saw it, that the Soviet Union's military chiefs were talking yesterday about the deployment of this new weapons system, this new strategic weapons system, which is an offensive system. There are possibilities of being able to protect the United States from such a system. I would not want this committee or the Congress or the American people to think that we were not giving consideration in this review of the Sentinel program protection that can be afforded to our people and to this country.

The CHAIRMAN. Senator Gore.

INITIATION OF DISARMAMENT NEGOTIATIONS

Senator GORE. Mr. Chairman, I will interrupt only to call to your attention the fact that the question before the Secretary, at the time he gave us this very interesting summary statement, was on the initiation of negotiations and the effect of article VI, and the Secretary, as did Secretary Rogers, tied the obligation of section VI to the ratification of the treaty by some 40 nations, and I wanted to suggest, Mr. Chairman, that ratification of this treaty by Cameroon has no bearing really upon the problem of mutual avoidance of an armaments race between the United States and the Soviet Union.

When the United States, with the recommendation of the President and of the Senate, places its approval upon the obligation to initiate negotiations to limit a nuclear armaments race, to avoid a nuclear armaments race and to seek to bring about nuclear disarmament, and the Soviet Union is of a like mind, then it would appear to me that there is no need to wait until 40 minor nations ratify the treaty. I want to elect, instead of the general summary statement, a specific reply to the initiation of negotiations to avoid this vast expense and perhaps useless expense.

NEGOTIATION OBLIGATION AFTER RATIFICATION

The CHAIRMAN. Do you wish to clarify what your attitude would be upon the approval of the treaty by the Senate?

Secretary LAIRD. As to what the effective date of the treaty is?

The CHAIRMAN. No. What is your feeling about your obligation, your responsibility, on the date when this has finally been approved by the Senate, and the President has issued what is called a formal ratification based upon that approval, when we have completed the

ratification process. Do you feel, at that point, there is an obligation under article VI for you to seek negotiations with the Soviet Union?

Secretary LAIRD. Mr. Chairman, I believe and hope that we can move toward talks with the Soviet Union. I think we have to be well prepared for those talks. There have to be initial discussions held. As I said at the time of my confirmation hearing before another committee of the Senate, I think the talks were delayed by action of the Soviet Union, and this delay was at least from 9 to 12 months, caused not by action of the United States Government, but by action of the Soviet Union in invading Czechoslovakia.

The CHAIRMAN. I don't dispute that.

Secretary LAIRD. And I would hope that similar acts do not occur within the next few months. I don't believe any of us could have predicted that the Soviet Union would move into Czechoslovakia, and at least I did not predict that that would happen. But delay in the talks was caused by the Soviet Union and not by the United States.

The CHAIRMAN. I am not disputing this question. Let's assume, which I did, of course, that there is no major significant change in our relations otherwise, at the completion of the ratification. If something wholly unexpected happens, of course, it is a different situation.

SENATE VOTE FOR POSTPONEMENT OF ABM DEPLOYMENT

This is a crucial question. You mentioned the action of the Congress, and I agree you are acting completely under the authority of the Congress but we had a very lively debate last year, led by the Senator from Kentucky. The purpose of his resolution was, as I recall it, to delay deployment but proceed with research on this project. As I recall, the vote was very close in the Senate, wasn't it?

Senator COOPER. I will have to be honest, it wasn't too close. But I would say this: On the first vote it was very close.

The CHAIRMAN. That is what I mean.

Senator COOPER. 31 to 28. We never did have a large number voting at one time, but on four amendments 46 Senators voted at one time or another for an amendment urging the postponement for deployment of ABM. It just happened because of the campaign that we never were able to get them all together at one time, but 46 Senators did vote for delay.

The CHAIRMAN. This is what I had in mind. It is a very substantial number.

I don't question that you have the authority of the Congress to proceed, but the approval was given by a very narrow margin. Now, a good many things have happened since then, particularly the pressure of the budget, the enormous inflation that has taken place in this country and a lot of other things. You used to be extremely concerned about the soundness of our economy. I remember you were noted for your concern about keeping a sound dollar. Is that not correct?

Secretary LAIRD. I still am, Mr. Chairman.

The CHAIRMAN. This is one of the things that we are concerned with now. As Secretary of Defense, it is quite possible that you don't feel the same responsibility broadly that you did as a Congressman or Senator, because you have a special responsibility today and that is

natural, I don't offer that as criticism at all. I think all executive officers are bound to be that way.

Secretary LAIRD. I hope I haven't limited my interest just to the Department of Defense, Mr. Chairman.

The CHAIRMAN. It is quite natural that you would not be as interested today in HEW, for instance, as you used to be. Yours is too big an operation not to concentrate wholly on it. I don't offer that as criticism. I think it is natural. But this is a very critical matter.

PUBLIC AFFAIRS ACTIVITIES OF DEPARTMENT OF DEFENSE

I won't take any more time. I do want to put into the appendix of the record certain matters referring to activities of the Department of Defense in the field of educating the public. I am taking advantage of your presence today merely to put them in the record. They relate to the editorial which I mentioned a moment ago, an activity which I doubt you are thoroughly familiar with, but we want to get more acquainted with it.

Secretary LAIRD. Mr. Chairman, since the editorial has come up several times, I would just like to say that as soon as it was called to my attention that there was a program written up to support the Sentinel missile system, drawn up in the last administration, I issued orders to make that public immediately.

The CHAIRMAN. Yes; I congratulate you.

Secretary LAIRD. I felt that if there was such a document in the Department of the Army drawn up in the other administration, that I would want it made public, and it was released and made available to every member of the press in keeping with the kind of open department that I hope we can have.

The CHAIRMAN. I congratulate you for it. I think it is excellent and I hope you continue to do that.

As I said, some of these activities which I shall refer to later—I don't want to delay the other members at the moment—are in an area which there is no secret about, but the activity is still not very well known by much of the public. You haven't been there long enough to know everything that goes on in the Department.

I yield now to the Senator from Tennessee.

Senator GORE. Thank you.

INITIATION OF NEGOTIATIONS

Senator GORE. Mr. Secretary, I would like to return to the question posed by the Chairman to which you have not yet replied, that is, the initiation of the negotiations. Do you really mean to suggest to this committee that such a question, a matter of such vital importance, must wait until 40 minor nations who haven't any nuclear capability at all, ratify this treaty?

Secretary LAIRD. Senator Gore, I think that I was referring to the effective date of the treaty. In my confirmation hearings I discussed this particular matter, and at that time I stated that I felt the talks undoubtedly had been postponed from 9 to 12 months by the action of the Soviet Union in moving into Czechoslovakia.

Senator GORE. Why should that be true?

Secretary LAIRD. That 9- or 12-months period has pretty well run out and I would think that as far as the timetable was concerned it would not necessarily—it would not be necessary to wait for the effective date, if that effective date should be 12 to 24 months from now, and I did not want to give you the impression that I was tying it to the effective date of the treaty. And, of course, our obligation as far as the treaty is concerned is tied to the effective date. But I believe it undoubtedly will be possible, I am hopeful that it will be possible, to be prepared and to move toward discussions with the Soviet Union prior to any 24- to 48-month effective date on this treaty. I am not prepared to give a timetable at this time because, as I said in answer to the Chairman's question, I did not foresee the invasion of the Soviet Union into Czechoslovakia, and events such as that would have a significant effect upon discussions with the Soviet Union regarding strategic offensive and defensive systems.

Senator GORE. I deplore and regret the invasion of Czechoslovakia, as you do, as much as anyone does. But just as I was unable to see how that modified the interest of the United States in preventing the spread of nuclear weapons, I am unable to see why that should delay a negotiation to avoid a nuclear armaments race which creates greater dangers, greater expenditures, greater diversion of funds needed for other purposes and creates perhaps a false sense of security.

WHY IS ADMINISTRATION RELUCTANT TO ENTER NEGOTIATIONS?

But aside from that, is there any reason other than the Russian invasion of Czechoslovakia that causes the U.S. Government now to be reluctant to enter negotiations to avoid an armaments race?

Secretary LAIRD. Well, this administration, of course, has been in office for a very few weeks, and I would not recommend in my position that we were presently prepared to enter that kind of negotiations as far as the Soviet Union is concerned at this particular time. We are moving forward, I hope with some success, and I am sure that you share that, Senator, as far as Paris is concerned. We will be starting negotiations, we have started some on a bilateral basis so far as the Middle East is concerned. The Middle East situation has not been heated up by the United States. The Middle East is being heated up by actions of the Soviet Union, and we are hopeful that these four power talks within the Security Council will be successful in cooling down the situation as far as the Middle East is concerned at this time.

I believe that we are moving into an area of negotiations rather than a confrontation with the Soviet Union, and I think that the events of the last few weeks, not only in Paris, but with the Security Council, the activities that are going forward there as far as the Middle East is concerned, would indicate that we were moving into that era of negotiation.

Senator GORE. I don't know just what connection there is between the difficulties in the Middle East and the mutual interest, it seems to me, of the United States and the Soviet Union to avoid an escalation of a nuclear armaments race, and if you are going to wait to enter the conference until peace and love prevail in the Middle East, or until there is no longer trouble in Southeast Asia, then ABMs will be all over the place in both countries.

Secretary LAIRD. I would hope that that would not be followed.

Senator GORE. What connection is there between the two?

Secretary LAIRD. That statement that we have peace in the Middle East or we have settlement in Southeast Asia, I don't believe that was my position, Senator Gore.

Senator GORE. Well, was that the only reason you gave me for the reluctance of the U.S. Government to enter into this negotiation?

Secretary LAIRD. No, I say that the new administration has started negotiations as far as the Soviet Union is concerned through the four-power talks in the Security Council within a very few weeks of its being in office. We are going forward with negotiations as far as Southeast Asia is concerned in Paris, and I believe that we are entering a period of negotiations, an era of negotiations, and I believe that we have moved away from the period of confrontation.

Senator GORE. On June 12, 1968, President Johnson addressed the General Assembly of the United Nations, and I would like to quote one paragraph from that speech:

Finally—in keeping with our obligations under the treaty—we shall, as a major nuclear power, promptly and vigorously pursue negotiations on effective measures to halt the nuclear arms race and to reduce existing nuclear arsenals.

I, too, referred to the obligations under the treaty.

Now, when this obligation is undertaken upon recommendation of two Presidents, approval by the Senate, then, why, other than the trouble in the Middle East and Southeast Asia, is the Administration reluctant to enter these negotiations which we sought in the first instance, and which the Soviet Union has now indicated its willingness to commence? Is there another reason?

Secretary LAIRD. Well, Senator Gore, I do not know of the reluctance that you refer to. I don't believe a timetable has been established for these negotiations. I believe the President of the United States has made it very clear that he wishes to consult with our allies. He is making this trip to Europe to consult with our allies this next week, and I believe that he is of the opinion that it is necessary for us to make these contacts with our NATO friends, for him to go to Brussels prior to any bilateral meetings with the Soviet Union, and I, for one, believe that this decision on the part of our President was correct.

PRESIDENT'S TRIP TO WESTERN EUROPE

Senator GORE. Well, I agree with you. Under all the circumstances, I would agree that this trip was advisable. I would agree that talks with our allies in Western Europe would be advisable before initiation of the conference. You offer me some hope that upon his return after those talks this negotiation to avoid this costly, dangerous, and possibly useless expenditure will occur. Do you intend to hold out some hope to us that it could begin after these talks are held in Western Europe?

Secretary LAIRD. I would hope that talks with the Soviet Union concerning the limitation of offensive and defensive weapons could go forward at an early date, and I have not tried to establish that timetable today because I do not believe that in my position as Secretary of Defense this is a recommendation which I should be making to your committee.

Senator GORE. I think we are making some progress, and you are not now tying a conference to ratification of this treaty by 40 nations. You are not now tying it to peace in the Middle East or in Southeast Asia, but independently, when the time is appropriate and after the European talks you hope that it can proceed.

Secretary LAIRD. No, the effective date of the treaty, the question that was directed to me first, by the the Chairman of this committee, had to do with the effective date of the treaty when article VI became effective, and I assumed that he was referring to when it became legally effective, and that, of course, had to do with the ratification of 40 nations, plus the three nuclear powers.

U.S. AND U.S.S.R. OBLIGATION TO NEGOTIATE

Senator GORE. But insofar as the United States and the Soviet Union are concerned, the two parties who are concerned in a nuclear armaments conference, when these two countries ratify it, insofar as the obligation vis-a-vis the Soviet Union and the United States is concerned, we will then have undertaken our obligation.

Secretary LAIRD. Senator, I don't mean to repeat this more than necessary, but at the time of my confirmation hearing I did point out that I thought these talks had been delayed from 9 to 12 months by the invasion of the Soviet Union into Czechoslovakia. I firmly believe that, that this is what has delayed the talks. I believe that this was the attitude of President Johnson and also Secretary Clifford as well as Secretary Rusk, that the talks were delayed by this act of the Soviet Union.

I am not in a position to predict what might happen within the next few months. I would hope that the Soviet Union would not move again in this direction or in any other provocative type of act as far as Europe is concerned or anyplace else throughout the world.

Senator GORE. Well, the next question would be whether or not we should proceed with deployment of the weapon pending initiation of the conference and possible success of the conference. But the Chairman has already explored that.

EFFECTIVENESS OF AN ABM SYSTEM

My third question will go to the two parts of your statement which related to the effectiveness of an antiballistic missile system. I have testimony by experts in your Department that do not agree with statements which both you and General Wheeler have made and, secondly, the extent to which the Soviets have proceeded with their own deployment. These questions will take some time and, therefore, I shall not trespass upon the time of my colleagues to press them at this time.

But just as the executive branch must make a careful review, so, it seems to me, that the legislative branch must so do, and I, for one, expect to do so with my subcommittee beginning next week. But as of now I will yield.

The CHAIRMAN. Senator Case.

Senator CASE. Thank you, Mr. Chairman.

Mr. Secretary, it is nice to have you with us in this capacity.

Secretary LAIRD. Thank you, sir.

Senator CASE. I don't think I have any question, but following the Senator from Tennessee I would just like to emphasize his several points.

As to the treaty itself, I think it is fine that article VI is in there but I agree with him that we ought to proceed just as quickly as we can to negotiations regardless of when article VI comes into legal effect.

I think this question of the antiballistic missile system is important as far as the question of possible unnecessary expenditure of a great deal of money is concerned. But the first question is as to whether it has potential for effectiveness. If it does, then Secretary McNamara, your predecessor, and I think everyone, would agree we ought to have it.

EFFECT OF ABM DEPLOYMENT ON ARMS RACE

If it is not, then the other questions come into focus. The question of expense has already been emphasized here. But I would like to emphasize even more the effect of deployment upon escalation of the arms race. I think this towers above the question of expense and possible waste of money so that only shrinks into insignificance. This is the crucial question, it seems to me, and equally crucial is the whole matter of negotiation on this point of deescalation.

It isn't only the antiballistic missile system we are concerned about. We are concerned about our offensive development, too. I agree with Secretary McNamara's thesis that the effective way to deal with the maintenance of a deterrent is through offensive power. But if it is not necessary to move ahead with MIRV and the rest of these things we ought not to do it, because just as the deployment of even a pseudoantiballistic missile system can stimulate the other side, as the Russian's deployment of a system around Moscow stimulated us to increase our offensive capacity, so an increase in our defensive capacity would produce the same reaction, and these things have gotten to the state where they are so horrible that we must make this matter of escalation our first order of business.

So regardless of what you may have said last summer about how long Czechoslovakia is going to set back arms negotiations, I just urge that whatever you have said before be set aside and that you reconsider the question whether really that is necessary.

Senator Gore pressed you as to whether there was any other reason to delay negotiations. I don't know whether he was suggesting that some people in the Department want to delay in order to increase our defensive capacity so we go into it in a stronger position than we are now. I don't know whether that was an implication, but at least it was a possibility.

Senator GORE. Will the Senator yield? I didn't mean to imply anything.

Senator CASE. I know, but it is a possibility.

INDICATIONS OF SOVIET WILLINGNESS TO NEGOTIATE

Senator GORE. The facts are this country undertook months ago to persuade the Soviet Union to enter into such negotiations and now that the Soviet Union has indicated its willingness so to do, for some

reason—I am unable yet to determine why—this Government is not willing to do so. I hope it will do so quickly.

Senator CASE. I am not as clear about the question of the Soviets' willingness to enter negotiations as the Senator from Tennessee is. I will be glad to have you state your understanding of this, Mr. Secretary.

Secretary LAIRD. I think the Soviet Union has indicated a desire to have talks in regard to strategic weapons systems.

This desire, however, is one that was communicated the first week of the Administration in an address that was made and in a letter which was forwarded, I believe, to our Government. The situation is such, I think, that the public statements which have been made in the Soviet Union would indicate that they were moving in that direction.

Senator CASE. I thank you. Of course I was aware of this. I thought perhaps you had some other specific reference that had not come to my attention.

Now, if this remains so, I fully concur with the President's decision to talk first with our allies, and the fact he is doing it quickly is another example of the fact he is doing the job right, it seems to me.

Just as soon as this is accomplished, I would hope that no considerations of the sort that were suggested before be allowed to intervene before serious discussions on the question of reduction of armaments between the Soviet Union and the United States are carried forward. I urge that it not be delayed until agreement is reached on Vietnam, and I know this wasn't your suggestion, or until completion of a settlement in the Middle East, and I know you weren't suggesting this either. Nor should we await the conclusion of ratifications needed to bring this treaty into effect.

It is, of course, the responsibility of the armed services and the Defense Department to see that we are at all times sufficiently—and I like that word much better than the word you used before—that we have a sufficient capacity for the defense of this country in all circumstances that can possibly be seen. But I think it is the obligation of all of us, especially the Congress, to assist the President in doing everything possible to reduce the hazards which an increased escalation of armaments, particularly between the Soviet Union and the United States, involves for us and for the world.

I think I will just leave the matter there, Mr. Chairman.

The CHAIRMAN. The Senator from Missouri.

Senator SYMINGTON. Thank you, Mr. Chairman.

Mr. Secretary, again I would commend you for taking on this difficult job and know of nobody better equipped to handle it, based on your past experience. I look forward to watching your decisions with respect to the problems you will have as anybody else would have. You believe in a solid currency, and also a solid defense.

REMAINING SAFEGUARDS QUESTIONED

In your statement, after expressing the fact we had assured our allies that this treaty would not affect them adversely from the standpoint of their future position, you said:

The assurances that we provided our allies on these points were made part of the public record during the last Senate hearings on the NPT in July of 1968. The Soviet Union has not taken issue with these assurances.

I am not sure you read the next modifying clause which follows: namely, "although some safeguards questions remain, our European allies generally share our views that the NPT will contribute to worldwide security and stability."

I am not sure you read "although some safeguards questions remain."

The reason I ask is that one of the members of this committee, also a member of the Joint Atomic Energy Committee, told me the other day he felt there were some details that had not yet been agreed to with respect to this treaty.

Inasmuch as I am a member of Armed Services, which has announced it is going to review this treaty and no doubt will have you as a witness, I wonder if there is any real significance in that clause. If it could be pertinent, I would rather have it come out now than later.

Secretary LAIRD. Senator Symington, I did not read those particular words because I feel that the situation is such today that the Soviet Union has caused the Germans some concern over the Soviet interpretation of articles 53 and 107 of the U.N. Charter. They felt the Soviet Union had asserted that these articles gave them the right of intervention in Germany, and some of the Germans had argued that Germany should not sign the nuclear Nonproliferation Treaty in face of that kind of a threat.

It is my understanding that there have been exchanges in the last few weeks that have quieted some of the fears as far as our friends in the Federal Republic of Germany are concerned. This is very much a part of their current election campaign which is going on at the present time, and I personally do not see anything to be gained by the United States becoming involved in this election issue, which is dividing one party and has become quite an issue there. That is one reason that I eliminated those few references in my statement this morning.

[The following was subsequently added to the testimony: "In addition, Senator Symington, that particular phrase was also meant to refer to the fact that negotiations between IAEA and Euratom are yet to be concluded and that the IAEA safeguard criteria under which nuclear powers may supply nuclear material to nonnuclear powers have yet to be worked out. I omitted the phrase because I felt the questions had been amply dealt with by the representatives of the State Department and the AEC."]

MINOR FACTORS TO BE WORKED OUT

Senator SYMINGTON. Now I would ask, is there anything left to be decided upon before the Administration fully approves the treaty in all its details; what we would call that contained in the fine print.

Secretary LAIRD. Well, there were some very minor—I would consider them not major—factors to be worked out after the treaty is approved, having to do with the inspection provisions as far as our European friends are concerned, but I believe that this can be resolved.

I expect that the negotiations between IAEA and Euratom on safeguards will not be easy but I see no reason why they cannot be resolved to the satisfaction of all signatories.

Senator SYMINGTON. Thank you.

WEST GERMAN ATTITUDE TOWARD TREATY

Has the West German Government suggested that the continuing stationing of any particular level of American troops in Europe is related to its attitude toward adhering to the treaty?

Secretary LAIRD. I don't believe they have made this a condition as far as the treaty is concerned in any discussions that I have had since being Secretary of Defense. I have had an opportunity to have a discussion, with the Defense Minister of the Federal Republic of Germany, and his government, of course, is most interested in our maintaining adequate forces, particularly in view of the activities this summer, but that has never been made a condition in any conversation or in any correspondence that I have been privileged to see since being Secretary of Defense.

Senator SYMINGTON. Thank you, Mr. Secretary.

Last July, Deputy Secretary of Defense Nitze told the committee that the United States had given West Germany no guarantees to defend that country against nuclear attack even if NATO should be dissolved. Do you know if this is still true?

Secretary LAIRD. I think that is a fair assessment of our commitment, Senator Symington.

Senator SYMINGTON. Thank you.

INITIATION OF ARMS NEGOTIATIONS

This question I ask again, it may have been covered. Be frank and say you think you have covered it if that is the case. On the question of the initiation of strategic arms talks with the Soviet Union, Secretary Rogers told the committee—unfortunately I was out of the country, did not hear him before the committee, only know what I read in the paper and the dialog this morning you had with the Chairman, Secretary Rogers said, and I quote:

I would hope we could initiate talks on strategic arms negotiations with the Soviet Union as soon as we can after we are fully prepared and after we have had some preliminary discussion with them about how they view negotiations.

Do you agree with that statement?

Secretary LAIRD. I agree with Secretary Rogers' statement.

Senator SYMINGTON. Thank you.

The CHAIRMAN. Senator Mundt.

Senator MUNDT. I suggest you call on Senator Williams.

The CHAIRMAN. Senator Cooper then would be next in line. Senator Cooper.

Senator COOPER. Thank you.

Mr. Secretary, I am glad to welcome you here, we remember you as a colleague and a very able one.

RESPONSIBILITY FOR ABM DEPLOYMENT REVIEW

I want to commend you on your very forthright statement on the procedures that are being followed in this review that is taking place in the Department of Defense, a review that will be forwarded to the Security Council and then to the President. Who is making the review?

Secretary LAIRD. The review is under the chairmanship of David Packard, the Deputy Secretary of Defense. He has the responsibility for the budget review and as far as suggesting amendments to the 1970 budget as submitted by President Johnson and approved by Secretary Clifford. That budget is currently before the Congress.

Senator COOPER. This review goes not alone to the question of cost, but does it address also the complete defensive and offensive posture of the Defense Department, that is, U.S. offensive weapons and defensive weapons capabilities, vis-a-vis the Soviet Union?

Secretary LAIRD. Yes, sir; we have two studies going on. We have a long-range strategic study which is progressing at the same time as the budget review. The budget review has a time limitation on it, as we must get our amendments to the Congress by the 15th of March.

Our overall strategic study of offensive-defensive strategic systems plus the conventional force study will undoubtedly take a little more time than that. But the budget review must be completed so that we can go before the authorizing committees, the Armed Services Committees, and the Appropriations Committee by the 15th of March, so there is a time limitation as far as the budget review is concerned.

LONG-RANGE STUDY OF DEFENSE CAPABILITIES

Senator COOPER. How much longer do you think it would take to complete this long-range study of the offensive and defensive capabilities of our country with regard to the Soviet Union?

Secretary LAIRD. I think the strategic offensive and defensive studies could undoubtedly be—a preliminary report could undoubtedly be—ready the latter part of May.

As far as the conventional force structures are concerned this is becoming more complicated, and it becomes even more complicated because of the possibilities of talks with the Soviet Union on strategic weapons limitation both of an offensive and a defensive nature. So I would think that the conventional review could not be ready until some time in October, if I were to pick a target date to have that part of the study completed.

Senator COOPER. On the 15th of January of this year, former Secretary of Defense Clifford presented a defense budget and defense posture to the Congress. I assume that before that budget was presented with its statements about the offensive capabilities, and defensive capabilities of the United States and the offensive and defensive capabilities of the Soviet Union that a review was made. Is that your understanding?

Secretary LAIRD. That is my understanding, that such a review was made by Secretary Clifford and by his deputy before the budget was presented. I was assured by them that they had a continuing review of this matter in progress during Secretary McNamara's term and also during Secretary Clifford's term, but I felt it was necessary for us to make our own.

Senator COOPER. I think you are correct. While your conclusions may differ from the conclusions of former Secretary Clifford, I assume that you are using a great many of the people who made the review for him, is that correct?

Secretary LAIRD. Some of them I am sure were involved in the review. We are using new people, too, and the chairman, of course, the

very capable Deputy Secretary of Defense, Mr. Packard, is in charge of this review, and he has brought a new and a fresh look at our strategic defensive and offensive systems as well as a new look at our conventional force levels. I have attended as many of those meetings as I possibly can, and I want to assure the Senator from Kentucky that this is indeed a very thorough and an exhaustive study. I spent two of my afternoons last week just on the review of the ABM programs, and Secretary Packard is going into these programs in great detail. I can assure you that you will be satisfied with the kind of detail that is being given to this review.

Senator Cooper. I know your capabilities, but I do hope you will spend more than 2 days on this ABM review.

Secretary Laird. Well, this was my opportunity last week of the 5 or 6 days that I was in the Pentagon, and one day last week was spent entirely at the White House. Two of those afternoons were spent in this review. But Mr. Packard has spent every day full time on this review, and this review has been continuing the last 2 weeks and will continue for another 10 days or 2 weeks before we make our recommendations on the amendments that we will take to the Senate and to the House, to the Johnson-Clifford budget, before we finalize those amendments.

COMPARATIVE STRENGTHS OF UNITED STATES AND U.S.S.R.

Senator Cooper. I don't want to get into too much detail now because I know others have questions to ask you but I want to make two or three points.

First, it is correct that for years and, I believe, under Presidents Johnson and Kennedy, that all the Secretaries of Defense said that both the Soviet Union and the United States have the assured capability of destroying each other even after sustaining a first attack by one or the other. Is that still the opinion of the Secretary and of General Wheeler?

Secretary Laird. Yes; I believe that we have the ability if we are struck by the Soviet Union to destroy the Soviet Union. And I believe that the damage that would come about would indeed be great.

Senator Cooper. In Secretary Clifford's statement of a month ago, he made a similar statement. He also, on page 42 of the report, gave an estimate of the comparative strength of the United States and the Soviet Union. He estimated that as far as nuclear warheads were concerned the United States had an estimated 4,200, while the Soviet Union had 1,200. I would be interested to know if anything has happened from the time the other review was submitted to change that estimate?

EFFECT OF ABM DEPLOYMENT ON ABILITY TO NEGOTIATE

The reason I ask this question, and I read the statement of yours at a meeting with the press, Thursday, January 30, 1969, speaking of talks with the Soviet Union on offensive and defensive missile systems you said:

And I do not want to be in position where we go into these talks, if we do, with one hand tied behind our back. I think it is most important, as we go into these talks, to have defensive as well as offensive missile systems up for discussion, and debate and negotiations.

You do say for discussion, debate and negotiations. You do not say "construction or under construction."

Do you consider that it is necessary that the United States have deployed, or have in the process of deployment, an ABM system before it enters discussions with the Soviet Union? Some have argued that point of view in our debates in the Senate. They call it "negotiating from strength."

Now, with the ability—assured destructive ability—of the United States to destroy the Soviet Union even if it should attack us first, do you think it is necessary that we have to deploy this ABM system or begin its deployment in order to be able to negotiate with the Soviet Union?

Secretary LAIRD. Senator Cooper, first, if a decision is made to go forward with an ABM system—and I want to be perfectly frank with you, I lean toward going forward with such a system—

Senator COOPER. I thought that from your statement.

Secretary LAIRD. And I don't want people to interpret the suspension of the construction contracts in Boston to mean that the program necessarily will be canceled. I personally lean toward the deployment of some type of protection for the people of the United States and for our whole defense posture. I think that this may very well be needed. I am not trying to prejudge this study but I want to be frank with this committee and I do lean personally in favor of the deployment of such a system on the basis of the information that has been made available to me since serving in this position as Secretary of Defense and also for 16 years on the Defense Appropriations Committee in the House of Representatives.

Now, I would hope that should we enter into negotiations on arms limitations with the Soviet Union that defensive as well as offensive strategic systems would be part of those negotiations.

The Soviet Union has escalated the strategic arms race. They have gone forward with an ABM system, are going forward with the testing of a sophisticated new ABM system. They are the only country in the world that has actually fired an ABM at a missile and have conducted tests in the atmosphere with missiles.

The CHAIRMAN. When was that, Mr. Secretary?

Secretary LAIRD. Well, this was prior to the treaty. The Soviet Union did conduct such tests—

The CHAIRMAN. What treaty?

Secretary LAIRD. I think it was in 1963.

The CHAIRMAN. 1963, that is right.

Senator COOPER. The nuclear test ban treaty.

COMPARABLE U.S. AND U.S.S.R. DOLLARS SPENT ON DEFENSE

Secretary LAIRD. The Soviet Union is now outspending the United States in terms of dollars in the strategic defensive weapons systems and has for the last 24 months. It is outspending us in dollars as far as offensive strategic weapons are concerned. In the area of the offensive weapons it is outspending us on the basis of \$3 for \$2 that we spend.

Now, when you convert this into effort, and it is a greater effort for them to make this expenditure than it is for the United States because their gross national product is about half of our gross national product. This is also true in the field of the defensive weapons systems.

It seems to me, Senator, that we must bear this in mind as we look at the defense posture of the United States of America. I would hope that we could move in the direction of arms limitation. I would hope that we could have peace in the world, and I believe that I will be judged as Secretary of Defense during this 4 years on the basis of what happens at the end of that 4 years. If we have restored peace and been able to maintain peace, I will say that my contribution as Defense Secretary has been worthwhile because that is the most important thing that a Secretary of Defense could contribute.

Senator COOPER. I agree with that. And, of course, we understand your responsibility as Secretary of Defense, and we all agree that our country should be secure. But as the Chairman and others have said, we have different judgments as to how it can be made secure.

I am not going to get into this business of comparative dollars spent, because I think at some point in the near future you will be asked to break it down and to indicate precisely what these dollars are being spent for, both in offensive and defensive weapons. There are many kinds of defensive systems—nuclear and conventional—but that will take too much time today as far as I am concerned.

Secretary LAIRD. Senator, I would like to comment just one minute on the second part of that question, if I could. I feel that I did not—are you satisfied with that answer?

Senator COOPER. Yes; for the moment. I am going to ask you something else.

Secretary LAIRD. I had not finished the second part of the question but if you are satisfied with the answer—

U.S. SUFFICIENCY IN OFFENSIVE WEAPONS

Senator COOPER. Former Secretary McNamara and former Secretary Clifford have all said recently in past months the Soviet Union has been catching up as far as intercontinental ballistic missiles are concerned. But they have also said in this last report that we are far ahead in the submarine-launched missiles.

Now you, as Secretary of Defense, a new Secretary of Defense, you are not doubtful that the United States is going to keep a "sufficiency," as the President said, as far as offensive weapons are concerned, are you?

Secretary LAIRD. Well, as long as I am Secretary of Defense I am going to do everything I can to see that we maintain sufficient and adequate forces. Now sufficient and adequate forces to the United States of America must be judged on the basis of the open society in which we live as compared with the closed society of the Soviet Union. I am not as sure as I would like to be about the force levels, strategic and general purpose force levels of the Soviet Union. I do know they have under construction and in being a larger number of intercontinental ballistic missiles than the United States has in being or under construction. Vast numbers of the nuclear warheads which you referred to, and which the Secretary referred to, are tied in with our Strategic Air Force. Their delivery is not made by missile, but would have to be made by the B-52s and by other strike vehicles, and could not be made in the same way that the Soviet Union could launch an attack upon the United States.

NATURE OF SOVIET ABM SYSTEM

Senator COOPER. In the debate over the ABM system—we are all trying to find out the facts and implications of possible deployment. We want the United States to be secure. Our purpose is to find out the facts, to know whether or not deployment is going to escalate the arms race. One thing which has disturbed me in statements made by the Department of Defense, and I say this with all respect to you because I respect your ability and we are friends, but in statement after statement it is said the Soviet Union is deploying an anti-ballistic-missile system, without any explanation of what kind of a system it is deploying and its effectiveness. The general public over this country asks “well, if they are deploying one then I think we should do it.”

I may say my wife told me the other day, “The Secretary of Defense says the Soviet Union is deploying an ABM system,” and she was concerned about it. That is a typical reaction.”

Now, according to what Secretary McNamara said and what Secretary Clifford said, that these were the ABM systems that have been deployed: the Leningrad system which has been dismantled as obsolete, the Tallinn system which in the best judgment of the intelligence is not an anti-ballistic-missile system but an anti-aircraft system; you may have a different view; and the Galosh system begun in 1962 which has been slowed down. Clifford's posture statement gives reasons for this slowdown—I think, Secretary Clifford said the Galosh had about the same capabilities as the old Nike-Zeus which was abandoned.

Now, I will ask you and those from the Defense Department who make these statements saying that there is an anti-ballistic-missile system being deployed by the Soviet Union that you lay out very specifically what kind of system it is, and how effective it is, because the statement will bear upon congressional opinion, public opinion and the judgment of all of us. We ought to know.

AN OBLIGATION TO DISCUSS ARMS LIMITATIONS

I will go back now to the Secretary's report on the treaty, and I agree with my colleagues who have expressed themselves that this treaty does impose on the United States as well as the Soviet Union the duty of beginning to negotiate cessation of this arms race. I would say that because of the invasion of Czechoslovakia and the great danger in the Mideast there is a possibility of confrontation with the Soviet Union. I believe you would agree that it would be right and necessary to attempt to resolve such differences and to slow down the danger of nuclear war. Would you agree with that?

Secretary LAIRD. I certainly would agree to that, Senator.

Senator COOPER. Secretary Rogers did say, and I repeat it now for emphasis, that he would hope that negotiations would be entered into with the Soviet Union before the deployment of the Sentinel system. He said he hoped there would be negotiations. Do you share that view?

Secretary LAIRD. Well, I would hope so. The system would not be deployed operationally until 1972 under any of the options that we are presently considering, the operational deployment would not take place until the latter part of 1972 and I would certainly share that view of Secretary Rogers.

Senator COOPER. You are making an extensive review of the ABM and our defense posture. Do you believe that the Congress and the public should have the full benefit of that extensive review, and the reasons you may give for and against this weapons system or any other weapons system you may have in mind, before the executive branch deploys the system? Shouldn't we also have all this new information that you are seeking before a decision is made?

Secretary LAIRD. Senator Cooper, I certainly think you should have this information, and the Congress will be given all of the information upon which we make our judgment at just as early a date as we possibly can. We are now trying to do that the week following the 15th of March, and I can assure you that every effort will be made so that this material is available to the Congress. I would like to add that the Congress has already approved this system, both the Senate and the House, and this review is being done in the executive branch and the hold on the construction is a hold in the executive branch. As far as the legislative branch, the congressional branch is concerned they have given complete approval.

CONGRESSIONAL APPROVAL OF "THICK" SYSTEM

Senator JAVITS. Would the Senator yield for clarification? I am unclear, as perhaps others are, whether in this review you are talking about the so-called thin antiballistic system which the Congress has approved or whether you feel free in your review to decide whether you need a hard antiballistic-missile system and not come and ask for it?

Secretary LAIRD. I believe we should look at all systems in this review and I do not want to mislead this committee that we will not look at all the alternatives. We will look at—as I pointed out in my opening remarks, the colloquy with the Chairman of this committee, this is one of the options that must be looked at. I personally have reservations about whether such a system would be successful, but I do not want the Senator from New York to feel that we aren't looking at all the options.

Senator COOPER. I have one other question.

The CHAIRMAN. Will the Senator yield? Do you feel that the so-called "thick" one is authorized by the former action of the Senate? That is what you asked and I don't think was answered.

Senator JAVITS. That is right.

Secretary LAIRD. I apologize to the senior Senator from New York for not answering his question. The only system which has been approved by the Congress is the so-called thin system, the Sentinel system, and that has been approved by both the House and the Senate. And the thick system has not been approved by the Congress.

Senator JAVITS. So if you decide you want to recommend the other option you have to come back here and get it all over again?

Secretary LAIRD. Absolutely. We must come back to the Congress for approval should we move toward a thick system.

Senator JAVITS. Thank you.

Senator GORE. Will the Senator from Kentucky yield for just a moment?

Senator COOPER. I have just one question and I am through.

REASON OF JOHNSON ADMINISTRATION FOR ABM DEPLOYMENT

Senator GORE. In connection with their repeated assertion that this program has been approved by the Congress, I think it should be entered into the record that we now have the word of the former Vice President that the last administration recommended it primarily not because they thought it would be effective in protecting the American people, but because of the principle that we could better parlay with the Russians if we had started deployment. I think that should be a part of the record. I think Congress approved it under some misleading information.

PRESENT OPPORTUNITY TO ENTER ARMS NEGOTIATIONS

Senator COOPER. I close by saying this: We know your responsibilities are to make the recommendations which you think will secure this country and that is proper. But I would like to say the President of the United States has said in his campaign, and I think properly so, he wants to enter into negotiations on the nuclear arms race. That was the compelling substance of his inaugural address, and I would hope that this administration would take into consideration the fact that he has been given by the course of events a great flexibility; he has in his power one of the best opportunities any President has had to do something meaningful to stop the arms race.

I heard an expert on nuclear weaponry say yesterday that step by step the United States and the U.S.S.R. were already escalating as new weapons are developed. More weapons would be developed such as mobile ICBM launchers and we would soon reach the point where negotiation would be impossible. There is a tremendous opportunity for President Nixon to enter negotiations. I know you are a very responsible and very influential person in this Cabinet--I think you ought to impress upon him the unparalleled opportunity to stop the arms race and as a consequence give greater security to the United States as well as to all the people of the world. I think that is part of your responsibility.

The CHAIRMAN. If the committee will allow me, I want to associate myself with that last point. I did make the point a moment ago that regarding this question of the security of the United States, the crux of the matter is which gives the greater security, the continuation of this buildup or a negotiation to limit it.

CAPABILITY OF POLARIS MISSILE SYSTEM

I want to clarify a point for the record. You stated, as I understand, quite clearly that the Russians has more ICBMs under construction than we have. Do you include in this compilation our Polaris missiles?

Secretary LAND. I don't consider the Polaris missile as an ICBM itself. The Polaris missile system is a shorter range missile than the ICBM. The Soviet Union, however, is going forward on a crash program in this area, and I do not believe will equal us in the submarine-fired missiles until the time period of 1973 or 1974.

The CHAIRMAN. Yesterday the experts that Senator Gore referred to said the Polaris is more difficult to defend against than the ICBM.

He was talking about the feasibility of ABM. I had always thought the Polaris was equal to or better than an ICBM because of its close approach. I thought it was our latest and finest weapon in this area.

Secretary LAIRD. I happened to handle the Polaris amendments in the House of Representatives, and proposed the add-on to the Polaris program in a separate amendment over and above the budget that was recommended by the Eisenhower administration, so I feel very close to the Polaris program, and I would like to concur in the statement of the Chairman of this committee. I think it is a very effective weapons system.

Now, as far as its capability and the size of its impact as far as a weapon is concerned, it does not equal the destructive ability of the ICBMs being deployed by the Soviet Union. But I would assure the Chairman of this committee that this is a most effective weapons system.

The CHAIRMAN. I think the record should be clarified. It would appear that we were deficient in these, and in an unclassified statement of January 15 of this year, your predecessors stated, and I think this ought to be known because we don't want to frighten the American people, that we have 1,710 ICBM launchers and Polaris missiles, as opposed to 945 of the Soviet Union, and if you add the intercontinental bombers the total adds up to 4,200 versus their 1,200. I don't think it is fair to leave the impression that we are way behind the Russians in effectiveness. If you include the Polaris which I was always under the impression is good, accurate, and hard to destroy—better than the Minuteman series—then our defense posture looks a little better.

Secretary LAIRD. I agree that the Polaris weapons system is a very fine system, and I have been a great supporter of the Polaris program.

The CHAIRMAN. But the impression is left that we are way behind the Russians.

URGENCY OF ARMS NEGOTIATIONS

Senator CASE. Mr. Chairman, I concur in the remarks of the Senator from Kentucky as to the need to enter into and conclude negotiations on arms limitations at the earliest moment because as the escalation increases, so does the difficulty of being sure that any arms reduction or limitations agreement is being carried out in view of the reluctance of Russia to permit inspection. The more complicated and the more varied the weapons that are deployed—the Senator suggested mobile weapons, for example—the greater will be the difficulty of being sure that an arms limitation agreement can safely be entered into. It is this, I think, that underscores the urgency of entering talks as quickly as possible.

Senator COOPER. Mr. Chairman, I must say again that the President has an unparalleled opportunity.

TIMING OF NEGOTIATIONS

I just have one more question to clear up something, to see if there is any difference between you and Secretary Rogers. Secretary Rogers, I think, was responding to the question asked him, "Would you consider it good not to deploy the system until we had had talks with the Soviet Union?" You said, I believe, that you associated yourself with

that statement but then I recall you said, and I think I am right, you said until it became "operational."

Now, would "operational" mean until deployed to such an extent—that it would be installed fully, is that what you meant?

Secretary LAIRD. That is what I meant.

Senator COOPER. You wouldn't negotiate until that time?

Secretary LAIRD. Senator, that is what I meant. I would not be for delaying the construction of the ABM, but for moving forward on the ABM program should the decision be made in our budget review to continue the program as approved by Congress or with some variation of the program as approved by the Congress. I would not be for delaying that program pending the outcome or the convening of talks with the Soviet Union.

Senator COOPER. There is, therefore, a difference between your position and that of Secretary Rogers.

Senator SYMINGTON. Mr. Chairman; may I ask one question?

The CHAIRMAN. On this subject, Senator Symington has one question.

ARE SOVIETS TRYING TO CATCH UP?

Senator SYMINGTON. Mr. Secretary; I am getting mixed up here on the discussion of ICBMs. As I understand it, the Polaris submarine now has quite a long range capacity with its missiles, and can roam the seas; therefore, to me it is a more valuable weapon than a stationary ICBM even of the Minuteman series, harder to destroy as it moves and probably more accurate because the range of its launched missiles is bound to be shorter. Now we have the development of the FOBs in the Soviet Union which you have referred to. We have the development in this country not only of MIRV, which gives more missiles in the warhead, but also the Poseidon, which would do the same thing to the Polaris that we would like to have in the MIRV. In addition we have the MOL, which ultimately could be utilized for military purposes.

With those premises, although it would be difficult to decide exactly how much the Soviets are spending, in dollars, and I know you would agree to that, perhaps what they are trying to do, and this is my point, is to catch up with us. Having been through two major mistakes in the fifties—the first had to do with big Soviet bomber production that didn't happen, the second when we thought there was a missile gap, that later turned out to be wrong—I am one who does not want to be caught again because of the gigantic expense involved and the need to establish priorities with respect to our treasure. We know far more today about what they are planning to do, through the improved technology of intelligence.

I would ask, first, don't you believe one of the reasons the Soviets are spending heavily is in an effort to catch up with us in the strategic field; and, second, don't you believe in the theory of overkill?

Secretary LAIRD. Well, first, I do believe in the theory of overkill. There certainly is no question on that with the kind of weapons that have been developed an overkill capacity can and has been developed.

I believe the Soviet Union is moving forward, however, very rapidly in the strategic field, both offensively and defensively. I support the Poseidon improvement, I supported it last year here in the Congress,

but it was defeated over here in the Senate. It is back in the 1970 budget. I would hope that that improvement could go forward as far as the Poseidon missile system is concerned.

As far as the MIRV system is concerned, to which the Senator refers, I would support that. I believe, however, that the Soviet Union has this capability, too, and I am not one that will discount the ability of the Soviet Union to do the same sort of things with their weapons system that we can do with ours, and as Secretary of Defense, I must assume that in order to adequately protect the security of this country and the safety of our people.

MUTUAL BUILDUPS

Senator SYMINGTON. I understand that. Now a followup question: If it takes 10,000—which it doesn't—ICBMs to destroy the Soviet Union; and, if it takes 10,000 to destroy the United States—which it doesn't—to stay superior, or even sufficient, it is not necessary—is it?—for one country to build 20,000, and then the other country follows with 20,000. I ask this in all sincerity.

Secretary LAIRD. I wouldn't think that that would necessarily follow and, although the Soviet Union has a greater megatonnage than we do, certainly at the present time the capacity to deliver a greater megatonnage than we have, I feel that we are in a secure position as far as the weapons system that we currently have in being.

My concern is that we must remain in that position pending the successful outcome of arms limitation talks.

Senator SYMINGTON. When you say they have greater megatonnage than we, you don't mean the total amount of nuclear tonnage. You mean per unit, that some of their missiles have greater megatonnage per missile, correct?

Secretary LAIRD. That is correct, and I think that we had better leave it right there.

[In amplification, Secretary Laird supplied the following: "The Soviet Union does have missiles with greater individual nuclear payload than our own. In addition, their total megatonnage is larger than ours. But as you know, megatonnage is only one of the criteria we consider in making force comparisons."

Subsequently, Senator Symington inserted in the record the following statement of January 13, 1969, by Secretary of Defense Clark M. Clifford:

"Accordingly, it is reasonable to conclude that even if the Soviets attempt to match us in numbers of strategic missiles we shall continue to have, as far into the future as we can now discern, a very substantial qualitative lead and a distinct superiority in the numbers of deliverable weapons and the overall combat effectiveness of our strategic offensive forces." (See p. 46, Statement by Secretary of Defense Clark M. Clifford, The Fiscal Years 1970-74 Defense Program and 1970 Defense Budget, dated January 15, 1969.)]

Senator SYMINGTON. I agree, except it is fair to say we have not been remiss about it. We have adopted a policy which we believe a more effective policy, net.

Secretary LAIRD. I think it is more effective as far as our requirements are concerned and the requirements of this country, and I have no questions about that, Senator Symington.

Senator SYMINGTON. Thank you, Mr. Chairman.
The CHAIRMAN. Senator Williams.

EFFECT OF STATING WILLINGNESS TO NEGOTIATE

Senator WILLIAMS. Mr. Secretary, I agree with what has been said earlier that it is well that the President is making this visit to Europe and talking with our NATO allies before we start any negotiations with Russia. But nevertheless, what would be wrong with accepting Russia's offer and stating that we were willing to begin these negotiations just as soon as the President has had his talks with our allies, and indicate to them that we are willing to start these negotiations at the earliest possible date?

Secretary LAIRD. Before he goes on his trip and before he talks with the allies? I would be opposed to that, Senator Williams. I believe that this would certainly downgrade the President's trip to Europe in a most effective way, and I would oppose such an announcement at this time.

Senator WILLIAMS. What I mean is, after he has returned from his trip, and his talks—I think it is proper in having these talks first—I would assume we do make it clear that we are willing to enter into a negotiation stage and not necessarily wait for the report that is being prepared in your review committee.

Secretary LAIRD. Senator Williams, I think that is a matter that the President would have to decide after he visits with our European friends. I am not going to belabor the question but I believe that decision would be one that would have to be made by the President after his visits, and that the announcement should not be made by me or anyone else prior to consultation with our friends. That is what the consultation is all about.

Senator WILLIAMS. That is correct, and I agree with that but I hope I didn't understand that we are going to let our European friends make the decision or determination as to whether or not we will ultimately enter into these negotiations.

Secretary LAIRD. No; I think it has been made very clear by the President that he will consult with our allies in Western Europe.

Senator WILLIAMS. But we will make the final decision ourselves.

Secretary LAIRD. The decision will be made by the President of the United States.

Senator WILLIAMS. That is what I wanted to get clear.

U.S. RIGHTS AND OBLIGATIONS UNDER TREATY

Now, on the question of the treaty, could you assure us that the approval of this treaty would in no way affect the rights of the United States to enter into agreements to station nuclear weapons under U.S. control on the soil of one of our allies?

Secretary LAIRD. There is nothing in this treaty that would prohibit that.

Senator WILLIAMS. Is there anything in this treaty that would increase our responsibility as a country to act, you might say, as a world policeman for some of these countries if they were threatened?

Secretary LAIRD. There is nothing in the treaty itself that would require that.

EFFECT OF ABSENCE OF CERTAIN COUNTRIES ON EFFECTIVENESS OF TREATY

Senator WILLIAMS. How effective do you think this treaty could be in the event that both France and China stay out or if nuclear weapons are eventually developed by some other non-signing countries, which is the possibility I understand with Israel and a few other countries? Do you think the treaty will be effective?

Secretary LAIRD. It will not be as effective as if they were a part of the treaty. I think though that under article VI it could very possibly be that the Soviet Union and the United States, when the discussion on arms limitations take place, that we could be negotiating mutually a protective system as far as the Chinese are concerned. I am sure that the treaty is not as effective without having the Chinese and the French part of it. I would hope that the Chinese, the French and Israel would become a part of it at an early date.

Senator WILLIAMS. But you think it would be well to approve it even though they did not; that it would be a step in the right direction?

Secretary LAIRD. Yes; I do, Senator Williams.

REVIEW OF ABM DEPLOYMENT

Senator WILLIAMS. Now, to return to the question of the ABM, I am glad you are making this review. I realize that you should keep all of your options open, but I think we have made it clear that you are not necessarily waiting for the result of a decision as to whether we deploy these missiles or not before you perhaps enter into negotiations. I mean that is not being one of the factors in the timing, is it?

Secretary LAIRD. No; it is not a major factor as far as the study is concerned, Senator Williams.

COST OF HARD LINE OF MISSILES

Senator WILLIAMS. We realize that the question of whether it should be deployed or not is one that will have to be determined on the basis of the needs of the country, the security, and certainly in determining that we don't necessarily measure it always in the matter of dollars, as the Senator from Kentucky has pointed out. I think that is a fact. But in the event it was decided to move in and deploy the hard line of missiles, what would be the ultimate cost of that program?

Secretary LAIRD. The hard line, the thick system?

Senator WILLIAMS. Yes, just assuming that you really decided to go ahead and deploy these, what are you talking about in terms of dollars?

Secretary LAIRD. Well, Secretary McNamara talked in terms of dollars at one time of some \$50 billion, and, of course, that was doubled by. I think, several individuals, but Secretary McNamara had already added some on his estimate. This is being looked at now, but I do not look at it as a very practical step at this time, but we can price that out and will do that.

Senator WILLIAMS. I have no further questions.

The CHAIRMAN. Senator Dodd?

Senator DODD. Thank you, Mr. Chairman.

Mr. Secretary, I am glad to see you.

Secretary LAIRD. Thank you, Senator.

NUCLEAR REACTOR IN CUBA

Senator DODD. I want to go back, if I may, to the Nonproliferation Treaty. Two days ago, I think it was the day before yesterday, when Secretary Rogers was here, I raised a question about some information that I had received from what I consider a reliable source, to the effect that Moscow had already installed a nuclear reactor in Cuba. And I know that the Cuban Government has announced that it does not intend to participate in any arrangements or agreements with respect to its nuclear capabilities.

First of all, let me say this: the question I raised with Secretary Rogers was whether or not, if it is a fact that a nuclear reactor has been installed in Cuba by Moscow, with some 200 supporting Soviet scientists there, whether this does not already constitute a violation of the treaty. Am I right in understanding that the signatories promise not to provide nuclear facilities for peaceful purposes to any nation which does not subscribe to the agreement?

Secretary LAIRD. I believe that when safeguards under the treaty are in effect, nuclear materials and related equipment could not be shipped to such a country without the application of those safeguards. This would not constitute a violation, of course, as of today.

Senator DODD. Let me ask you this: Do you know whether this is so or not, whether there is such a nuclear reactor in Cuba?

Secretary LAIRD. I have seen those reports, and perhaps General Wheeler has some information on that. I have seen the reports but I can't substantiate whether such a reactor has been established in Cuba at this time.

General WHEELER. Neither can I, sir.

Senator DODD. That is what I understood the other day. I don't think either Secretary Rogers or Mr. Seaborg or Mr. Fisher knew.

IS NUCLEAR REACTOR IN VIOLATION OF TREATY

The CHAIRMAN. Would the Senator yield for clarification? Would presence of a nuclear reactor be in violation of the treaty?

Secretary LAIRD. After the Treaty is effective, Mr. Chairman, if Cuba refused to sign the treaty or to arrange for IAEA safeguards on the nuclear materials involved, it would be a violation, as I understand the treaty, but this would be after the effective date of the treaty. As you know the treaty provides that we will not share for peaceful purposes with nonnuclear countries unless the nuclear materials involved "shall be subject to the safeguard required by article III," and I think the point that is made by the distinguished Senator from Connecticut is true that this would be a violation if, in fact, it did occur, after the effective date of the treaty but it would not be a violation as of today.

Senator DODD. Well, I understand your point. But if this report is true, then wouldn't this be a violation, certainly, of the spirit of this treaty—because my information is that the reactor was installed after the Soviet Union signed the treaty, and the announcement was made only this year, January 9, I believe is the date? I know you are correct legally and I don't charge you with trying to be evasive.

Secretary LAIRD. No, Senator, I am not trying to be evasive in trying to answer your question.

Senator DODD. I know that. But it is this sort of thing that bothers me, and I would think it would bother other people.

CONVERTING A PEACEFUL NUCLEAR REACTOR

I am also told that there is really no sharp division line between the peaceful nuclear technology and military nuclear technology, is that true? I am told this by scientists, by one in particular, whom I respect. But if it is true that they have already installed what has been described as a peaceful reactor in Cuba, and that there is really no sharp division, as I have put it, between the peaceful nuclear technology and the military nuclear technology, that we would be setting up, wouldn't we, a pretty dangerous situation for ourselves right next door?

As I tried to understand that, it seems to me that the great interest of the Soviet Union is in West Germany not developing nuclear weapons, and I understand that. But it wouldn't help us very much to have set up, right at our shores, another power, very hostile to us, with a potential of great danger for us.

I think Mr. Seaborg said the other day that even if Cuba did misuse this facility, it is a small nuclear reactor for peaceful purposes, and it would take, I think he said 10, 20, maybe 100 years, to use it for military nuclear purposes. I am not contradicting him, but I have heard other opinions, and I wonder if you know?

Secretary LAIRD. Senator Dodd, I am not qualified as a scientist in this particular field, but I have been advised that there are differences that are involved as far as the peaceful plant application of the nuclear art and that converted to a defensive or offensive capability would require additional information, additional technology, and is not as simple a matter as one might be led to believe.

Senator DODD. I didn't suggest it was simple, but I assume this is one of the reasons why the treaty provides for inspection of peaceful nuclear reactors. I assume that is the real reason, so it can't be used for military purposes.

Secretary LAIRD. That is one of the reasons, of course.

Senator DODD. If it is so far away as 100 years, it wouldn't seem to me that it would be very important that we have the requirement for inspection of peaceful reactors. Would it to you?

Secretary LAIRD. I would believe that the inspection requirement was most needed in this treaty. I cannot assess whether Cuba will become a part of the treaty or not. I would hope that Cuba and Red China, France, Israel, all would join and ratify this treaty.

Senator DODD. Well, I would hope so, too. But I merely raise the question because it seems to me that, if these are the facts, then we ought to be thinking about it. Nobody seems to know really, and I don't expect you to. I don't know either. But it has been reported, it was broadcast over Havana Radio, according to the monitored report which I read, and I thought I should bring it to your attention today as well as to that of Secretary Rogers.

Secretary LAIRD. Thank you, Senator.

U.S. PEACEFUL NUCLEAR ASSISTANCE TO NONSIGNATORY COUNTRIES

Senator GORE. Would you mind my injecting one point here? Mr. Secretary, it should also be noted that the United States is now giving nuclear technical assistance to many countries, including nonsignatory countries, including Israel, for instance.

Senator DODD. Will the Senator yield?

Senator GORE. I was making the point that the United States is also furnishing reactors to nonsignatory nations for peaceful uses.

Senator DODD. What countries are they?

Senator GORE. Israel, for one, comes readily to mind. We are not only giving nuclear reactor aid but the Eisenhower-Strauss proposal is to furnish to the entire Middle East with a very large dual purpose desalination power production reactor. So long as it is for peaceful uses, we certainly feel we are doing something to which we are entitled to plaudits. I have no information about the reported reactor in Cuba but it might fall in the same category.

Senator DODD. Will the Senator yield? We are not supplying any reactor to a country that has announced that it will not be a party to any such agreement.

Senator GORE. We are furnishing nuclear aid to India, and she is pretty close to not signing the treaty. We furnished reactor aid to Brazil, who has announced that she will not sign. Thank you.

Secretary LAIRD. Senator, could I comment on Senator Gore's—
The CHAIRMAN. Go ahead, sir.

Secretary LAIRD. Just so there is no misunderstanding, I think that the actual provision of article III, section 2 of the treaty does not in itself require that the nuclear material for peaceful purposes be transferred only to someone that has signed the treaty. But I think that section provides that, after the treaty is in effect, such a transfer cannot be made to a nonnuclear state that has not ratified the treaty unless the material is subject to the safeguards required by the treaty. And I would like to further enlarge upon that because this is the provision that really limits the movement of nuclear materials for peaceful purposes to countries that may not sign, but they must show assurances that they will follow the IAEA safeguards which do provide for the inspection.

Senator GORE. The purpose of which is to avoid the use of a by-product of a peaceful reactor for weapons purposes. I agree with you.

The CHAIRMAN. Senator Mundt.

Senator MUNDT. Thank you, Mr. Chairman.

I might say, Mr. Secretary and General Wheeler, that I was detained at another meeting during the earlier part of your testimony, but I have since read it, and if I ask some questions which you have previously answered you may answer them monosyllabically just to get it in the record. Let the other details stand on their own.

I would like to start by asking General Wheeler a couple of questions.

EFFECT OF TREATY ON U.S. DEFENSE STRENGTH

General, is there any way that you can think of that this treaty might be construed as weakening the defensive strength of the United States?

General WHEELER. No, sir. I believe that the present treaty does not limit us in defending ourselves or in honoring our treaty obligations, for example, to the NATO powers.

Senator MUNDT. Can you think of any way in which this treaty might weaken our comparable defensive stature as far as the U.S.S.R. is concerned?

General WHEELER. I don't believe so, sir.

After all, the subject of this treaty is to prevent the spread of nuclear weapons into nonnuclear countries. It has nothing to do with our own nuclear or strategic forces nor with those of the Soviet Union, except in article VI where there is expressed the thought that the signatory would proceed promptly to productive talks on the limitation of arms.

Senator MUNDT. Correct. As I see it, there is nothing in the treaty which in any way would prohibit either the U.S.S.R. or the United States of America, if they should so desire, from stockpiling in their own areas limitless numbers of types of nuclear devices?

General WHEELER. I agree with you, Senator.

Senator MUNDT. Mr. Secretary, you concur in that?

Secretary LAIRD. Yes, I do, Senator Mundt.

ABM AS THE DEFENSIVE ARM OF DEFENSE SYSTEM

Senator MUNDT. General Wheeler, we heard a lot of discussion about the relationship of this treaty to nuclear devices, such as the ABM system. Is there anything in the treaty other than article VI that would affect that?

General WHEELER. The only article that bears upon that subject is article VI, in my judgment, Senator.

Senator MUNDT. I think that is correct.

Now, we talk a great deal about the ABM, which is the defensive arm of our defense system. We don't seem to talk much about ICBMs, which are the offensive arm. Which is the greater threat to the United States insofar as the stockpile in Russia of their ICBM or ABM?

General WHEELER. The offensive weapons are the greater threat, Senator.

Senator MUNDT. It would follow, would it not, that the stockpile of ICBMs which we have is a far greater threat to the Russians than any kind of ABM system?

General WHEELER. That is correct.

Senator MUNDT. I say that because I would hope along with some of my colleagues who have said this, that when you get to article VI, if the treaty is ratified, and you try to engage the Russians in negotiations that you look at the whole nuclear weapon package. It would not really achieve very much if we just either mutually or unilaterally destroyed our offensive capacity and left the country open to attack by any kind of offensive weapon that they can have.

General WHEELER. That is my view, too, Senator. As a matter of fact, I believe the intent of article VI—and certainly what would seem

to me the logical way to proceed—would be to negotiate both in the offensive and in the defensive areas simultaneously. As I understand the Soviet position, they are more interested in negotiating in the offensive field than in the defensive field.

Now, perhaps I am wrong in that but this is the way I have read the exchanges and the public statements that have been made.

Senator MUNDT. I don't want to neglect my old friend Mel; I want to ask him a question or two.

Secretary LAIRD. Thank you, Senator.

NEGOTIATIONS ON THE WHOLE NUCLEAR PACKAGE

Senator MUNDT. If there are negotiations, you are probably going to be involved in them in some way. I wonder if you share this feeling that if we negotiate with Russia about nuclear weaponry we had better negotiate on the whole picture rather than going to them and say, "Let's negotiate about ABMs because you have them and we don't have them." I don't think we are in a very strong negotiating power to start out on that basis, but we should take the whole nuclear package. We have some things which they don't have and they have capacities which we don't have. I believe that a negotiated conclusion with only defensive power would be meaningless.

Secretary LAIRD. I couldn't agree with you more, Senator. I think that is most important, and I think that to do otherwise would be a very grave error.

Senator MUNDT. I am glad to hear you say that. Secretary Rogers said something very similar to that. A lot of mail and editorial and radio and television commentary would lead one to believe if you could negotiate away the right of power of a country to try to defend its ICBM, we have accomplished something worth while. I just happen to believe we haven't accomplished anything, and really in the field of negotiations on nuclear weaponry we aren't going to provide security for either side of this ideological contest unless we get a strong, total, and comprehensive nuclear disarmament program subject to mutual inspection which cannot be challenged.

Secretary LAIRD. I would hope, Senator Mundt, it would include offensive and defensive weapons whether they be nuclear or not.

Senator MUNDT. I agree.

Secretary LAIRD. Because there are areas of development in the area of research and development which we are working on and which we know the Soviet Union is working on, and it is most important that this whole area be subject to the negotiation.

Senator MUNDT. It is a good point because while nuclear destructive power is the one most publicized we could very easily get a false sense of security on either side if we simply said, "All right, we are out of the woods now with nuclear power." Because we have germ warfare which we are not going to talk about very much, but if you have to kill the other fellow it can be done that way. You have other new scientific developments which can move into that field, so I would have to believe, however, that if you got over the big hurdle of offensive and defensive nuclear weapons, the total unchallenged and unchallengeable mutual inspection, that we could probably expand that to include the

striking capacity of either side. That would be a big prelude, it seems to me, to a peaceful area. Do you agree?

Secretary LAIRD. Yes, it certainly would.

General WHEELER. It would be a logical first step.

Senator MUNDT. That is all, Mr. Chairman. Thank you.

SOVIET GALOSH SYSTEM

The CHAIRMAN. I wonder if you would mind if I read one item into the record, Senator? On the 15th of January, this is a quotation on the anti-ballistic-missile defense from a statement by Secretary Clifford:

During the past year, the Soviets apparently curtailed construction at some of the Galosh ABM complexes they were deploying around Moscow. The significance of this action cannot as yet be ascertained. However, it is the consensus of the intelligence community that the Galosh system as presently deployed could provide only a limited defense of the Moscow area and could be seriously degraded by currently programmed U.S. weapons systems. Nevertheless, until we achieve a workable agreement with the Soviet Union on a limitation of ABM deployments, we must continue to plan our strategic offensive forces on the assumption they will have deployed some sort of an ABM system around major cities by the mid-1970's.

The question has been in dispute here apparently as to its factual merit. You said they were proceeding more rapidly than we, is that just research and development or is it actual deployment?

Secretary LAIRD. Chairman Fulbright, first I would like to say that I agree with the statement of Secretary Clifford that the program has been slowed down around Moscow. I would like to add to his statement that I believe that has been slowed down because of the recent information which we have had on research and development activities in testing of a new sophisticated ABM system, and I believe that the slowdown of the Galosh system is certainly a result of the testing that is going on in the research and development field.

The CHAIRMAN. How do they test it?

Secretary LAIRD. A test similar to the kind of tests that we have tried to carry on at Kwajalein, and they have a testing range in which they carry on certain tests, and we carry on certain tests, too. I didn't mean to imply that they were the same kind of ABM tests that they carried on in 1962 when they actually used the nuclear warhead, but they did in 1962 carry on actual tests, but this is in the research and development field, and we are confident that they are moving forward with an upgraded system as far as their ABM program is concerned.

The CHAIRMAN. In the research and development field?

Secretary LAIRD. In the research and development field.

The CHAIRMAN. But not in deployment?

Secretary LAIRD. The second part of your question, Mr. Chairman, had to do with the expenditure, and the ratios which I was using on expenditure. I did not use the research and development money in that expenditure figure. I was using the actual expenditures as far as strategic defensive forces. Take, for instance, and these are estimates, but in 1968 in this area, and this does not include the research and development, the ratio was a little better than 3 to 1. Now if we add research and development in some of the other space applications of their space program and the defensive nature of part of their space program to

these figures we come up with even a higher figure. But I was not including the research and development estimates with those figures. The CHAIRMAN. The Senator from New York.

TIME ELEMENT INVOLVED IN ABM DEPLOYMENT

Senator JAVITS. Mr. Secretary, I am very interested in one question which I think is left unclear and that is the time element available to us. The Nonproliferation Treaty is not yet in effect. We have to ratify it, it has to be ratified by 40 other nonnuclear nations, and the nuclear powers who have signed it. Negotiations for disarmament or arms limitation under article VI are going to take some time. What is your comment upon the proposition that if we just move forward with the anti-ballistic-missile system, that we will get, long before you can come to grips with limitation of armaments, to the stage where "automaticity" will have taken over with respect to the functioning of nuclear weapon systems because of the reduced warning time, possible ambiguities as to what may be happening, and the awesome technological complexity of the systems? What are the time elements involved here? How much time have we got before we are really so far committed to a new generation of missiles to try to do things to save mankind, to wit, enter into the Nonproliferation Treaty and make a meaningful, sincere, good faith effort to negotiate arms limitation?

Secretary LAIRD. Senator, I can't read the mind of the Soviet Union and the Red Chinese any better than anyone else, I think, in this room. I wish I could because if I were to answer your question I would have to be in a position where I could make that kind of an estimate, and I can't do it.

Senator JAVITS. Well now, time lags are very long in these things. You have spoken yourself about being able to do whatever you feel we will have to do in the 1971 range. The question I am really asking you is how much time can we give to negotiations assuming circumstances remain as they are? How much time have we got, in your judgment, before we have to commit ourselves irretrievably to an anti-ballistic-missile system to give the art of negotiation an opportunity to take hold?

Secretary LAIRD. Senator, I tried to be very frank earlier today as regards the study going on. It is a very thorough study being made. I informed the committee that I leaned towards the deployment of some protection as far as the Soviet Union accidental launched missiles, the new FOBS system and perhaps some other protection there, and particularly protection against the Chinese Communists.

I believe that if we find that this is practical and that we have an effective system, and this review reveals that this is the case, that we should go forward immediately on that basis, reflecting the views of the Congress, to protect the security and the safety of our people.

Senator JAVITS. Am I to take it that you do not believe that the decision of the Congress to ratify the Nonproliferation Treaty, including its good faith commitment under article VI to negotiate nuclear arms limitation, changes anything? You still would hold us in our decision to the thin ABM deployment decision with no reference whatever to the later decision to negotiate in good faith?

Secretary LAIRD. No, Senator Javits, I do not believe that article VI requires unilateral disarmament on the part of the United States.

Senator JAVITS. Well, I think that is completely misstating my question and trying to stick me with something which I don't advocate any more than you do. I didn't say anything about nuclear disarmament. I won't let you do that to me or to my argument.

All I am asking you is, are you going to give any weight to this new commitment to negotiate in good faith which is new and follows rather than precedes the determination to deploy a thin anti-ballistic-missile system? That is why I asked you, as the Secretary of Defense, is there a time element which we can use to advantage to arrest this race which may get beyond us. You do intend, just to see if we can elicit an answer that would be fair to both of us and to the issue before the country, you certainly do, as Secretary of Defense, intend to lend yourself to good faith negotiation pursuant to article VI, correct?

Secretary LAIRD. I certainly do, Senator.

EFFECT OF ABM DEPLOYMENT ON U.S. NEGOTIATING POSITION

Senator JAVITS. No question about that. You will agree as an intelligent man, a man of great experience, there will be a material effect upon our negotiating posture if we deploy the Sentinel. We can't read the Russian mind as to their willingness to negotiate in good faith any more than we can as to their plans for antiballistic missiles. They may be very anxious to negotiate.

So you will feel, I gather, that nothing that you are going to do about the antiballistic missile will adversely affect the good faith of the United States or its capability to negotiate under article VI.

Secretary LAIRD. No, Senator. Depending upon what our decision is, and I believe that should our decision be to support a system along the lines as approved by the Congress or a variation of that system, that this very well could be an asset in the negotiations in that we could get into the defensive as well as offensive area as far as negotiations with the Soviet Union are concerned.

But in answering that I don't mean to imply that that is an overriding consideration as far as the negotiations are concerned.

Senator JAVITS. So the overriding consideration with you would be strictly the security issue without regard to this new treaty?

Secretary LAIRD. I believe that as Secretary of Defense that is my responsibility.

Senator JAVITS. And, therefore, if there is to be a change in that, for political reasons pursuant to this treaty, this will have to come from the President or the Department of State, or from us? After all, we also can change our minds about the authority we have given you to deploy a thin antiballistic missile system.

Secretary LAIRD. And I will respect the decision of the Congress absolutely.

Senator JAVITS. Right.

Secretary LAIRD. Absolutely. The decision of the Congress is in the other area, however, and I am respecting that decision made by a majority vote of both Houses.

Senator JAVITS. I think you are making it very clear and I am grateful to you and I think the country should be grateful to you. So far

as you are concerned as Secretary of Defense your job is security. If there is anybody going to say there are overriding political reasons for slowing up, not doing it, waiting, the only comfort you give them is "that is your decision, Mr. Secretary of State, Mr. President, Mr. Congress, I am not making that."

Secretary LAND. That is correct.

Senator JAVRS. And you are unable also to supply us with a secure time element. Suppose we said, "Look, Mr. Secretary, you are going to review this, you are going to be ready shortly after the middle of March, what about 90 or 120 days more?" You would say, "I am sorry, fellows, I can't tell you whether it is good or bad, you have to decide that."

Secretary LAND. I would hope to be able to make a contribution to that but I believe that my primary responsibility is to protect the security of this country in the position of Secretary of Defense. By that, Senator Javits, I don't want to give the impression that I am not concerned about the problems that we have been concerned about as members of the Health, Education, and Welfare and Appropriations Committee over these last 16 years. I am concerned about the problems of the cities, I am concerned about cutting back on defense spending as soon as we possibly can, so that we can get on with other areas of problem-solving in which I know we are both interested. But I do feel that I have a new responsibility as Secretary of Defense, and I have this responsibility and do not treat it lightly.

KEEPING CONGRESS INFORMED

Senator JAVRS. Now, you did give us some clue by saying you hoped to make a contribution to this question of the time, or room, or maneuver we have in negotiation. Will that be part of your review, so that perhaps ----

Secretary LAND. I serve on the National Security Council, and this has been reconstituted, I think, in a very effective and in an efficient fashion by the President of the United States, this new administration, and it is going to be a very effective policymaking group as far as the executive branch is concerned.

But I want to assure you, Senator, that the decisions will not be made by the National Security Council. Those decisions coming from the National Security Council and discussed in the National Security Council, will be the decision of the President of the United States and the President of the United States alone.

Senator JAVRS. Now, Mr. Secretary, you would not wish to imply, I am sure, as a former member of the Congress, that we have any less concern with the security of the Nation than you.

Secretary LAND. I would certainly not mean to imply that in any way, and as in my first remarks to the distinguished Chairman of this committee, I made it very clear that I consider this group, this committee, the Senate, and the House of Representatives as coequals in this business of governing the United States and giving direction to policies and programs as far as our country is concerned, and I want that understood very clearly. I have a great love for this Congress.

Senator JAVRS. And that you would give us all the help you can in giving us the elements of the decisionmaking process for us as well.

For example, you will give us what ever help you can on this question of what room, or time, for maneuver we have, without materially jeopardizing the security of our Nation?

Secretary LAMB. That is correct, and I feel that the Joint Chiefs of Staff share that point of view, but I would like General Wheeler to comment on that.

General WHEELER. I feel that way, Senator.

Senator JAYRS. I do hope our objective is not to outsmart each other but to do our utmost to lay the issue bare. I hope perhaps we have stimulated you in our collective questioning to give us as much help as you can, Mr. Secretary of Defense, in considering how much room for maneuver we have before the stern decree of the advance of deployment and technology takes the ball away from us all together. Thank you very much. We may count very much on you on that.

Secretary LAMB. You certainly can count on me for that, Senator. I know that we have had a fine association over the years, and I will try to be as great a help as I possibly can.

FORCE OF TREATY IN TIME OF WAR

Senator JAYRS. Just two questions about the text of the treaty and then, Mr. Chairman, I shall be through.

One is this: I find an interesting difference of view in the testimony last year of Secretary Rusk in sustaining the treaty and General Wheeler in connection with the treaty. May I ask the Secretary and the General about this question.

General Wheeler's opinion seems to be that in the event of war the treaty will become immediately inoperative. That does not seem to be Secretary Rusk's view. So I would like to read both statements and perhaps you gentlemen would desire to refer this matter to even other authority but certainly it should be laid upon the record. General Wheeler testified at page 78 of the record:

Well, of course, in the case of war, Senator Aiken, the treaty as I believe Secretary Rusk pointed out yesterday immediately becomes inoperative.

But when you look at Secretary Rusk's testimony he didn't say that. This is what he said:

Well, I think, sir, there would be inhibitions in the treaty against the notion that any kind of a conflict or dispute would automatically relieve that particular country or the disputant from the obligations of the treaty * * *. It is not intended here that the mere fact that there is an armed clash would operate to relieve a party of its obligations under the treaty. But such party might invoke the withdrawal article, give formal notice * * *.

Now, there is lots of variance there, armed clashes, war, and so forth. The witnesses may have been talking about different things, but nonetheless, I think something ought to be done to make clear to us what is the construction of our country as it enters into this treaty, upon this very serious question as to the force of the treaty in times of conflict between nations.

I would not wish to press the Secretary to an answer, so if he would rather not, I would ask unanimous consent that whatever reply there is be made a part of the record. Would the Secretary prefer that?

Secretary LAMB. That would be fine, Senator.

The CHAIRMAN. Without objection so ordered.

(The information referred to follows:)

STATUS OF TREATY IN TIME OF WAR

Clarification has been requested of the status of the treaty in the event of war. In answering this question, it is necessary to differentiate among the many types of situations that might be comprehended within the term "war".

At one extreme would be the condition of general war involving the nuclear powers and the use of nuclear weapons. With respect to this type of situation, Secretary Rusk referred to the questions and answers furnished to our NATO allies which stated that the treaty "does not deal with arrangements for deployment of nuclear weapons within allied territory as they do not involve any transfer of nuclear weapons or control over them unless and until a decision were made to go to war, at which time the Treaty would no longer be controlling." He said:

"I think sir, that this was simply a recognition of what today is almost an element of nature, and that is, in a condition of general war involving the nuclear powers, treaty structures of this kind that were formerly interposed between the parties would be terminated or suspended." (July 11, 1908 hearings, p. 27.)

At the other extreme would be a limited, local conflict, not involving a nuclear-weapon-state. In this case the treaty would remain in force. The first preamble to the treaty considers "the destruction that would be visited upon all mankind by a nuclear war and the consequent need to make every effort to avert the danger of such a war" and the second preamble states the belief "that the proliferation of nuclear weapons would seriously enhance the danger of nuclear war." This central purpose of the treaty would be subverted by maintaining that the treaty was suspended in the event of such a war between non-nuclear-weapon parties. Accordingly, such parties would be bound by the treaty unless and until they exercised the right of withdrawal under Article IX.

It was this type of situation to which Secretary Rusk alluded in the following colloquy:

Senator Carlson. In other words, let's assume that a nation would decide it was necessary that it became involved in a war, could it, for instance, go to France if France were not a signatory and get not only weapons but warheads and materials to transmit them?

Secretary Rusk. Well, I think, sir, that there would be inhibitions in the treaty against the notion that any kind of a conflict or a dispute would automatically relieve that particular country or disputant from the obligations of the treaty. There have been a good many armed clashes since the end of World War II.

Senator Carlson. There will be some more, I am sure.

Secretary Rusk. I am sure there will be some more. It is not intended here that the mere fact there is an armed clash would operate to relieve a party of its obligations under the treaty. But such party might invoke the withdrawal article, give formal notice—excuse me, I just wanted to look at this—if "Extraordinary events related to the subject matter of this treaty have jeopardized the supreme interests of its country." Now, that withdrawal article is there, and each signatory to the treaty has access to it under the provisions of the treaty.

Senator Carlson. In other words, you use the term "supreme interests?"

Secretary Rusk. Yes; supreme interests.

Senator Carlson. It is your thought it would take more than just a provocation to result in a local conflict?

Secretary Rusk. That is correct, sir.

Senator Carlson. I was interested in that because I can see where it might be very easy to withdraw even though you were a signatory to this treaty, provided you decided that it was necessary to get into a conflict with another country. I wanted some clarification on that if I can get it.

Secretary Rusk. Senator, let me review the record and see whether I ought to make a small extension of my remarks on this point. But the great objective of this treaty is to make nuclear war less likely by preventing the spread of nuclear weapons to additional countries.

Again, looking back toward the dozens and dozens of armed engagements that have occurred since the end of World War II, some small scale, others large scale, we would not expect that each one of these engagements should be translated into a nuclear engagement by casual action on the part either of a nuclear power or nonnuclear powers.

Senator Carlson. I shall not press it further, but it is rather easy to get into a nuclear situation when you use nuclear warheads, is it not; they need not be very large?

Secretary Rusk. That is correct, sir.

(July Hearings, pp. 27-28)

Thus, it is clear from Secretary Rusk's testimony that in answering questions as to the status of the treaty in time of war, the particular situation involved must be considered in the light of the intention of the parties and the purposes of the treaty. It follows that there was no inconsistency between the testimony of General Wheeler, who was addressing the first type of situation described above, and was referring to Secretary Rusk's prepared statement, and the testimony of Secretary Rusk, who discussed both situations.

Source: Department of Defense.

EFFECT OF ARTICLE III ON NONSIGNATORY POWERS

Senator JAVITS. One other question which I have about the terms of the treaty concerns this very interesting question of the uses—of the peaceful uses.

I don't think it was left very clear that the testimony of Secretary Rogers is to the effect that so long as a nation which is a nonsignatory of the treaty enters into the arrangements that the treaty requires for inspection, that we can enter into arrangements with that nation, within the terms of the treaty for the peaceful uses of nuclear energy. I might tell the Secretary of Defense, I read the language and said it wasn't clear to me as a lawyer that that was so, but Secretary Rogers said that is the way the State Department construes it.

Again if the Secretary feels that he would rather take that home and under advisement, I would suggest the same thing.

Secretary LAIRD. Well, I would appreciate doing that. I addressed myself to that point so far as article III(2) is concerned a little earlier today, and if there is a difference that has developed here that I am not aware of between the interpretation of the State Department and the interpretation that I put on the article in my colloquy with Senator Gore, I would like to clear that up.

The CHAIRMAN. Will the Senator allow me to add to that? As long as you are going to undertake to clarify it, in addition to that aspect, I would appreciate anything the administration has to offer with regard to the Euratom aspect of it. Last summer there was a little uncertainty.

Secretary LAIRD. Fine, we can take care of that at the same time but I think that situation is about the same.

Senator JAVITS. Of course we would gather that you will take care of the coordination between your own Department and the State Department.

Secretary LAIRD. Yes, I will be in contact with Secretary Rogers.

Senator JAVITS. Just to be sure.

Secretary LAIRD. If there is a difference here which I was not aware of.

The CHAIRMAN. I am not aware of it.

Senator CASE. I don't think there is.

The CHAIRMAN. I don't think there is.

Senator JAVITS. It would be fine if there is not.

Secretary LAIRD. We will certainly see that there is not. It will be worked out and the statement will be placed at this point in the record if there is any difference because it is not intended.

Senator JAVITS. That is fine.

(The document referred to follows :)

ARTICLE III

At issue in your question, Senator, is whether a party to the Treaty could make arrangements to supply a non-party with nuclear materials if such materials would be subject to the safeguards called for by the Treaty. The Treaty would, indeed, permit such arrangements. Article III(2) is an undertaking by the parties not to provide source or special fissionable material or equipment especially designed for the processing, use or production of the latter to non-nuclear weapon states for peaceful purposes "unless the source or special fissionable material shall be subject to the safeguards required by this article." If the material were subject to such safeguards, whether or not the recipient was a party to the Treaty, this condition would be met.

There is no discrepancy between this answer and (1) Secretary Clifford's on page 50 of the printed record of the July 1968 hearings on the Treaty in response to a similar question from Senator Cooper; (2) the testimony of Secretary Rogers and Mr. Fisher at pages 362-3 and 372-3 of the hearings on February 18, 1969; and (3) the testimony of Secretary Laird at page 416.

With respect to the proposed agreement between Euratom and the IAEA pursuant to Article III of the Treaty, there have been no new developments not covered in Secretary Rusk's communications to Chairman Fulbright, dated January 17, 1969, except for the subsequent signature of the Treaty by Italy. Italy, like the three other EURATOM members that have signed the Treaty, has indicated that it does not intend to ratify the Treaty until agreement between IAEA and EURATOM has been reached.

Source: Department of Defense

(Subsequently the committee asked for and received from ACDA the following information on "source or special fissionable material:")

U.S. ARMS CONTROL AND DISARMAMENT AGENCY,
Washington, February 27, 1969.

Hon. J. W. FULBRIGHT,
Chairman, Committee on Foreign Relations,
U.S. Senate

DEAR MR. CHAIRMAN: I understand that your Committee desires further clarification as to what constitutes "source or special fissionable material" under the Non-Proliferation Treaty, and specifically whether either of those terms would apply to radioisotopes used for medical purposes.

As for the definition, I would like to confirm the response inserted in the record of the July, 1968 hearings at page 66. Currently no radioisotopes used for medical treatment or diagnosis would come within this definition. If a medical treatment application were found for a radioisotope that did come within this definition, the quantity involved would almost undoubtedly be so small as to pose no risk from the point of view of the treaty, and would come within the IAEA *de minimis* rule found in the IAEA Safeguards System (1965), the pertinent portion of which is enclosed.

The foregoing conclusions have been verified by appropriate officials of the Atomic Energy Commission.

Sincerely,

GERARD SMITH.

Enclosure: Extract from IAEA Safeguards System, 1965.

EXTRACT FROM IAEA SAFEGUARDS SYSTEM, 1965

"21. Nuclear material that would otherwise be subject to safeguards shall be exempted from safeguards at the request of the State concerned, provided that the material so exempted in that State may not at any time exceed:

(a) 1 kilogram in total of special fissionable material, which may consist of one or more of the following:

(i) Plutonium;

(ii) Uranium with an enrichment of 0.2 (20%) and above, taken account of by multiplying its weight by its enrichment;

- (iii) Uranium with an enrichment below 0.2 (20%) and above that of natural uranium, taken account of by multiplying its weight by five times the square of its enrichment;
- (b) 10 metric tons in total of natural uranium and depleted uranium with an enrichment above 0.005 (0.5%);
- (c) 20 metric tons of depleted uranium with an enrichment of 0.005 (0.5%) or below; and
- (d) 20 metric tons of thorium."

(Excerpt from the 1968 hearing follows:)

The terms "source material" and "special fissionable material" are defined in the Statute of the International Atomic Energy Agency, a treaty to which the United States is a party. These definitions, which were patterned after U.S. atomic energy legislation, will be applicable under the Non-Proliferation Treaty by virtue of the role to be played by the International Atomic Energy Agency with respect to safeguards under that treaty. The definitions are as follows:

"Article XX. Definitions.

"As used in this Statute:

1. The term "special fissionable material" means plutonium-230; uranium-233; uranium enriched in the isotopes 235 or 233; any material containing one or more of the foregoing; and such other fissionable material as the Board of Governors shall from time to time determine; but the term "special fissionable material" does not include source material.

2. The term "uranium enriched in the isotopes 235 or 233" means uranium containing the isotopes 235 or 233 or both in an amount such that the abundance ratio of the sum of these isotopes to the isotope 238 is greater than the ratio of the isotope 235 to the isotope 238 occurring in nature.

3. The term "source material" means uranium containing the mixture of isotopes occurring in nature; uranium depleted in the isotope 235; thorium; any of the foregoing in the form of metal, alloy, chemical compound, or concentrate; any other material containing one or more of the foregoing in such concentration as the Board of Governors shall from time to time determine; and such other material as the Board of Governors shall from time to time determine."

The Board of Governors has never made any determination as to the inclusion of other material in the definition of either "source material" or "special fissionable material".

With reference to another point raised by Senator Hickenlooper in the same colloquy, the negotiating history of the Non-Proliferation Treaty fully supports the response by Senator Pastore to the effect that a nuclear submarine (as distinguished from a nuclear bomb that might be carried in such a submarine) is not considered to be a "nuclear weapon" within the meaning of this treaty.

CREDIBILITY OF U.S. NUCLEAR DETERRENT

Senator JAVITS. Now, finally, Mr. Secretary, I found something in a speech by Paul Warnke, the Assistant Secretary of Defense, which was made in October 1967 which I think would bear consideration by you. Again, if you feel that it is something that you would want to think about, please do. This is much too important to give us an answer off the top of your head. Mr. Warnke indicated that one of the reasons for the deployment of the thin anti-ballistic-missile system was that he thought it would help to remove the doubts as to the credibility of our nuclear deterrent, bearing in mind that the credibility of our nuclear deterrent is critically important to the nonnuclear nations. I am sure the Secretary understands how serious is our commitment to the nonnuclear nations.

There is a lot of loose talk about not being the world's policeman, with which I thoroughly agree. But we must understand the tremendous dimensions of the moral commitment we are undertaking to the

nations that sign away their options to develop atomic weapons of their own.

He said one of the elements invalidating the credibility of our nuclear deterrent, would be the deployment of this thin anti-ballistic-missile system.

Does the present Secretary of Defense think that that should be an element in considering whether or not to deploy it?

Secretary LAIRD. I certainly do, and this is a part of one of the elements being considered in the present study that is being carried on. I think General Wheeler would agree with that, too.

Senator JAVITS. So if we don't agree with that conclusion, that would not be a conclusion relating to the security of the United States. It is a political question.

Secretary LAIRD. That is a political question in the terms that Paul Warnke addresses it in his speech. I think Secretary Clifford used a similar position in his speech before the Press Club, I believe, in August, in which he outlined that as one of the prime considerations.

Senator JAVITS. Would you consider it your duty to contain that question in your review, or would your review leave that question to the State Department, the President, and the Congress?

Secretary LAIRD. I think that is a very important part of the review, and would be certainly considered by the National Security Council too, in its consideration of this whole matter.

Senator JAVITS. I was more concerned with whether you would consider it part of your review. In other words, if you are going to confine yourself to the security aspect of this matter and follow through in a nice straight line on the security aspect, isn't this quite a political thing that you are undertaking?

Secretary LAIRD. Well, this also affects the military aspect, and I do not want to give the impression, Senator, and perhaps I oversimplified this, I believe that there are certain political aspects that have to be considered, too. But this goes to the heart of the military question as well and I believe the Department of Defense is very much involved in that as they are in other matters today.

Senator JAVITS. If we allowed you that, Mr. Secretary, I hope you will allow us also a little indulgence in appraising the security-aspects of the matter.

Secretary LAIRD. Well, I have felt that I have had a lot of latitude when I was on that side of the table before, and I don't think you will ever find any criticism of the Congress coming from me. I am finding it though a little more difficult to be on this side of the table than it is being on that side. It is much easier being a critic, and [laughter] and I found that, although it is enjoyable to be in the executive branch, I feel that it is a little more difficult to get out of the role of the critic which I was always in as a member of the minority in the House of Representatives.

Senator JAVITS. I won't let the Congressman say that about himself. I have sat with him in too many conferences. He has done very many constructive things with lots of initiative and I will not let him give his own appraisal for himself in that way.

PUBLIC INFORMATION ON SENTINEL PROGRAM

Just one other peripheral thing. There has been a big flap that the military organization of the country engaged in quite a big burst of propaganda to sell the Sentinel anti-ballistic-missile system before Congress made its decision.

Now, we are in a new administration, with a new Secretary. The Secretary may or may not choose to comment on what I am about to say but I would hope that whatever decision you do come to, at least we won't have to, if we don't agree with you, fight uphill against that \$80-billion complex across the river with all the connections that General Eisenhower spoke about. I hope we will really be able to fight this one out in the public forum on a fairly even basis.

Secretary LAIRD. Senator Javits, I did comment on the release of that report which had to do with a program of public information as far as the Sentinel was concerned in the last administration. That was a report that was held within the Department of Defense and the Department of the Army, and immediately upon hearing of the report and its existence, reading about it in the local newspaper I ordered that that report be made public to everyone. I do want to assure you that once a decision is made in the Department of Defense on amendments to the budget, I certainly will expect everyone there in the Department of Defense to support the position which we take, to support the position which the executive branch takes, not only the civilians but also the military will support that position. We will try to use the best possible means of convincing you and your colleagues in the Senate and the House based upon the facts, based upon the study that we made, of whether our position is right or wrong, and we hope that on the basis of the kind of information we present you will support our position.

Senator JAVITS. You will make available to us everything you know that is competent for the public domain, and in executive session under protections of the law, of everything we ought to know. The only thing I had in mind was the question of taste which is involved.

I think you have shown your attitude on that by the way you released the public relations plan. But I think there is a big concern here, which I voiced, frankly I think voicing it is adequate, considering the people that I feel we are dealing with.

Secretary LAIRD. I share your concern.

Senator JAVITS. Thank you, Mr. Chairman.

PRIOR CLASSIFICATION OF MEMORANDUM

The CHAIRMAN. On that, Mr. Secretary, why was such a document classified? Why should it ever have been secret? What is the justification for the classification?

Secretary LAIRD. I am not sure of the exact classification on that report, Mr. Chairman.

The CHAIRMAN. It was first confidential.

Secretary LAIRD. I think it was for official use only but don't hold me to that. It may have been confidential.

The CHAIRMAN. One of the editorials stated it was. Would you remember, General Wheeler, what it was?

General WHEELER. I never heard of the report, Mr. Chairman, until I read about it in the newspaper, so I don't remember what the classification was.

The CHAIRMAN. Do you know Lt. Gen. Alfred Starbird?

General WHEELER. Yes, sir; I do.

The CHAIRMAN. He is the one, isn't he, who sent this memorandum?

General WHEELER. He may have, sir, but this was in Army channels. It was not in Joint Chiefs of Staff channels.

Secretary LAIRD. I would like to say I know the general very well and he is a very capable and outstanding Army officer. I think that certain parts of the document which I ordered released are not in accordance with the manner in which we intend to operate in the Department of Defense as long as I am Secretary of Defense. But I do want to make it very clear that I have had an opportunity to talk to General Starbird, and he is one of our outstanding Army officers.

The CHAIRMAN. Certainly nothing I have said should be interpreted to mean he is not outstanding. The danger is they are too outstanding. [Laughter.] You give the Department \$80 billion and all that that implies, there is no force in this country that can stand up against you. That is what bothers us. I am by no means saying he is not an able man. That goes for all the Joint Chiefs as well as General Starbird.

Secretary LAIRD. Well, I had some criticism of certain paragraphs in that memorandum and I thought it was overly public.

APPROVAL OF MEMORANDUM QUESTIONED

The CHAIRMAN. You made it public. You didn't say whether you approved of it. Do you or don't you approve of that approach?

Secretary LAIRD. No; I can assure you, Senator, that kind of a procedure will not be used as far as the Department of Defense is concerned, and I think that some of the phraseology in the document was just misleading. I hope it was. Unfortunately, the document that was first referred to in the newspapers was not the document that was approved. It was a draft that had not been approved, and the draft that was approved, even that draft had certain sections that I think should have been changed.

The CHAIRMAN. This, I take it, was done before you took over, wasn't it?

Secretary LAIRD. I want to assure the Chairman of this committee that this was done long before I became Secretary of Defense.

The CHAIRMAN. Of course the Post says, and this is really all I know, since I haven't seen the memorandum, "Mr. Laird has now made public the program that was finally approved and with one or two changes it exactly matches the Starbird proposal" which left the impression that any difference was of a minor character. If that is inaccurate, of course it ought to be corrected.

Secretary LAIRD. Well, the point that I made, Mr. Chairman, was that the document, even as finally approved, had certain objectionable sections.

The CHAIRMAN. You don't approve of it?

Secretary LAIRD. I do not approve of it, and I can assure you that this has been changed.

ACTIVITIES OF INDUSTRIAL COLLEGE OF THE ARMED FORCES

The CHAIRMAN. Mr. Secretary, earlier I mentioned certain activities that are a little unrelated to the treaty, that is, the capacity for influencing public opinion, not only directly but indirectly decisions on matters such as the deployment of ABM. I remind you of another activity which once before I was engaged in and I was vigorously attacked for because I raised the question of the military educational program which extended to the civilian population of this country. Your exchange with Senator Javits, if I understood it correctly, is that you said once you make a decision you expect your colleagues in the Department to support it.

I have no objection to that. But I do have a very serious question about an activity of an extensive nature that is carried on by the Department of Defense and specifically by the Industrial College of the Armed Forces, as a matter of fact, for many years, and other activities which do give your Department, I would say, an undue advantage over the civilian agencies of our Government. I only ask you to look into it. I am not asking you right now to make any declarations at all and I am putting some material into the appendix of the record simply in the hope that it will draw your attention to the problem and maybe a more moderate approach could be taken.

The point is this: It seems inappropriate for the military department in this or any other government, to undertake to educate the people generally upon such things as the comparative political systems in the world, and upon the significance of ideological aspects. These are the seminar programs which in your pamphlets have been carried on for a number of years, and I believe it states in one I have here, has reached nearly 200,000 people, in many different areas, including my own state. I question the appropriateness of the military undertaking this type of indoctrination, if you like. I don't know why the Industrial College declined, or at least up to now failed, to supply the committee staff with two types of lectures which have been delivered by your people. One is on the presentation entitled "On Public Opinion," and one is entitled "Inside USA." I would hope you would ask your people in the Industrial College to supply them simply to make our records complete. They have supplied others. But there are aspects of this kind of study which, it seems to me, are not appropriate for the military to undertake. It is somewhat similar to the criticism this committee had on your research and development program in which you authorized and are carrying on programs for research in the social sciences in universities in Sweden, in Japan, and in Africa. You remember that exchange we had last year, I believe, don't you?

Secretary LAIRD. Yes, sir.

DOD ACTIVITIES BEYOND THE SCOPE OF THE MILITARY

The CHAIRMAN. I would simply urge that you look into this. And I would hope that you would agree that some of these activities go beyond the proper scope of the military's responsibility. They are not directly or even approximately related to the mission or responsibilities of the Defense Department even though they might be useful in themselves.

This led most of us to feel that the only reason you engage in these activities is because you have the money. You have money beyond the necessity of the military so you are engaging in education and research of a general nature. So I will put this in the record for your information. I don't expect you to comment on it. You were not expecting it and I am only taking advantage of your presence here to raise the matter because I will expect some further exchanges on it, after you have had a chance to review this material.

You may be acquainted with it. If you wish to comment it is perfectly all right but I didn't want to press you for that that now because I think it would be unfair.

(See pages 506 to 518 of appendix for material referred to.)

Secretary LAIRD. Senator Fulbright, I appreciate the opportunity to look into it at a later time. I have had concern about some of the research activities funded in the Defense Department that should have been funded in the Health, Education, and Welfare budget. I served on both of these Appropriations Committees for a long period of time, and I have raised similar questions about the activity of the Department of Defense in certain of the social fields. The Department of Defense should not transgress on the responsibility of the Department of Health, Education, and Welfare or any other department in the area of research and I will be very happy to review this and provide the committee with full response to your questions.

READER'S DIGEST ARTICLE

The CHAIRMAN. Recently there was in the Reader's Digest, which I believe, has the largest circulation of any magazine in the world, an article about one of your admirals, Admiral McCain, and it makes statements, similar to some that were furnished to this committee some years ago, which were very optimistic statements about Vietnam. I will put it in the record in order to make this question more comprehensible.

(The article referred to follows:)

[From Reader's Digest, February 1969]

IN VIETNAM, THE ENEMY IS BEATEN

AN INTERVIEW WITH ADMIRAL JOHN S. MCCAIN, JR.,¹ COMMANDER IN CHIEF PACIFIC

By John G. Hubbell

Q. Admiral McCain, what is the military situation in Vietnam?

A. We have the enemy licked now. He is beaten. We have the initiative in all areas. The enemy cannot achieve a military victory; he cannot even mount another major offensive. We are in the process of eliminating his remaining capability to threaten the security of South Vietnam. I am convinced that that is why he has come to the conference table in Paris—to try to win there what he has failed to win on the battlefields. We must, of course, expect further periods of very hard fighting as he attempts to negotiate some sort of victory. He could not care less about sacrificing manpower in an effort to win a political objective.

Q. Political and military leaders have been making this kind of optimistic statement for the last four years, yet the war has continued to escalate. What reason is there for such optimism now?

¹ After two years as the Commander in Chief of U.S. Naval Forces in Europe, Admiral McCain took over his Pacific command last July 31. Since then he has visited Vietnam at least monthly.

A. My optimism is based on hard military realities. The enemy has suffered staggering losses. More than 420,000 communist troops have been killed, 170,000 last year alone. In both Vietcong and North Vietnamese army units, leadership and general caliber of troops are deteriorating rapidly. The Vietcong has been so decimated that two thirds of its ranks are now composed of North Vietnamese, and the training capacity of the North Vietnamese can't keep up with the Vietcong's demands. Inexperienced youngsters are replacing battle-seasoned veterans (we have captured 14-year-olds). North Vietnam has had to increase its draft age from 30 to 33. North Vietnamese officers who have surrendered or deserted to us complain bitterly of having had to throw inadequately trained troops into battle.

North Vietnamese and Vietcong desertion rates have been high and appear to be accelerating. Of the nearly 90,000 who have come over to us since 1963, almost half have come in the past two years. Enemy troops now are giving up to our side at a sustained rate of 500 per week (including prisoners of war). In short, for the past year we have been looking at an increasingly anemic military capability.

Q. Is this the result of some new strategy on our part?

A. It's the result of having worked a terrible attrition on the enemy for four years. In recent months, General Abrams¹ has taken the initiative from the enemy in brilliant fashion. An enemy offensive in May—the first they were able to launch since last winter's Tet offensive against South Vietnam's cities—was crushed. The enemy then spent months gathering his forces for another major offensive in August. But Abrams hit the enemy in his staging areas before he was able to strike, and there was no August offensive. The South Vietnamese military supported by allied forces are rooting out the enemy's political apparatus, scattering his guerrillas, surfacing his arms and food caches, blocking his lines of communication, sealing off his sources of recruitment and undercutting his every hope of revival as a military threat.

Q. How is General Abrams able to launch such effective pre-emptive strikes? He must have better intelligence now than was available a short year ago, prior to the Tet offensive. It appeared that no one knew that was coming.

A. There are really two answers to that. First, we did have signs that the Tet offensive was coming, but we didn't read them correctly because we couldn't believe what we were seeing. We couldn't believe that the communists would profane Tet, which is the most sacred time of the year to all Vietnamese, especially after agreeing to honor it with a truce.

Second, our intelligence is indeed much better now. One reason is that, after the communists so savagely violated Tet, large numbers of South Vietnamese finally turned against them. Prior to this, many South Vietnamese had no tradition of loyalty to the central government. Now such a tradition is developing. The people have become better sources of intelligence. In retrospect, the Tet offensive may have been the turning point of the war, where the enemy once and for all lost the South Vietnamese people—which is what this war is all about.

Q. And there is no chance the enemy could launch another offensive as savage as Tet?

A. Obviously, if you give an enterprising enemy a breathing spell, he is going to re-establish some capability. He is going to rebuild bridges, repair roads, train and equip forces and move supplies south. But he can't do anything again on the scale of the Tet offensive. Our intelligence is too good and our forces are too strong for him. It is possible he will try something spectacular—a major rocket attack on Saigon, for example—but it would be aimed mainly at demoralizing the American people and at scoring bargaining points at the conference table in Paris.

Q. You say the communists have lost the South Vietnamese people. What is the situation in the countryside, in the villages?

A. About 70 percent of the population now lives in relatively secure areas. This is largely the result of the government of South Vietnam's pacification effort and its new Phoenix Program, a highly efficient and successful intelligence effort which got under way in late 1967. Its purpose is to destroy the communists' political structure in South Vietnam. It goes about this by gathering intelligence putting together dossiers, and distributing "most wanted" lists in villages and hamlets. We are now able to go into villages and pick up the communist leaders.

¹ W. Creighton Abrams, Commander, U.S. Forces Vietnam.

Recently, for example, we apprehended 57 of the highest-ranking communists in Quang Duc province. We have destroyed the communist infrastructure in many villages and severely damaged morale among communist cadres.

Q. How effective are South Vietnam's armed forces now?

A. They have come a long way. In recent months, they have been displaying an increased morale, proficiency and dedication. The main reason is that they are receiving much better training and are being led by a growing number of competent, combat-experienced men. Also, they are now equipped with the M-16 rifle (replacing the M-1), which increases their firepower by 50 percent. And there have been intangible factors, including the increased support of the South Vietnamese people, and an awareness that the war is being won.

There is still a lot of room for improvement, of course, but, in one recent week we got a good look at what the South Vietnamese can do. First, South Vietnamese Marines and regional-force soldiers took on the enemy at the Phuoc Tan outpost in Tay Ninh province, killed 148 and inflicted a casualty ratio of 20 to 1. Four days later, a Civilian-Irregular force at Katum outpost in Tay Ninh province met the enemy, killed 135, inflicted a casualty ratio of 13 to 1 and captured a large quantity of arms and munitions. Two days after that, the enemy launched simultaneous attacks on the Phuoc Tan and Thien Ngon outposts in Tay Ninh province. Both attacks were beaten off; the enemy lost 276 killed, the South Vietnamese only 11. Significantly, these battles were fought close to the enemy's Cambodian sanctuaries, where he is supposed to have an advantage.

Just as happened with South Korea's armed forces, I believe it is entirely reasonable to assume that South Vietnam will come out of this war with a sufficiently strong military posture to face up to any communist aggression in future years. I think, too, however, that as in Korea, some sort of American military presence will be required in South Vietnam for several years.

Q. Do we need more men in Vietnam to finish the war?

A. Our current authorized strength is 549,500 (U.S. forces actually there now total 537,500), and total allied strength is about 1,400,000. This should be ample to do the job, particularly in view of the enemy's fast-deteriorating military posture.

Q. Do you have any advice for a war-weary American people?

A. Yes. We must remember that the communists announced publicly long ago that they meant to extend their dominion over the world's peoples through "wars of national liberation." Vietnam is the first "war of national liberation," the testing ground. If the communists make it work there, we must expect to find ourselves involved in more such wars elsewhere. So we must not let it work in Vietnam. We must fight it to a finish, and achieve in Paris the kind of peace that will convince the communists that their evil experiment in warfare will not work anywhere else. The job will be much easier if every American understands that the war is as much his concern as that of the boys who are doing the fighting, bleeding, and dying.

SEEKING ADVICE OF DEPARTMENT OF STATE

Senator FULBRIGHT. Because of that I sent a letter to the Secretary of State, and I will read you one paragraph from their reply. It says:

I have been informed that the interview—that is, the McCain interview—was submitted for clearance to the Department of Defense, which asked the Department of State to take part in the review, in accordance with established procedure. On December 3, we returned the interview to the Department of Defense with a number of recommended amendments based on foreign policy considerations. We have subsequently been advised by the Department of Defense that it received our recommended amendments and telephoned them to Admiral McCain in his headquarters in Hawaii. We find that some of these recommended amendments were incorporated in the interview and some were not.

This raises a question which has arisen before. What is your view as to the proper policy when you have a situation in which you seek the advice of the Department of State? Is that purely advisory and do you reserve your right, your complete right, to approve any kind of state-

ment an admiral or general under your direction is to make or is the State Department or any other agency given equal consideration in permitting such statements?

Secretary LAIRD. I would think the State Department would be given every consideration. I don't believe, however, that in an interview the State Department would serve necessarily as a censor in this case. I am aware of the problem. Many of our military as well as civilians give interviews, and I am sure that this is what happened in this particular case. I will be glad to look into it further, Mr. Chairman.

The CHAIRMAN. It is a matter of policy. This particular interview, in my opinion, is very provocative to the North Vietnamese. If I tried to put myself in their position I would say provocative and I would say it certainly does not help promote the solving of issues in Paris. The timing of it was not wise. This is in the February 1969 issue of the Reader's Digest. Many of us in Congress are trying to be quiet and not talk too much about these negotiations in order not to be disruptive. Let me read to you to illustrate what I mean.

The question to Admiral McCain is: "What is the military situation in Vietnam?" The admiral says: "We have the enemy licked now. He is beaten." We have heard this before, and it didn't turn out to be quite that way. He says, "We have the initiative in all areas. The enemy cannot achieve a military victory; he cannot even mount another major offensive. We are in the process of eliminating his remaining capability to threaten the security of South Vietnam. I am convinced that that is why he has come to the conference table in Paris—to try to win there what he has failed to win on the battlefields."

I would say that is not designed to help the situation in Paris.

Secretary LAIRD. Mr. Chairman, I know that you understand that we try to keep things as open as we can in this country, I will be glad to look into the interview to which you refer and the objections the State Department had. I have not had an opportunity to read that State Department letter.

MAINTAINING PROPER BALANCE BETWEEN CIVILIAN AND MILITARY

The CHAIRMAN. What I am doing is drawing your attention to what I think is another aspect of the problem of keeping a proper balance in our Government and our country between the military and the civilian part of our Government. When you consider that you have at your disposal over \$80 billion and there are innumerable enormous industrial complexes in this country, who are interested in your program, as the Senator from New York said, I don't know whether we have the capacity to resist anything you want. Through something like Starbird's memorandum, you can generate an enormous pressure. There is hardly anything we can do about it.

In the editorial this morning it says, among other things, that General Starbird recommends "the coordination of the whole effort with the private public relations efforts of industrial firms involved in the building of the Sentinel system." Involved in that are some of the biggest corporations in the world and certainly the biggest in the United States with billions of dollars of resources. The Senator from Tennessee states that some 15,000 contractors are involved in this missile program.

I am not trying to be critical of you. You are new to this position. What I am trying to express is our deep concern over a situation as to whether or not the civilian branch of this Government, and specifically the Congress and the Senate, can maintain a proper balance in the consideration of these very important issues.

OPINION OF CERTAIN SCIENTISTS ON ABM

Yesterday we heard two outstanding scientists. We were told they were formerly with the Defense Department, are now with MIT, which is considered one of the great institutions. They were brought here to speak to Members of the Senate about the ABM.

I think it is fair to say both of them expressed doubt about the feasibility of the Sentinel system. I don't wish to speak for them, but I believe that is a fair assessment. You have said you lean toward the ABM, Sentinel system.

First, I would like to ask you how does Mr. Packard who is chairman of the review committee, feel? Does he lean toward it or against it?

Secretary LAIRD. I would rather have Mr. Packard speak for himself as chairman of the review committee. He is trying to proceed in a very objective way.

The CHAIRMAN. I just assume you have talked to him about it and you had a knowledge of his feelings.

Secretary LAIRD. As far as his recommendation, which he will make to me and then we will take it to the National Security Council and to the President, I would not want to prejudge that. The study is a very serious study, and, as I said earlier, one newspaper has reported that we have decided to cancel it and the other has reported that we have decided to go forward I would rather just keep it that way for a little while.

The CHAIRMAN. That is all right. I just wanted to know. I thought maybe you had consulted him.

Last spring, I believe, when the Senator from Kentucky's resolution was up, some of us asked members of the Armed Services Committee, who had made the recommendation for the approval of the thin Sentinel system, whether or not they had invited any independent scientist, one who was not associated with the Pentagon, to testify. As I recall it, they said "No." All of those who testified were either witnesses within the Department or so closely associated with some aspects of the Pentagon that they could be considered what we sometimes call a trained seal. There were no independent scientists.

Now there are a number of scientists we know who don't approve of it. These two individuals, although they have been in on many of your weapons systems studies, indicated yesterday they did not believe this particular system was technically feasible. They were not concerned about the political implications. They made fairly positive statements that as a practical matter of operational efficiency that it was a very dubious undertaking.

Now, the recent report of Mr. Nossiter about a study by an official of the Budget Bureau states that there have been 13 weapons systems accounting for \$40 billion, I think, since 1964, which were proved to be ineffectual. You see, a doubt is raised in our minds.

Do I make myself clear as to what I am getting at?

Secretary LAIRD. Yes, I have been raising some of the same kinds of questions as a member of the Defense Appropriations Committee and as Secretary of Defense.

Senator GORE. That is good.

RELATIVE MILITARY POSITIONS OF UNITED STATES AND U.S.S.R.

The CHAIRMAN. I would like to return to the subject of the relative military position of the Soviets and ourselves. After thinking about it a moment, it seems to me that what you have said is this, and I would like you to correct me if I am wrong, that the Clifford statement seems to indicate that the Soviets are working at the same level as we are. They are not moving forward with deployment but are going very strong into research and development. The Senator from Kentucky whose resolution it was last year, as I recall it correctly, was for going forward with research and development; he just didn't want the deployment.

Senator COOPER. Right.

The CHAIRMAN. If I understand the situation and if I am not correct I hope you will correct me, all we need to do is not deploy the Sentinel but to increase research and development to be equal with the Soviets. Am I correct?

Secretary LAIRD. Mr. Chairman, the Soviets have deployed a system, and I would just like to make it clear that this is very firm information we have that the Soviet Union has deployed an ABM system. Now, it is true that they have not moved as rapidly as Secretary McNamara estimated in his appearance before the Senate Appropriations Committee and the House Appropriations Committee. But this is a substantial system.

The CHAIRMAN. Are you talking about the Galosh system?

Secretary LAIRD. And it is about half way toward completion. Now it protects just the Moscow area. I believe that that system has been slowed down in the last 12 months because of the research and development program that is being carried forward by the Soviet Union, and I must assume that on the basis of the information that I have and act accordingly, because this system does affect our strategic balance as far as the Soviet Union is concerned.

Now, as far as some of the other statements that are made about the Tallinn and the other systems that were referred to earlier, I am not sure that they, as presently deployed can be used as an ABM system.

The CHAIRMAN. I understand it is extremely difficult to have an effective defensive use for these weapons. This is the very problem. This is why these two gentlemen yesterday were saying that really there is no good sound evidence that these systems will work well as defensive units. The Russians do have missiles.

Secretary LAIRD. I would like to invite the Senator to come out to Kwajalein and watch some of the experiments. I am sure that it will be most enjoyable for you to see the experiments. The Soviets have been conducting experiments in this area since 1962, and we have the equipment, the electronic equipment, which we could. I think, demonstrate to the Senator in a very effective fashion whether we can make intercepts or not, and I would certainly invite the Chairman to look over the actual programmed games with this type of equipment.

The CHAIRMAN. I appreciate the invitation. Perhaps some time we can do it but I am afraid I can't do it before we have to vote on this treaty, and make a decision on this. But for the record I want to quote further from Mr. Clifford's statement. This was on January 15 and he says:

Their Galosh ABM system resembles in certain important respect the Nike-Zeus system which we abandoned years ago because of its limited effectiveness.

Maybe there is just a difference of opinion between you and others as to the effectiveness of this galosh system, but if so, this is such an important matter, that it should be resolved and not proceeded with if it is uncertain. Your own predecessor only a month ago said the NIKE-ZEUS system, in effect is very limited in effectiveness, which is a polite way of saying it is no good.

Secretary LAIRD. Well, I wouldn't disagree with the statement made by my predecessor in this office. I am not trying to upgrade the system in any way, the Galosh system, and if my comments have indicated that, I did not mean to imply that.

I do, however, feel that the system has been deployed and as Secretary of Defense, it is impossible for me to say that the system is ineffective. When we are dealing with the closed society in the Soviet Union it is necessary for me to take the position that it does have some effectiveness. I don't think we can just say that on the basis of the information that we have, that that system is ineffective.

The CHAIRMAN. The Senator from Tennessee wishes to ask a question.

EFFECTIVENESS OF ABM QUESTIONED

Senator GORE. Mr. Secretary, in line with the questions of Senator Fulbright, a few days ago General Westmoreland favored us in Tennessee with an address. I didn't have a chance to read the text of his speech. But I recall the headline was "ABM Will Work, General Westmoreland Says." General Westmoreland's credentials as a scientist are not as imposing as his record as a general, and his rank as a general.

I had been suggesting to my constituents that there was some doubt about the effectiveness of ABM. I had not been quoting General Westmoreland, I had been quoting Dr. Foster, head of the research and development bureau of the Department of Defense, who has testified that there is no effective ABM defense against a massive sophisticated Soviet ballistic attack on the United States. Would you agree with Dr. Foster?

Secretary LAIRD. On the basis of the statement that you quote I would be inclined to agree with Dr. Foster, yes, Senator Gore. I think that such a massive attack on the part of the Soviet Union there would be bound to have missiles getting through. I believe Dr. Foster, is a very competent and qualified scientist, I have asked him to stay on as Director of Research and Development in the Department of Defense, I think that shows the kind of confidence I have in him, and I am sure that the statement he has made is correct.

Senator GORE. I share your confidence in his capacity.

Two years ago the subcommittee of which I am chairman held extensive hearings in executive session on this subject. Dr. Foster testified at length, as did General Wheeler, and many other people. I hope it will be possible very soon to hold a public hearing for informational

purposes. The American people are, I think, justifiably concerned about this question, what is an ABM, what would be its effect, what are its dangers, what are its purposes?

Now, you say you lean toward protection of the American people. I am sure all of us share that feeling. Back before the days of seven footers, Senator Cooper and I played college basketball in Appalachia. Then the best defense was a good offense, wasn't it, Senator Cooper. This was before the full court press. [Laughter.]

So this concept is involved here.

ELEMENTS INVOLVED IN PUBLIC PROTECTION

In protection, there are, it seems to me, three major elements involved. One is the offensive or defensive reliance which should be maximized, and which would provide the greatest defense; second the effectiveness of defense, defense against an incoming missile; and then, thirdly, protection of our own people against not only a possible enemy weapon but our own weapons.

Now, in his testimony before my committee, General Wheeler said—I will not refer to it in detail, because it was in executive session—it was within the plan to have a civilian defense, a vast shelter program providing shelters for 250 million people in conjunction with the ABM, because an interception of a ballistic missile by another ballistic missile has such timing that many of the interceptions would be over the United States causing radioactive fallout.

So there is a question not only of accidental explosion involved, against which we must try to seek to protect our people, if there is to be deployment, there is also protection against intentional explosion.

I will not go into it in great detail here. It is past 1 o'clock.

It seems to me, Mr. Secretary, if I may drive home the point, that the real security for the American people, the real protection of the American people, the genuine defense of the American people, would be to reach an agreement that neither we nor our potential enemy would have such weapons in place subject either to accidental detonation, intentional detonation or any other danger therefrom.

So you have been very helpful, and I thank you. I will not press you. Secretary LAIRD. Thank you.

The CHAIRMAN. Senator Aiken, you had to leave a moment ago for a meeting.

Senator AIKEN. Mr. Chairman, I am sorry I missed most of this hearing because I was particularly anxious to see how the new Secretary of Defense would react to sitting on the other side of the table.

IMPLEMENTING LEGISLATION TO TREATY

I assume that the Nonproliferation Treaty will be approved by the Senate but I would like to point out that although some of us, including myself have had questions regarding some provisions of the treaty and particularly statements which have been made in reference to it, that the final job of safeguarding the interests of the United States will rest with the implementing legislation which will come out of the Joint Committee on Atomic Energy. That is one reason that I felt it was important to attend the other meeting this morning. I have

been here long enough to realize that the new Secretary is very adroit in taking care of himself, and answering all questions according to his beliefs. I have no desire to participate in any endurance contest, because the committee always has the advantage over the witness.

The CHAIRMAN. He isn't worn down. He doesn't look worn down to me. He looks fresh.

Senator AIKEN. I think his experience on the other side of the table has proven to be of real value to him. So I have no questions to ask. I am sure they have all been asked. I look forward with interest to reading the answers.

The CHAIRMAN. Are there any other questions?

You both have been extremely patient and very responsive. I think it has been a good hearing.

SOVIET REACTION TO U.S. DECISIONS

I just want to say one thing, not as a question. It is prompted by a comment you made a moment ago, Mr. Secretary, that you couldn't read the Soviet mind. I can't either, but I do think that we may have a lot to do with what that mind reflects. It isn't rigid, it doesn't necessarily remain the same, and that is one of the reasons why it is so important that we make the right decision on the ABM. Our decisions have a great deal to do with how the Russians react: our decision on ABMs will have a great deal to do with what they decide to do. But one can't be certain. You seem to feel that you have to assume the worst because you are Secretary of Defense. I don't know whether that is true or not, but it is, of course, traditional.

Secretary LAIRD. I hope that isn't true, Mr. Chairman, that I give that impression. I do believe that sometimes we fail to consider in our defense planning exactly what is going on behind the Iron Curtain, and I would like to know more about what is going on behind the Iron Curtain, because in order to have a sufficiency or an adequacy or any other term you want to use, as far as our defense establishment is concerned, whichever, we need the best possible kind of information. We know they have the best information on us because we are so open in our society.

The CHAIRMAN. I agree with that, and I certainly agree with you that we ought to know all about it but I still don't think it invalidates the idea that being the richer, and I think the more sophisticated technologically, what we do has a great deal of effect upon how they react. There is an interaction here. They just don't go down a line without regard to what we do or say. I think we can have some effect. That was the only thought I wished to leave.

NATURE OF A SOVIET ATTACK

Senator GORE. I just wish to add one further thought. I know all of us have difficulty disciplining ourselves, but it just seems to me unthinkable that the Soviets would ever contemplate launching anything against the United States except an all-out attack. I don't know how we could plan on a thin system that would not be effective against an all-out attack, as Dr. Foster says. I can't imagine the Soviet Union touching us with a powder puff. If an attack ever comes it will be massive, in my opinion.

Secretary LAIRD. I think your point is well taken, and should be considered. I alluded briefly earlier today to the possibility that in the long term it could very well be that the Soviet Union and the United States would be negotiating to protect themselves against a few missiles on an ABM system.

Senator GORE. From somebody else?

Secretary LAIRD. From somebody else.

Senator GORE. Yes, I agree.

Secretary LAIRD. So I don't want to just discount that 100 percent by anything that I might say here today.

Senator GORE. Well, thank you. You have been very helpful.

The CHAIRMAN. Mr. Secretary, thank you very much. We appreciate your coming.

To complete the record, I would like to make reference to three reports which were done by the Library of Congress concerning the Nonproliferation Treaty. One was done by Charles R. Gellner and two by Ellen C. Collier of the Foreign Affairs Division. They will be filed in the appendix. (See pages 450-484.)

The committee is adjourned. We will be in executive session on Tuesday.

(Whereupon, at 1:25 p.m., the committee was adjourned.)

(Additional statements were received for the record but the committee decided not to publish them, since public hearings on the Nonproliferation Treaty were held last year.)

A P P E N D I X

[From *Science*, Jan. 10, 1969]

NEW CANAL: WHAT ABOUT BIOENVIRONMENTAL RESEARCH?

The protests of scientists concerned about U.S. plans to build a new inter-oceanic Atlantic-Pacific sea-level canal seem, like television commercials, to grow louder and longer. These scientists claim that, unless thorough, extensive scientific studies are carried out before the oceans are linked, serious and irremediable ecological consequences may occur.

Since 1906 it has been recognized that eventually another canal would have to be built, as traffic through the Panama Canal increases. Some 1400 ships now plying the seas cannot pass through the existing canal because of draft and beam limitations. It is estimated that the canal will have reached capacity around 1985, with a flow of 19,000 ships a year. About 13,000 ships now pass through the canal each year.

After the outbreak of civil violence in Panama in 1964, President Johnson asked Congress to establish a five-member Canal Study Commission to lay the groundwork for a new canal project. Members of the commission are Robert Anderson (chairman), a diplomat; Robert Storey, a lawyer; Milton S. Eisenhower, a university president; Kenneth Fields, a former Army engineer; and Raymond Hill, a civilian engineer. The commission has an appropriation of \$24 million and has been assigned a final reporting date of 1 December 1970. The commission's task is, among other things, to recommend a location for the second canal, to study the scope of the anticipated negotiations with the country involved, to recommend an excavation technique, to assess costs and means of support, and to consider a defense system for the canal. Some critics say that, with a multitude of political, diplomatic, engineering, military, and financial problems facing the commission, the scientific considerations tend to get lost.

Scientists find two proposals for the canal particularly controversial: a proposal that the channel should be at sea level, thus intermixing the two oceans, and a proposal that atomic energy be used to dig it. They argue that consideration of either of these proposals should be preceded by extensive research into the possible environmental consequences. Scientists fear, for example, that linking the two oceans might result in serious changes in certain species of marine life, which may be genetically different in the Atlantic and the Pacific. They say that interbreeding may lead to sterilization of the offspring in some species. They wonder whether existing predator-prey relationships would be upset, with certain species becoming extinct and others overabundant. They worry lest temperature and water currents might be changed, and the balance of marine life thereby affected. They are also concerned about the sociological effects of the canal upon nearby tribal populations, which might be uprooted from their homes and means of livelihood. They warn that the use of atomic explosives to dig the canal may endanger plant and marine species, contaminate the food chain, and ultimately harm man.

Some scientists note that the only large-scale Canal Commission research program now under way is a Corps of Engineers study of feasible engineering methods. Environmental research pertaining to the canal is only modestly supported and is limited in scope. The Atomic Energy Commission (AEC) and the Smithsonian Institution are conducting research programs specifically designed to yield data on the canal. The commission also has asked the National Science Foundation and the Interior Department's Bureau of Fisheries to orient their own research programs, where possible, with canal studies.

The Smithsonian ecological research is self-supported. Initiated in 1967, it was funded at \$55,000 last year and at \$73,000 this year. The program focuses primarily on the possible biological consequences of linking the oceans with a saltwater channel, which would make possible the free movement of all types of tropical ocean biota across the Isthmus. The Smithsonian's Tropical Research

Institute near Balboa, in the Canal Zone, conducts studies of existing marine life and the ocean environment. Projects vary from a comparative study of the effects of temperature changes on the metabolism of tropical fish to an investigation of behavioral discrimination in Atlantic and Pacific shallow-water sea urchins. Only early results of this research are available—results such as the discovery that certain marine species can be crossbred.

The AEC's research program is supported by the Canal Commission. Begun in 1965, the 5-year, \$3-million research project has a more narrow focus than the Smithsonian research. The AEC is responsible for making radiological studies of the safety of nuclear excavation. These AEC bioenvironmental studies are contracted to Battelle Memorial Institute, which, in turn, subcontracts to universities, firms, and individuals. Projects include a study of human, agricultural, freshwater, and saltwater ecology, the construction of predictive models on fallout distribution patterns, and analyses of the transfer of radioactivity through the food chain. The Battelle Institute's programs are still largely in the data-collecting stages. One project which is well advanced, however, is an experimental program with radioactive nuclides. The institute has found nearly 300 nuclides unsafe for biological species.

Canal Commission executive director John Sheffey recently told *Science* that Commission members are in the process of negotiating ecological research proposals with Battelle Memorial Institute, which total \$250,000. Sheffey said he has had "very strong assurance" from Commission members who plan to meet next Monday that some of Battelle's projects will be approved. Battelle has primarily proposed completing identification of marine life specimens collected by Gilbert L. Voss, professor of marine sciences at the University of Miami, to learn more about marine life populations.

ADDITIONAL RESEARCH PROPOSED

Some scientists who argue that AEC and Smithsonian ecological research programs are inadequate want the federal government to sponsor a much more comprehensive, in-depth environmental study relating to the canal, which would run the cost into the millions figure, instead of thousands. Sidney Galler, Smithsonian assistant secretary for science, feels that such research would cost between \$25 and \$50 million over a period of 15 to 25 years and would involve numerous government and private institutions. (It is estimated that the chartering, operation, and data collection for one research ship for 1 year would cost about \$2.5 million. At least two ships, one on the Atlantic and one on the Pacific side, would be needed to conduct studies over a period of years.) Ecologists recommend that a survey and extensive studies be conducted of both the deep ocean and the continental shelf. The focus, they say, should be on food-chain studies, marine life, ocean currents, fish breeding, temperature differentials, wind conditions, and transplantation possibilities. The first phase of such a research program would be the gathering of fundamental data on biological, physical, and anthropological resources in the Pacific and Caribbean. This would be followed by comprehensive testing, by predictions, and possibly by a preventive program, based on system analysis, mathematical modelings, and pilot testings. This research would be conducted during as well as before construction of the canal, and interim results would be made available for technical applications.

"With the exception of Battelle's work, there has not been a comprehensive research program with the object of ecological evaluation either proposed or supported by the Commission," Smithsonian's Galler has said. His views are largely shared by Smithsonian scientists Ira Rubinoff, assistant director of marine biology, Smithsonian Tropical Research Institute; I. E. Wallen, director of the Office of Oceanography and Limnology; and David Challinor, deputy director of international activity. The Smithsonian scientists would like to see the federal government establish a national commission of environmental assessment, which would sponsor full scientific research on the possible ecological consequences of construction of the canal and propose prophylactic action where necessary.

In an article in *Science* (30 August) Ira Rubinoff suggested the creation of a multidisciplinary environmental control commission with broad powers to assess potential alterations in the environment. He has also suggested that a scientific advisory panel consisting of oceanographers, ecologists, and marine scientists be convened to discuss the scope of feasible pre-construction experimental research. Challinor recommends training scientists to assess the research

needs. He says there is only a handful of scientists in the nation who have the expertise and the reputation to handle the canal-research data.

But the fanciful red brick towers of the Smithsonian are not the only place where comments flow. Richard Rosenblatt, an associate professor of marine biology at Scripps Oceanographic Institute, also feels that present knowledge and research are inadequate. One of his deepest concerns is a fear that the canal will place different morphological species in direct competition with each other, thereby disrupting the marine balance. Perhaps the most outspoken critic of the Canal Commission's proposal to build a sea-level channel is Lamont Cole, an ecologist at Cornell University. He objects to linking the oceans without long-term breeding experiments on what he believes may be genetically different marine populations; he warns that marine life is highly sensitive to even the most minute temperature differentials. On the question of atomic energy, Cole feels that present expertise is not sufficient to prevent dangerous radioactive isotopes from contaminating water and land and eventually upsetting the food chain. "I think this is the most irresponsible suggestion that I can remember since Admiral Byrd's senile proposal to blow ice caps off Antarctica," he says.

Ecologists will face numerous problems in their efforts to secure an intensive canal bioenvironmental research program. For one thing, an economy-minded Congress indicated last spring that it was not entirely sympathetic with the Canal Commission's financial problems. An extension of the commission's reporting date by a year and a half and an increase of \$6.5 million were granted only after considerable debate.

Another problem is that of possible conflicts of interest. The AEC, for example, is charged with promoting the peaceful uses of atomic energy, yet it is also responsible for insuring that safe radioactivity levels are maintained. Thus far there has been little interest shown by any agencies other than AEC and the Smithsonian in canal bioenvironmental research.

Not all of the problems relating to the canal are ecological. Another issue of interest to scientists is the question of the nuclear test ban treaty. If the U.S. Government decides to use atomic energy to build the canal, the present international nuclear test ban treaty, which prohibits nuclear explosions which would cause radioactivity to be present beyond a nation's territorial limits, would have to be changed. Some U.S. officials believe the U.S. could obtain Soviet consent if, in exchange, the U.S. would agree to allow the Russians to use atomic energy to build harbors in the Baltic. But this, of course, is speculation.

There are also vested political considerations involving the Canal Commission, evidenced by a comment from Canal Commission executive director Sheffey: "They [scientists] are interested in research whereas we are interested in tactical problems." While political, engineering, and legal interests are represented on the five-member Canal Commission, there is no spokesman for scientific interests per se. Sheffey admits that some government officials take the view that "research is nice to have, but not very important," and he adds, "we can't be certain of the biological implications, until after the canal is built anyway—regardless of how much research is done now." Sheffey does not view the potential environmental consequences of a canal as particularly serious. "The possibilities of any serious disruptions to nature are very remote," he says, "and the potential threat to biota is so insignificant that it doesn't merit spending a lot of money on it." Sheffey also added, "It is obvious that Wallen and other Smithsonian scientists adopt the policy of taking an alarmist view to attract attention, and they tacitly admit it."

On the other hand, scientists feel that planning for the canal provides an opportunity to collect and analyze invaluable ecological data through extensive research. "I think its sole justification should be science. . . . This is a tremendously interesting once-in-5-million-years experiment," Wallen says. A lot of ecologists also seem to feel that the planning stages for the new canal provide a class opportunity for scientists to do what they can do to see that man does not manipulate his environment on a major scale without assessing the consequences.—MARTI MUELLER.

[From BioScience, January 1969]

THE SEA-LEVEL PANAMA CANAL: POTENTIAL BIOLOGICAL CATASTROPHE

(By John C. Briggs¹)

While the possibility of a sea-level canal somewhere in the vicinity of the Isthmus of Panama has been discussed for many years, its feasibility as an engineering project has become enhanced as the result of recent experimental work with nuclear devices that can be used for excavation. It appears now that the undertaking of this project will be strongly supported as soon as the current economic crisis in the United States is over. Until recently, the only facet of the plan that had drawn the attention of many biologists was the possibility of radiation damage. However, Rubinoff (1968) finally pointed out that there would be other important biological effects and gave examples of disastrous invasions that have occurred in other places as the results of human interference.

THE NEW WORLD LAND BARRIER

The New World Land Barrier, with the Isthmus of Panama forming its narrowest part, is a complete block to the movement of tropical marine species between the Western Atlantic and Eastern Pacific. This state of affairs has existed since about the latest Pliocene or earliest Pleistocene (Simpson, 1965; Patterson and Pascual, 1963) so that, at the species level, the two faunas are well separated. It has been estimated that about 1000 distinct species of shore fishes now exist on both sides of Central America but, aside from some 16 circum-tropical species, only about 12 can be considered identical (Briggs, 1967).

This land barrier is also effective for marine invertebrates. Haig (1956, 1960) studied the crab family Porcellanidae in both the Western Atlantic and Eastern Pacific and found that only about 7% of the species were common to the two areas; de Laubenfels (1936) found a similar distribution in about 11% of the sponges he studied; and Ekman (1953), about 2.5% for the echinoderms. It seems, therefore, that only a very small proportion of the species in the major groups of marine animals are found on both sides of the Isthmus of Panama. The present Panama Canal has not notably altered this relationship since, for most of its length, it is a freshwater passage forming an effective barrier for all but a few euryhaline species.

With regard to the tropical waters on each side of the isthmus, there is no reason to suspect that each area is not supporting its optimum number of species. Studies of terrestrial biotas have indicated that most continental habitats are ecologically saturated (Elton, 1958; Pianka, 1966) and that islands demonstrate an orderly relationship between the area and species diversity (MacArthur and Wilson, 1967). Assuming the niches of the two marine areas are filled, achieving maximum species diversity, invasion by additional species could alter the faunal composition but should not permanently increase the number of species.

REGIONAL RELATIONSHIP

The tropical shelf fauna of the world may be divided into four, distinct zoogeographic regions: the Indo-West Pacific, the Eastern Pacific, the Western Atlantic, and the Eastern Atlantic. While the Indo-West Pacific undoubtedly serves as the primary evolutionary and distributional center (Briggs, 1966), the Western Atlantic Region may be said to rank second in importance. Its geographic area is larger, its habitat diversity greater, and its fauna considerably richer than for each of the remaining two regions. Since the Western Atlantic species are the products of a richer and therefore more stable ecosystem, we may expect that they would prove to be competitively superior to those species that are endemic to the Eastern Pacific or Eastern Atlantic.

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An examination of the faunal relationships between the Western Atlantic and the Eastern Atlantic does provide good circumstantial evidence that species from the former are competitively dominant. An impressive number have managed to traverse the open waters of the central Atlantic (The Mid-Atlantic Barrier) and to establish themselves on the eastern side. For example, in the shore fishes there are about 118 trans-Atlantic species but only about 24 of them have apparently come from the Indo-West Pacific via the Cape of Good Hope. The rest have probably evolved in the Western Atlantic and have successfully performed an eastward colonization journey across the ocean. None of the trans-Atlantic species belong to genera that are typically Eastern Atlantic. Recent works on West African invertebrate groups tend to show that an appreciable percentage of the species is trans-Atlantic (Briggs, 1967). It seems likely that the great majority of these species also represents successful migrations from the Western Atlantic.

EFFECT OF THE SUEZ CANAL

The Suez Canal is a sea-level passage that has been open since 1869, but its biological effects are not entirely comparable to those that would occur as the result of a sea-level Panama Canal for two reasons: first, the Suez Canal connects two areas that are separated by a temperature barrier, the Red Sea being tropical while the Mediterranean is warm-temperature; second, the Bitter Lakes which form part of the Suez passageway have a high salinity (about 45 0/00) which prevents migration by many species.

Despite the above difficulties, the limited migratory movements that have taken place through the Suez Canal do provide some significant information. At least 24 species of Red Sea fishes have invaded the Mediterranean (Ben-Tuvia, 1966), 16 species of decapode crustaceans (Holthuis and Gottlieb, 1958), and several members of other groups such as the tunicates (Pérès, 1958), mollusks (Engel and van Eeken, 1962), and stomatopod crustaceans (Ingle, 1963). So there is ample evidence of intrusions into the eastern Mediterranean, but there are no reliable data that indicate any successful reciprocal migration. Furthermore, there are some indications that the invaders from the Red Sea (a part of the vast Indo-West Pacific Region) are replacing rather than coexisting with certain native species. George (1966) observed that, along the Lebanese coast, the immigrant fishes *Sphyaena chrysotaenia*, *Upeneus moluccensis*, and *Siganus rivulatus* may be replacing, respectively, the endemic *Sphyaena sphyaena*, *Mullus barbatus*, and *Sarpa salpa*.

AN ANCIENT EVENT

It is now well established that in the past one or more seaways extended across Central America or northern South America for a considerable period of time, probably throughout the greater part of the Tertiary. While these oceanic connections assured the initial development of an essentially common marine fauna in the New World tropics, they operated as an important barrier for terrestrial animals. Later, perhaps about three million years ago, tectonic forces gradually produced an uplift that re-established the land connection between the two continents.

The effects of the new intercontinental connection must have been rapid and dramatic. The fossil record of this event is fragmentary but considerably better for the mammals than for the other terrestrial groups. Simpson (1965) presented an interesting and well-documented history of the Latin American mammal fauna. His findings relevant to the re-establishment of the Isthmus may be summarized as follows: (a) the full surge of intermigration took place in Pleistocene times with representatives of 15 families of North American mammals spreading into South America and seven families spreading in the reverse direction; (b) the immediate effect was to produce in both continents, but particularly in South America, a greatly enriched fauna; (c) the main migrants to the south were deer, camels, peccaries, tapirs, horses, mastodons, cats, weasels, racoons, bears, dogs, mice, squirrels, rabbits, and shrews; (d) in South America, the effect was catastrophic and resulted in the extinction of the unique notoungulates, litopterns, and marsupial carnivores; the native rodents and edentates were greatly reduced; and (e) now, South America has returned to about the same basic richness of fauna as before the invasion.

Comparatively, the invasion of Central and North America by South American mammals was not nearly so successful. The three migrants that have managed to survive north of Mexico—an opossum, an armadillo, and a porcupine—apparently occupy unique niches. Simpson (1965) noted that when ecological vicars met, one or the other generally become extinct. The dominant species that invaded South America were the evolutionary products of the "World Continent" including both North America and the Old World (the Siberian Land Bridge was frequently available).

CUTTING THE ISTHMUS BARRIER

How effectively would a sea-level ship canal breach the New World Land Barrier? The engineering problems have been worked out using scale models. Although the mean sea-level is 0.77 feet higher on the Pacific side, it would have little effect compared to the effect of the difference in tidal amplitude. The tidal range on the Pacific side is often as great as 20 feet while it is usually less than a foot on the opposite side. For an open canal, it has been calculated that the tidal currents would attain a velocity of up to 4.5 knots and would change direction every 6 hours (Meyers and Schultz, 1949). Tide locks would probably be employed to regulate the currents but it seems apparent that the vast amount of fluctuation and mixing would provide ample opportunity for most of the marine animals (as adults or as young stages) to migrate in either direction.

NUMBER OF AFFECTED SPECIES

Data on the number of marine invertebrate species that inhabit the major parts of the New World tropics are not available. The total fauna is so rich and so many groups are so poorly known that it almost defies analysis. Voss and Voss (1955) reported 133 species of macro-invertebrates from the shallow waters of Soldier's Key, a little island (100 by 200 yards) in Biscayne Bay, Florida. The tiny metazoans comprising the meiofauna of the sediments were not sampled. Work in other areas has shown that the numbers of individuals per square meter in the meiofauna are about 100 times that of the macrofauna (Sanders, 1960). Although a complete tally of species has apparently never been made, there are indications from partial identifications (Wieser, 1960) that the number of species in the meiofauna is at least four or five times greater. For Soldier's Key, if we assume that the meiofauna is only four times richer in species, we would have a total of 665 benthic invertebrates.

Ichthyologists who have collected among the Florida Keys would probably agree that the shallow waters of Soldier's Key could be expected to yield close to 50 species of fishes. This provides an admittedly rough but useful ratio of 1:13 between the numbers of fish and invertebrate species for a small tropical locality. Although the fish fauna of the western Caribbean is not yet well known, the number of shore species can be approximated at about 600; this is probably a low estimate since we know that more than 600 exist in Florida waters (Briggs, 1958). Using the 1:13 ratio, the number of marine invertebrate species for the western Caribbean can be estimated at about 7800. Adding the fish species gives a total of about 8400 marine animal species.

The tropical Eastern Pacific possesses a less diversified fauna than the Western Atlantic. The Gulf of Panama and its adjacent waters is probably inhabited by a shore fish fauna of some 400 species. Using the 1:13 ratio gives an estimate of about 5200 species for the invertebrates and a total of about 5600 marine animal species. The great majority of tropical, shallow-water animals are very prolific and possess highly effective means of dispersal. It has been estimated that 80-85% of all tropical, benthic invertebrate species possess planktotrophic pelagic larvae (Thorson, 1966). Since the fishes are relatively mobile, it seems apparent that the great majority of the animal species under discussion would be capable of eventually migrating through a saltwater canal.

Assuming that 80% of the species on each side of the isthmus would succeed in moving through the canal, 6720 species would migrate westward and 4480 eastward. However, since we are dealing with only rough approximations, it would be more appropriate to simply estimate that we would probably witness the invasion of the Eastern Pacific by more than 6000 species and the invasion of the Western Atlantic by more than 4000 species.

PREDICTION

A logical prediction can be made most easily if the pertinent information given above is summarized as follows:

1. The great majority of the species on either side of the Isthmus are distinct, at the species level, from those of the opposite side.

2. The habitats on each side of the Isthmus are probably ecologically saturated so that maximum species diversity has been achieved.

3. The Western Atlantic Region includes a much larger area, exhibits more habitat diversity, and possesses a richer fauna than the Eastern Pacific or Eastern Atlantic Regions.

4. Western Atlantic species are apparently competitively dominant to those of the Eastern Atlantic—a smaller region but comparable in size and habitat diversity to the Eastern Pacific.

5. At least some of the dominant species that have invaded the Mediterranean via the Suez Canal seem to be replacing the native species.

6. When the land bridge to South America was re-established, the invasion of North American mammals enriched the total fauna. However, this effect was temporary since so many native South American mammals became extinct that the number of species soon returned to about its original level.

7. A sea-level canal would provide ample opportunity for marine animals to migrate in either direction. This would probably result in the Eastern Pacific being invaded by over 6000 species and the Western Atlantic being invaded by over 4000 species.

For the tropical Eastern Pacific, it is predicted that its fauna would be temporarily enriched but that the resulting competition would soon bring about a widespread extinction among the native species. The elimination of species would continue until the total number in the area returned to about its original level. *The fact that a large scale extinction would take place seems inescapable.* It would be difficult, and perhaps irrelevant, to attempt a close estimate of the number of Eastern Pacific species that would be lost. The irrevocable extinction of as few as 1000 species is about as appalling as the prospect of losing 5000 or more.

There is little doubt that the tropical Western Atlantic fauna would suffer far less. With the exception of a few species that may be ecologically distinct, the level of competition would probably be such that the invaders would not be able to establish permanent colonies. Some dominant, Indo-West Pacific species have been able to cross the East Pacific Barrier and establish themselves in the Eastern Pacific (Briggs, 1961). It is likely that a few of these forms would eventually find their way through a sea-level canal. In such cases, **the equivalent Western Atlantic species would probably be eliminated.**

Man has undertaken major engineering projects for most of his civilized history and the construction of such necessary facilities as canals, dams, and harbors will continue and expand as the human population grows larger. In this case, however, man would remove a major zoogeographic barrier that has stood for about three million years. The disturbance to the local environment would not be nearly as important as the migration into the Eastern Pacific of a multitude of species that would evidently be superior competitors. So, instead of having only local populations affected, the very existence of a large number of wide-ranging species is threatened. This poses a conservation problem of an entirely new order of magnitude.

Rubinoff (1968) assumed that sea-level canal would be constructed and looked upon its advent as an opportunity to conduct the **greatest biological** experiment in man's history. As I have stated elsewhere (Briggs, 1968), this approach is unfortunate for it tends to divert attention from a vital conservation issue. The important question is: Should the sea-level canal project be undertaken at all? What is the value of a unique species—of thousands of unique species? Currently, many countries are expending considerable effort and funds in order to save a relatively few endangered species. The public should be aware that international negotiations now being carried on from a purely economic viewpoint are likely to have such serious biological consequences. Does our generation have a responsibility to posterity in this matter?

A biological catastrophe of this scope is bound to have international repercussions. The tropical waters of the Eastern Pacific extend from the Gulf of Guayaquil to the Gulf of California. Included are the coasts of Ecuador, Colom-

bia, Panama, Costa Rica, Nicaragua, Honduras, El Salvador, Guatemala, and Mexico. While the prospect of such an enormous loss of unique species is something that the entire world should be aware of, these countries are the ones that will be directly affected since their shore faunas will probably be radically changed.

ALTERNATIVE

Assuming that a better canal would provide economic benefits, I suggest either an improvement of the existing structure or the construction of a new overland canal that would still contain freshwater for most of its route. There seems to be no reason why we cannot have a canal that could accommodate ships of any size yet still maintain the freshwater barrier that is so important. One could conceive of other alternatives such as a sea-level canal provided with some means of killing the migrating animals—possibly by heating the water or adding lethal chemicals. However, such expedients would be both risky and distasteful.

THE CONFERENCE OF NON-NUCLEAR-WEAPON STATES, 1968: A SURVEY OF VIEWS AND PROPOSALS

(By Charles R. Gellner, Senior Specialist in International Relations, Foreign Affairs Division, January 22, 1968)

INTRODUCTION

Under the auspices of the United Nations General Assembly the Conference on Non-Nuclear-Weapon States was held in Geneva from August 29 to September 28, 1968, with 92 non-nuclear states in attendance. The nuclear-weapon powers were also invited to attend with full rights of participation but without the right to vote. The United States, the Soviet Union, Great Britain and France accepted the invitation. Communist China did not. The International Atomic Energy Agency (IAEA), the International Labour Organization (ILO) and the World Meteorological Organization (WMO) were represented by observers.

The agenda centered around such subjects as the security of non-nuclear-weapon states, nuclear-free zones, measures to prevent the proliferation of nuclear weapons and for nuclear disarmament, means of promoting peaceful uses of nuclear energy among non-nuclear states, nuclear explosions for peaceful uses and the application of their benefits to non-nuclear states.¹

During the conference the representatives of the attending nations expressed a wide range of attitudes on these subjects. The variety of views demonstrated that any concept of a highly coherent, cohesive bloc of "non-nuclear states" opposing the "nuclear-weapon states" was not founded in reality. While the record clearly shows that non-nuclear governments were aware of certain basic common interests and general aspirations in regard to such matters as security and the question of profiting from the benefits of peaceful nuclear technology, there was only limited coincidence of view among them on how to attain these ends. Many of the non-nuclear states, although they advocated measures designed to promote or protest their interests as they conceived them, differed from each other in regard to the extent to which they should depart from existing arrangements and institutions or to deviate from what were known to be the positions of the nuclear-weapon states in order to achieve their interests.

Certain differences in viewpoint were identified with specific states or groups of states. For instance, there was a divergence between Pakistan and India, and this tended to divide the other Asian-African nations, who were already variously divided for other reasons. The Western European countries were not united, mostly because the Federal Republic of Germany and Italy went off on individualistic courses. The Federal Republic was intent on making a strong impact because it looked upon its attendance as its first opportunity since the end of the war to play a role in a world-wide political conference.

In contrast to these divisions the Communist states stuck together and the Latin American countries, often led by Brazil, generally operated together and registered a marked influence on the outcome. Behind the scenes the nuclear-weapon states worked to attain results that were not inimical to their interests. An indication of the attitude of the nuclear-weapon states toward the Conference is that they did not speak in any of its meetings although they had the right to do so.

The many attitudes and approaches to the agenda subjects were brought partly into focus in the specific resolutions that were proposed by the participants. During the course of the Conference a shaking down process occurred in which many of the more drastic, less realizable, and less practical proposals were winnowed out or toned down. This occurred in two ways—by negotiations and by voting. In many cases countries that sponsored resolutions in the same subject field decided to consolidate them and in the process the more extreme ideas were

¹ See Appendix A for statement of pertinent items of the agenda.

lopped off. Votes on resolutions were taken in committee and in general session and a number were lost this way. Resolution finally approved tended to be in the nature of common denominators or of compromises of varying points of view.

The purpose of the analysis which follows is to summarize the main views and ideas that were put forward in the conference discussions. In some cases proposals or expressions of viewpoint are tagged with names of specific countries or there is an indication of the amount of support a proposal or suggestion received. But the main stress is on the ideas themselves rather than on the identity of their proposers or on the strength of their support.

SECURITY: GUARANTEES TO NON-NUCLEAR-WEAPON COUNTRIES

The agenda item on methods of assuring the security of the non-nuclear-weapon states was discussed at length by the attending delegations. A great many speakers declared that under present international conditions the security position of the non-nuclear powers was not satisfactory. A number of such powers, in what were evidently allusions to the Soviet intervention in Czechoslovakia, stressed the dangers of intervention or domination by nuclear weapon states. Many of the non-nuclear states asserted that the Treaty on the Non-Proliferation of Nuclear Weapons (NPT), because it would impose on them a renunciation of nuclear weapons, entailed a sacrifice as far as their security was concerned. It was a sacrifice, many said, which under the terms of the Treaty was not balanced by the concessions made or obligations undertaken by the nuclear-weapon states.

Many of the non-nuclear-weapon states also made it clear that they did not believe that the resolution approved by the United Nations Security Council on June 19, 1968, and the Declarations of the United States, United Kingdom, and the U.S.S.R. associated with it,² were adequate guarantees of the security of the non-nuclear states. Under the terms of the security council resolution and the declarations the three nuclear-weapon states which sponsored the NPT pledged to seek immediate Security Council action to assist a non-nuclear signatory of the Treaty that was a victim of aggression or the threat of aggression with nuclear weapons.

Although a number of non-nuclear countries conceded that the resolution and declarations were useful as far as they went, they contended that they did not go far enough. Criticisms included the charge that the resolution and declarations were only statements of intent and did not involve a sufficiently strong commitment. It was argued also that the resolution was tied to the concept of "aggression," a term which had not been internationally defined, and that it would have been better if protective action were related directly to use or threat of use of nuclear weapons as distinct from aggression. The contention was also made that the procedures of the Security Council were unreliable and could be reduced to inaction because of the veto. Although the resolution and declarations affirmed the right of individual or collective self-defense under Article 51 of the United Nations Charter, some nations declared that collective defense was not a dependable recourse unless a country was in the North Atlantic Treaty Organization or some other military alliance. The opinion was also voiced that if Article 51 came into play after a nuclear attack, it would be meaningless for many non-nuclear countries.

In contrast to these sentiments, some countries expressed the belief that the Security Council resolution and the declarations made by the sponsoring nuclear-weapon states were the best security assurances that could be expected or achieved under present circumstances. It was also contended that the NPT served the security interests of the non-nuclear countries by assuring them that other non-nuclear states would not acquire nuclear weapons. Many of the attending countries did not accept these explanations as satisfactory and sought during the course of the negotiations to arrive at some better security formula. A variety of proposals was advanced. While they usually coincided in certain basic aims, there were significant differences partly explainable by the fact that security conditions often differed for individual countries. The hard reality was that no security assurance could be stronger than what the nuclear-weapon states were prepared to accept.

² See Appendix B for texts of Security Council Resolution 255 (1968) and of the U.S. Declaration.

Many of the non-nuclear-weapon countries thought that security guarantees should go beyond the expressions of intent made by the three nuclear-weapon states and should be embodied in formal legal commitments. Some of the non-nuclear countries said that they were justified in expecting such commitments. The kinds of legal commitments the non-nuclear governments suggested varied in regard to their coverage and their form. Many proposals would not have restricted security measures solely to those countries which adhered to the NPT, as was stipulated in Security Council Resolution 255. Security assurances, according to these various proposals, should be extended either to all non-nuclear-weapon states or to those non-nuclear-weapon states which had renounced the acquisition of nuclear weapons in any form, although some proposals provided that those in the latter category which permitted nuclear weapons on their territory should not be the beneficiaries of a security guarantee.

The form of the security guarantees suggested by the non-nuclear states was either "positive," "negative," or both. A "negative" guarantee implied a pledge or a treaty committing nuclear-weapon states not to use nuclear weapons against non-nuclear countries and, in some proposals, also against each other. A large number of countries at the conference made proposals for a "non-use" guarantee. Pakistan, for instance, introduced a resolution urging that the nuclear-weapon states undertake to refrain from the use or threat of use of nuclear weapons against any non-nuclear-weapon state which had renounced the manufacture or acquisition otherwise of nuclear weapons (not necessarily through the NPT). In another noteworthy proposal, discussed in more detail below, the Federal Republic of Germany called on the conference to reaffirm the basic principle in international law of the non-use and non-threat of force by either nuclear or non-nuclear weapons.

Some states made the point that a realistic distinction could not be made between aggression with nuclear weapons and aggression with conventional weapons. The nuclear-weapon states should not, it was contended, use conventional weapons under cover of a nuclear threat. In this connection, it was pointed out that the nuclear-weapon states were also the principal conventional weapon powers.

In contrast with those numerous countries which proposed a prohibition of the use of nuclear weapons, Canada contended that such a prohibition would not be an effective security guarantee. The Canadian representative declared that the commitment of the nuclear-weapon states under Security Council Resolution 255 was "tantamount to a promise that the nuclear power would not itself use its nuclear weapons, or threaten to use them, against non-nuclear-weapon states parties to the Treaty." The Canadian argued that this was probably a better guarantee than a treaty or convention. The legal form did not matter and under the present circumstances no more credible assurances could be offered. A convention, he asserted, would give no more assurance that nuclear weapons would not be used than the existing recognition that their use would mean immeasurable destruction.

The "positive" security guarantee proposed by various non-nuclear-weapon states would have involved a commitment on the part of the nuclear-weapon powers to defend or assist non-nuclear countries if they should become the victims of attack or threat of attack. A large group of Latin American countries recommended that the U.N. General Assembly at its twenty-third (1968) session convene a conference with the participation of practically all nuclear and non-nuclear states for the purpose of concluding a "multilateral instrument" whereby the nuclear-weapon states would "undertake to adopt the appropriate measures to assure the security of all non-nuclear-weapon States." More concrete than this vague proposal was the Pakistani proposal recommending that the three nuclear powers who pledged immediate Security Council action to defend the signatories of the NPT extend their pledge to include *all* non-nuclear-weapon states which renounced nuclear weapons, and in addition recommending to the nuclear-weapon states that they effectively respond, jointly or severally, to a request for immediate assistance, in exercise of the inherent right of individual and collective self-defense, by a state which had renounced the manufacture or acquisition otherwise of nuclear weapons if a nuclear attack or threat occurred against that state, until the Security Council had taken the steps necessary to maintain international peace and security. Pakistan portrayed this proposal as a measure to strengthen the United Nations and not just to parallel it.

Several African states put in a resolution looking toward the conclusion in the near future of a protocol to the NPT or a separate convention through which the nuclear-weapon states would undertake not to attack non-nuclear-weapon states or one another and that states party to the convention would undertake to

come to the aid of any state, nuclear or non-nuclear, attacked by nuclear or conventional weapons.

The Pakistani and African proposals would have involved defense commitments outside the mechanism of the U.N. Security Council as well as beyond the unilateral pledge of the United States of March 7, 1968, and the U.N. Security Council resolution of June 19, 1968. They would have entailed commitments which the United States opposed, evidently in part on the grounds that they would not have been acceptable to the U.S. Senate.

The generally worded Latin American proposal was adopted in committee by a vote of 40 to 17 with 25 abstentions. Following this Pakistan and the African states did not press their resolutions to a vote on the understanding that they would be transmitted to the U.N. Secretary General in accordance with paragraph 2 of the Latin American resolution and would be working documents for the conference to be convened under that resolution. But the Latin American proposal failed by one vote to receive the required two-thirds majority in the plenary session. Consequently, the Conference did not go on record as recommending any kind of formal defense commitment on the part of the nuclear-weapon states. It did, however, give final approval to certain security principles embodied in a resolution formulated by the Federal Republic of Germany.

When the Foreign Minister of West Germany discussed the security situation of the non-nuclear-weapon countries, he asserted with an apparent allusion to the Soviet intervention in Czechoslovakia that it was obviously not enough merely to bar nuclear aggression in order to safeguard the security of the non-nuclear states and to fulfill their legitimate desire to develop in dignity and independence. "There is no doubt," he said, "that a nuclear state can endanger the security and independence of a non-nuclear state by using conventional weapons; there would not even be any need to threaten to employ its nuclear potential." He concluded, therefore, that states should mutually undertake not to use any force and that the only legitimate exception to this undertaking would be the right to individual and collective self-defense acknowledged in Article 51 of the United Nations Charter. "We shall try to achieve," he declared, "a prohibition of any aggression with nuclear, biological, chemical, and conventional weapons, as well as of the direct or indirect threat of such an aggression, as a breach of the generally valid principle of non-violence that is also laid down in the principles of Article 2 of the United Nations Charter."

The resolution eventually introduced by the Federal Republic confined itself to reaffirming three major principles of international law: (a) the principle, indivisible in its application of the non-use of force and the prohibition of the threat of force in relations between states by employing nuclear or non-nuclear weapons, and the belief that all states had an equal and inalienable right to enjoy the protection of this principle, recognized (but not established) by Article 2 of the United Nations Charter; (b) the right of every state to equality, sovereignty, territorial integrity, non-intervention in internal affairs and self-determination; and (c) the inherent right, recognized (but not established) by Article 51 of the U.N. Charter, of individual and collective self-defense which, apart from measures taken or authorized by the U.N. Security Council, was the only legitimate exception to the overriding principle of the non-use of force in relations between states. This was the only resolution approved by the conference relating to the agenda item on the security of non-nuclear-weapon states.

The substance of this resolution, a reaffirmation of basic security principles, indicated a judgment on the part of those who voted to support it in preference to other resolutions that in the present state of international relations it was impractical to obtain a security guarantee from the nuclear-weapon states stronger than their pledges of security assurance and the Security Council resolution of June 19. Therefore, the only thing to do was to reaffirm basic international legal principles.

SECURITY: NUCLEAR DISARMAMENT

Although the conference did not arrive at an official conclusion on a practical formula to guarantee the security of the non-nuclear states, there was virtual unanimity that an important route to world security was further progress by the nuclear-weapon powers toward nuclear disarmament. It was repeatedly asserted that the nuclear-weapon states must carry out their obligations for disarmament under article 6 of the NPT⁵ in order to balance the concessions

⁵ Article 6 reads as follows: "Each of the Parties to the Treaty undertakes to pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament, and on a treaty on general and complete disarmament under strict and effective international control."

made by the non-nuclear-weapon countries. Some said that only nuclear disarmament would remove the fear of nuclear aggression and that the NPT would have only limited usefulness until more nuclear disarmament was achieved. Many countries suggested specific nuclear disarmament measures that the nuclear-weapon powers should undertake. A typical listing of these was contained in a resolution sponsored by a large group of Latin American and Asian countries and approved by the conference in plenary session. It recommended that the Eighteen Nation Committee on Disarmament should begin by March 1969 negotiations for: (1) the prevention of the further development and improvement of nuclear weapons and their delivery vehicles; (2) the conclusion of a comprehensive test ban treaty as a matter of high priority; (3) the immediate cessation of the production of fissile materials for weapons purposes and the stoppage of the manufacture of nuclear weapons; and (4) the reduction and subsequent elimination of all stockpiles of nuclear weapons and their delivery systems.

Still another resolution submitted by Pakistan and approved by the conference urged the U.S. and the U.S.S.R. to enter at an early date into bilateral discussion on the limitation of offensive and defensive strategic nuclear weapons delivery systems.

Another form of nuclear disarmament that received the approval of a great many countries attending the conference was denuclearized zones. Many of the speakers, especially those from Latin American states, praised the Treaty for the Denuclearization of Latin America (Treaty of Tlatelolco) which had been signed in 1967. This treaty was often cited in the conference as a model which might be followed by other major regions of the world. Some countries argued that a succession of treaties creating denuclearized zones could constitute a method of approaching world nuclear disarmament. Canada contended that treaties on denuclearized zones could provide one of the most practical means of assuring non-nuclear states against nuclear attack. In explanation the Canadian representative alluded to a protocol which had been attached to the Latin American treaty wherein nuclear-weapon powers would pledge not to use nuclear weapons against the signatories of the treaty.

A large group of Latin American countries submitted a resolution which urged all non-nuclear-weapon countries to pursue studies of the possibility of establishing by treaty the military denuclearization of their respective zones and urging the nuclear-weapon powers which had not done so to sign the protocol attached to the Treaty for the Denuclearization of Latin America in which non-signatories of that treaty promised not to use nuclear weapons against the signatories. Only the United States and the United Kingdom have thus far signed the protocol.

The Latin American resolution was approved by the conference.

INTERNATIONAL SAFEGUARDS

Another major subject of discussion was the question of applying international safeguards to fissionable material in order to prevent its diversion from peaceful to military purposes. Article 3 of the NPT provided that all non-nuclear-weapon parties should accept safeguards on fissionable material under their jurisdiction or control in accordance with an agreement negotiated with the International Atomic Energy Agency (IAEA).⁴

⁴The text of Article 3 is as follows:

"1. Each non-nuclear-weapon State Party to the Treaty undertakes to accept safeguards, as set forth in an agreement to be negotiated and concluded with the International Atomic Energy Agency in accordance with the Statute of the International Atomic Energy Agency and the Agency's safeguards system, for the exclusive purpose of verification of the fulfillment of its obligations assumed under this Treaty with a view to preventing diversion of nuclear energy from peaceful uses to nuclear weapons or other nuclear explosive devices. Procedures for the safeguards required by this article shall be followed with respect to source or special fissionable material whether it is being produced, processed or used in any principal nuclear facility or is outside any such facility. The safeguards required by this article shall be applied on all source or special fissionable material in all peaceful nuclear activities within the territory of such State, under its jurisdiction, or carried out under its control anywhere.

2. Each State Party to the Treaty undertakes not to provide: (a) source or special fissionable material, or (b) equipment or material especially designed or prepared for the processing, use or production of special fissionable material, to any non-nuclear-weapon State for peaceful purposes, unless the source or special fissionable material shall be subject to the safeguards required by this article.

3. The safeguards required by this article shall be implemented in a manner designed to comply with article IV of this Treaty, and to avoid hampering the economic or technological

There was practically unanimous agreement in the conference that there should be safeguards on fissionable materials intended for peaceful nuclear operations, but the views of the participants varied in regard to such matters as the countries that should be subject to safeguards and the scope of the safeguards inspection system.

Some countries asserted that the Conference of Non-Nuclear-Weapon States was not an appropriate forum for making detailed recommendations on safeguards and that the problems relating thereto should be dealt with by the IAEA. Nevertheless, many countries made suggestions for what they considered to be improvements in the international safeguards system. These suggestions centered largely around methods of reducing or eliminating dangers of "industrial espionage." Many countries feared that discrimination in the application of safeguards and the activities of foreign inspectors assigned under an international system to scrutinize national nuclear facilities might result in a competitive advantage for some countries in peaceful nuclear development and commerce.

Several proposals were made repeatedly at the conference. One was that in order to achieve equality of treatment under the international inspection system, all nuclear-weapon states should be subject to international safeguards.⁴ Other proposals were aimed at simplifying the system of safeguards so as to minimize its intrusive character. One of these suggested by several representatives was that safeguards should be applied only to highly enriched uranium and plutonium. The reason advanced was that only these materials were suitable for weapons purposes. By restricting inspection to these fissionable materials, it was contended that the number of inspection personnel would be reduced, costs would be lowered and the amount of intrusion into national facilities would be lessened, thus limiting possibilities of industrial espionage. The representative of the IAEA at the conference asserted however that restricting safeguards to highly enriched uranium and plutonium would make it possible for natural uranium to be diverted from proper use, because in order to determine with confidence the amount of plutonium a reactor was producing it was necessary to establish how much uranium was going into it.

Another proposal that received considerable support was that the flow of fissionable materials should be safeguarded by instruments at certain strategic points in the nuclear fuel cycle,⁵ thus limiting the requirements for inspection personnel. The West German delegation, particularly, stressed the potentialities of this inspection principle and declared that the research for the technical implementation of it was already well under way at the Nuclear Research Center in Karlsruhe. These instrumented techniques, it was contended, would reduce costs and the danger of industrial spying. The IAEA representative told the conference that his agency promoted research with the aim of increasing the use of instruments and improving technical methods of inspection in order to achieve economy and minimum intrusion but that the attainment of instrumented supervision would entail a vast development effort. None of the elements of the existing safeguard system could at present be dispensed with, he declared.

A resolution making recommendations on the above subjects was sponsored by a group of Latin American states, Spain and Switzerland. A provision in the resolution that safeguards should be confined only to highly enriched uranium

development of the Parties or international cooperation in the field of peaceful nuclear activities, including the international exchange of nuclear material and equipment for the processing, use or production of nuclear material for peaceful purposes in accordance with the provisions of this article and the principle of safeguarding set forth in the Preamble of the Treaty.

4. Non-nuclear-weapon States Party to the Treaty shall conclude agreements with the International Atomic Energy Agency to meet the requirements of this article, either individually or together with other States in accordance with the Statute of the International Atomic Energy Agency. Negotiation of such agreements shall commence within 180 days from the original entry into force of this Treaty. For States depositing their instruments of ratification or accession after the 180-day period, negotiation of such agreements shall commence not later than the date of such deposit. Such agreements shall enter into force not later than eighteen months after the date of initiation of negotiations."

⁵ According to Article 3 of the NPT only the non-nuclear-weapon states were obligated to conclude safeguards agreements with the IAEA. However, the United States and the United Kingdom declared that they would voluntarily accept IAEA safeguards on their peaceful nuclear facilities.

⁶ A clause on this subject had been included in the preamble of the NPT. It read: "Expressing their support for research, development and other efforts to further the application, within the framework of the International Atomic Energy Agency safeguards system, of the principle of safeguarding effectively the flow of source and special fissionable materials by use of instruments and other techniques at certain strategic points, * * *"

and plutonium was eliminated by the conference. But it approved clauses urging the nuclear-weapon powers to conclude safeguard agreements with the IAEA and recommending to the IAEA that, in the process of improving and simplifying the safeguards system, it consider " * * * the use of instruments and other technical devices at certain strategic points of the flow of nuclear materials, with a view to restricting the safeguarding operations to the necessary minimum."

While the above resolution sought to include the nuclear-weapon states among those concluding safeguard agreements, another resolution proposed that the IAEA system of safeguards be extended to all peaceful nuclear facilities in all non-nuclear-weapon countries. This proposal by Pakistan was intended as an effective step toward the non-proliferation of nuclear weapons and was to be accomplished by an agreement negotiated independently of the NPT. The conference approved the resolution.

Many countries at the conference expressed dissatisfaction with the Board of Governors of the IAEA, charging that it was unrepresentative and did not give an adequate voice to less advanced countries.⁷ In an effort to allow balanced representation in regard to the administration of safeguards Spain and Switzerland proposed a resolution which sought to create another governing body for safeguards in the IAEA which was intended to give an adequate voice to all inspected countries. The resolution recommended the establishment within the IAEA of a "special committee on safeguards" to which member countries possessing nuclear facilities or supplying nuclear materials should belong if they so wished, to be responsible for setting up and of modifying, if necessary, the Agency's system of safeguards as well as for supervising agreements concluded with the Agency. This body would have bypassed the Board of Governors but was defended by the sponsors of the resolution on the grounds that it was difficult to amend the IAEA statute. Others opposed bypassing the Board of Governors in this manner and as the resolution was eventually approved by the conference it was a compromise. It recommended the establishment within the IAEA "and under its Board of Governors, of institutional machinery on safeguards of which both countries supplying nuclear materials, as well as member countries whether possessing nuclear facilities or not, shall form part." This language while it indicated a desire for broader representation of countries in regard to administration of safeguards, at least formally preserved the authority of the Board of Governors.

PEACEFUL USES OF NUCLEAR ENERGY

Methods of cooperation for the peaceful uses of nuclear energy was a subject of intense interest to many of the non-nuclear states, especially the developing countries, because they believed that nuclear energy could assist their technological and economic progress. The inclusion of provisions for international cooperation in peaceful nuclear matters in Article IV of the NPT provided evidence of the connection which many countries saw between the military and peaceful development of atomic energy and also of the unequal status of the nuclear-weapon and non-nuclear-weapon states. Many of the latter pointed to what they alleged were the vast disparities between them and the nuclear-weapon states in regard to nuclear technology. Some of them insisted that the advantages the nuclear-weapon states possessed in regard to peaceful nuclear technology were a direct by-product or "spin-off" from their development of atomic weapons. From this premise some argued that their surrender of a right to nuclear weapons under the NPT would handicap them in their peaceful nuclear development, and because of this sacrifice the nuclear weapon states were under an obligation to assist them in their peaceful nuclear programs. Others did not specifically claim a "right" to aid from the nuclear-weapon countries but did stress their right to access to what was necessary for peaceful activity or at least a right to benefit from peaceful uses of the atom.

Canada, while it supported programs of aid to the non-nuclear states, declared that it had not found its peaceful atomic progress impeded by the lack of a nuclear weapons program. Furthermore the Canadian representative cautioned that the non-nuclear states should realistically assess the demands which they

⁷ According to the Constitution of the IAEA the Board of Governors of about 25 members is chosen by a formula to give specified numerical representation to advanced technological countries, producers of source materials and geographic areas. Critics contended that the formula resulted in overweighting the Board with technologically advanced countries.

made upon the nuclear countries. Some non-nuclear states, he said, expected more than a reasonable compensation.

The resolutions approved by the conference reflected a range of attitudes of the non-nuclear-weapon states regarding international action that should be taken in support of peaceful atomic development. They were addressed to the U.N. General Assembly, the U.N. Secretary General, to the IAEA, to the International Bank for Reconstruction and Development, and to the nuclear-weapon states. They called for a wide variety of forms of assistance for peaceful nuclear programs, including the furnishing of information on civil nuclear technology, the provision of funds for nuclear development, access to nuclear materials, and realization of the benefits of nuclear explosions.

One resolution, sponsored by a large group of Latin American countries, simply requested the Secretary General of the United Nations to appoint a group of experts "to prepare a full report on all possible contributions of nuclear technology to the economic and scientific advancement of the developing countries" and to transmit it in time to be considered by the 24th regular session (1969) of the U.N. General Assembly.

Another resolution—one of the most comprehensive approved by the conference—was submitted by a group of six small European countries plus Japan. It called for the IAEA to use its utmost efforts to disseminate public information on peaceful uses of nuclear energy and to study appropriate international arrangements to facilitate the exchange of nuclear information possessing commercial and industrial value. It also invited the nuclear states to declassify scientific and technical information for the peaceful development of nuclear energy "as soon as there is no longer any reason for its classification on national security grounds." This latter clause replaced an earlier and more pointed Swiss proposal that the nuclear-weapon powers undertake to give effective access to nuclear technology including that previously kept secret, particularly relating to uranium enrichment. In fact, a number of representatives at the conference insisted that neither information on nuclear technology nor that on nuclear equipment should be denied the non-nuclear states for reasons of national security or because it was classified.

The resolution also urged that the nuclear-weapon states facilitate to the fullest extent possible the availability of fissionable materials for peaceful programs to those states accepting safeguards according to the NPT and recommended that the IAEA study the most effective means of ensuring access to special fissionable materials on a commercial basis. The resolution also had relatively mild clauses on the subjects of funds for nuclear technical assistance, peaceful nuclear explosions and the composition of the Board of Governors of the IAEA. More specific recommendations on these points were made in other resolutions approved by the conference, which are noted below.

As previously mentioned, this resolution expressed concern for making special fissionable materials available to non-nuclear-weapon states. Another resolution sponsored by Latin American states and approved by the conference included a much more specific recommendation for this purpose. It requested the IAEA to consider establishment of a "Fund of Special Fissionable Materials" to which the nuclear-weapon states would undertake to supply materials "at reasonable prices and in adequate quantities" for the benefit of non-nuclear-weapon states.

Many of the non-nuclear states asserted that their financial resources were inadequate to support programs of peaceful nuclear research and development and that some form of external aid would be necessary. Two significant resolutions approved by the conference called for international means of financing nuclear development programs in non-nuclear-weapon countries. One sponsored by a large group of Latin American countries recommended that the U.N. General Assembly consider the establishment within the framework of the U.N. Development Program of a "Nuclear Technology Research and Development Program" for the benefit of the developing countries and that the International Bank for Reconstruction and Development consider the establishment of a "Program for the Use of Nuclear Energy in Economic Development Projects" which could extend financing to developing countries in favorable terms. The nuclear-weapon states were invited to assume the main responsibility for financing the two programs.

Another resolution on the financing of peaceful nuclear development was introduced by Pakistan and approved by the conference. It recommended that the IAEA examine means of securing finances from international sources for the creation of a Special Nuclear Fund (SNF) for grants and long-term, low-interest

loans that would be used for peaceful nuclear projects in non-nuclear-weapon states, particularly in developing areas.

A number of participants considered the composition of the Board of Governors of the IAEA to be related to the issue of support for programs of peaceful nuclear development. They complained that the Board did not adequately represent the views of developing countries and that it gave undue weight to the interests of the technically advanced states.⁸ A group of African states recommended that the Board of Governors be broadened to reflect equitable geographic distribution and the views of developing countries. This recommendation was approved by the conference.

PEACEFUL NUCLEAR EXPLOSIONS

Article 5 of the NPT provides that "potential benefits from any peaceful applications of nuclear explosions will be made available to non-nuclear-weapon states party to the treaty" through appropriate international procedures. Although the state of technology of peaceful nuclear explosions is not yet sufficiently advanced for practical application and probably will not be for a period of some years, the conferees showed much interest in the kind of international organization or arrangement that would be most appropriate for making its benefits available. One resolution was addressed to the practical problem that might be raised by the conclusion of a comprehensive nuclear test ban treaty which, if it followed the pattern of the Partial Test Ban Treaty of 1963, would also outlaw peaceful nuclear explosions underground as well as in other environments. This resolution, sponsored by Sweden and Nigeria, stressed the urgency of solving the problem of conducting nuclear explosions for peaceful purposes in a manner compatible with a comprehensive test ban treaty.

The resolution introduced by six small European countries and Japan, alluded to previously,⁹ approached the problem of the conduct of peaceful nuclear explosions by recommending merely that the IAEA initiate necessary studies on its possible functions in this field. Another resolution submitted by a large group of Latin American countries was more specific. It recommended that the 23rd session of the United Nations General Assembly consider the convening of a conference for the establishment, within the framework of the IAEA, of an International Service for Nuclear Explosions for Peaceful Purposes. The resolution contemplated that through this organization the nuclear weapon states would undertake to provide services for conducting peaceful nuclear explosions required for specific projects submitted to the International Service by states which had renounced nuclear weapons.

Since these resolutions contemplated that the IAEA would be the international body charged with responsibility for administration of the peaceful nuclear explosions program, they were, at least in this respect, in accord with the views of the United States. They were, however, some delegations which contemplated the creation of some new agency for carrying out an international program of peaceful nuclear explosions. For instance, Italy submitted a working paper in which it suggested an international conference to conclude an agreement establishing an international body for cooperation in regard to benefits deriving from the peaceful application of nuclear explosions. The Italians expressed a preference that this body have an independent status such as that of the United Nations specialized agencies. As an alternative Italy suggested that the body might be autonomous within the IAEA, governed by its own statute and having its own organization. This body would grant the necessary authorizations to conduct peaceful nuclear explosions and would supervise their execution.

This proposal did not gain the approval of the conference.

THE QUESTION OF CONTINUATION OF THE CONFERENCE

Many delegations felt that there should be some mechanism for continuing the work of the Conference of Non-Nuclear-Weapon States, either by some direct organizational extension of the conference itself or by convening similar conferences in the future. A resolution on this point introduced by Italy recommended that the U.N. General Assembly convene the Conference of Non-Nuclear-Weapon States at periodic intervals and that a Special Committee for the peaceful uses of nuclear energy be established in the United Nations to suggest the

⁸ See above, p. 20.

⁹ See above, p. 23.

steps necessary to implement the conclusions of the conference and to prepare the agenda of future conferences.

The United States and other nuclear powers were reportedly opposed to efforts by various non-nuclear states to establish a procedure for convening additional conferences or for creating mechanisms to extend the work of the conference. Italy did not press its resolution to a vote in committee. The conference participants finally decided to throw the questions of continuation and implementation into the hands of the U.N. General Assembly. In the Final Declaration they recommended that the latter continue the efforts to deal with the problems considered by the conference "considering the best ways and means for the implementation of the decisions taken by the Conference, including the consideration of the question of convening another Conference at an appropriate time."

CONCLUSION

The Conference of the Non-Nuclear-Weapon States was the first occasion on which the non-nuclear countries had ever met together to try to articulate common interests. The situations of this large number of countries varied greatly. Their security problems differed—some were exposed to a relatively high risk of aggression, some were not. Some enjoyed the protection of close alliance with a strong nuclear power, others by choice or circumstance had no close security links with powerful military friends. Some were economically weak and technologically backward, others possessed advanced, prosperous industrial economies and the technical capabilities of becoming nuclear-weapon powers themselves. In some instances their grasp of nuclear affairs was not firm and their insight into military and economic problems not profound. Because of differences such as these and the lack of prior cooperation it is scarcely surprising the success of the non-nuclear governments in concerting their views at this conference was not overwhelming.

Nevertheless it became apparent that among them there were certain widely held positions on specific subjects. Some of these were stated in the resolutions approved by the conference and forwarded to the U.N. General Assembly. Others for one reason or another were not expressed formally in a resolution, although they were given vocal expression on the conference floor. This was especially true in regard to proposals for security assurances some of which were widely affirmed in the conference debate but which did not receive formal conference approval. A prominent example was the frequent suggestion that nuclear-weapon states should undertake a commitment not to use or threaten to use nuclear weapons against non-nuclear countries. The resolution finally approved by the conference merely endorsed the principle of the non-use of force in relations among states.

In the subject area of peaceful uses of atomic energy there was virtually unanimous concurrence that non-nuclear-weapon countries should be assisted in their peaceful atomic energy programs and on this subject the conferees succeeded in giving formal approval to several specific recommendations.

But it was often evident in these recommendations that the non-nuclear states had not worked out in detail or with care and realism, either by themselves or in concert with others, the means of realizing the general aspirations which they so widely voiced. On the other hand, it was also evident that a learning process went on during the conference, short as it was, and it can be assumed that at least some delegations became wiser and better informed because of their participation in it. It remains to be seen whether in time the non-nuclear countries will more clearly and realistically articulate their interests, whether their sophistication in dealing with disarmament and nuclear problems will grow, and whether they will more intelligently combine their efforts toward achieving their goals.

APPENDIX A

AGENDA OF CONFERENCE OF NON-NUCLEAR-WEAPON STATES (EXCERPT)

11. Measures to assure the security of non-nuclear-weapon States
12. Establishment of nuclear-weapon free zones
13. Effective measures for the prevention of further proliferation of nuclear weapons, the cessation of the nuclear arms race at an early date and nuclear disarmament:
 - (a) Safeguard against the diversion of source or special fissionable material from peaceful to military uses, and safeguards against industrial espionage

- (b) Submission of periodic reports by countries, to an international agency, on the nature of nuclear technical assistance and the nature and extent of special fissionable material supplied by them to non-nuclear-weapon States for peaceful purposes
 - (c) Conclusion of a comprehensive test ban treaty
 - (d) Freeze on production of fissile materials for weapon purposes and the cessation of the manufacture of nuclear weapons
14. Programmes for co-operation in the field of peaceful uses of nuclear energy :
- (a) Access to and exchange of equipment, materials and scientific and technological information for the peaceful uses of nuclear energy among non-nuclear-weapon States and nuclear-weapon States
 - (b) Assistance and co-operation in development of the application of nuclear energy for peaceful purposes, in the territories of the non-nuclear-weapon States, with due consideration for the needs of the developing areas of the world
 - (c) The question of nuclear explosions for peaceful uses
 - (d) Benefits from peaceful applications of nuclear explosions to non-nuclear-weapon States which have renounced the production, acquisition and use of nuclear weapons pursuant to special international agreement or agreements through an appropriate international body or through bilateral arrangements
15. Adoption of Final Document and implementation of Conference decisions.

APPENDIX B

UNITED NATIONS SECURITY COUNCIL RESOLUTION 255 (1968) ADOPTED BY THE SECURITY COUNCIL AT ITS 1433D MEETING ON JUNE 19, 1968

The Security Council.

Noting with appreciation the desire of a large number of States to subscribe to the Treaty on the Non-Proliferation of Nuclear Weapons, and thereby to undertake not to receive the transfer from any transferor whatsoever of nuclear weapons or other nuclear explosive devices or of control over such weapons or explosive devices directly, or indirectly; not to manufacture or otherwise acquire nuclear weapons or other nuclear explosive devices; and not to seek or receive any assistance in the manufacture of nuclear weapons or other nuclear explosive devices.

Taking into consideration the concern of certain of these States that, in conjunction with their adherence to the Treaty on the Non-Proliferation of Nuclear Weapons, appropriate measures be undertaken to safeguard their security.

Bearing in mind that any aggression accompanied by the use of nuclear weapons would endanger the peace and security of all States,

1. *Recognizes* that aggression with nuclear weapons or the threat of such aggression against a non-nuclear-weapon State would create a situation in which the Security Council, and above all its nuclear-weapon State permanent members, would have to act immediately in accordance with their obligations under the United Nations Charter;

2. *Welcomes* the intention expressed by certain States that they will provide or support immediate assistance, in accordance with the Charter, to any non-nuclear-weapon State Party to the Treaty on the Non-Proliferation of Nuclear Weapons that is a victim of an act or an object of a threat of aggression in which nuclear weapons are used;

3. *Reaffirms* in particular the inherent right, recognized under Article 51 of the Charter, of individual and collective self-defense if an armed attack occurs against a Member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security.

DECLARATION OF THE GOVERNMENT OF THE UNITED STATES OF AMERICA

(Made in the United Nations Security Council in explanation of its vote for Security Council Resolution 255 (1968))

The Government of the United States notes with appreciation the desire expressed by a large number of States to subscribe to the treaty on the non-proliferation of nuclear weapons.

We welcome the willingness of these States to undertake not to receive the transfer from any transferor whatsoever of nuclear weapons or other nuclear

explosive devices or of control over such weapons or explosive devices directly, or indirectly; not to manufacture or otherwise acquire nuclear weapons or other nuclear explosive devices; and not to seek or receive any assistance in the manufacture of nuclear weapons or other nuclear explosive devices.

The United States also notes the concern of certain of these States that, in conjunction with their adherence to the treaty on the non-proliferation of nuclear weapons, appropriate measures be undertaken to safeguard their security. Any aggression accompanied by the use of nuclear weapons would endanger the peace and security of all States.

Bearing these considerations in mind, the United States declares the following:

Aggression with nuclear weapons, or the threat of such aggression, against a non-nuclear-weapon State would create a qualitatively new situation in which the nuclear-weapon States which are permanent members of the United Nations Security Council would have to act immediately through the Security Council to take the measures necessary to counter such aggression or to remove the threat of aggression in accordance with the United Nations Charter, which calls for taking " * * * effective collective measures for the prevention and removal of threats to the peace, and for the suppression of acts of aggression or other breaches of the peace * * *". Therefore, any State which commits aggression accompanied by the use of nuclear weapons or which threatens such aggression must be aware that its actions are to be countered effectively by measures to be taken in accordance with the United Nations Charter to suppress the aggression or remove the threat of aggression.

The United States affirms its intention, as a permanent member of the United Nations Security Council, to seek immediate Security Council action to provide assistance, in accordance with the Charter, to any non-nuclear-weapon State party to the treaty on the non-proliferation of nuclear weapons that is a victim of an act of aggression or an object of a threat of aggression in which nuclear weapons are used.

The United States reaffirms in particular the inherent right, recognized under Article 51 of the Charter, of individual and collective self-defense if an armed attack, including a nuclear attack, occurs against a Member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security.

The United States vote for the resolution before us and this statement of the way in which the United States intends to act in accordance with the Charter of the United Nations are based upon the fact that the resolution is supported by other permanent members of the Security Council which are nuclear-weapon States and are also proposing to sign the treaty on the non-proliferation of nuclear weapons, and that these States have made similar statements as to the way in which they intend to act in accordance with the Charter.

EFFECTS OF THE NON-PROLIFERATION TREATY ON INTERNATIONAL INSTITUTIONS

(By Ellen C. Collier, Analyst in U.S. Foreign Policy, Foreign Affairs Division,
May 23, 1968)

I. INTRODUCTION

There are two kinds of international organizations which would be most directly affected by the proposed non-proliferation treaty. One kind is the international organization devoted to promoting the peaceful use of atomic energy—the International Atomic Energy Agency at the world-wide level and regional organizations such as EURATOM. The other kind is the international organization devoted to maintaining peace and providing security—the United Nations and regional security organizations such as NATO. The purpose of this report is to outline some of the effects the proposed non-proliferation treaty might have on these two kinds of organizations.

Some general background has been provided about the nuclear organizations. Similar background information has not been provided for the United Nations and the regional collective security organizations in the belief that this is well known or readily available.

II. EFFECT OF THE TREATY ON INTERNATIONAL ORGANIZATIONS FOR PEACEFUL USES OF NUCLEAR ENERGY

A. *The International Atomic Energy Agency (IAEA)*

The Non-Proliferation Treaty promises to give the International Atomic Energy Agency one of the biggest boosts it has had since President Eisenhower first proposed such an organization to the United Nations General Assembly on December 8, 1953. At that time he said:

“The United States knows that if the fearful trend of atomic military buildup can be reversed, this greatest of destructive forces can be developed into a great boon, for the benefit of all mankind.

“The United States knows that peaceful power from atomic energy is no dream of the future. That capability, already proved, is here—now—today. Who can doubt, if the entire body of the world’s scientists and engineers had adequate amounts of fissionable material with which to test and develop their ideas, that this capability would rapidly be transformed into universal, efficient, and economic usage.

“To hasten the day when fear of the atom will begin to disappear from the minds of people, and the governments of the East and West, there are certain steps that can be taken now. I therefore make the following proposals:

“The Governments principally involved, to the extent permitted by elementary prudence, to begin now and continue to make joint contributions from their stockpiles of normal uranium and fissionable materials to an International Atomic Energy Agency. We would expect that such an agency would be set up under the aegis of the United Nations * * *.”

These words led to the preparation of the Statute of the International Atomic Energy Agency which was signed on October 26, 1956, and came into force on July 29, 1957.

The objective of the Agency is to “accelerate and enlarge the contribution of atomic energy to peace, health and prosperity throughout the world. It shall ensure, so far as it is able, that assistance provided by it or at its request or under its supervision or control is not used in such a way as to further any military purpose.”

In addition to its primary function of encouraging and assisting research on and application of atomic energy for peaceful purposes throughout the world, one of the functions of the IAEA is to establish safeguards to ensure that the materials and facilities provided by it or volunteered for its control are not used for

military purposes. This function is stated in the Statute of the IAEA in Article III.A.5 which follows:

"To establish and administer safeguards designed to ensure that special fissionable and other materials, services, equipment, facilities, and information made available by the Agency or at its request or under its supervision or control are not used in such a way as to further any military purpose; and to apply safeguards, at the request of the parties, to any bilateral or multilateral arrangement, or at the request of a State, to any of that State's activities in the field of atomic energy."

The IAEA is not technically a specialized agency of the United Nations, although its relationship is similar. It reports annually to the General Assembly directly and submits reports to the Economic and Social Council, the organ to which the specialized agencies report, only on matters within its competence. In addition, it is required to notify the Security Council on matters within the Security Council's jurisdiction and specifically in the event of non-compliance with the Agency's safeguards system.

The Statute directs the Agency to conduct its activities in accordance with the purposes of the United Nations and "in conformity with policies of the United Nations furthering the establishment of safeguarded world-wide disarmament and in conformity with any international agreements entered into pursuant to such policies."

The IAEA now has 98 members. It provides advisory services to Members on the economics of the use of nuclear energy for power purposes, and the criteria for safe siting and safe operation. The agency also provides technical assistance through fellowships, exchange of experts, and training projects. It promotes the use of radioisotopes and radiation in medicine, agriculture, and industry, and has undertaken research on such subjects as the use of nuclear power for desalination of brackish or salt water. In recent years it has undertaken particularly to help solve the problems of the developing countries by fostering the use of nuclear power and the use of nuclear techniques to increase and protect food and develop water resources. Another major activity of the Agency has been to promote the exchange of information on nuclear technology among nations. It is planning an International Nuclear Information System to be coordinated and partially operated by the Agency.

Despite its achievements, a few years ago there was real concern that the International Atomic Energy Agency would ever be able to fulfill the original expectations. One authority cautioned in 1963:

"At present the IAEA is still weak, with no apparent direction. It is not the mechanism envisioned by President Eisenhower on December 8, 1953, for effecting a diminution of "the potential destructive power of the world's stockpiles" nor "a new channel for peaceful discussion." If the Agency's members want to develop it for that purpose, they must impart to it more vitality than is now evident."¹

As late as 1966 Sterling Cole, the first Director General of the IAEA and former chairman of the Joint Committee on Atomic Energy, commented that IAEA is still being avoided or circumvented, and that "not a single nuclear power plant capable of producing by-product weapon material has come under Agency control," except for psychological gestures or demonstration and test purposes.²

In recent years, there has been some progress toward making the IAEA more promising, and a foundation has been laid for its safeguarding the use of nuclear energy for peaceful purposes. In 1961 the Agency devised a safeguards system, but the system applied only to small reactors (those having outputs of less than 100 megawatts-thermal). In February 1964 a system of safeguards was adopted by the Agency, applicable to all nuclear reactors, large as well as small, and designed to protect against the diversion of nuclear materials to military use. In September 1964 the Agency reported that 17 of the 38 countries then possessing nuclear reactors had negotiated agreements with the Agency under which some or all of their nuclear facilities would be placed under Agency safeguards. By June 30, 1967, the number of countries accepting safeguards had increased to 27, and the number of reactors under Agency safeguards was 61.³

¹ Kramish, Arnold. *The peaceful atom on foreign policy*. Published for the Council on Foreign Relations by Harper & Row, New York, 1963, p. 77.

² Cole, Sterling. *Needed: A Rebirth of the IAEA*. Nuclear news, September 1966: 19-20.

³ International Atomic Energy Agency. *Annual Report of the Board of Governors to the General Conference, July 1, 1966-June 30, 1967*. GC(XI)/355.

By June 30, 1967, the reactors covered by safeguards had a thermal capacity totalling 3013 megawatts, most of which was accounted for by four power stations in Japan, Spain, the United Kingdom, and the United States. In the prior year 29 inspections had been made in 11 nations. Research and development also was being continued, largely through contracts with external organizations, on the improvement of safeguard practices.

Under the Non-Proliferation Treaty, the way is open for the IAEA to become the agency responsible for safeguarding all peaceful nuclear activities.

One observer has stated:

"A Non-Proliferation Treaty presents IAEA proponents with the opportunity to provide the organization with a quantum jump in its scope of inspection and thereby create a significant new type of international peacekeeping organization."

The Treaty vests in the IAEA the responsibility for verifying that the non-nuclear weapons countries are not utilizing for weapons purposes the nuclear facilities and materials intended and stated to be for peaceful purposes. Each non-nuclear party must accept safeguards in accordance with an agreement with the International Atomic Energy Agency. In addition, every signatory (which includes the nuclear-weapon parties) is bound by the Treaty not to provide any source or fissionable material or the equipment with which to use it unless the material is subject to the required safeguards.

While it is not required by the Treaty, the nuclear weapons countries may also find it in their interest to put their peaceful nuclear activities under the safeguards of the IAEA. To convince the non-nuclear powers that they were not being asked to submit to safeguards that the United States would not be willing to submit to, on December 2, 1967, President Johnson announced that when safeguards were applied under a Non-Proliferation Treaty, the United States would permit the International Atomic Energy Agency to apply its safeguards to all nuclear activities in the United States except those with direct national security significance. The United Kingdom made a similar offer on December 4, 1967. The two nations hoped that eventually other nuclear-weapon countries would follow the example. The Soviet Union has taken the position that inspection of any atomic activities of the nuclear weapons countries is unnecessary and irrelevant since the treaty does not prohibit these nations from having or manufacturing nuclear weapons.

Because of the increase in inspection activities which is to be anticipated if the Non-Proliferation Treaty enters into force, the size of the staff of the organization may have to be expanded considerably to meet the greater workload, especially because of the constantly growing use of nuclear energy as a source of electric power. On June 30, 1967, the Secretariat of the IAEA had 300 staff members in the Professional Category and above of whom 20 were in the Department of Safeguards and Inspections. The Agency's appropriations for financial year 1968 amounted to \$9,491,500. Of this \$498,815 was for inspection. For 1968 \$661,030 out of a \$10.5 million budget was for inspection. Even without the treaty, eight additional posts for the Department of Safeguards and Inspection were requested to carry out the safeguards in 1968. Plans have been made for as many as 100 new inspectors if the treaty enters into effect.

Eventually the staff would probably have to expand a great deal more to keep up with the growth of nuclear power. The IAEA estimates that whereas the installed nuclear generating capacity at the end of 1967 was about 10,000 megawatts, by 1975 it was expected to be ten times that, 100,000 megawatts, and by 1980 to triple again to 300,000 megawatts. The number of inspections which may be made of reactors or nuclear materials varies according to the amount of nuclear material involved. A reactor having an annual throughput of less than five kilograms a year would be inspected at the maximum of once a year, whereas the right of access at all times would be permitted for reactors having a potential annual production of more than 60 kilograms of special fissionable material. Research is being continued on devising satisfactory safeguards which would reduce the number of inspections necessary.

Dr. Sigvard Eklund, Director General of the IAEA, has expressed his belief that the agency's inspection system had the "inherent capacity" to meet the requirements of the treaty and that it was the "organization most capable of undertaking this important task." Dr. Glenn T. Seaborg, Chairman of the U.S.

⁴ Kramish, Arnold. *The watched and the unwatched*. Institute of Strategic Studies, Adelphi Papers (London), June 1967, p. 5.

Atomic Energy Commission, has also concurred that the agency was up to the responsibilities envisioned.⁶

The Treaty may also promote the use of the IAEA as a channel for international cooperation in the peaceful uses of atomic energy. In Article IV of the Treaty, "Parties to the Treaty in a position to do so shall also cooperate in contributing alone or together with other states or international organizations to the further development of the applications of nuclear energy for peaceful purposes, especially in the territories of non-nuclear-weapon States Party to the Treaty." While there is nothing in the body of the Treaty specifying that such additional cooperation must be through the IAEA, it would require IAEA safeguards. Since all nuclear cooperation would be required to have IAEA safeguards anyway, this might lead to nations utilizing other capabilities of the IAEA more than they have in the past.

Similarly, although it is not specified in the Treaty, it seems clear that a role for the IAEA might emerge from the Treaty's provisions for providing the benefits of peaceful nuclear-explosions and their technology to the non-nuclear-weapon states. The Article speaks of "appropriate international procedures" through which such benefits could be made available, and of special agreements through which the non-nuclear-weapon countries could obtain such benefits "on a bilateral basis or through an appropriate international body with adequate representation of non-nuclear-weapon States." While the procedures will have to be worked out in the future, they might someday include the IAEA.

1. *Role of IAEA Board in Amendments*

Another way in which the Non-Proliferation Treaty may strengthen the prestige of the International Atomic Energy Agency is through the special role given the IAEA Board of Governors in the amendment process. Any amendment must be approved and ratified by a majority of all the parties to the Treaty including the nuclear-weapon States which are parties and all other parties which, on the date the amendment is circulated, are members of the Board of Governors of the IAEA.

The Board of Governors of the IAEA usually consists of 25 members although it may vary in total number because it consists of:

- A. The five members most advanced in the technology of atomic energy including the production of source materials, as designated by the outgoing Board of Governors.
- B. The member most advanced in the technology of atomic energy including the production of source materials in each of the following areas which are not represented in the first category, also as designated by the outgoing Board of Governors.
 1. North America
 2. Latin America
 3. Western Europe
 4. Eastern Europe
 5. Africa and the Middle East
 6. South Asia
 7. South East Asia and the Pacific
 8. Far East
- C. Two members from the following other producers of source materials: Belgium, Czechoslovakia, Poland, and Portugal. (Not eligible for consecutive redesignation).
- D. One other member as a supplier of technical assistance. (Not eligible for consecutive redesignation).
- E. Twelve members elected by the General Conference with due regard to equitable representation of the geographic areas so that the Board always includes three representatives from Latin America, three from Africa and the Middle East, and a representative of each of the remaining areas except Latin America.

B *Regional Atomic Organizations*

The only area which at this time has substantial regional organization for cooperation concerning the uses of atomic energy is Europe. Latin America established an Inter-American Nuclear Energy Commission in 1959, but it has served primarily as a consultative body. The signing of the Treaty for the Prohibition

⁶ New York Times, Sept. 27, 1967.

of Nuclear Weapons in Latin America on February 11, 1967, may eventually promote increased cooperation among the nations of that area.

In the other parts of the world where regional organization in the field of nuclear energy has not yet developed, the increased nuclear cooperation for peaceful purposes which has been offered to the non-nuclear weapons countries which sign the Non-Proliferation Treaty could lead to regional efforts initiated by the countries needing assistance, the countries providing assistance, or the International Atomic Energy Agency. Whereas formerly a national program might have appeared more attractive than a regional program because it left open the possibility of someday producing weapons, if weapons are not a consideration the economy of regional efforts may seem more appealing.

In Europe there are several regional organizations to promote the use of atomic energy already in existence, including Euratom, ENEA, and CERN. These organizations and the possible effects of the Non-Proliferation Treaty on them will be discussed below.

1. *Euratom*

Some of the most concern expressed about the institutional effects of the Non-Proliferation Treaty has come from the members of Euratom, the European Atomic Energy Community.

Euratom came into existence on January 1, 1958, as one of the three supranational organizations formed by France, Germany, Italy, Belgium, the Netherlands, and Luxembourg. It was brought into being along with the European Coal and Steel Community and the European Common Market both to encourage European integration and in the anticipation that some day nuclear power might supplement conventional fuels in fulfilling the energy requirements of Europe. At the time of its founding the predictions of future needs of electricity as well as a shortage of oil resulting from the Suez Crisis of 1956 made the development of nuclear power plants an attractive prospect, and the large expense of nuclear development made regional cooperation an attractive method of undertaking this development.

The aims of the Community as stated in the Treaty establishing it are "to contribute to the raising of the standard of living in Member States and to the development of commercial exchanges with other countries by the creation of conditions necessary for the speedy establishment and growth of nuclear industries."

For this aim Euratom was given the following functions:

- (a) developing research and disseminating information;
- (b) establishing and insuring application of uniform safety standards;
- (c) bringing about the construction of basic facilities required for development of nuclear energy;
- (d) bringing about a regular supply of ores and nuclear fuels to all users in Euratom;
- (e) guaranteeing that nuclear materials are not diverted for purposes other than those for which they are intended;
- (f) exercising the property rights conferred upon it in respect to special fissionable materials;
- (g) insuring markets and access to the best technical means by creation of a common market for nuclear materials, the free movement of capital for nuclear investment, and freedom of employment for nuclear specialists; and
- (h) establishing with other countries or international organizations any contacts likely to promote progress in the peaceful use of nuclear energy.

Under the Euratom Treaty, all special fissionable materials are the property of the Community, whether it is produced or imported. However, nuclear material intended for military purposes is not subject to the control of Euratom. Since most of the fissionable material produced within the Euratom community is produced by France and declared to be for military purposes, the material for Euratom's peaceful purpose is supplied by foreign nations through agreements with Euratom.

Euratom has made some progress towards its objectives. A nuclear common market has been in existence since January 1959. Since that time there has been within the Community a free flow of nuclear materials and toward the outside world a common tariff policy. The free movement of nuclear labor was approved in 1962. Euratom has helped coordinate national nuclear research programs and established its own research program designed to supplement national programs. For its research program it has completed two five year plans

and began a new five year plan in 1968. Its principal means of conducting research is a Joint Nuclear Research Center consisting of four research centers, one of which, at Ispra in Italy, is the base for its major research project, the ORGEL nuclear reactor. Some research is also conducted through contracts with member states or enterprises or other international organizations such as the European Nuclear Energy Agency.

Euratom has also established the system of safety control which the Treaty called for to insure that ores and special fissionable materials were not diverted from their intended uses. The safety control system required the Euratom Commission also to insure that any special undertakings entered into with a third country or another international organization regarding control of fissionable material was observed.

Under Euratom's inspection system, operators of nuclear installations must report on their plants and cooperate in a bookkeeping system through which all fissionable material must be accounted for. A team of 17 inspectors has access to any civil nuclear plant at any time, and in 1967 about 100 inspections took place in the Euratom countries.

Euratom safeguards have been considered adequate by the United States, which has permitted Euratom to inspect the use of American nuclear assistance rather than requiring inspection by the United States or the International Atomic Energy Agency, as it has in the case of all other foreign nuclear assistance. There is one major loophole, however, in the Euratom system, and that is the exemption of nuclear materials which are admittedly intended for military purposes. Article 84 of the Treaty establishing Euratom specifically exempts nuclear defense activities of the members from inspection. It states:

"... Control may not extend to materials intended for the purpose of defense which are in course of being specially prepared for such purposes or which, after being so prepared, are, in accordance with an operational plan, installed or stocked in a military establishment." France has taken the position that all of its plutonium producing facilities are not subject to Euratom inspection because they were intended for military purposes. Under such circumstances inspection of these facilities might be superflous in one sense since the purpose of safeguards is to certify that peaceful nuclear materials and facilities are not being used for weapons purposes. On the other hand, it makes it difficult to account for all fissionable material in the community.

The Euratom control system is generally considered one of Euratom's most successful functions and also one of the most developed inspection systems in the nuclear field. More than 200 facilities in the nuclear research and production field are under Euratom's control system, which is a nuclear materials management system broader than an inspection system to make sure there are no diversions of materials from their intended peaceful uses.

The United States has encouraged Euratom both as part of its broader policy of encouraging European unification and also as part of its policy of encouraging the development of the peaceful uses of nuclear energy simultaneously with the establishment of controls to assure that peaceful materials were not diverted to weapons purposes. It has made enriched uranium and other assistance available to Euratom more generously than to any other regional organization. At the end of 1967 the Euratom Cooperation Act was amended to triple the amount of fissionable materials available from the United States to Euratom.

In spite of the encouragement given by the United States and the accomplishments which have been made by Euratom, many have become discouraged at its prospects. The motivation for Euratom was diminished somewhat at the outset when the shortage of conventional fuels which had existed at its founding turned into a glut of coal on the market by 1959. The French determination to have a national nuclear military force completely outside Euratom also made Euratom's task more difficult from the beginning.

In 1963 one observer wrote:

"Looking at the hard economic and technical 'facts,' one actually finds very little justification whatsoever for the existence of Euratom. Those nations of Europe which are serious about atomic power would have made similar progress with the assistance of individual bilateral arrangements with the United States. Euratom is justified largely by the expedient of political argument, by its role in contributing to a united Europe."⁶

⁶ Kramlich, *op. cit.* (footnote 1), pp. 233-234.

Another who made an analysis of Euratom wrote in 1967:

"In short, Euratom lacked coherence and sense of direction, paid more attention to immediate and particularistic needs regardless of long-term implications, and disbursed funds more in response to self-serving national demands than to common interest. Thus, in seeking to satisfy all, Euratom really satisfied none * * *."

"The preceding analysis shows that Euratom bears the indelible imprint of failure, and it is undeniable that the organization has not been able to cope with the pressures and problems imposed on it by its constituents and its environmental conditions. Before proceeding further, however, it should be pointed out that Euratom has recorded a number of successes and achieved some positive results. A critical question is whether the end product justifies the means, or whether the same results might not have been attained by other less ponderous means. We may anticipate our conclusions at this point by stating that Euratom's modest achievements did not demand so vast an operation, measured in terms of administrative structure, money, and manpower."⁷

Much concern over the Non-Proliferation Treaty has been expressed by the members of Euratom. One concern has been that Euratom's inspection system, which has been one of its most successful functions and has been a major factor binding the members together, will lose substance if it is subordinated to the inspection system of the IAEA. Some had hoped that if Euratom were given an important inspection role under the Non-Proliferation Treaty it would give the organization a needed boost. The treaty as finally drafted permits nations or groups of nations to enter into inspection arrangements with the IAEA, and this has been interpreted as permitting the IAEA to enter an agreement with an international organization such as Euratom. The drafters of the treaty have also stressed that the IAEA would be encouraged to utilize existing safeguards systems such as those of Euratom. Thus Euratom's inspection system may have some role in the treaty although this would have to be worked out in negotiations.

There might be some advantage if Euratom did retain a role in the inspection process—namely that it would provide some control over French activities. At the present time one-third of the 200 nuclear research and production facilities under Euratom control are in France. As a nuclear weapon state, France under the Non-Proliferation Treaty would not be subject to inspection. However, as a member of Euratom, its peaceful nuclear activities are subject to Euratom inspection although its military nuclear activities are not. This is somewhat comparable to the position the United States will be in when it voluntarily places all its peaceful nuclear facilities under IAEA inspection, as President Johnson has said would be done when the Non-Proliferation Treaty enters into effect, but does not submit its military facilities to inspection. If Euratom gave up its inspection role entirely to the IAEA, there might be no inspection of French activities at all, peaceful as well as military. France's attitude on this matter may determine whether or not an agreement between Euratom and the IAEA can be worked out which meets the requirement of the treaty.

Another concern which has been expressed by the members of Euratom is that if the IAEA safeguards system were applied as a result of the Non-Proliferation Treaty, it would result in a discriminatory control system within the Euratom Community, and that it would hinder the creation of a European nuclear industry. Since France as a nuclear weapons power would not be subject to inspection under the Non-Proliferation Treaty, other Euratom members feared that this might result in a displacement of nuclear research and industry from the controlled members to France, which would not be subject to control, or that it would impede joint activities involving France and other states. To illustrate: One specific example that has been cited is the Franco-German high-flux research reactor under construction at Grenoble: one of its functions will be irradiation of fuel elements produced in Germany, which is furnishing 50 percent of the cost of the reactor. If Germany is a signatory state, IAEA inspectors would have the right to "follow-up" the materials to their destination (French soil). This might prevent the transfer of the materials to Grenoble altogether.⁸

In October 1967, the member countries established five conditions which they felt would have to be met if the Non-Proliferation Treaty were not to conflict with the Euratom Treaty. They were:

⁷ Scheinman, Lawrence, *Euratom: Nuclear Integration in Europe*. International Conciliation, May 1967, pp. 45-54.

⁸ European Community, April 1968, p. 17.

1. Control should be exercised on the use of nuclear materials and not over installations as such.

2. Agreement on the Treaty should be subordinated to a satisfactory arrangement between Euratom and the IAEA.

3. The arrangement should concern the verification of Euratom control methods and not direct IAEA control.

4. Until agreement was reached, the supply of nuclear materials to the Community should be assured.

5. Member states should be assured that there would be no guillotine clause (a clause according to which the IAEA system would automatically enter into force if no agreement between Euratom and the IAEA had been reached within a certain time, or that at a certain date Euratom's exclusive competence for the inspection system would have been removed.⁹)

Under the Non-Proliferation Treaty, there is a 180 day time limit for negotiations on safeguards agreement with the IAEA to begin (after the Treaty enters force) and an 18 month time limit after the negotiations begin for the safeguards agreement to enter force. However, the Treaty does not state what happens if an agreement is not negotiated and does not enter into force within that time. United States officials have made it clear that an IAEA safeguards agreement could be negotiated with an international organization such as Euratom. Whether satisfactory arrangements can be negotiated between the two organizations, presuming the members of Euratom sign and ratify the Non-Proliferation Treaty, remains to be seen. Euratom members are "bound to consult the Commission about the compatibility of their new obligations with those assumed in signing the Euratom Treaty" before signing.¹⁰

2. European Nuclear Energy Agency (ENEA)

The European Nuclear Energy Agency is a specialized agency of the Organization for Economic Cooperation and Development (formerly the Organization for European Economic Cooperation), the mechanism originally created by the West European countries to coordinate Marshall Plan aid with domestic European efforts. It provides a framework for cooperation in nuclear development among all the states of Western Europe, much as Euratom does among the smaller group of six European states, but with less far-reaching political objectives.

With headquarters in Paris, the ENEA was established on December 20, 1957, when the Council of the Organization for European Economic Cooperation adopted the ENEA Statute. The Statute came into force on February 1, 1958. Its members are the eighteen European members of the OECD (Austria, Belgium, Denmark, France, Federal Republic of Germany, Greece, Iceland, Ireland, Italy, Luxembourg, Netherlands, Norway, Portugal, Spain, Sweden, Switzerland, Turkey, and the United Kingdom).

The United States is an Associate Member, but it has not become a member of any of the joint projects although it has cooperated with them. The support given by the United States to the ENEA has consisted largely of information exchanges and participation in study groups. It has not been as involved or as generous in tangible assistance with ENEA as with Euratom.

The aims of the ENEA are the development and use of nuclear energy for peaceful purposes by means including joint atomic projects, scientific and technical cooperation and establishment of common services, assessment of the role of nuclear energy in meeting Europe's future power requirements, and elaboration of uniform nuclear legislation governing health, safety, liability, and insurance.

The European Agency has organized several joint projects, each of which is an independent entity with its own conventions, membership, and administrative structure. These projects in operation are a boiling heavy water reactor at Halden, Norway; the Dragon high-temperature gas-cooled reactor at Winfrith Heath in England; and Eurochemic, a plant for reprocessing irradiated fuels at Mol in Belgium.

On the same day that it established the ENEA, the Council of the OEEC (now OECD) also adopted a "Convention on the Establishment of a Security Control in the Field of Nuclear Energy," which entered into force July 22, 1959. The objectives of security control were to ensure that the operation of any joint undertakings established on the initiative of or with the assistance of the Agency

⁹ *Ibid.*

¹⁰ *Ibid.*

and materials provided by the agency did not further any military purpose. A tribunal to decide matters concerning enforcement of the safeguards was also established.

Since the ENEA convention specifically limits its activities to peaceful purposes and the organization has already taken measures to assure that none of its nuclear materials or activities or assistance is diverted to weapons uses, there appears to be nothing incompatible between the ENEA and the Non-Proliferation Treaty. In the negotiations, little concern has been expressed that the Treaty would inhibit ENEA in any way. Moreover, in contrast to EURATOM, there has been little concern by the ENEA members as to whether the safeguards system they have devised would have to be replaced or supplemented by IAEA safeguards under the Treaty. In the past when joint projects involving both Euratom and ENEA or some of their overlapping members might have resulted in jurisdictional disputes as to which organization should exercise the safeguards function, the ENEA has been willing to subordinate itself.

Under the Non-Proliferation Treaty, if any of the members of the ENEA projects become parties, the projects would appear to be subject to the safeguards provided for in the Treaty, which states in Article III:

"The safeguards required by this Article shall be applied on all source or special fissionable material in all peaceful nuclear activities within the territory of such State, under its jurisdiction, or carried out under its control anywhere."

The parties also pledge not to provide source or special fissionable material or equipment to any non-nuclear weapon state for peaceful purposes unless the material is under the required safeguards, so no signatory could supply the ENEA projects with material unless they fulfilled the safeguards requirement. Article III also states that the safeguards should be applied so as to avoid hampering international cooperation in the field of nuclear energy. The safeguards agreements required under the Non-Proliferation Treaty may be concluded either by individual states or by groups of states, so it would appear that the safeguards could be applied to ENEA either through IAEA agreements with the organization or with individual members. The IAEA might agree to utilize ENEA safeguards since it has been specified by the United States that one of the guiding principles in formulating Article III was that:

"In order to avoid unnecessary duplication, the IAEA should make appropriate use of existing records and safeguards, provided that under such mutually agreed arrangements the IAEA can satisfy itself that nuclear material is not diverted to nuclear weapons or other nuclear explosive devices."¹¹

The problem could be complicated if any of the members of the ENEA refused to agree to safeguards by the IAEA. While its Steering Committee could adopt a decision by a majority, the decision would be binding only on those members which accepted the decision. Although one member of ENEA has already said it would not sign the Non-Proliferation Treaty (France), it has also taken the position that it would not interfere with its progress.¹²

3. *European Organization for Nuclear Research (CERN)*

CERN, the European Organization for Nuclear Research, is a research organization which was established September 29, 1954, after entry into force of a Convention drawn up the previous year by a UNESCO-sponsored conference. In 1950 a UNESCO resolution had offered "to assist and encourage the formation and organization of regional research centers and laboratories in order to increase and make more fruitful the international collaboration of scientists in the search for new knowledge in fields where the effort of any one country in the region is insufficient for the task."

CERN was an effort to carry out the UNESCO resolution. It's headquarters are in Geneva, and the members are Austria, Belgium, Denmark, France, The Federal Republic of Germany, Greece, Italy, Netherlands, Norway, Spain, Sweden, Switzerland, and the United Kingdom.

According to its convention, the aims of CERN are to "provide for collaboration among European States in nuclear research of a pure scientific and fundamental character, and in research essentially related thereto. The Organization shall have no concern with work for military requirements and the results of its

¹¹ U.S. Arms Control Disarmament Agency. Explanatory remarks about the draft Non-Proliferation Treaty. April 1968, p. 9.

¹² Testimony of William C. Foster, Director, Arms Control and Disarmament Agency, before House Committee on Foreign Affairs, Feb. 1, 1968. Hearings, p. 22.

experimental and theoretical work shall be published or otherwise made generally available." Bringing together scientists from the member states to work in cooperative projects and occasionally visitors from non-members such as the United States and the Soviet Union, CERN has been called "really a superior research institution."¹³

The effects of the Non-Proliferation Treaty on CERN have received very little public comment. Since the organization is interested in fundamental and pure scientific research and in its convention undertakes to have no concern with work for military requirements, both the Non-Proliferation Treaty and CERN are working in the same direction of encouraging the peaceful uses of the atom. Article II of the Non-Proliferation Treaty specifically preserves the inalienable right of all parties to develop research and production of nuclear energy for peaceful purposes without discrimination and also the right to participate in the exchange of information or in international organizations devoted to furthering the peaceful uses of nuclear energy.

A question might arise at some point as to whether CERN should be required to or volunteer to submit to the same IAEA safeguards required to the non-nuclear parties to the treaty. Some of CERN's members probably would be parties to the treaty, although at least one member, France, has said it would not sign the treaty.

4. Nuclear Explosives for Peaceful Purposes

On all three European nuclear organizations a potential point of conflict might arise if one of them ever decided that it wanted to conduct research or development in the area of nuclear explosions. Under the Treaty non-nuclear states pledge not to manufacture or acquire any nuclear explosive devices. While there is no prohibition on research, the Treaty does prohibit its members from manufacturing nuclear explosive devices so they could not undertake any research which actually required an explosion. To this extent the Treaty would put hitherto not existing limitation on the permissible activities.

This is one area where the Non-Proliferation Treaty goes further than the Treaty for the Prohibition of Nuclear Weapons in Latin America and thus would entail a new limitation on the Latin American nations. The Latin American Treaty permits the parties to carry out explosions of nuclear devices for peaceful purposes with appropriate notice and subject to observation by the Agency to be set up for its control purposes and also the IAEA.

III. EFFECT OF THE TREATY ON COLLECTIVE SECURITY ORGANIZATIONS

In addition to having an impact on the international organizations concerned with the peaceful uses of atomic energy, the Non-Proliferation Treaty will also affect the international organizations concerned with providing security. New responsibilities will be added to the United Nations, and new limitations will be placed, in effect, on regional organizations.

A. United Nations

The responsibilities of the United Nations will be enlarged by the Non-Proliferation Treaty as a result of the organization's relationship to the International Atomic Energy Agency, specific provisions of the Non-Proliferation Treaty itself, and the security assurances and resolution that are expected to accompany the Treaty.

Under the Statute of the International Atomic Energy Agency, the Agency has close links with the United Nations. It is supposed to submit annual reports on its activities to the General Assembly, and special reports to the Security Council on any questions which arise which are in its competency. Of greater significance, the Statute provides for the IAEA Board to report any non-compliance with the safeguards system "to all members and to the Security Council and General Assembly of the United Nations." Thus as the Agency's safeguards system is extended to more and more countries and facilities, the potential number of cases in which the United Nations might have to take some decision also grows.

Under the Non-Proliferation Treaty itself there is no mention of the United Nations in connection with the safeguards system. However, the IAEA Statutes' requirement to report any non-compliance with the safeguards system to both the United Nations General Assembly and the Security Council would still apply.

¹³ Kramish, Arnold. *The peaceful atom in foreign policy*. New York, Harper & Row (for Council on Foreign Relations), 1963, p. 152.

Any enforcement action against non-compliance, beyond the cutting off of further IAEA assistance, would be up to these two United Nations organs.

The Non-Proliferation Treaty does contain the additional requirement that a party withdrawing from the Treaty must give notice of the withdrawal to the United Nations Security Council, as well as to all the other Parties, three months in advance. The notice must include a "statement of the extraordinary events it regards as having jeopardized its supreme interests" for which the nation is withdrawing from the Treaty. This is an innovation as the two previous arms control treaties did not require notice to the Security Council, but only to other parties (as in the case of the test ban treaty) or to the depository governments (as in the case of the outer space treaty). In the negotiations on the treaty, the Rumanian delegate raised the question of the legal basis for this requirement and whether it was the intention of the article that the Security Council, when a notification of withdrawal was submitted to it, was to issue a judgement on it. In response the United States delegate did not specify exactly what it was intended that the Security Council would do upon notification of a withdrawal other than simply discuss it. He said:

"We believe that withdrawal would be a step of such vital importance that other parties have a strong and legitimate interest in knowing why such action is being taken. It would also be important to have a situation which could affect international peace and security discussed in the Security Council. Each party will retain its sovereign right to make its own decision on withdrawal and to frame its statement of reason in its own way. We do not understand why any question is raised about the legal basis for such a requirement. I might add, moreover, that, since it cannot be presumed that any party would wish to violate the treaty and withdraw for reasons other than those which could be justified under this article, there should be no difficulty in meeting this requirement, assuming that a decision has been made to withdraw."¹⁴

The Security Council would decide what it would do in any particular case when the notification of withdrawal was received and discussed. Brazil objected to this provision and introduced an amendment to delete it on the grounds that it would give the Security Council members who were not parties to the treaty a voice in any discussion concerning a notification of withdrawal. The Soviet delegate said in regard to this provision:

"The obligation laid down in the treaty to state the reasons for withdrawal in the notices to be sent in such a case to the other parties to the treaty and to the Security Council will provide a certain element of restraint, since a State intending to withdraw from the treaty will have to ponder, before taking such a step, how it will be regarded by world public opinion. The reaction of the Security Council to such a notice will depend on the situation which has led to the withdrawal of a particular State from the treaty or which might come about in connexion with such withdrawal. In such cases the Security Council would fulfill the functions entrusted to it under the Charter of the United Nations."¹⁵

Perhaps the most important development relating to the United Nations is not the Treaty itself but the security assurances resolution which is being introduced in conjunction with the Treaty. The United States, the Soviet Union, and the United Kingdom agreed to sponsor a resolution for consideration by the Security Council stating that the Council "recognizes that aggression with nuclear weapons or the threat of such aggression against a non-nuclear-weapon State would create a situation in which the Security Council, and above all its nuclear-weapon State permanent members, would have to act immediately in accordance with their obligations under the United Nations Charter."

In addition, in conjunction with the Security Council resolution the three countries have agreed to make individual declarations of intention stating that any aggression accompanied by the use of nuclear weapons would endanger the peace and security of all States and declaring that aggression or the threat of aggression with nuclear weapons against a non-nuclear-weapon nation would create a qualitatively new situation. The statement would continue that in such a situation the nuclear weapon countries which were permanent members of the Security Council "would have to act immediately through the Security Council to take the measures necessary to counter such aggression or to remove the threat of aggression in accordance with the United Nations Charter," and specifying that the Charter calls for taking "effective collective measures for the prevention

¹⁴ S. DePalma, February 21, 1968, ENDC/PV. 368: 11.

¹⁵ *Ibid.*

and removal of threats to the peace and for the suppression of acts of aggression or other breaches of the peace . . ." It would also reaffirm the right of individual or collective self-defense until the Security Council took measures to maintain peace.

The language which was quoted from the Charter by both the United States and the Soviet delegates comes from Article I concerning United Nations purposes and thus does not shed much light on the kind of collective measures envisioned. However, some of the language used throughout the statements of intention as described in the negotiations is also found in Article 39, under which the first step toward Security Council enforcement action or recommendations for action are contingent upon the Council's determination of the existence of a threat to the peace, breach of the peace, or act of aggression.

Although they are clearly aimed at providing non-nuclear-weapon nations such as India some protection from an attack by a country which does have nuclear weapons, particularly Communist China, the full significance of the security assurances and the statements of intention is not clear at the present time. It seems possible that they represent a bold and far-reaching innovation in which a specific action, namely aggression by a nuclear-weapon-country against a non-nuclear-weapon country, would obligate the Secretary Council to take some kind of action and obligate the members of the Council to consider the situation. A minimal interpretation would be that it merely emphasized the already existing duty of the Council to consider and take action in the event of a nuclear threat against a non-nuclear power.

The ordinary procedure, without such a resolution, would be for a member of the Security Council, or the General Assembly, or the Secretary General, to request a meeting of the Council or for the President of the Council to call one upon request or when he considered it necessary. The Council would then adopt the agenda for the meeting and proceed with the discussion. If enforcement action were contemplated, it would first determine whether a threat to or breach of the peace or act of aggression did exist, and then make recommendations or decide what action would be taken.

Under one interpretation, the resolution concerning security assurances might represent a decision in advance that a certain kind of situation, e.g. a threat of or an act of aggression by a nuclear-weapon-state against a non-nuclear one, would *ipso facto* constitute the existence of a threat to the peace in the sense of Article 39, and require that the Council take action to maintain or restore international peace and security. On the other hand, the Council would still have to adopt the agenda, decide whether any particular situation constituted an act or threat of nuclear aggression against a non-nuclear weapon state, and if it decided affirmatively the Council would still have to decide what kind of action to take.

Thus how significant the resolution would be in practice is debatable and would depend on the interpretations made at the time any such situation arose.

The significance of the phrase "the Security Council, and above all its nuclear weapon State permanent members, would have to act immediately in accordance with their obligations under the United Nations Charter." is also debatable. It could be interpreted to imply an obligation of the permanent members to use their nuclear weapons in defense of a non-nuclear power, or it could be interpreted as referring to the veto right, either implying that members should not use their veto to prevent Council action or, conversely, reaffirming the right of veto. Whether France, which is also a permanent nuclear-weapon member of the Security Council, will support the resolution remains to be seen.

The unilateral statements of intention being made by the three major nuclear-weapon countries, the United States, the Soviet Union, and the United Kingdom, in essence supplement the Security Council resolution with statements of policy to the same effect. The fact that the statements of intention are welcomed in the resolution gives them a nature of a formal pledge on which the international community is relying and suggests that, although unilateral statements of policy, they could not be easily ignored or reversed even though they are not legally binding like a treaty. It is the statements of intention which assure that a nuclear threat against a non-nuclear attack would at least be considered by the Security Council, for in them each of the three powers individually affirms its intention to seek immediate Security Council action to provide assistance to any non-nuclear-weapon State party to the Non-Proliferation Treaty which is a victim of a nuclear attack.

Finally, reference to Article 51 and the right of individual or collective self-defense in both the resolution and the statements of intention reserve the right

of other defence action until the Security Council has taken measures necessary to maintain peace and security.

Additional significance of the assurances may lie in their implication that use of nuclear weapons in aggression against a non-nuclear weapon state should bring the United Nations to the defense of the non-nuclear state, and their implied condemnation of the aggressive use of nuclear weapons by a state which possesses them against a state which does not possess them.

The United States representative at the Disarmament Conference, William C. Foster, has summed up the effect of the security assurance on the United Nations in this way:

"The full significance of the Security Council action we are proposing must be seen in the light of the present world situation. It reflects the determination of the nuclear-weapon States which intend to become parties to the non-proliferation treaty to have assistance provided in accordance with the Charter of the United Nations to any party to the treaty which is a victim of an act of aggression or the object of a threat of aggression in which nuclear weapons are used. This action will enhance the security of all parties to the treaty, and in particular of those who find themselves confronted by a direct nuclear threat to their security. It is in the light of these considerations that the governments of all members of this Committee will want to give careful study to the statements made here today.

"The action we contemplate for the Security Council will, we believe, constitute a heartening reaffirmation of the basic purpose of the United Nations and of the responsibility of the Security Council for the maintenance of peace."¹⁶

B. Regional Security Organizations

The regional security organization which has been considered most extensively in connection with the Non-Proliferation Treaty is the North Atlantic Treaty Organization. The other existing regional organizations have not appeared as immediately concerned with the effects of the Treaty for a variety of reasons. For example, in the Organization of American States, the Latin Americans have been moving in a direction parallel to the Non-Proliferation Treaty by their conclusion of a Treaty for the Prohibition of Nuclear Weapons. The latter regional denuclearization treaty requires many of the Latin American states who ratify it to accept much the same obligations as those in the Non-Proliferation Treaty, although it does not enter into force until, among other requirements, all the nuclear-weapon countries ratify a protocol to respect the treaty.

All regional organizations would be affected alike by the Treaty in certain ways. It would mean that neither the United States nor the Soviet Union would relinquish control of nuclear weapons to any of its non-nuclear weapon allies. The non-nuclear-weapon members of the organization which signed the treaty would remain dependent upon the existing nuclear powers for any nuclear defense. If all members signed, regional organizations such as the Arab League, in which no member possesses nuclear weapons, would oblige themselves to remain without nuclear weapons.

In the case of regional organizations in which some members signed the Treaty and others did not, if the non-signers went ahead and manufactured nuclear weapons it would probably bring about a reassessment of the entire problem and each nation would have to decide for itself whether or not its interests had been jeopardized enough to withdraw from the Non-Proliferation Treaty.

NATO is the only regional organization where serious consideration appears to have been given to arrangements for sharing control of nuclear weapons possessed by one of the members. For that reason throughout the negotiations on the Non-Proliferation Treaty the effect on NATO has been a major consideration.

Up until 1966 the chief issue between the United States and the Soviet Union preventing agreement on a Non-Proliferation Treaty had been whether new nuclear sharing arrangements in NATO such as the proposed multilateral force would be permitted by the Treaty. The Soviet Union insisted that any non-dissemination agreement must prohibit such a force, whereas the United States contended that any force being considered would not prevent any non-nuclear weapon country the independent use of nuclear weapons and would comply with a non-proliferation agreement. The United States took the view that as long as the number of nations or the number of entities independently controlling nuclear weapons did not increase, there was no proliferation. In addition to being concerned with nuclear-sharing arrangements, the United States wanted the lan-

¹⁶ March 7, 1968, ENDC/PV 374.

guage of the treaty to make allowance for future developments such as the formation of a unified Europe in which one of the members, which already held nuclear weapons, e.g. France, would turn over its stockpile to the larger new state or federation of which it became one part.

This issue melted away in the fall of 1966 without it ever being made officially clear precisely what the outcome was. By that time the idea of a multilateral force for NATO had also been set aside or abandoned. As finally concluded, the Treaty does ban transferring nuclear weapons or control over such weapons to "any recipient whatsoever." Proponents of the Treaty have stated that the Atomic Energy Act already "clearly prohibits the transfer of possession and ownership, as well as control of nuclear weapons to any non-nuclear country or to any group of states."¹⁷

As for the Treaty's effect in the event of any future unification of Europe, it has been reported that the United States has given written assurances to the Federal Republic of Germany that the Treaty would not prevent the establishment of a European nuclear force if political unification of Western Europe took place.¹⁸

The Treaty would entail a new legal obligation on all the non-nuclear allies which sign the Treaty not to manufacture or acquire nuclear weapons. The Federal Republic of Germany had undertaken not to manufacture nuclear weapons in its territory when it became a member of NATO and the Western European Union.¹⁹

The Treaty apparently would not affect the current nuclear defense arrangements of NATO, in which some 7,000 United States nuclear warheads are already deployed on the territory of other NATO members. In these control is held either solely by the United States or the use must be approved by both the host country and the United States. The United States position has been that as long as it had the right of vetoing the use of a nuclear weapon, it retained control.

ACTION AND POSITIONS ON THE NONPROLIFERATION TREATY AT THE TWENTY-THIRD SESSION OF THE UNITED NATIONS GENERAL ASSEMBLY

(By Ellen C. Collier, Analyst in U.S. Foreign Policy, Foreign Affairs Division,
January 21, 1969)

Disarmament questions consumed a major portion of the attention of the twenty-third session of the United Nations General Assembly, which met from September 24 through December 21, 1968. About half the meetings of the First (Political and Security) Committee were devoted to the subject. The main focus of the Assembly discussion was no longer on the Nonproliferation Treaty itself. Although the treaty had not entered into force, had not been signed by many important non-nuclear states, and had been ratified by only a few of the states which had signed, the discussion now centered on the next steps to be taken.

There was a consensus that for the next steps toward disarmament it was the turn of the nuclear powers to act, the non-nuclear nations having been asked to make their contribution by renouncing the right to manufacture nuclear weapons in the Nonproliferation Treaty. The two moves most frequently demanded were a comprehensive nuclear test ban and a limitation on nuclear delivery systems, including anti-ballistic missile systems. However, several countries also mentioned a cutoff in the production of fissionable material for weapons purposes as the most equivalent measure because it would subject the nuclear powers to much the same safeguards as were required of the non-nuclear powers under the Nonproliferation Treaty, and also halt the growth of the nuclear stockpiles, or vertical proliferation.

The non-nuclear-weapon countries showed a determination to follow up the work and the recommendations of the Conference of Non-Nuclear-Weapon States which had been held in Geneva from August 29 to September 28, 1968. They sought fulfillment of the three principal obligations undertaken by the nuclear signatories in promoting the treaty. These obligations, which had also

¹⁷ Statement submitted by William C. Foster, Director of U.S. Arms Control and Disarmament Agency. Arms Control and Disarmament Act Amendments, 1968. Hearings before the House Foreign Affairs Committee, Feb. 1, 1968, p. 31.

¹⁸ Finney, John W. U.S. gives West Germans assurance on atom pact. New York Times, March 30, 1967, p. 1.

¹⁹ Final Act of the Nine-Power Conference held in London, September-October 1954: Protocol III to the Treaty of Brussels creating the Western European Union.

been the center of discussions at the Conference of Non-Nuclear-Weapon States, were (1) to pursue negotiations on the cessation of nuclear disarmament; (2) to cooperate in developing and sharing the peaceful uses of atomic energy including nuclear explosions; and (3) to provide compensating security for the non-nuclear-weapon states.

In addition, while recognizing that further steps toward nuclear disarmament could only be taken when the nuclear powers reached agreement between themselves, the non-nuclear-weapon nations demonstrated their desire to continue to play an active role in the disarmament negotiations. They widely acclaimed the Conference of Non-Nuclear-Weapon States because they felt it had given them a significant voice. To retain this significant voice was considered vital as a safeguard against the hegemony of the two nuclear super-powers, the United States and the Soviet Union. Fear of such hegemony appeared to be growing in part at least because the two major powers had agreed upon and urged the Nonproliferation Treaty which would perpetuate the gap between their weapons technology and the weapons technology of the non-nuclear powers.

The delegate from Sweden expressed the fear of American-Soviet hegemony in technological and military fields:

"That the super-Powers and they alone, if no international scheme for cooperation intervenes, will have the technical resources for utilizing the new inventions, follows practically automatically from the fact that they are so far advanced in technology in comparison with all other nations. No willful intentions need to be imputed. The prospect of a monopoly—or, rather of a duopoly—for the super-Powers in regard to satellites, to exploitation of the resources of the sea-bed, to the utilization of nuclear explosives for mining and civil engineering projects on a grandiose scale, is but a corollary to the so-called "technological gap," which is now before our eyes widening to a gulf.

"It is absolutely necessary that all countries in the world, their leaders, their peoples, the Press, be acutely aware of this trend toward a tremendous power accumulation on the part of the strongest nations. That power hegemony we have hitherto most clearly come to fear but, also, to try to temper in the military sector, that is, in regard to nuclear weapons."¹

GENERAL ASSEMBLY CONSIDERATION

The action of the General Assembly most closely related to the Nonproliferation Treaty was its consideration of the work of the Conference of Non-Nuclear-Weapon States, which had been convened as a result of a 1967 resolution of the General Assembly. In one of its resolutions, the Conference had invited the General Assembly "to consider the best ways and means for the implementation of the decisions taken by the Conference, and the continuity of the work undertaken: and, at a subsequent session, to consider the question of the convening of a second Conference of Non-Nuclear-Weapon States."

In accordance with this request, the item "Conference of Non-Nuclear-Weapon States: Final Document of the Conference" was added to the agenda of the twenty-third session and allocated to the First Committee for discussion. It was considered in a group with the four items relating to disarmament already on the agenda of the First Committee: (1) Question of general and complete disarmament: report of the Conference of the Eighteen-Nation Committee on Disarmament; (2) Urgent need for suspension of nuclear and thermonuclear tests: report of the Conference of the Eighteen-Nation Committee on Disarmament; (3) Elimination of foreign military bases in the countries of Asia, Africa and Latin America: report of the Conference of the Eighteen-Nation Committee on Disarmament; and (4) Memorandum of the Government of the Union of Soviet Socialist Republics concerning urgent measures to stop the arms race and achieve disarmament.

RESOLUTIONS ADOPTED UNDER AGENDA ITEM ON GENERAL DISARMAMENT

At the conclusion of the debate, seven resolutions were adopted. Three were under the agenda item of general and complete disarmament but are relevant to the Nonproliferation Treaty because Article VI of the Treaty contains a pledge to pursue negotiations on a treaty on general and complete disarmament as well as a halt of the nuclear arms race and nuclear disarmament. One of these resolutions requested the Secretary-General to prepare a report on the

¹ Mrs. Myrdal in First Committee, November 18, 1968, A/C.1/PV. 1009, pp. 48-50.

effects of the possible use of chemical and bacteriological weapons, as had been recommended by the Eighteen Nation Disarmament Committee, and also reiterated a call for observance of and an invitation to accede to the General Protocol of 1925 on the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases and of Bacteriological Methods of Warfare.

A second resolution requested the Conference of the Eighteen-Nation Committee to pursue renewed efforts toward general and complete disarmament under effective international control and in particular to analyze plans relating to nuclear disarmament, and to resume its work as early as possible. During the debate the United States representative William C. Foster announced that the Eighteen-Nation Committee would begin meeting again on March 6, 1969.

A third resolution dealt with nuclear tests. It called on states which have not done so to adhere to the partial test ban treaty and on all states to suspend nuclear weapons tests in all environments, i.e. underground tests. In addition, it requested the Eighteen-Nation Disarmament Committee to take up the elaboration of a treaty banning underground tests as a matter of urgency and to report to the next session of the General Assembly. During debate the view had been frequently expressed that if the nuclear powers had the will to end all tests, an agreement would be possible because of improvements which had been made in the seismographic detection and identification of underground explosions.

Also introduced under the agenda item of general and complete disarmament was a resolution concerning arms sales. Sponsored by Denmark, Iceland, Malta and Norway, the draft resolution requested the Secretary-General to ascertain the position of members on undertaking an obligation to register all imports and exports of conventional arms with the Secretary-General and to authorize the Secretary to collect and publish regularly information on the transfer of conventional arms. On December 5, 1968, the representative of Denmark said the sponsors would not press for a vote on this resolution, which elicited both support and opposition in the debate, on the understanding that it was covered by a paragraph in another resolution under which all documents and records of the First Committee's meeting would be transmitted to the Eighteen-Nation Disarmament Committee.

RESOLUTIONS ON THE CONFERENCE OF NON-NUCLEAR-WEAPON STATES

The other four resolutions adopted were all considered under the subject of the Conference of Non-Nuclear-Weapon States. Continuing the work of this Conference was one of the major concerns at the twenty-third session of the General Assembly and the method of following through on its decisions was the subject of a considerable amount of negotiation.

Several states favored a special United Nations body or *ad hoc* committee to continue the work of the Conference and to devote itself to the question of implementing the resolutions of the Conference. At first negotiations centered on the creation of such a committee. However, when it became apparent that the establishment of a special committee for this purpose was strongly opposed by many states including the major powers, the convening of the Disarmament Commission was accepted as an alternative which could serve the same purpose but which would not create an additional committee. Negotiations then centered on the timing and terms of reference of the Disarmament Commission, which includes all members of the United Nations. One draft resolution, submitted by Australia, Austria, Canada, Finland, Japan, and the Netherlands, requested the Secretary-General to place the question of convening the Commission on the agenda of the next session of the General Assembly. Another, submitted by Argentina, Brazil, Chile, Italy, Pakistan, and Yugoslavia, called for a decision to convene the Commission, with consultations to ascertain whether it should be convened by July 1969 or after the 24th session and before March 1970. Both drafts endorsed the Declaration of the Conference of Non-Nuclear-Weapon States.

Another draft resolution introduced by Cyprus called for broadening the mandate of the Disarmament Commission to include "not only the question of general and complete disarmament under international control, but also the related question of strengthening the capacity of the United Nations to take effective measures to ensure collective security, peaceful settlement of disputes and economic development." The Cypriot delegate said the assumptions of the present procedures for general disarmament should be reexamined in light of their lack of success and the lack of international security. The United States and several other delegations contended that a mandate including disarmament,

security, and economic matters would be too diffuse and render the Commission ineffective. The delegate from Cyprus did not press the resolution to the vote, stating that he had sought to emphasize the important link between the three subjects.

The resolution finally adopted, 2456 A, was a compromise. It requested the Secretary General to place on the agenda of the twenty-fourth session the question of implementation of the results of the Conference, including the question of convening a meeting of the Disarmament Commission early in 1970 to consider disarmament and the related question of the security of nations. Another item which the resolution requested be placed on the agenda of the next session was the question of further cooperation on the peaceful uses of nuclear energy with particular regard to the needs of the developing countries.

The resolution also endorsed the Declaration of the Conference of Non-Nuclear-Weapon States and took note of its resolutions. Ambassador Foster announced that the United States could not support the paragraph endorsing the Declaration because it had been a non-voting participant in the Conference and had not expressed its views on several issues, and because a number of statements in the Declaration were not consistent with its views. He said, "Accordingly, the United States cannot regard itself as in any way committed to the statements contained in the Declaration."² He asked for a separate vote on the paragraph containing the endorsement. In the separate vote, the United States abstained but the paragraph was passed by a vote of 84-8, with 10 abstentions. The United States then voted in favor of the resolution as a whole, which was passed in plenary session by a vote of 103 in favor, 7 against, and 5 abstentions.

The Soviet Union and six other Communist nations voted against the resolution. (Rumania voted for it.) Among the reasons given by the Soviet delegate were that it called for approval of the Conference's declaration and amounted to approval of all its recommendations, whether constructive or not. Another reason he did not wish to endorse the final declaration was that it directed the General Assembly toward convening another conference of non-nuclear-weapon states in the future.

The Soviet delegate also objected that there was not a single reference to the Nonproliferation Treaty in the resolution which was finally adopted by the General Assembly, and that some of its sponsors had not signed the treaty. He objected to using the Disarmament Commission as a watchdog over the implementation of the Conference's recommendations. Finally, he objected to the wording referring to "Members of the United Nations or of its specialized agencies" which encompassed the Federal Republic of Germany but excluded the German Democratic Republic which had signed the Nonproliferation Treaty. The Soviet Union supported a resolution introduced by Bulgaria and Hungary, which was not put to the vote after the adopted resolution was given priority. Their draft did not mention the Disarmament Commission, welcomed the "number of constructive proposals" in the resolutions of the Non-Nuclear-Weapon States Conference, and stressed that they must be implemented in such a way as to contribute to the objectives of the Nonproliferation Treaty.

On December 9, 1968, the Soviet delegate spoke of the possibility that some decisions of the Non-Nuclear-Weapon States Conference could be used to help delay the entry into force of the Nonproliferation Treaty, and linked this with helping the Federal Republic of Germany. He said:

"My delegation approaches the draft resolution concerning the Conference of Non-Nuclear-Weapon States and the decisions of that conference from the following angle. Are they conducive to advancing the cause of the treaty on the non-proliferation of nuclear weapons or, on the contrary, do they hamper and obstruct the attainment of its objectives? Do they help those who are looking for all kinds of artificial pretexts for not adhering to the treaty? It is easy to see that those who cannot or will not recognize this, are wittingly or unwittingly, helping the aggressive, revenge-seeking circles of West Germany to conceal their desire to possess nuclear weapons.

"The peoples of Europe remember very well how German imperialism has twice within one generation brought upon Europe and the world the bloody orgy of two world wars. The peoples of the world will never forget it and will never allow the West German revenge-seekers to commit for a third time the same crime against the world and against mankind. In this connection it must be noted that

² First Committee, Dec. 17, 1968, A/C.1/PV.1643, p. 26.

some of the decisions of the Conference of Non-Nuclear Weapon State and this may be reflected in some of the draft resolutions submitted here, can be used by the opponents of the nonproliferation treaty at least to prevent or delay as much as possible the entry into force of that treaty. Another thing must be noted. Some non-nuclear countries, refusing to sign this treaty, evince a tendency which must make us wary. These countries strive to obtain significant advantages in the field of the peaceful use of nuclear energy; they demand additional guarantees for their own security, but they refuse to assume any obligations and they do not adhere to the treaty on the nonproliferation of nuclear weapons. The Soviet delegation would like to point out the unrealistic and unfounded nature of such an approach."³

The resolution on the Non-Nuclear-Weapon Nations Conference also invited the Secretary General to transmit the Conference's resolutions to the specialized agencies and other international groups concerned, which in turn were invited to report back on action taken by them concerning the resolutions. It also invited the International Bank for Reconstruction and Development, the United Nations Development Program, and the IAEA to continue the study of the recommendations to those organizations.

In this connection, Administrator of the United Nations Development Programme Paul Hoffman wrote Secretary General U Thant on November 25, 1968, concerning resolution J of the Conference, which requested the General Assembly to consider establishing within the UN Development Program a "nuclear technology research and development program" to be executed as a matter of priority with the cooperation of the IAEA for the benefit of the developing countries. The Administrator noted that the resolution had been passed without any prior consultations with or notifications to the UNDP. He pointed to funds which had already been earmarked for projects to be executed by the IAEA and expressed the belief that the UNDP resources could most appropriately be applied to preinvestment studies in the field of large-scale nuclear energy; to training, research, and advisory function in the field of isotopes and ionizing radiation, and to technical and economic studies in the field of peaceful nuclear explosions only if this field reached the stage of practical application. He also stated:

"Naturally, in considering requests for assistance in the field of atomic energy, I believe that the Governing Council would wish to continue to be guided, as in other fields, by its usual criteria of project soundness and priority, including the ability of the requesting Government to provide the appropriate counterpart facilities and qualified national staff, and taking account of the likelihood of investment follow-up in appropriate cases."⁴

Another part of the resolution adopted requested the Secretary General in accordance with resolution G of the Conference to appoint a group of experts to prepare a full report on all possible contributions of nuclear technology to the economic and scientific advancement of the developing countries. In accordance with a rule requiring that any resolution involving expenditure must be accompanied by an estimate of expenditures prepared by the Secretary General and examined by the Administrative and Budgetary Committee, the Secretary General estimated the cost of this study at \$129,500.

ADDITIONAL VIEWS EXPRESSED RELATING TO THE NONPROLIFERATION TREATY

Several delegations urged the speedy ratification of the Nonproliferation Treaty. Ireland, Canada, Sweden, Bulgaria, the Soviet Union, and Poland stressed the desirability of ratification of the treaty. The Canadian delegate stated that only 2 of 8 "threshold" states had signed the treaty and he particularly urged their adherence. The delegate from Ireland cautioned that the "follow-up" action of the Conference of Non-Nuclear-Weapon States should in no way delay the treaty's entry into force.

The delegate from Kenya expressed the view held by some that they were particularly concerned that the sponsors of the treaty, who he said had done much "arm-twisting" to gain support for the treaty, had not ratified it, although the United Kingdom did deposit its ratification in the course of the debate. The delegate from Kenya said:

"My delegation is rather disturbed that the authors of the nuclear nonproliferation treaty are beginning to balk at ratifying the Treaty. It will be recalled

³ Mr. Malik in Committee 1, December 9, 1968, A/C.1/PV. 1634, pp.8-11.

⁴ A/7034, p. 4.

that leading nuclear nations did much rough arm-twisting in the developing world in order to obtain support for the Treaty when we last met here in June. Eventually the arm-twisting paid off handsomely, when the General Assembly commended the Treaty by 95 votes to 4, with 21 abstentions. Moreover, we understand that more than eighty countries have already signed the Treaty. In the circumstances, we do not understand why the authors of the Treaty, who were so enthusiastic at the beginning, are now reluctant to ratify it."⁵

The delegate from Kenya also expressed the concern for the security of the non-nuclear-weapon states—a concern shared by many other states. He quoted an African adage that "when two elephants fight it is the grass that suffers," and said that some of the smaller powers who had "sought peace under the so-called nuclear umbrella have been rudely awakened to the fact that they are not under an umbrella but under the sword of Damocles."⁶

Lack of satisfaction with the security assurances which had been given the non-nuclear-weapon states in the Security Council resolution accompanying the Nonproliferation Treaty was voiced by many delegations. The delegate from Yugoslavia said:

"* * * One would simply be hypocritical not to see that the guarantees to non-nuclear States offered by the three nuclear Powers in their declarations do not raise the level of security that non-nuclear States need and to which they have been so sensitive in the past."⁷ He cited one of the major merits of the Conference of Non-Nuclear-Weapon States as being that it had raised the question of international security in the nuclear age as a whole. In addition, he supported the suggestion at the conference that a special conference be convened in order to find a solution for the first step toward a universal system of collective security, the first step being a multilateral instrument containing safeguards and guarantees from the nuclear powers to the non-nuclear nations.

On this point the United States had expressed the view that separate universal security guarantees outside the United Nations and in competition with it would weaken both the United Nations and security and lack the legal framework provided by the UN Charter.

Nepal favored what was called a negative security guarantee rather than a positive guarantee, that is, it favored a pledge by the nuclear powers not to use nuclear weapons against non-nuclear states above pledges to assist them in the event of attack. Pakistan called a negative security assurance the "nearly universal desire of non-nuclear States." A prohibition against the use of nuclear weapons in general was favored by the Communist nations.

Ghana urged that to gain parties to the nonproliferation treaty the nuclear powers must make effective assurances which would satisfy the non-nuclear powers, make convincing efforts to reach concrete disarmament agreements, and in general give sympathetic consideration to the results of the Conference of Non-Nuclear-Weapon States. A similar view was expressed by Mexico.

Canada suggested that instead of a new conference on security guarantees as suggested by Yugoslavia the non-nuclear states should get together and bring the question before the United Nations Security Council, arguing their case on the inadequacy of the existing assurances and making constructive proposals on what the assurances should be. The question would then be debated in the Security Council.

A few states reiterated or clarified their own position on becoming a party to the Nonproliferation Treaty. The delegate from Pakistan quoted the Foreign Minister's endorsement of the objectives of the treaty, the effectiveness of which would depend upon the extent of adherence, and his statement that Pakistan's signature would depend on "inescapable regional considerations."

The French delegate repeated that it would conduct itself exactly like the states which had decided to adhere to the Nonproliferation Treaty, but stating that the Treaty did not constitute a real act of disarmament. In his view, the real problem was to meet the needs of security, including first, a security guarantee against nuclear weapons. In the French view the process of disarmament required the establishment of a far-reaching and lasting detente.

India presented views on the method of conducting peaceful nuclear explosions which would appear to require different action than outlined in the Nonproliferation Treaty. The delegate said:

"The development of the technology of nuclear excavation projects must be sought not by way of modification of the Moscow test-ban Treaty but in the

⁵ Mr. Nabwera in First Committee, November 19, 1968, A/C.1/PV. 1611, p. 57.

⁶ *Ibid.*, p. 52.

⁷ Mr. Bebler in First Committee, November 13, 1968, A/C.1/PV. 1607, p. 26.

context of a comprehensive test-ban treaty and through a separately negotiated agreement, which should be made part of an international regime for peaceful nuclear explosions. Such a regime should be established within the over-all scope of the International Atomic Energy Agency and without discrimination against any category of States. Such a regime should naturally ensure the right of all States, particularly developing States, to learn and apply the technology of nuclear explosions for peaceful purposes. Only a truly international regime, allowing for international decision-making in regard to the conduct of explosions and their international supervision, in whatever country they occur, would assure equality. It is not possible to accept as a permanent feature of the future world that some countries, because they are militarily advanced, should also have direct access to the important economic and technical benefits of new technologies while others should be either at the mercy of discriminatory treatment or able to obtain such benefits only in an indirect way."⁸

India and some of the other non-nuclear states which had not signed the Nonproliferation Treaty, such as Zambia and Indonesia, objected to the Treaty's provisions which appeared to confine certain benefits to parties to the treaty. They believed that cooperation in the peaceful uses of nuclear energy and provisions for security from nuclear attack should be made available to all non-nuclear states, whether or not they had ratified the treaty.

RESOLUTION ON DENUCLEARIZED ZONES

Three resolutions were also passed by the General Assembly on single specific recommendations of the Conference of Non-Nuclear-Weapon States. Resolution 2456 B mentioned the establishment of nuclear-weapon-free zones as a measure which contributed to halting the proliferation of nuclear weapons. It reiterated the recommendation of the Non-Nuclear-Weapon Nations Conference concerning the establishment of nuclear-weapon-free zones and appealed again for the nuclear-weapon powers to sign and ratify the protocol of the Latin American Denuclearization Treaty promising to respect it and not to use or threaten to use nuclear weapons against contracting parties.

During the debate the Mexican delegate summarized the status of the Latin American Denuclearization Treaty, and various states from Africa, Europe, and the Balkans supported the idea of denuclearized zones in their regions.

RESOLUTION CALLING FOR A REPORT ON AN INTERNATIONAL SERVICE FOR PEACEFUL NUCLEAR EXPLOSIONS

A third resolution, 2456 C, requested the Secretary General to prepare a report on the establishment of an international service for nuclear explosions for peaceful purposes within the framework of the IAEA. Of all the resolutions connected with the Conference of Non-Nuclear-Weapon States, this received the least support, passing by a vote of 75 in favor, 9 against (including the Soviet Union and the United Kingdom), and 30 abstentions (including the United States).

The lack of enthusiasm for this resolution by many, including the nuclear powers, did not appear to stem primarily from opposition to a study on an international service for nuclear explosions, but rather from the fact that the 12th annual meeting of the International Atomic Energy Agency Conference in September 1968 had voted for the IAEA to initiate such a study, in response to the recommendation of the Conference of Non-Nuclear-Weapon States. The opponents to the resolution felt that the IAEA was the agency which should conduct such a study, and that an additional report by the Secretary General would be a duplication of effort. In addition, both the Soviet Union and the United Kingdom objected to the omission of any reference in the resolution to the Nonproliferation Treaty which had created the interest in the nuclear explosion service. The Soviet representative objected too that the resolution spoke of holding nuclear explosions for peaceful purpose under appropriate international control whereas under the Nonproliferation Treaty the purpose of international supervision was to prevent violations of the Nonproliferation Treaty.

The United States delegate, William C. Foster, supported the early start of studies on a nuclear explosion service but took the position that the IAEA was the international organization with the appropriate mandate and experience. However, he said that the United States would not oppose the resolution "not-

⁸ Mr. Husain in First Committee, November 28, 1968, A/C.1/PV. 1624. Pp. 48-50.

withstanding our reservations on the compatibility of his draft resolution with the relationship agreement between the United Nations and the IAEA," but would abstain, on the assumption that the report would not impinge on the proper role of the IAEA and ultimately would be transmitted to the IAEA.

The delegate from Mexico, who had cosponsored the resolution along with Austria, Iran, Italy, Ireland, Pakistan, and eighteen other Latin American members, defended the resolution on the grounds that the subject was of common interest and in the competence of both the United Nations and the IAEA, and that what was being asked of the Secretary General was to prepare a report in consultation and cooperation with the Director-General of the IAEA. In his view just as the study should not be carried out by the United Nations without any participation of the IAEA, neither should it be carried out exclusively by the IAEA because the United Nations had jurisdiction over several aspects of the question. He also objected to the haste and manner in which the IAEA had adopted its resolution calling for a study.

RESOLUTIONS ON U.S.-SOVIET BILATERAL DISCUSSIONS ON DELIVERY SYSTEMS

The fourth resolution (1456 D) adopted under the subject of the Conference of Non-Nuclear-Weapon States repeated the Conference's recommendation calling for bilateral missile talks between the United States and the Soviet Union. By a vote of 108 in favor (including both the United States and the Soviet Union), none against, with 7 abstentions (including Cuba and France), the resolution urged the United States and the Soviet Union to "enter at an early date into bilateral discussions on the limitation of offensive strategic nuclear weapons delivery systems and systems of defense against ballistic missiles." It noted that the two countries had agreed in July 1968 to enter such discussions and that these could lead to the cessation of the nuclear arms race, the achievement of nuclear disarmament, and the relaxation of tensions. When the delegate from Bulgaria attributed the delay in beginning missile talks to the United States, which he accused of searching for excuses to delay beginning talks, Mr. Foster, apparently referring to the events in Czechoslovakia, said only, "I must comment that I believe every one of our colleagues in this Committee is aware of the reasons for that delay."⁹ The Soviet delegate said that the fact that no votes were cast against the resolution indicated clearly that the members "do not share the views of those who wish to have disarmament negotiations depend upon current international events."¹⁰

The widespread view that the step which should now be taken by the two major powers as a counterpart to the Nonproliferation Treaty was to begin bilateral missile talks leading toward a moratorium on the strategic arms race was expressed by the delegate from Sweden:

"During the preparation of the nonproliferation Treaty, we, the non-nuclear-weapon Powers, were demanding "tangible steps" to accompany or follow it. But no steps have so far been taken to accompany the readiness on the part of the majority of us to accept non-nuclearization of our military forces. No steps have been taken to "follow." This is probably one of the reasons for a certain reluctance to sign and to ratify the Nonproliferation Treaty.

* * * * *

"Never has the next step in disarmament been so clearly indicated: It must, logically, be the cessation of the new armaments race in regard to strategic missile systems, offensive and defensive. Economically, their development and deployment are disastrous. It is for mankind as a whole inconceivable how these countries, great as they are, can continue to pour resources—and enormous amounts of money and of human talent, at that—on programmes for increasing their capacity for mass destruction, particularly since all cost-benefit calculations show that these measures, mutually undertaken, are not assuring any greater national security but the opposite. At the same time, this continuing race plays a dangerous game with international security, upsetting, as it does, the balance prevailing earlier, which had given us the hope that a plateau of some stability had been achieved.

"While these development go on, we listen with intense expectations to repeated statements by the leaders of these two nations, which seems to promise that they are willing to get together in a bilateral exchange of views in order

⁹ December 5, 1968, A/C.1/PV. 1630, p. 12.

¹⁰ Mr. Malik in First Committee, December 20, 1968, A/PV. 1750, p. 21.

to discuss these very issues of nuclear disarmament and to arrive at effective agreements to stop the irrational race. An agreed cessation of the strategic arms race, or at least an immediate moratorium, is the counterpart disarmament measure now expected from them. The credibility of the super-Powers in regard to disarmament is now at stake."¹¹

AGENDA ITEMS ON FOREIGN MILITARY BASES AND THE SOVIET MEMORANDUM

The two agenda items on foreign military bases and the Soviet memorandum on disarmament did not result in the passage of any separate resolutions. The Chairman of the First Committee ruled that the subject of foreign military bases was covered by the adoption of the resolution urging the Eighteen-Nation Disarmament Committee to pursue renewed efforts (2454 B). This resolution recalled, among several others, a resolution of the previous session requesting the Eighteen-Nation Disarmament Committee to consider the question of elimination of foreign military bases in Asia, Africa, and Latin America.

Similarly, the Soviet Memorandum on Disarmament did not result in a resolution. The memorandum proposed "urgent measures aimed at stopping the nuclear arms race and achieving disarmament" under the following nine headings:

- (1) Prohibition of the use of nuclear weapons;
- (2) Measures for stopping the manufacture of nuclear weapons and for reducing and destroying stockpiles;
- (3) Limitation and subsequent reduction of means of delivery of strategic weapons;
- (4) Prohibition of flights beyond national borders of bombers carrying nuclear weapons. Limitation of navigation zones for rocket-carrying submarines;
- (5) Ban on underground nuclear-weapon tests;
- (6) Prohibition of the use of chemical and bacteriological weapons;
- (7) Elimination of foreign military bases;
- (8) Measures for regional disarmament; and
- (9) Peaceful uses of the sea-bed and ocean floor.

At one point the Soviet delegate submitted a resolution in which the Assembly would "attach . . . great importance" to the memorandum and request the Eighteen-Nation Disarmament Committee to undertake negotiations concerning the measures contained in it. On December 6, 1968, however, the Chairman of the First Committee announced that he had been informed by the Soviet delegation that it would not insist on a vote on the resolution. The importance of the memorandum had been noted, the Soviet delegation said. In addition, the resolution adopted on general disarmament (2454B) noted the memorandum along with other proposals for collateral measures which had been submitted to the Eighteen-Nation Disarmament Committee.

RESOLUTION ON INTERNATIONAL ATOMIC ENERGY AGENCY REPORT

Another matter relevant to the Nonproliferation Treaty was the report of the International Atomic Energy Agency, which was considered directly by the plenary session of the General Assembly without reference to a committee. The International Atomic Energy Agency would have the responsibility for safeguards under the treaty and the states members of the Boards of Governors of the IAEA would have a special role in the amending process under the treaty because any amendment would require their approval and ratification. In addition, the Agency could become the international body responsible for making available the benefits of peaceful nuclear explosions. Article V of the treaty requires that these benefits be obtained pursuant to special agreements "through an appropriate international body with adequate representation of non-nuclear-weapon States."

The Conference of Non-Nuclear-Weapon Nations recognized the growing role of the International Atomic Energy Agency and reported that resources for the Agency should be increased and that the Agency should "adapt itself adequately for its further responsibilities."¹² In particular, it recommended that representation on its Board of Governors be broadened to reflect equitable geographic

¹¹ Mrs. Myrdal, in First Committee, November 18, 1968. A/C.1/PV. 1609, pp. 52-55.

¹² Resolution N, paragraph 7.

distribution and the views of a broad spectrum of developing countries.¹³ These recommendations in turn were the subject of resolutions by the twelfth session of the General Conference of the IAEA.

The resolution passed by the General Assembly gave a third endorsement to the desire to enable the IAEA to be in a position to carry out the new responsibilities it would assume under the Nonproliferation Treaty. In addition, it took specific note of the two resolutions which had been adopted by the IAEA General Conference in response to the Conference of Non-Nuclear-Weapon Nations. They first requested the Board of Governors to study ways by which its membership would adequately reflect the progress and development of the peaceful uses of nuclear energy which had been achieved by many countries including developing countries, equitable geographic distribution, and the continuing need for effectiveness as an executive body. The United States delegate had said that it would consider the Board composition with an open mind.

The second IAEA resolution noted by the General Assembly was the one requesting the Director-General of the IAEA to initiate studies of the procedures it should employ in connection with the peaceful uses of nuclear explosions.

The General Assembly resolution (2457 (XXIII)) was passed by a vote of 93 in favor, 0 against, and 4 abstentions, on December 20, 1968.

OTHER ACTION OF THE ASSEMBLY

A few other resolutions passed by the General Assembly should be mentioned because they relate either to disarmament or atomic energy. On December 21, 1968, the Assembly established a Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction, composed of forty-two states (Resolution 2467 (XXIII)). Among other things the Committee was instructed to study the reservation exclusively for peaceful purposes of the sea-bed and the ocean floor, taking into account the international negotiations being undertaken in the field of disarmament.

On December 16, 1968, the General Assembly requested the Secretary General to undertake preparations for the Fourth International Conference on the Peaceful Uses of Atomic Energy in Geneva in 1971 (Resolution 2406 (XXIII)).

On November 19, 1968, the Assembly requested the Secretary General, when asking for national studies on the economic and social consequences of disarmament, to suggest including considerations on the anticipated economic and social effects of partial disarmament measures (Resolution 2387 (XXIII)).

Finally, the General Assembly postponed until the next session a resolution submitted under the item "one day of war for peace" in which nations would be asked to give the equivalent of one day's military expenditures to a special fund to be used for peaceful purposes.

¹³ The Board of Governors at the present time consists of about twenty-five members, elected or appointed with both geographic and technological considerations. The five nations most technologically advanced in nuclear energy are included and the most technologically advanced nation in each of eight geographic regions. Two additional producers of source material are included and one supplier of technical assistance. Then twelve members are elected so that there will be equitable representation of the eight geographic regions named and that the Board at all times includes three representatives of Latin America, three of Africa and the Middle East, and a representative of each of the remaining areas except North America.

QUESTIONS POSED BY SENATOR COOPER AND ANSWERS BY THE DEPARTMENT OF STATE

AUGUST 12, 1968.

HON. DEAN RUSK,
Department of State,
Washington, D.C.

DEAR MR. SECRETARY: Upon the return of Congress in September, the Senate Foreign Relations Committee will consider in executive session the Non-Proliferation Treaty.

During testimony before the Committee on July 12, several questions were asked concerning the relationship of the Non-Proliferation Treaty to the Nuclear Test Ban Treaty and certain Acts of Congress. Under the Constitution the Non-Proliferation Treaty will become the supreme law of the land. It would be most helpful if I could be provided with answers to the following questions:

1. In what way, if any, does the Non-Proliferation Treaty amend, modify, supplement, or incorporate by reference any of the provisions of the Nuclear Test Ban Treaty, the Treaty on Outer Space, the Statute of the International Atomic Energy Agency, the NATO Treaty or any of our other mutual defense treaties?

2. Please list the bilateral or multilateral Executive Agreements presently in force which the United States has entered into with other countries pursuant to Chapter 11 of the Atomic Energy Act of 1954, as amended. In what way, if any, does the Non-Proliferation Treaty amend, modify, supplement or incorporate by reference any of the provisions contained in these Agreements?

3. In what way, if any, does the Non-Proliferation Treaty amend, modify, supplement or incorporate by reference any provisions of federal legislation such as the Atomic Energy Act of 1954, as amended, the EURATOM Cooperation Act of 1958, the International Atomic Energy Agency Participation Act of 1957, the Atomic Energy Community Act of 1955, as amended, or any other relevant Acts of Congress administered by the Commission?

While I recognize that some of the matters raised in these questions are more within the purview of the Atomic Energy Commission than the Department of State, I would appreciate very much your comments where appropriate.

Sincerely yours,

JOHN SHERMAN COOPER.

SEPTEMBER 5, 1968.

HON. JOHN SHERMAN COOPER,
U.S. Senate,
Washington, D.C.

DEAR SENATOR COOPER: The Secretary has asked me to reply to your letter of August 12, 1968 concerning the Non-Proliferation Treaty.

I am enclosing a memorandum which sets forth the answers to your specific questions.

If there is any further information we may provide, please let me know.

Sincerely yours,

WILLIAM B. MACOMBER, Jr.,
Assistant Secretary for Congressional Relations.

MEMORANDUM IN RESPONSE TO QUESTIONS ON THE NPT RAISED IN SENATOR COOPER'S LETTER TO SECRETARY RUSK DATED AUGUST 12, 1968

Question 1. In what way, if any, does the Non-Proliferation Treaty amend, modify, supplement, or incorporate by reference any of the provisions of the Nuclear Test Ban Treaty, the Treaty on Outer Space, the Statute of the International Atomic Energy Agency, the NATO Treaty or any of our other mutual defense treaties?

Answer (a) Nuclear Test Ban Treaty: The Non-Proliferation Treaty (NPT) does not amend, modify, or supplement any of the provisions of the Nuclear

Test Ban Treaty. The NPT does make reference to the Preamble of the Test Ban Treaty in its tenth preambular paragraph.

As pointed out in Chairman Seaborg's testimony before the Foreign Relations Committee on July 12, 1968, the NPT "is not intended to modify the provisions of the limited Test Ban Treaty. Therefore, in providing a nuclear explosion service pursuant to Article V, the United States will be obligated to observe the requirements of the limited Test Ban Treaty." (Hearings, p. 105.) As he also pointed out, Article V of the NPT may make it easier to modify or amend the Test Ban Treaty should such modification or amendments be required to perform certain nuclear explosion services.

(b) The Treaty on Outer Space: The Non-Proliferation Treaty does not amend, modify, supplement or incorporate by reference any of the provisions of this treaty.

(c) The Statute of the International Atomic Energy Agency: Article III of the NPT makes two references to the Statute of the International Atomic Energy Agency—in each case to the effect that non-nuclear weapon States shall conclude safeguards agreements with the International Atomic Energy Agency "in accordance with the Statute of the International Atomic Energy Agency". The NPT does not amend, modify, supplement or incorporate by reference any of the provisions of this Statute.

(d) The NATO Treaty or any of our other mutual defense treaties: The Non-Proliferation Treaty does not amend, modify, supplement or incorporate by reference any of the provisions contained in the NATO Treaty or any of our other mutual defense treaties.

Question 2. Please list the bilateral or multilateral Executive Agreements presently in force which the United States has entered into with other countries pursuant to Chapter 11 of the Atomic Energy Act of 1954, as amended. In what way, if any, does the Non-Proliferation Treaty amend, modify, supplement or incorporate by reference any of the provisions contained in these Agreements?

Answer:

The existing international agreements under Chapter 11 of the Atomic Energy Act fall into two broad categories: Agreements for Cooperation for Mutual Defense Purposes and Agreements for Cooperation in the Civil Uses of Atomic Energy.

A. Agreements for Cooperation for Mutual Defense Purposes: The Non-Proliferation Treaty will not have the effect of amending, modifying, supplementing or incorporating by reference any of the 12 agreements in this category, which are listed below:

	<i>Effective date</i>
NATO-----	Mar. 12, 1965.
Australia-----	Aug. 14, 1957.
Belgium-----	Sept. 5, 1962.
Canada-----	July 27, 1959.
France (Land-Based Prototype Fuel Supply Agreement)-----	July 20, 1959.
France-----	Oct. 9, 1961.
Germany, Federal Republic of-----	July 27, 1959.
Greece-----	Aug. 11, 1959.
Italy-----	May 24, 1961.
Netherlands-----	July 27, 1959.
Turkey-----	July 27, 1959.
United Kingdom-----	Aug. 4, 1958.

B. Agreements for Cooperation in the Civil Uses of Atomic Energy: The 33 U.S. agreements for cooperation in the civil uses of atomic energy now in effect are listed below:

INTERNATIONAL AGREEMENTS

(1) BILATERAL AGREEMENTS FOR COOPERATION IN THE CIVIL USES OF ATOMIC ENERGY

Country	Scope	Effective date	Termination date
Argentina	Research and power	July 27, 1962	July 26, 1969
Australia	do	May 28, 1957	May 27, 1997
Austria	Research	Jan. 25, 1960	Jan. 24, 1970
Brazil	do	Nov. 9, 1966	Aug. 2, 1975
Canada	Research and power	July 21, 1955	July 13, 1980
China, Republic of	Research	July 18, 1955	July 17, 1974
Denmark	do	July 25, 1955	July 24, 1973
Greece	do	Aug. 4, 1955	Aug. 3, 1974
India	Research and power	Oct. 25, 1963	Oct. 24, 1993
Indonesia	Research	Sept. 21, 1960	Sept. 20, 1970
Iran	do	Apr. 9, 1958	Apr. 26, 1969
Ireland	do	July 9, 1958	July 8, 1978
Israel	do	July 12, 1955	July 11, 1975
Italy	Research and power	Apr. 15, 1958	Apr. 14, 1978
Japan	do	July 10, 1968	July 9, 1998
Korea	Research	Feb. 3, 1956	Feb. 2, 1976
Norway	Research and power	June 8, 1967	June 7, 1997
Philippines	do	July 19, 1968	July 18, 1998
Portugal	Research	July 21, 1955	July 20, 1969
South Africa	Research and power	Aug. 22, 1957	Aug. 21, 1977
Spain	do	Feb. 12, 1958	Feb. 11, 1988
Sweden	do	Sept. 15, 1966	Sept. 14, 1996
Switzerland	do	Aug. 8, 1966	Aug. 7, 1996
Thailand	Research	Mar. 13, 1956	Mar. 12, 1975
Turkey	do	June 10, 1955	June 9, 1971
United Kingdom	do	July 21, 1955	July 20, 1976
Do.	Power	July 15, 1966	July 14, 1976
Venezuela	Research and power	Feb. 9, 1960	Feb. 8, 1970
Vietnam	do	July 1, 1959	June 30, 1974
Colombia	Research	Mar. 29, 1963	Mar. 28, 1977

¹ Subject to Colombian ratification.

(2) AGREEMENTS FOR COOPERATION WITH INTERNATIONAL ORGANIZATIONS

Organization	Scope	Effective date	Termination date
European Atomic Energy Community (Euratom)	Joint nuclear power program	Feb. 18, 1959	Dec. 31, 1985
Euratom	Additional agreement to joint nuclear power program	July 25, 1960	Dec. 31, 1995
International Atomic Energy Agency (IAEA)	Supply of materials, etc.	Aug. 7, 1959	Aug. 6, 1979

The Non-Proliferation Treaty will not have the effect of amending, modifying, supplementing or incorporating by reference any of these agreements in any respect not discussed below.

In Article III of the Non-Proliferation Treaty, each non-nuclear-weapon state party to that Treaty undertakes to accept safeguards, as set forth in an agreement to be negotiated and concluded with the International Atomic Energy Agency, on all source or special fissionable material in all peaceful nuclear activities within its territory, under its jurisdiction, or carried out under its control anywhere. This undertaking may be considered to supplement the safeguards provisions of the bilateral agreements for cooperation in the civil uses of atomic energy between the United States and the parties to those agreements.

In the second paragraph of Article III, each party to the treaty undertakes not to provide nuclear material and related equipment to any non-nuclear-weapon state "unless the source or special fissionable material shall be subjected to the safeguards required by this article, paragraph 4 of which we believe provides ample time in which to conclude the negotiations necessary to meet such requirements."

No difficulties are expected to arise under the latter provision since of the thirty-three Agreements for Cooperation now in force, twenty-seven contain an article providing for the transfer of safeguards responsibilities contained in these bilateral agreements to the IAEA safeguards under a trilateral arrangement.

The article also provides that in the event of failure to reach agreement on the terms of such trilateral agreements, either party may terminate the agreement. Trilateral agreements have already been brought into force under eighteen of twenty-seven agreements for cooperation.¹

The six remaining cases in which we have bilateral agreements include Italy, the UK, Canada, the IAEA and two with Euratom. In the first case, since the Italians are members of the European Communities, we have been carrying on our cooperation with them almost exclusively through our agreements with Euratom and do not expect to enter into any significant new projects with them under the authority of the Italian agreement, which was executed a number of years ago.

Another is our civil research bilateral with the United Kingdom. However, this case is an exception insofar as the NPT is concerned, since the United Kingdom is a nuclear-weapon state and would not be subject to the provisions of Article III of the NPT. It should be pointed out, nevertheless, that the United Kingdom has offered to place its nuclear activities "subject to exclusions for national security reasons only", under international safeguards at such time as international safeguards are brought into effect in non-nuclear-weapon states under the NPT.

Canada has signed the NPT and has given every indication of becoming a party to the Treaty and undertaking full acceptance of the requisite safeguards on all its peaceful nuclear activities.

¹ (a) Agreement for cooperation with IAEA and the following trilateral agreements :

Scope	Effective date
United States/IAEA/Argentina.....	Trilateral for application of IAEA safeguards to U.S.-supplied materials. Mar. 1, 1966
United States/IAEA/Australia.....	do. Sept. 26, 1966
United States/IAEA/Austria.....	do. Dec. 13, 1965
United States/IAEA/Republic of China.....	do. Oct. 28, 1965
United States/IAEA/Denmark.....	do. Feb. 28, 1968
United States/IAEA/Greece.....	do. Jan. 13, 1966
United States/IAEA/Indonesia.....	do. Dec. 6, 1967
United States/IAEA/Iran.....	do. Dec. 4, 1967
United States/IAEA/Israel.....	do. June 15, 1966
United States/IAEA/Japan.....	do. July 10, 1968
United States/IAEA/Korea.....	do. Jan. 5, 1968
United States/IAEA/Philippines.....	do. July 19, 1968
United States/IAEA/Portugal.....	do. Dec. 15, 1965
United States/IAEA/South Africa.....	do. Oct. 8, 1965
United States/IAEA/Spain.....	do. Dec. 9, 1966
United States/IAEA/Thailand.....	do. Sept. 10, 1965
United States/IAEA/Vietnam.....	do. Oct. 25, 1965
United States/IAEA/Venezuela.....	do. Mar. 27, 1968

(b) Agreements with Brazil, Colombia, India, Ireland, Norway, Sweden, Switzerland, Turkey, and the UK (Civil Power) have not yet resulted in trilaterals.

Generally, these agreements provide that in the event of termination the other party is required, at the request of the U.S. Government, to return all special nuclear material received pursuant to the agreement in its possession or in the possession of persons under its jurisdiction. The agreements also provide that the U.S. will compensate the other party for the returned material at the current AEC schedule of prices then in effect domestically. Qualifications on these termination rights appear in the following agreements :

(1) Those with India, Norway, Sweden and Switzerland provide that before termination, the Parties will "carefully consider the economic effects of any such termination", and that neither party will invoke its termination rights until sufficient advance notice has been given so that : in the case of the other party, it is enabled to make arrangements for an alternative source of power or in the case of the U.S. it is permitted to adjust its production schedules.

(2) The Indian agreement contains an additional qualification under which the United States agrees that it will not invoke its termination rights unless there has been a "wide-spread acceptance . . . of the implementation" of Agency safeguards or of provisions similar to those in the bilaterals.

Of the remaining three Agreements for Cooperation, two are with Euratom and one with the IAEA itself. With respect to Euratom, the following observations are pertinent:

(i) Three of the five non-nuclear-weapon Euratom members (Belgium, the Netherlands and Luxembourg) have already signed the NPT, after full consultation within the European Communities, and the other two (The Federal Republic of Germany and Italy) are expected to sign in the future. The three who signed have each pointed out that they do not consider that there is any incompatibility between the goals pursued by the NPT and the Euratom Treaty; that the safeguards provided for in Article III of the NPT will be the subject of agreements to be concluded with the IAEA; that to prevent the implementation of the NPT from being incompatible with provisions of the Euratom treaty, safeguards must be defined in such a way that the rights and obligations of the Member States and the Community remain intact, in accordance with the opinion of the Commission issued pursuant to Article 103 of the Euratom Treaty; that for that purpose, the Commission of the European Communities should enter into negotiations with the IAEA; and that it is their intention not to ratify the NPT before such negotiations have produced an agreement.

(ii) We are confident that Euratom and IAEA will arrive at a mutually satisfactory safeguards agreement in accordance with the NPT within the period provided by Article III of the Treaty, bearing in mind the steps which must take place and the time that will be available before commencement of such period. This period will not commence until the treaty's entry into force, which requires the deposit of instruments of ratification by all nuclear-weapon state signatories and forty other states. Moreover, as Secretary Rusk pointed out in his testimony before the Foreign Relations Committee on July 10, 1968:

"Now, as a matter of fact, the safeguards of the sort that are applied by Euratom are very similar to the safeguards applied by the International Atomic Energy Agency, and we see no special problem in meshing those safeguards, in relating them to each other, in such a way that there is confidence in the nature of the safeguards, but that Euratom safeguards and the Euratom system of peaceful cooperation in the use of nuclear energy can proceed without interruption in the light of an agreement to be worked out between Euratom and the IAEA."

If a non-nuclear-weapon country, including a non-nuclear member of Euratom, does not sign the NPT, the treaty would not prevent the transfer of nuclear material or equipment to that country if the nuclear material, or that used or produced in such equipment, would be made subject to the safeguards required by Article III. In the event that a non-nuclear-weapon country, whether signatory or not, does not conclude a safeguards agreement with the IAEA, we would of course, feel obliged to review the situation in light of the existing circumstances.

Question 3. In what way, if any, does the Non-Proliferation Treaty amend, modify, supplement or incorporate by reference any provisions of federal legislation such as the Atomic Energy Act of 1954, as amended, the EURATOM Cooperation Act of 1958, the International Atomic Energy Agency Participation Act of 1957, the Atomic Energy Community Act of 1955, as amended, or any other relevant Acts of Congress administered by the Commission?

Answer: While we believe the Atomic Energy Commission is in a better position than this Department to supply a definitive response to this question, we have the following observations with respect to the relationship between the Non-Proliferation Treaty and the Atomic Energy Act of 1954, as amended:

(1) As noted in Secretary Rusk's letter of Submittal of the NPT, Article I of the NPT deliberately parallels United States atomic energy legislation, which has always prohibited the transfer of nuclear weapons or control over them.

(2) To the extent that it succeeds in preventing the proliferation of nuclear weapons to additional countries, the treaty should have the effect of restricting the number of nations that can satisfy the condition in Section 91(c) of the Atomic Energy Act of having "made substantial progress in the development of atomic weapons." As you know, to date only the United Kingdom has been found to satisfy this condition.

(3) By explicitly calling for international safeguards, the NPT may be considered to supplement the provisions of Section 123 of the Atomic Energy Act requiring "a guaranty that any material to be transferred pursuant to such agreement will not be used for atomic weapons, or for research on or development of atomic weapons or for any other military purpose." As indicated above,

most agreements concluded under this section have, as a matter of practice, provided for such safeguards.

(4) The Joint Committee on Atomic Energy is presently considering legislation to amend the Atomic Energy Act which would assist the U.S. in the implementation of Article V of the NPT (S3783, HR 18448, HR 18701) by authorizing the AEC to conduct peaceful nuclear explosion services for practical applications domestically and abroad.

• With respect to the Euratom Cooperation Act, reference is made to the discussion of our agreements for cooperation with Euratom under question 2 above.

To the best of our knowledge and belief, the Non-Proliferation treaty would not amend, modify, supplement or incorporate by reference any other federal legislation, including the laws specifically mentioned in the question.

On August 22, 1968, Senator Cooper asked a series of questions on the Nonproliferation Treaty to the Atomic Energy Commission. The response of the AEC was as follows:

U.S. ATOMIC ENERGY COMMISSION,
Washington, D.C., September 11, 1968.

Senator JOHN SHERMAN COOPER,
U.S. Senate.

DEAR SENATOR COOPER: I am enclosing AEC's answers to the questions on the Non-Proliferation Treaty contained in your letter of August 22, 1968.

If we can be of any further assistance, please call upon us.
Cordially,

GLENN T. SEABORG, *Chairman.*

Question 1: What are the non-nuclear-weapon countries to which the US had provided or agreed to provide nuclear assistance for peaceful purposes prior to becoming a signatory to the Non-Proliferation Treaty?

Answer: The US has provided, or agreed to provide some form of assistance in the peaceful uses of atomic energy to the following countries:

Argentina	Greece	Nicaragua
Australia	Guatemala	Pakistan
Austria	India	Peru
Belgium	Indonesia	Philippines
Brazil	Iran	Portugal
Canada	Iraq	South Africa
China	Ireland	Spain
Chile	Israel	Sweden
Colombia	Italy	Switzerland
Costa Rica	Japan	Thailand
Cuba	Korea	Turkey
Denmark	Lebanon	Uruguay
Dominican Republic	Netherlands	Venezuela
Ecuador	New Zealand	Vietnam
Federal Republic of Germany	Norway	Yugoslavia

Question 2. Your statement to the Foreign Relations Committee on July 12 noted that the United States had required in its prior agreements with such non-nuclear-weapon countries, on-site inspection by the US, maintenance of records and reports open to the US upon request, and access to all data and all plants at all times by the US. Do you consider that such requirements were necessary for an effective safeguards system?

Answer: The answer to this question is "yes." This answer must be viewed in light of safeguards history and of a technical factor which has played a major role in the development of safeguards. That factor is the recognition that small quantities of nuclear material are of minimal significance and the resulting lack of need to rigorously safeguard such insignificant material. Under the Atoms for Peace Program, the first agreements calling for the export of reactors and fissionable material abroad were executed in 1955. These early agreements were limited to the export of research reactors and small quantities of material with a maximum enrichment of 20% U-235. To a degree, therefore, they reduced the safeguards problem by limiting the kinds of assistance to those which were inherently of little or no military significance. These limitations were possible because there was no immediate requirement for cooperation of a kind where a more comprehensive safeguards system would clearly be needed. Despite these limitations even the earliest agreements contained provisions which gave the United States the right to observe from time to time the research reactors and fuel provided for them to determine that they were being employed for the pur-

poses set forth in the agreements. The agreements also required the keeping of records and submission of periodic reports. In practice, these limited rights were entirely adequate to apply the kinds of safeguards required for these materials and equipment.

The Atoms for Peace Program contemplated from the outset that assistance would eventually be given and materials would be distributed for use in the generation of power by nuclear reactors. This meant that eventually large quantities of plutonium would result from the cooperative activities and the development of a safeguards system to accommodate this problem was therefore pursued. It was recognized that the application of an effective safeguard system for such a program would depend on the acquisition of ample rights on behalf of the inspecting authority to enable him to undertake the necessary control measures. Thus, the first step was the formulation of this system of rights. If these rights could be made sufficiently broad, the development of the detailed techniques of control could continue over a longer period, since the actual construction and operation of reactors producing large amounts of plutonium was several years away. Indeed, it can be said that a safeguards system consists of both the rights vested in the controlling authority and the actual measures by which these rights are implemented. The existence of the rights themselves, so long as the possibility of their implementation is maintained through the activities of the inspectorate, is an important element in the total effectiveness of the system.

The system of rights included in US comprehensive bilateral agreements beginning in 1956 and, in almost identical words, in the Statute of the IAEA, are an impressive and unprecedented step in international relations. They provide the inspecting authority, that is, the United States in the case of bilateral safeguards and the IAEA in the case of Agency arrangements, with the right to send into the recipient country inspectors who shall have access at all times and to all places and data as necessary to account for material and to determine that the commitment to peaceful uses is being observed. This right of access is the central right on which the United States and the IAEA systems are based. It has proven to be sufficiently broad so that any reasonably conceivable safeguard system required by practice can be fitted within it. There are supplementary but important rights—again quite comparable in both US bilaterals and the Agency Statute. These include the right to review the design of facilities for the sole purpose of assuring that effective safeguards can be applied, the right to require the maintenance of satisfactory records, and the right to require periodic reports about the safeguarded activities.

Question 3. You noted in your testimony that the U.S. has now by trilateral agreements, transferred to the IAEA United States' responsibility for maintaining safeguards. Do the trilateral agreements impose on the IAEA the same safeguard requirements imposed by the U.S. in its prior bilateral agreements—that is, on-site inspection, maintenance of records and reports open to the IAEA on request, and access to all data and all places at all times?

Answer: As noted above, the IAEA rights and the U.S. rights are quite comparable. The IAEA procedures and the USAEC procedures for international inspections, are carried out, where appropriate, in a manner consistent with each other. The IAEA requires access for its inspections on a frequency which is determined by the quantity of nuclear material that the facility to be inspected either possesses as inventory or annually processes or produces.

Question 4. If safeguard requirements imposed by the U.S. in its bilateral agreements were omitted in the trilateral agreements, do you consider the safeguards required by IAEA in the trilateral agreements

(a) as effective as those required by the U.S. in the bilateral agreements?

(b) effective and reliable safeguards for the purposes of the Non-Proliferation Treaty?

Answer: (a) As stated in response to question three above, the trilateral agreements and bilateral agreements in effect call for the same safeguards arrangements. The AEC as a matter of administrative policy follows the IAEA safeguards document in applying safeguards under the bilaterals. The IAEA trilateral agreements also provide for the application of the procedures set forth in the IAEA safeguards document. It is, therefore, our conclusion that the safeguards required by the IAEA in the trilateral agreements are as effective as those required by the U.S. in the bilateral agreements.

(b) As stated above, the safeguards required by IAEA in the trilateral agreements contain the essential elements of a safeguards system. These elements are on-site inspections and an established system within the safeguards activity of

records and reports. Safeguards based on these elements can be expected to constitute a reliable and effective system for the purpose of the verification of the fulfillment of the obligation assumed by each non-nuclear-weapon state under the NPT with a view to preventing diversion of nuclear materials from peaceful uses to nuclear weapons or other nuclear explosive devices; the purposes stated in the Non-Proliferation Treaty of the safeguards to be applied by IAEA under the Treaty.

Question 5. Will you please provide for the record typical examples of such bilateral and trilateral agreements?

Answer: Enclosed are the following examples:

a. Atomic Energy Cooperation for Civil Uses Agreement Between the United States of America and Japan, signed at Washington on February 26, 1968.

b. Atomic Energy Cooperation for Civil Uses Agreement Between the United States of America and Argentina, signed at Washington on June 22, 1962.

c. Safeguards Agreement Between the United States of America, Japan and the International Atomic Energy Agency, signed at Vienna on July 10, 1968.

d. Safeguards Agreement Between the United States of America, Argentina, and the International Atomic Energy Agency, signed at Vienna on December 2, 1964.

Question 6. Can you state whether or not the safeguards now administered by the IAEA have been administered effectively?

Answer: The USAEC does consider that the IAEA administers its safeguards effectively. This opinion is based on information gathered by our close association with nations inspected by the IAEA and as a consequence of our US membership in the IAEA Board of Governors. Furthermore, for the past ten years the US has had personnel functioning as senior staff members of the IAEA safeguards organization and has provided to the IAEA expert technical advice on the subject of safeguards based on the US domestic safeguards program and US research and development in this field.

Since 1962, the US has had four reactors and a chemical processing plant (which recovered the plutonium from one of those reactors), as well as a storage facility where this plutonium was stored subject to IAEA safeguards. USAEC members have worked closely with the IAEA staff which have carried out the safeguards in connection with these facilities. The opinion gained as a result of that close association has been that the IAEA has effectively carried out its safeguards program.

Question 7. Have there been complaints of improper, ineffective or poorly administered safeguards?

Answer: To our knowledge there have been no official complaints of improper, ineffective or poorly administered safeguards made to the IAEA, its Board of Governors or its General Conference. Nor have any such official complaints about the IAEA been raised with the U.S. Government, to our knowledge with other governments.

As I noted in my testimony before the Committee on Foreign Relations on July 12, several countries expressed concern that the IAEA safeguards might serve to place the non-nuclear-weapons states at a commercial disadvantage. We have felt these fears to be groundless. I also testified that we believe the IAEA could discharge its safeguards responsibility effectively.

It is inevitable that for an evolving system of international controls, involving, inter alia, inspections by foreign nationals there will be concern expressed by various individuals and nations that some aspects of the system are inefficient or excessively strict. Safeguards represent a form of regulation, and, as in all cases of regulation, many of the affected parties often favor less strict control. Such complaints will probably continue to be voiced, formally and informally, as the various conflicting views of those involved in safeguards are exchanged and eventually resolved. For example, an article in the June 1968 issue of "Atoms in Japan", the monthly publication of the Japanese Atomic Industrial Forum, might be considered as an implied but unofficial complaint about the initial IAEA safeguards inspection of the JAPC Tokai Nuclear Power Station. (The article did note, however, the difficult circumstances during the inspection because ". . . an army of TV cameramen and newspaper reporters followed wherever the [inspectors] went within the reactor site.") Constructive suggestions of how the safeguards system might be more effectively and efficiently administered are, of course, welcomed by the IAEA so that the system can be improved.

The U.S., as well, will support any measures necessary to correct *bone fide* complaints about the administration of IAEA safeguards. As noted above, however, to date we have not had to do this, and we anticipate that little, if any, action of this type will be necessary.

Question 8. Have there been breaches of substance and, if so, if not classified, could you identify countries breaching safeguards?

Answer: To our knowledge, there have been no breaches of any agreement covering safeguards related to nuclear material or equipment supplied by the US for that matter, by any state.

Question 9. Do you consider the present organization of IAEA charged with responsibility for maintaining safeguards adequate in funding, personnel and technical competence?

Answer: As I mentioned in my statement during the Hearings before the Committee on Foreign Relations on July 12, the present IAEA safeguards staff, which is modest in size, is in balance with the size of the workload for which the Agency has had responsibility to date. The U.S. has participated in the Administrative and Budget Committee of the IAEA Board of Governors and in the Board itself and the General Conference of the Agency in the review and approval of the Agency's budget with particular attention on our part to the items relating to safeguards. In the context of the current workload, we have felt the funding and personnel ceilings provided for the Department of Safeguards and Inspection, the organization of IAEA charged with responsibility for maintaining safeguards, have been adequate. (See also answer to question 11.)

The Director General of the IAEA is required to consult with the Board of Governors with regard to the proposed nomination of an Agency employee to serve as a safeguards inspector. In connection with this consultation, the U.S. as a member of the Board of Governors obtains information on the qualifications of the individual inspectors. From this information, we have concluded that the personnel being named as inspectors are well-qualified as to education and training to be safeguards inspectors. In addition, as a result of the IAEA's inspection activities in the United States of those facilities which have been voluntarily submitted to IAEA safeguards and also by virtue of the close liaison maintained between the IAEA and AEC safeguards staff, AEC safeguards personnel have had an opportunity to observe the performance of most of the members of the Agency's safeguards staff and have been favorably impressed by their technical competence. In the area of safeguards research and development, the Agency's budget is small: approximately \$100,000 per year. We have felt it unnecessary to press for a larger safeguards research and development budget in the Agency because in meeting our own responsibilities in this area, the U.S. Government has established a comprehensive research and development program and we are working closely with the Agency to make sure the results of this research and development are available to IAEA to be used as appropriate in Agency safeguards. Other governments are also conducting substantial safeguards research and development programs. The Agency is serving a valuable role in coordinating these programs and as a means of exchanging information on safeguards developments.

Question 10. Can you provide up-to-date information, stating the number of persons engaged in the responsibility of maintaining safeguards for IAEA—stating separately the number of inspectors, and the cost of such safeguards?

Answer: The IAEA safeguards organization consists of 24 professional and 13 support personnel. It is estimated that in CY 1969 the staff will be increased to 34 professional and 18 support personnel. Twenty-two of the 24 professional personnel mentioned above have been designated to serve as safeguards inspectors.

The IAEA safeguards budget figures for CY 1969 and CY 1969 (estimated) are as follows:

	Calendar year	
	1968	1969
Panels and committees.....	\$6,000	\$13,000
Scientific and technical services.....	95,000	150,000
Salaries and wages.....	310,900	481,800
Common staff costs.....	123,300	183,800
Duty travel and missions.....	96,400	96,400
Representation and hospitality.....	2,700	3,000
Total.....	634,300	928,000

Question 11. Do you consider the present organization of IAEA for maintaining safeguards adequate for its responsibilities under the Non-Proliferation Treaty?

Answer: As pointed out in connection with the estimates referred to in your question 12 below, the safeguards workload of the IAEA is expected to increase under the Non-Proliferation Treaty. We do not consider the present organization of IAEA for maintaining safeguards adequate in size to meet these increased responsibilities and a need to increase the staff size is recognized.

Question 12. The report of hearings of the Senate Committee on Foreign Relations provides varying estimates of increases in personnel that will be required for the maintenance of safeguards under the NPT and of large increases in cost. Has the AEC or any agency of the United States made a determination of the increase in the size of staff and additional cost that will be required?

Answer: In keeping with our responsibilities we have had estimates made by the AEC's Safeguards Technical Support Organization of IAEA safeguards costs and manpower requirements expected under the Non-Proliferation Treaty. Preliminary results of the studies are quoted in the report of the hearings to which you refer. It was pointed out in connection with these studies, that any study of this kind made at this time must be considered highly conjectural and tentative, subject to almost continual review and refinement. In this sense, no formal determination has been made of the required increase in staff and funds. The studies will serve as important references and as guidance in participating in the activities of the Agency, particularly the budgeting function. However, because of the various uncertainties involved, such as the rate of growth of nuclear power, and those which can arise from the IAEA determining in which of the activities among those offered by the U.S. and U.K. safeguards are to be applied, that a determination of a staff size requirement cannot be made at this time.

Question 13. Do you contemplate any difficulty in the development of an IAEA staff and inspectors capable of administering effectively safeguards under the treaty? Are any arrangements being made for their selection and training?

Answer: As I noted in my testimony of July 12, 1968, although there will be a certain amount of difficulty in expanding the IAEA safeguards inspector staff to administer effectively safeguards under the Non-Proliferation Treaty (NPT), we are confident that these difficulties can be overcome with the cooperation of the IAEA member states in making available their qualified personnel for this purpose. In this connection, it should be noted that the USAEC is initiating, beginning in September 1968, a safeguards training course at Argonne National Laboratory, Chicago. This course, which is intended to deal with all phases of safeguards, both domestic and international, is directed at the supervisory level. The IAEA is also developing arrangements for the selection and training of safeguards inspectors, both for its current needs and for future requirements under the NPT.

Question 14. Have discussions been held in the IAEA or by ENDC or between the nuclear powers, signatories to the treaty, concerning the financing of additional cost and, if so, have any agreements been concluded?

Answer: Definitive discussions concerning the financing of IAEA safeguards arising from the NPT have not been held and no agreements have been concluded. The question of financing safeguards was not officially discussed in the negotiations of the NPT. As indicated in our answer to Question 12, estimates of these costs have been made by AEC's safeguards Technical Support Organization so that the dimensions of the problem can be foreseen. The positions taken by the nuclear powers in IAEA discussions of financing existing IAEA safeguards agreements do not necessarily foreshadow the future positions on financing safeguards under NPT. The U.S. has taken the position that, since the beneficiary of safeguards is not only the country in which the reactor is located but the world at large, it is in accordance with financial provisions of the IAEA Statute that the costs should and could legally be borne by the Agency. The U.S. prefers that the existing system of financing should continue; namely, that safeguards would be financed out of the IAEA budget rather than by the parties directly concerned.

Question 15. Have discussions been held within IAEA concerning standards of safeguards that IAEA will require of non-nuclear-weapon powers?

Answer: The IAEA is concerned with the establishment of the standards for safeguards implementation under the requirements of the NPT and has held internal discussions on this subject.

Question 16. Can you indicate whether the decisions respecting safeguards required will be made by the Board of Governors or the General Conference of the IAEA and whether by majority vote?

Answer: The IAEA's safeguards system has been established by a series of decisions of the Board of Governors. While the decisions of the Board are usually made on the basis of majority votes, certain categories of decisions, such as the budget, call automatically for a two-thirds vote by the Board. On other important questions, a majority of the Governors may call for a two-thirds vote by the Board. The administration of the safeguards approved by the Board is carried out by the Director General who is appointed by the Board of Governors with the approval of the General Conference. The safeguards staff is headed by an Inspector General who is appointed by the Director General.

The Board has referred each document in the safeguards system to the General Conference for comments and has considered any views expressed in the Conference in putting the safeguards system into effect. We anticipate that this procedure would continue to be followed. Also, each of the safeguards agreements that the IAEA would enter into with participating countries or international organizations would be subject to approval by the Board of Governors.

Question 17. It is correct, is it not, that the IAEA will have the ultimate decision as to safeguards required of each non-nuclear-weapon state, even though Article III speaks of negotiations?

Answer: Article III sets forth standards for the international safeguards to be applied. The safeguards must be those set forth in an agreement negotiated and concluded "with the International Atomic Energy Agency in accordance with the Statute of the International Atomic Energy and the Agency's safeguards system." As I stated in my testimony on July 12, 1968, each of the agreements that the IAEA would enter into with each of the participating countries or international organizations would be subject to ratification or approval by the Board of Governors of the IAEA. Thus, the safeguards provided for would have to be satisfactory to the IAEA.

During negotiations on Article III of the NPT, it was recognized that any safeguards arrangement concluded between the IAEA and a non-nuclear-weapon Party, or Parties, to the Treaty must provide adequate assurances to the IAEA and to the world at large that diversions of material to nuclear weapons or other nuclear explosive devices are not taking place. Therefore, the principles which the US Co-Chairman announced to the ENDC on January 18, 1968, (see answer to question 20) fully recognize that the IAEA must be able to satisfy itself in each case that diversions are not taking place. On the other hand, in order to avoid unnecessary duplication, the principles also call for the IAEA to take existing safeguards systems fully into account and to make appropriate use of existing records and safeguards in devising the detailed arrangements. The task of translating these principles into specific arrangements with the IAEA will be the subject of negotiations with Parties to the Treaty.

Question: 18. It is correct, is it not, that safeguards will not be necessarily uniform, and that stricter safeguards may be imposed on some non-nuclear-weapon states than on others?

Answer: It is a matter of IAEA policy that safeguards procedures applied in any context, are uniform for comparable situations. Their implementation as regards frequency of inspection and reports, etc. is based on the quantities of nuclear material which a state possesses as inventory or processes, or produces. In determining the actual frequency of inspection of reactors, the Agency considers whether the inspected state possesses irradiated fuel reprocessing facilities, the nature of the reactor, as well as the nature and amount of the nuclear material produced or used in the reactor.

This policy and the three principles of safeguarding stated in the answer to question 20 are relevant to agreements concluded with individual states or with groups of states. However, we do not believe that the character of the safeguard arrangement concluded between the IAEA and the state or group of states subjected to a regional multilateral safeguard system necessarily will be the same in every respect with the arrangements concluded with a state not participating in such a system. The arrangements concluded with the Euratom-member states undoubtedly will have to take into account, in appropriate fashion, that these states already are being subject to a multilateral regional safeguards system which is operating effectively. While the form of these two types of arrangements may differ, we feel that all of the arrangements concluded by the IAEA will have to provide adequate and comparable assurance that diversions to nuclear weapons or other nuclear explosive devices are not taking place.

Question 19. Do you know whether any state, in discussions regarding NPT, has expressed concern that IAEA might impose on it unacceptable requirements for safeguards?

Answer: During the course of discussions with non-nuclear-weapon states concerning the proposed safeguards requirements for the draft NPT, some questions were raised about the nature of the safeguards and the possibility of additional, possibly unacceptable, safeguards requirements being imposed in the future without the consent of the non-nuclear-weapon party.

Responding to such concerns, the US stated that the safeguards to be applied under the NPT are those to be specified in agreements negotiated and concluded in accordance with the Agency's Statute and safeguards system. In the future, the IAEA may adopt changes in its requirements for safeguards. However, as the US representative to the ENDC stated on February 21, 1968, ". . . changes made after the negotiation of the safeguards agreement could be applied by IAEA only with the consent of the Parties to the safeguards agreement, a consent to be given either through some general procedure agreed to in advance or through subsequent modifications made in agreements with the Agency."

The US offer of December 2, 1967, that "when safeguards are applied under the NPT, the US will permit the IAEA to apply its safeguards to all nuclear activities in the US excluding only those with direct national security significance," further demonstrated the US belief that the IAEA would not impose unacceptable requirements for safeguards under the NPT.

Question 20. Can you state whether the questions raised by EURATOM countries regarding safeguards have been resolved? What specific questions were raised? How were their questions resolved?

Answer: As Secretary Rusk noted in his statement to the Foreign Relations Committee on July 10, 1968, the main problem raised by EURATOM member states concerning a safeguards article for the NPT arose out of the existence of two international safeguards systems; the IAEA and EURATOM. As the Secretary stated, "the Common Market countries were reluctant to allow the IAEA safeguards system to operate in their countries for fear that it would result in abandonment of the EURATOM system, with unfavorable effects on progress toward European unity." For this reason, the US made clear during its negotiations with the Soviets that both the EURATOM and IAEA safeguards systems should be permitted to continue.

These and other concerns of non-nuclear-weapon states were taken into consideration in formulating the compromise Article III. Additionally, after extensive consultation with our NATO allies, which include the members of EURATOM, the US announced the following three guiding principles which are to be taken into account in negotiating any IAEA safeguards agreements pursuant to the NPT:

"1. There should be safeguards for all non-nuclear-weapon parties of such a nature that all parties can have confidence in their effectiveness. Therefore safeguards established by an agreement negotiated and concluded with the IAEA in accordance with the Statute of the IAEA and the Agency's safeguards system must enable the IAEA to carry out its responsibility of providing assurance that no diversion is taking place.

"2. In discharging their obligations under Article III, non-nuclear-weapon parties may negotiate safeguards agreements with the IAEA individually or together with other parties; and, specifically, an agreement covering such obligations may be entered into between the IAEA and another international organization the work of which is related to the IAEA and the membership of which includes the parties concerned.

"3. In order to avoid unnecessary duplication, the IAEA should make appropriate use of existing records and safeguards, provided that under such mutually agreed arrangements IAEA can satisfy itself that nuclear material is not diverted to nuclear weapons or other nuclear explosive devices."

Question 21. Taking into consideration Article IV, Paragraph 2, and the seventh and eight paragraphs of the Preamble, what are the obligations of the United States under the treaty toward providing materials, equivalent and scientific and technological information to nuclear-weapon and non-nuclear-weapon countries? Would the obligation extend to Communist and non-Communist countries alike?

Answer: As I indicated in my testimony on July 12, 1968, the US already is conducting a very extensive program of international cooperation in fields pertaining to the peaceful uses of atomic energy. We believe it would be within the spirit

the Treaty for the United States to continue this program to expand it wherever possible. We believe the language of Article IV clearly contemplates that each nation will do what it can to cooperate with the other Parties to the Treaty. We also believe that it may be possible for us to provide some special advantages, in terms of our cooperation to those non-nuclear-weapon nations that adhere to the Treaty. We are giving some thought to this problem and undoubtedly will wish to consult closely with the Congress on the matter.

We do not, however, interpret Article IV as meaning that the US will be compelled to embark on any costly new programs or as obliging the US to meet all requests and demands. Neither do we construe Article IV as overriding the provisions of the US Atomic Energy Act, nor will it remove the discretion we have in determining the nature of our cooperative relationships with other countries, on a case by case basis. The words "fullest possible exchange" in Article IV clearly imply that the Parties will be expected to cooperate only to the extent that they are able to do so, and that reciprocity may well be a factor in determining what is possible in certain circumstances.

Furthermore, on December 2, 1967, President Johnson announced that when "safeguards are applied under the NPT, the US will permit the IAEA to apply its safeguards to all nuclear activities in the US excluding only those with direct national security significance." This offer was made to meet a number of concerns which non-nuclear-weapon states, including EURATOM member states, had raised concerning the possibility of industrial espionage, and the possible competitive advantage to nuclear-weapon states not subject to IAEA safeguards. On December 4, 1967, the UK made a similar offer.

To date, three of the five non-nuclear-weapon member states of EURATOM (Belgium, the Netherlands, and Luxembourg) have signed the NPT after full consultations with the European Communities. Each of them has pointed out, among other things, that they do not consider that there is any incompatibility between the goals pursued by the NPT and the EURATOM Treaty: that the safeguards provided for in Article III of the NPT will be the subject of agreements to be concluded with the IAEA; and that it is their intention not to ratify the NPT before negotiations with the IAEA have produced an agreement.

Question 22. Article V provides that non-nuclear-weapon states may obtain peaceful applications of nuclear explosions pursuant to a "special international agreement or agreements", or "pursuant to bilateral agreements". Would international observation be required in each case?

Answer: As I stated in my testimony on July 28, 1968, whether the peaceful nuclear explosion service is provided through an international body or bilaterally, "in each case, an opportunity shall be provided for appropriate international observation of the actual detonation."

Article V of the Treaty would require that a reasonable opportunity be offered for international observation of explosions conducted pursuant to that Article. In all probability, the IAEA will be invited to observe peaceful nuclear explosions conducted pursuant to Article V. If the invitation is extended in good faith and allows reasonable notice to permit the international observation, then we believe the obligation under this provision would be discharged, even if the IAEA or other international observers did not appear. On the other hand, if the arrangements for the carrying out of the nuclear explosion were such as to make international observation impracticable, then obviously there would not have been compliance with the provision.

Question 23. While not an operative section of the treaty, does Paragraph six of the Preamble express any agreement or understanding on the part of the nuclear-weapon countries and, specifically on the part of the United States, to agree to a specific or limited method of inspection in any future agreements between the nuclear-weapon countries?

Answer: Paragraph six of the Preamble of the NPT expresses the intention of the Parties to support "research, development and other efforts to further the application, within the framework of the International Atomic Energy Agency safeguards system, of the principle of safeguarding effectively the flow of source and special fissionable materials by the use of instruments and other techniques at certain strategic points." Inclusion of the reference in the Preamble was based on the belief that the IAEA, in carrying out its responsibilities for the safeguarding of nuclear activities of non-nuclear-weapon states party to the treaty, in accordance with Article III, would have an interest in utilizing instruments and other new techniques to the maximum extent possible as soon as they are technically feasible. Such interest is motivated by widely shared desires to achieve

the objectives of the safeguards system in the most efficient manner with minimum manpower and with the least possible intrusion into nuclear activities. In short, the Preambular reference only concerns the means by which the IAEA might meet its responsibilities, and does not imply any relaxation of those responsibilities or the effectiveness of safeguards. It is expected that the Board of Governors of the IAEA will take into account the results of safeguards research and development in administering the responsibilities of the IAEA under Article III.

The Non-Proliferation Treaty does not express or allude to any agreement or understanding concerning methods of inspection in any future agreements between the nuclear-weapon countries and no such agreements or understandings exist among them.

Question 24. Please provide for the record the list of non-nuclear-weapon countries to which the UK, the USSR, Canada and France have provided nuclear assistance for peaceful purposes.

Answer: To our knowledge, the UK, USSR, Canada and France have provided assistance in the peaceful use of atomic energy to the following countries:

UK: Australia, Belgium, Brazil, Canada, Chile, Czechoslovakia, Denmark, Federal Republic of Germany, Finland, India, Israel, Italy, Japan, Mexico, Netherlands, Norway, Pakistan, Portugal, Romania, Spain, South Africa, Sweden and Switzerland.

USSR: Albania, Bulgaria, Communist China, Czechoslovakia, East Germany, Ghana, Hungary, India, Indonesia, Iraq, Mongolia, North Korea, North Vietnam, Pakistan, Poland, Romania, United Arab Republic and Yugoslavia.

Canada: Australia, Federal Republic of Germany, India, Italy, Japan, Pakistan, Romania, Spain, Sweden and Switzerland.

France: Argentina, Austria, Belgium, Brazil, Bulgaria, Canada, Central African Republic, Chile, Colombia, Czechoslovakia, Federal Republic of Germany, Gabon, India, Iran, Israel, Italy, Japan, Lebanon, Luxembourg, Madagascar, Netherlands, Nigeria, Peru, Poland, Romania, Senegal, South Africa, Spain, Switzerland, Uruguay, Venezuela and Yugoslavia.

Question 25. Would you comment upon the statements made by Congressman Craig Hosmer regarding the inadequacy of safeguards?

Answer: Our comments on the adequacy of safeguards are given above, primarily in response to questions 9 and 6 and additionally in response to questions 11, 12 and 13. We have noted in the above cited responses the bases for our opinion that IAEA safeguards are adequate.

Additionally, the Commission and its contractors have had extensive experience in operating a wide variety of nuclear energy facilities and in performing the materials control measurements necessary for assuring their most economical and safe operation. It is our policy to assist the IAEA safeguards program by passing on such past experience and to continue to conduct research and development in an effort to further refine our understanding of the normal and expected operations of nuclear energy facilities. Based on the progress to date, we believe that the IAEA will be able to conduct effective inspection of nuclear facilities. Further we believe that any suspected diversion will be appropriately handled in the IAEA under the statutory provision requiring IAEA inspectors to report any non-compliance to the Director General of the Agency who thereupon must report it to the Board of Governors.

Basically, as an organization with many years of experience in safeguarding nuclear material the AEC is convinced that the IAEA can effectively safeguard the activities assigned to it pursuant to the NPT. We maintain this conviction recognizing that no system can be expected to be foolproof and that the Agency will have to increase its safeguards budget and manpower in order to handle the NPT responsibilities as they are incurred.

QUESTIONS POSED BY SENATOR AIKEN AND ANSWERS BY THE ATOMIC ENERGY
COMMISSION

FEBRUARY 24, 1969.

HON. WILLIAM P. ROGERS,
Secretary of State,
Washington, D.C.

DEAR MR. SECRETARY: The nuclear Non-Proliferation Treaty (NPT) represents a significant move in United States foreign policy. Of particular importance are the scope and implications of the United States commitment related to the NPT made by President Johnson in December 1967 and endorsed by President Nixon earlier this month. This commitment states in part:

“. . . when such safeguards are applied under the Treaty, the United States will permit the International Atomic Energy Agency to apply its safeguards to all nuclear activities in the United States—excluding only those with direct national security significance.”

Russia has made no such pledge.

The Senate is now reviewing this Treaty and must consider the magnitude of the United States pledge. In this connection it seems to me that many details concerning the implementation of the United States commitment are left to future times. I know from some experience that it is dangerous to agree “in principle” and leave the details to future negotiations. To illustrate my concern, I asked Dr. Seaborg during the hearing if he would tell the Committee how many existing United States nuclear facilities will be placed under IAEA safeguards when the NPT goes into effect. Dr. Seaborg answered:

“Well, *this would have to be determined*. What we would do is *negotiate an agreement* with the IAEA that would specify the terms and conditions. *I couldn't state at this time*, but I would *hope* that it would be limited to a representative number . . .” [Emphasis added.]

I also asked Dr. Seaborg whether he expected rules and guidelines on this to be laid down. He said:

“I would think that this would be not until the Treaty *was in full effect* and inspections were taking place in other countries that were adhering to the Treaty, *then we would negotiate this agreement*.” [Emphasis added.]

On the matter of who will inspect United States nuclear facilities, the following exchange took place:

Senator AIKEN. “. . . could citizens of Russia, or citizens of Soviet bloc nations inspect United States facilities?”

Dr. SEABORG. “They may not.”

Secretary ROGERS. “They may not.”

Dr. SEABORG. “They may not, *if we ask they not be included on the inspection team*.” [Emphasis added.]

It is my understanding that a Yugoslav national has already participated in an inspection of the Yankee atomic energy facility at Rowe, Massachusetts, and a Romanian national has been trained at a United States safeguards school at Argonne National Laboratory.

I understand that the United States can veto a particular inspector if our Government finds him objectionable. However, I would appreciate it if you would advise me of the specific number of vetoes the United States is allowed or if the vetoes are unlimited, what criteria has been established for such a veto.

I realize that every detail cannot be ironed out before the Senate approves the Treaty. However, we are undertaking a commitment to allow foreign nationals to inspect industrial facilities in the United States, a commitment that is *not* required of the United States under the NPT. As far as I know, we do not know the specific installations the foreign inspectors will visit, nor do we know exactly what they will inspect. We do not know how much they will encroach on the operational effectiveness of the plant to be inspected, nor do we know how United States industry will protect its trade secrets. It seems to me in making this unilateral gesture the Government has raised fundamental questions. I hope that they can be answered satisfactorily. In this

connection, it would be appreciated if you would respond to the attached questions.

A related concern of mine is the matter of so-called Plowshare undertakings including both experimental and commercial activities. This matter was discussed at some length during the February 18, 1969 hearing, and Dr. Seaborg agreed to provide the Committee with a history of the Cape Keraudren project to include a breakdown of costs and the extent to which the United States or foreign private enterprise would participate and benefit in such experiments. I expect that the Department of State and the Atomic Energy Commission will keep the Foreign Relations Committee and the Joint Committee on Atomic Energy informed prior to any decision to go ahead on the Cape Keraudren project or any other peaceful uses of atomic energy nuclear detonation outside the continental limits of the United States.

Sincerely yours,

GEORGE D. AIKEN.

QUESTIONS

1. What authority does the U.S. Government have to require private companies in the United States to accept foreign inspection of their plants?

2. What is the estimated cost of inspecting U.S. facilities per year for the next five years? What is the basis for your estimate?

Who will pay for the cost of these foreign (IAEA) inspections of U.S. facilities? (These costs would include such items as overseas travel, per diem, and administrative expenses.)

Has the matter of cost for inspections of United States facilities been firmly established or is it subject to renegotiation whereby the United States might find itself paying more than its 31% assessment for the IAEA budget?

3. Has the type and degree of inspection been established? For example, have manuals been written to show how to conduct an inspection of a reprocessing plant?

Have these manuals been standardized and approved by United States' representatives to IAEA?

Have any representatives of United States industry reviewed these manuals to determine if they place an undue burden on the company to be inspected? If so, please list the company and manual.

If no manuals or specific procedures have been established to date, when will they be established? Will it clearly be before the first inspection of United States facilities following the entry into force of the NPT?

Will Congress have an opportunity under law to review procedures and manuals before they become effective?

4. If we are to impose a burden not technically required under the NPT on United States industry, it should be clear to what degree United States industry will be inspected by foreign officials. For example, a cursory bookkeeping inspection might take only a day or two. On the other hand, a thorough technical analysis of an entire plant might take several weeks and cause interruptions and loss of revenue by the company.

Can you be specific on the numbers and types of inspections the United States plants will be subjected to? Can you be specific on the length of time each inspection will take and the depth of each inspection?

If not, will these answers be known before the United States becomes committed to accept foreign inspectors under the December 2, 1967 commitment?

5. What provisions are made to protect United States industrial "trade secrets" from foreign inspectors?

6. Are there any plans for foreign "resident inspectors"?

7. Have you asked industrial representatives at Nuclear Fuel Services (NFS) if inspections have caused excessive loss of time or money because of the additional efforts required to take care of inspectors?

8. Have foreign inspectors carried out inspection of nuclear fuel at Hanford?

DEPARTMENT OF STATE,
Washington, D.C., March 5, 1969.

HON. GEORGE D. AIKEN,
U.S. Senate, Washington, D.C.

DEAR SENATOR AIKEN: The Secretary has asked me to reply to your letter of February 24 concerning the U.S. safeguards offer which was made in connection with the Non-Proliferation Treaty.

Enclosed are answers, prepared by the Atomic Energy Commission, to the questions attached to your letter and to the additional question asked on page 2 of your letter.

With respect to the concern expressed in the last paragraph of your letter, I shall see to it that you are informed prior to any decision to go ahead on the Cape Keraudren project.

Sincerely yours,

WILLIAM B. MACOMBER, JR.,
Assistant Secretary for Congressional Relations.

ANSWERS TO QUESTIONS SUBMITTED BY SENATOR AIKEN

Question 1. What authority does the U.S. Government have to require private companies in the United States to accept foreign inspection of their plants?

Answer. It is our intention in making this offer to rely upon the voluntary cooperation of the U.S. nuclear industry in implementing it. Our consultations with them, prior to making the offer, have given us confidence that this cooperation will be forthcoming. However, if it becomes necessary in any instance to rely on the regulatory powers of the U.S. Atomic Energy Commission to require the participation in the inspection system by specific companies, the Attorney General would have to determine the extent to which the Commission's current authority would permit it to require a licensee to open his facility to inspection by an organization other than the Commission or other U.S. agencies.

Question 2. (a) What is the estimated cost of inspecting U.S. facilities per year for the next five years? What is the basis for your estimate?

Answer. The U.S. effort will not be implemented until the NPT comes into effect and safeguards are applied in non-nuclear-weapon states under the treaty. For purposes of illustration, however, one can show the effect of the IAEA beginning to safeguard a small fraction of U.S. activities and gradually increasing the number of activities safeguarded, until as much as one-fourth of all those activities eligible under the offer are safeguarded, as follows:

<i>IAEA safeguards costs</i>	
1970	\$250,000
1971	750,000
1972	1,200,000
1973	1,600,000
1974	2,000,000
1975	2,500,000

If by 1975, the IAEA were safeguarding all U.S. activities eligible under the offer, the costs during that year would be about \$10 million.

Question 2(b). Who will pay for the cost of these foreign (IAEA) inspections of U.S. facilities? (These costs would include such items as overseas travel, per diem, and administrative expenses.)

Answer. We anticipate that the safeguards agreement to be negotiated with the IAEA pursuant to the U.S. offer will contain a provision relating to the costs incurred under the Agreement. We would also anticipate, however, that the agreement would follow the pattern of the Agency's current safeguards agreements which provide that the Agency will be responsible for the expenses which it incurs in carrying out inspections under the agreement. Under the IAEA's present system of financing, safeguards costs are included in the assessed budget, with the assessment for each member calculated in accordance with a formula similar to those employed by UN organizations.

Question 2(c). Has the matter of cost for inspections of United States facilities been firmly established or is it subject to renegotiation whereby the United States might find itself paying more than its 31% assessment for the IAEA budget?

Answer. See answer to 2(b). No discussion has taken place in the IAEA, in light of the NPT or the U.S. offer, to revise the present system of financing the IAEA's safeguards activities.

Question 3(a). Has the type and degree of inspection been established? For example, have manuals been written to show how to conduct an inspection of a reprocessing plant?

Answer. The IAEA general safeguards principles and procedures have been set forth in INF/CIRC/00/Rev. 2, a copy of which is enclosed. The IAEA has prepared for the use of its inspectors more detailed manuals of safeguards practice,

as for example, for a reprocessing plant. That manual was based in part on a 3-volume manual prepared for the AEC by Nuclear Fuel Services, West Valley, New York, for safeguards at its commercial reprocessing plant and made available by AEC to the IAEA.

Question 3(b). Have these manuals been standardized and approved by U.S. representatives to IAEA?

Answer. The IAEA reprocessing plant safeguards manual was reviewed in draft in Vienna by U.S. experts in safeguards and chemical reprocessing, and comments were given to the IAEA.

Question 3(c). Have any representatives of United States industry reviewed these manuals to determine if they place an undue burden on the company to be inspected? If so, please list the company and manual.

Answer. The IAEA manual is considered to be proprietary information and not for dissemination to potential subjects of IAEA inspection. However, Nuclear Fuel Services did not complain of any undue burden placed on them by the IAEA safeguards which were conducted there in accordance with the IAEA manual.

Based on the experience of IAEA implementation of safeguards in the NFS, West Valley plant, it appears that the IAEA manual for reprocessing plants is quite similar to the manual produced by NFS.

Nuclear Fuel Services considered, in preparation of its manual, the expected impact on its plant and did not conclude that it placed an undue burden on NFS. Several other U.S. companies have received copies of the NFS manual, including Allied Chemical Company and the General Electric Company, who are planning to construct their own chemical reprocessing plants. Neither company has advised the AEC that the safeguards procedures in that manual would constitute an undue burden.

Question 3(d). If no manuals or specific procedures have been established to date, when will they be established? Will it clearly be before the first inspection of the United States facilities following the entry into force of the NPT?

Answer. See answer to 3(a) above.

Question 3(e). Will Congress have an opportunity under law to review procedures and manuals before they become effective?

Answer. As noted in the answer to 3(b) above, the IAEA considers its detailed inspection procedures to be privileged information. They do not consider open disclosure of their detailed inspection techniques and plans to be in the best interest of their safeguards responsibility. Further, they would not wish to be placed in a position of appearing to invite modifications to their procedures by parties which may be subject to those procedures and which may therefore not be completely objective. However, a member who felt that procedures were ineffective or too burdensome would have recourse to the Board of Governors.

Question 4. If we are to impose a burden not technically required under the NPT on United States industry, it should be clear to what degree United States industry will be inspected by foreign officials. For example, a cursory bookkeeping inspection might take only a day or two. On the other hand, a thorough technical analysis of an entire plant might take several weeks and cause interruptions and loss of revenue by the company.

Can you be specific on the numbers and types of inspections the United States plants will be subjected to? Can you be specific on the length of time each inspection will take and the depth of each inspection?

If not, will these answers be known before the United States becomes committed to accept foreign inspectors under the December 2, 1967 commitment?

Answer. INFCIRC/66/Rev. 2 sets forth a guide as to the maximum frequency of inspections for smaller facilities. For major types of nuclear plants handling substantial quantities of nuclear material, INFCIRC/66/Rev. 2 provides that inspectors shall have access at all times, which will normally be implemented by continuous inspection. In view of the limited objectives of safeguards inspections, i.e., to verify that diversions of nuclear material have not taken place, it would not be expected and it has not been our experience that IAEA safeguards are applied in such intensity and breadth that plant operation is interrupted or that revenue is lost by the operator. The inspection, in each case, will be conducted in a manner appropriate to the particular circumstances surrounding the nuclear material involved. One such factor is the extent to which the plant's own nuclear material control system has been efficient and effective prior to the time of inspection. Such factors cannot be specified in detail in advance. In any event, we do not foresee that safeguards will impose any significant burden on U.S. industry.

Question 5. What provisions are made to protect United States industrial "trade secrets" from foreign inspectors?

Answer. INFCIRC/66/Rev. 2, "The Agency's Safeguards System" states in paragraph 13: "In implementing safeguards, the Agency shall take every precaution to protect commercial and industrial secrets. No member of the Agency's staff shall disclose, except to the Director General and to such other members of the staff as the Director General may authorize to have such information by reason of their official duties in connection with safeguards, any commercial or industrial secret or any other confidential information coming to his knowledge by reason of the implementation of safeguards by the Agency." Paragraph 14 further states: "The Agency shall not publish or communicate to any State, organization or person any information obtained by it in connection with the implementation of safeguards, except that:

"(a) Specific information relating to such implementation in a State may be given to the Board and to such Agency staff members as require such knowledge by reason of their official duties in connection with safeguards, but only to the extent necessary for the Agency to fulfil its safeguards responsibilities;

"(b) Summarized lists of items being safeguarded by the Agency may be published upon decision of the Board; and

"(c) Additional information may be published upon decision of the Board and if all States directly concerned agree."

INFCIRC/6/Rev. 2 states in regulation 106: "Members of the Secretariat shall exercise the utmost discretion in regard to all matters of official business. They shall not communicate to any person or government any information known to them by reason of their official position which has not been made public, except in the course of the performance of their duties or by authorization of the Director General. They shall not at any time use such information to provide advantage and they shall not at any time publish anything based thereon except with the written approval of the Director General. These obligations shall not cease upon separation from the Secretariat."

In addition to the protection provided by the IAEA's regulations, the operator of each facility being inspected may withhold from the inspectors any data which is not necessary for the performance of safeguards. We are not aware of any instance of the IAEA requiring, for purposes of its safeguards, any information which any plant operator considered to be a "trade secret".

Question 6. Are there any plans for foreign "resident inspectors"?

Answer. Large facilities, such as the Yankee Power Reactor and NFS, while processing large quantities of safeguarded nuclear material, qualify for what the IAEA calls "access at all times" by inspectors. IAEA inspectors were present at NFS during the more than seven weeks in 1967 during which safeguarded Yankee fuel was being processed. During each of several refuelings of the Yankee Power Reactor, the IAEA has had personnel in residence for each period of several weeks when the reactor was opened.

There are no plans at present for the IAEA to station personnel permanently at any U.S. facility currently subject to IAEA safeguards.

Question 7. Have you asked industrial representatives at Nuclear Fuel Services (NFS) if inspections have caused excessive loss of time or money because of the additional efforts required to take care of inspectors?

Answer. Mr. J. Clark of NFS in a report of October 1967 requested by US AEC on the first inspection of IAEA of NFS stated that: "The safeguards exercise caused no delays in processing, but involved significant man-hours of NFS operations and staff." He added that the requirements for assistance by the facility should decrease as the IAEA inspectorate became more knowledgeable and inspection procedures were optimized.

Messrs. C. Runion and J. Clark of NFS in referring to the IAEA inspection stated at the Atomic Industrial Forum at Boca Raton, Florida in March 1968: "Contrary to our fears in 1963 the inspection did not place an undue burden upon NFS." They did point out that large numbers of visitors other than inspectors visited the plant during inspection and that this influx of visitors created extra burdens on the NFS staff and some extra expense.

Question 8. Have foreign inspectors carried out inspection of nuclear fuel at Hanford?

Answer. The plutonium obtained from the safeguarded Yankee fuel reprocessed at Nuclear Fuel Services under IAEA safeguards in August and September 1967 is stored at Richland, Washington, formerly known as Hanford. After a visit by an IAEA inspector, the facility, which is located in an area outside that in which

classified work is carried out, was approved for storage. The safeguarded plutonium stored there has been inspected by the IAEA upon two occasions.

Question from page 2 of Senator Aiken's letter to Secretary Rogers: "I understand that the U.S. can veto a particular inspector if our Government finds him objectionable. However, I would appreciate it if you would advise me of the specific number of vetoes the United States is allowed or if the vetoes are unlimited, what criteria has been established for such veto."

Answer. IAEA provisions for designation of inspectors are as follows:

"1. When it is proposed to designate an Agency inspector for a State, the Director-General shall inform the State in writing of the name, nationality and grade of the Agency inspector proposed, shall transmit a written certification of his relevant qualifications and shall enter into such other consultations as the State may request. The State shall inform the Director-General, within 30 days of receipt of such a proposal, whether it accepts the designation of that inspector. If so, the inspector may be designated as one of the Agency's inspectors for that State, and the Director-General shall notify the State concerned of such designation.

"2. If a State, either upon proposal of a designation or at any time after a designation has been made, objects to the designation of an Agency inspector of that State, it shall inform the Director-General of its objection. In this event, the Director-General shall propose to the State an alternative designation or designations. The Director-General may refer to the Board, for its appropriate action, the repeated refusal of a State to accept the designation of an Agency inspector if, in his opinion, this refusal would impede the inspections provided for in the relevant project or safeguards agreement."

In practice, the IAEA informally advises the State concerned of its intention to designate specific inspectors, prior to the formal written proposal of designation of an inspector called for in paragraph 1 above. During this informal process, the State concerned has an opportunity to make the IAEA aware that no inspectors of a certain nationality, for example, would be acceptable. The variety of nationalities represented among the IAEA's inspectors permit the Director-General to designate inspectors for a particular State, which will not be unacceptable, while avoiding a situation where a State accepts only inspectors of friendly nationalities.

EXCERPTS FROM LECTURES USED IN THE NATIONAL SECURITY SEMINAR PROGRAM,
1968-69

EXCERPTS FROM "MILITARY FORCES AND DEPLOYMENTS"

Guarding the world

"But since Korea, we have been forced to keep our forces up to unprecedented peacetime levels. The reason--we must take over the guard all around the world, in order to fill the power vacuum left by the withdrawal of the British and other western powers who no longer have the capability." (P. 69.)

Military impact on foreign policy

"Ladies and gentlemen * * * these are your armed forces * * * and today, they play a bigger role in shaping our foreign policy than at any other time in our peacetime history * * *." (P. 77.)

Duty as "Leader of the free world"

"At the same time, we must recognize that the so-called "just wars" or "wars of national liberation" can serve the same purpose--the downfall and destruction of the free world--if they are not checked.

"For this reason, we must be prepared to assist those nations of the world who desire and need our assistance to maintain their independence.

"Whatever the situation, and wherever the threat, we must be prepared and willing to exercise our role as the leader of the Free World. Our military forces are organized, equipped, and deployed to assist the American people in this effort." (Pp. 79-80.)

EXCERPTS FROM "GEOPOLITICS"

China and Vietnam

"They say that--if the Communists whip us--the Americans--in Vietnam that will prove that Communists can whip the Americans anywhere in the World.

"And the whole world is watching." (P. 90.)

Communist expansion--threat to U.S.

"But I ask you--should we stand by and let Communism take over at gunpoint--

"These weak little countries who just got their freedom?"

"Not only for their own sake--but because Communist expansion has got to be stopped--in the rimlands--like Vietnam--

"If we don't want to face it--ultimately--much closer to home! We cannot afford to let aggression pay.

"The prelude to World War II should have taught us that much.

"Let me ask you this question: Can the United States ever afford to be surrounded by countries with governments--dedicated to our destruction?

"Some perhaps armed with nuclear weapons?" (Pp. 104-106.)

Aggression--Hitler analogy

"As some people like to speak of Southeast Asia--in relation to Red China.

"And some Americans are willing to go along with this.

"But that reminds me of Chamberlain who prattled about 'peace in our time' after he sold Austria and Czechoslovakia--down the river.

"And Chamberlain said something else:

"He said that what the Nazis were doing in Central Europe was a 'quarrel in a faraway place between people of whom we know nothing.'

"Sound familiar?

"What these people seem to forget--is that Hitler followed this belief--that small nations have no right to survive--for years with some success.

"So did Mussolini.

"And don't forget the vast Far Eastern Empire that Japan carved out before World War II.

"I wonder why these people think--that a Chinese Communist hegemony in the Far East would be easier to live with than the Japanese Empire was." (Pp. 12-14.)

Troop deployment

"That is why American power-- American troops-- and American influence-- are present today in almost every part of the world.

"And that is why the Communists everywhere cry--Yankee go home-- Yankee go home!

"Of course the Communists want us to go home. That's understandable.

"The amazing thing to me is that some Americans agree with them." (Pp. 107-108.)

Aid to other countries

"And we stand ready to assist all nations--in attaining a better life for their people.

"This is basic to our foreign policy." (P. 109.)

EXCERPTS FROM "SOUTHEAST ASIA"

Concerning China's view of Southeast Asia

"And in her view--none of the nations of Southeast Asia has been liberated from colonialism--except North Vietnam. And they will not be liberated in the Chinese viewpoint--until each and every one has a communist government and its assets are available to China." (Pp. 15-16.)

On the Domino theory

"Ne Win is one of the Dominos . . . but privately he knows he is a Domino and privately so states." (P. 28-A.)

"This is the Prime Minister Thanom Kittikachorn-- staunchly pro-American-- a blunt speaking Domino." (P. 34.)

"Prominent Americans sit back here in the United States and say that it is all right to let the communists take over South Vietnam--that it would not affect the rest of Southeast Asia, and they scoff at the Domino theory largely because they don't have to live there.

"Ask this Domino, Lee Kuan Yew, what he has to say.

"He says that the United States is buying time for all Asians who want self-determination.

"He also says that if the Americans pull out of Vietnam--all of Southeast Asia is lost.

"Still another Domino--Malaysia's Prince Abdul Rahman also supports the U.S. position in Vietnam for the same reasons.

"It is of interest that the Soviet Union is a strong believer in the Domino theory as a result of the Sino-Soviet split." (Pp. 38-39.)

"The loss of Vietnam to the free world will start the fall of the Domino countries adjacent to it and to Red China, and then we shall face a threat from a hostile Asia quite similar to the threat we perceived in Europe nearly thirty years ago as the Dominos adjacent to and around Germany fell into the grasp of the Third Reich.

"No one should be confused as to what is at stake--it is our national security." (P. 119.)

Defeat of the French in Vietnam

"After eight years of bitter fighting--military, political, and psychological--the French were defeated at Dien Bien Phu--(in the north near Laos) and this military defeat of only 15,000 of the total 300,000 French Union Forces in Indo-China was a major psychological and political defeat that had its effect in France rather than in Indo-China, and the divided French public and government gave up the war." (P. 61.)

What is at stake in Vietnam

"But in the short run--it is the strength of our national character that is being tested--and our endurance and patience as the leader of the free world." (P. 122.)

EXCERPTS FROM "SOUTHWEST PACIFIC"

U.S. base plans in the Indian Ocean

"The U.S. has an occasional transit by ship(s) enroute to or from Vietnam and is still in the planning stages on a major base to be developed on the Island of Diego Garcia. (P. 112.)"

(NOTE: Diego Garcia is an island in the Oil Islands group (U.K.) in the Indian Ocean.)

U.S. responsibilities in Southwest Pacific

"Happily, this is one area in which we can see some cause for optimism, particularly since the determined U.S. stand in Vietnam and the abrupt change in the course of Indonesian affairs.

"But we still cannot afford to sit back and just watch—we must continue to help these nations, particularly Indonesia, in their progress toward self-determination despite the resurgence of a communist Chinese empire." (P. 117.)

EXCERPTS FROM "COMMUNIST CHINA AND U.S. SECURITY"

Chinese revolution

"I will express a related opinion of my own.

"If it had not been for the Japanese war—I think that Chiang Kai-shek would have wiped out Mao and the communists in Yenan.

"And I think he would have had a fair chance of modernizing China—based on reforms he started before the Japanese war.

"And based on the recent record of the Kuomintang on Taiwan.

"But that is pure speculation" (Pp. 26-27.)

U.S. objectives

"There seems to be a lot of nationalism—even imperialism—mixed up with her brand of communism.

"And of course she wants us out of Asia—since we frustrate her objectives.

"Our policy vis-a-vis all this is to contain Chinese imperialism—or communism—or whatever.

"To do this—we have to stay put as long as necessary to provide a balance of power in Asia." (Pp. 112-113.)

EXCERPTS FROM "SOUTH ASIA AND THE FAR EAST"

Importance of South Asia

"South Asia also holds a strategic position as a testing ground for the free world." (P. 23.)

India's neutrality

"There may be some merit in this argument—and it may help to explain some of India's past actions, which at times have appeared hostile, to say the least, as well as illogical." (P. 72.)

Japanese defense role

"It is not unlikely that Japan will one day take a more active role in its own national defense—and the defense of the free world against Communism." (P. 126.)

U.S. interests in South Asia

"We dare not ignore the vacuums existent and developing in South Asia and the Far East—unless we are willing to accept Hawaii as the outpost of our Pacific frontier and the limit of our influence in this strategic area." (P. 131.)

EXCERPTS FROM "THE MIDDLE EAST"

Treaty with Iran

"The United States has treaties with both Turkey and Iran—to defend them against Russia—if need be." (P. 14.)

(NOTE: The U.S. does *not* have a defense treaty with Iran. Turkey is a NATO member.)

"Since World War Two—the United States has made specific treaties with both Turkey and Iran—to assist them in case of aggression." (P. 139.)

Russian attitude

"And I doubt that Russia wants to see another Arab-Israeli war." (P. 102.)

Arab-Israeli positions

"But the Arabs still refuse to admit defeat—they still refuse to recognize the existence of Israel.

"They demand Israel's withdrawal—as though they had won the war.

"And they continue to send guerrillas across the border.

"And scream to the United Nations—when Israel retaliates.

"On her side Israel is not exactly in the catbird seat.

EXCERPTS FROM "THE WESTERN HEMISPHERE"

Role of the military

"Another group which must be recognized is the military. While there are many different types of military in the various countries, the group as a whole can be classed as 'modernizers.' In addition to being well trained professionally, they have an awareness of political, economic and social factors in their environments—a sophisticated awareness—that their predecessors lacked. The military in most countries are disinclined to involve themselves directly in the affairs of government." (P. 34.)

Students and intellectuals

"One last group that must be considered is that composed of students and intellectuals. The intellectuals, enjoying considerable power and prestige are uncertain about their own futures and the futures of these societies. Not knowing what the present reality is and what the future should be, they nevertheless are convinced that the old order is inadequate and that the old ways and old attitudes must change to meet future demands." (P. 37.)

"Before the war—these were Israel's boundaries. (Point out on map.)

"Now they've got the whole west bank of the Jordan—plus the Gaza Strip—plus the whole Sinai Peninsula.

"Nice going—but along with the territory—she won a lot more Arabs.

"If she keeps all the territory—the Arabs will outnumber the Jews in Israel.

"Then the question is—should she go for one man—one vote?

"Or do with the Arabs what South Africa has done with the Bantu—Apartheid?" (Pp. 104–107.)

Russian influence

"On balance I would have to say—that although Russia's clients in the Middle East—Egypt and Syria—lost the war last year—

"Russian influence gained—and United States influence diminished." (P. 126.)

U.S. interests

"We have a strategic interest in the Arab countries—that is—the importance of oil to the west." (P. 130.)

"And the importance of keeping the crossroads of the world—open.

"For all these reasons, we seek the friendship of Arab nations.

"But at the same time—Israel is a nation of Jews—and Jews are an important part of the American population.

"Not so—Arabs.

"So we have closer family ties with the Israelis—than with the Arabs." (P. 131.)

EXCERPTS FROM "NATURE OF MODERN WAR"

U.S. options in insurgency situations

"1. Military advice and assistance to the country's military establishments.

"2. Training by American officers and enlisted men.

"3. Adequate and suitable materiel for this kind of war.

"4. If necessary, direct support by U.S. forces of combat missions launched by government troops, and unilateral U.S. operations against the insurgents." (Pp. 97–98.)

Role of USIA in insurgencies

"Our Information Service, through the U.S. Information Agency, prompts the people to identify themselves with the national government, and improves the image of the legal government and the United States in the host country." (P. 102.)

U.S. preparation of internal security plans

"In selected countries, the country team, under the Ambassador's active and direct supervision, prepares a country internal security plan to assist the host

country in effectively carrying out the internal defense against subversion or successfully combatting it, if it is already in being. (P. 111.)

"The senior interdepartmental group, directly under the President, provides top-level monitorship of all these country plans, coordinating them by area through the subordinate interdepartmental regional groups." (P. 112.)

Communist tactics

"Communism has learned to rely heavily upon our impatience as a people.

"They have learned that time and patience will often give them what they cannot gain by war.

"If there is one rule to remember—it is, 'An agreement with our communist opposition does not settle much, because to them—an agreement is merely a new basis for negotiation.'

"And they owe a large part of their success to just wearing us down." (Pp. 114-115.)

Insurgency problems ahead

"But we must be prepared for a lengthy and trying struggle which will parallel the full emergency of developing nations into the modern world—

"It is a struggle that will sorely try our patience—and we must accept the fact that results are not going to be gained overnight.

"Our victories will come slowly—but they will come through the efforts of the people of the countries we are assisting. They will come as we help the free governments of the countries concerned, like South Vietnam, to protect and to win over their people, village by village, city by city, by winning over the minds of their people to the side of freedom." (Pp. 116-117.)

EXCERPTS FROM "UNITED STATES IN WORLD AFFAIRS"

Political candidates

"It is not enough to know what a political candidate stands against. We should ask what he proposes to do. And we should not be content with abstractions for answers. Like peace—or security. Who is not for peace and security?" (P. 12.)

Criticism of Vietnam policy

"In the past year we have seen increasing criticism of our involvement in Vietnam. This may be a key question in the coming election.

"This is healthy and reflects normal disagreement—over foreign policy issues—a chance for voters to make choices.

"But at the same time—and to a considerable extent—I think it represents a lack of public understanding of our goals in Vietnam.

"Who is at fault if the public does not understand issues?

"Our leadership perhaps—since communication with the public has been apparently something less than total.

"Perhaps the opposition—who have every right to differ—but who may also with the best of intentions—confuse issues.

"The press and television perhaps—with their extraordinary capability of burying issues under daily mountains of detail." (Pp. 15-17.)

Differences between Congress and the President

"Just as a foreign policy—if it is to exist—must enjoy a great measure of support—so must there be general agreement between the President and Congress.

"This is not always easy to arrive at—as we have often seen.

"Yet when that consensus does not exist—there is likely to be either stagnation or turbulence in the conduct of foreign policy.

"But from time to time they do present obstacles to formulating—and executing—a rational foreign policy.

"The only way to get over a hurdle like this is for men of good will—in both the executive and legislative—to sit down together and try to find agreement." (Pp. 19-21.)

Purpose of Seminars

"So I congratulate you—who are here seeking more information about the position of the United States in world affairs.

"Obviously you were interested before you came here. And you may not agree with everything you have heard.

"But if we have just stimulated your desire to participate more in the foreign policy of the United States—with your mind—your voice—your vote. Then we have succeeded here in ———." (Pp. 84-85.)

EXCERPTS FROM "NATIONAL SECURITY STRUCTURE"

Responsibility for National security and foreign policy

"By law and by practice, the President is the Chief maker of National Security policy." (p. 5).

"As you know, the President is responsible under the Constitution for foreign policy." (p. 27).

U.N. as a peacemaker

"Those who would have us rely on the U.N. as the principal agency for keeping the peace are simply not aware of the facts as they are today—and as they are likely to be for some time to come.

"It would be most imprudent, however, for the U.S.—concerned as we are with face and security—to withdraw from the U.N.—and give the communist countries an opportunity to wield greater influence." (P. 99.)

EXCERPTS FROM "COMPARATIVE POLITICAL SYSTEMS"

Military leadership in developing countries

"Military officers are often one of the most modernized groups in a developing society. Through education and training especially residence and schooling in developed countries, they have learned managerial skills, have become aware of defects in their society, and believe they can do a more effective job than the civilian leadership. They tend to be realistic and relatively non-political—and they're one of the few groups with a national, rather than local, orientation."

"The appropriate role of the military in the political processes of emerging nations may well be that of maintaining central governments and government machinery while the underlying swirl of tribal, sectional and regional interests assumes some pattern." (Pp. 96-98.)

EXCERPTS FROM "EXPLORATION OF SPACE"

Race with Soviet Union

"We may expect the space race to be nip and tuck for some time to come.

"The U.S. and U.S.S.R. have the same objective for their space program. We both seek to inspire our young people to dedicate their lives to science and technology. We desire to propel ourselves through this rarified atmosphere faster and in a much more productive manner than our opponent so that when the final decision is made out there in the future, we will be there.

"And if we should not lead in space—what then?

"Well, certainly the alternative to not leading could be disastrous.

"We would risk future technological obsolescence—the loss of international leadership, and finally, we would face the distinct possibility of military surprise by superior space vehicles.

"Clearly, the role of America must be that of the winner." (Pp. 95-97.)

EXCERPTS FROM "MANAGING THE NATIONAL ECONOMY"

Defense spending

"It's interesting to note the relative growth of defense spending and all other spending by the federal government during the past eight years, as indicated on this chart.

"As you can see, defense spending—spending for the military forces—has increased by 58 percent (most of that during the last two years), while all other spending has increased by 100 percent during the eight-year period." (P. 9.)

"In spite of its huge size, the present cost of national security represents a reasonable and tolerable share of our gross national product." (P. 99.)

EXCERPTS FROM "FOREIGN AID"

Arms policy

"People said we are contributing to arms races—where countries can not afford it.

"That makes sense in the abstract.

"However—we are faced in reality with a number of ticklish situations.

"If the United States was the only arms dealer in the world—there would be no problem—perhaps.

"But should we stand by when Russia arms Egypt against Israel—or against Saudi Arabia for that matter?"

"We tried to hold down the arms race in the Middle East but Russia pre-empted.

"And then there are Latin American countries threatened with Castroism—exported from Cuba.

"We try to measure the amount of arms needed—but it is not easy." (Pp. 61-64.)

Future of foreign aid

"We can take great pride—when we view the kind of world we have helped create—in Western Europe and Japan.

"Today the economic development program of the Agency for International Development—aimed at less-developed countries—is in trouble.

"But I have faith that it will survive—along with programs like Food for Freedom.

"So that in another generation we Americans can continue to take pride in the kind of world—we have helped to build." (Pp. 128-129.)

NATIONAL SECURITY SEMINAR 1968-69 SCHEDULE OF CITIES

		Army area	Naval district	Air Force Reserve region	Civilian cosponsor
Provo, Utah	Oct. 14-25, 1968	6th	12th ¹	6th	Chamber of commerce.
Sioux Falls, S. Dak.	Nov. 11-22, 1968	5th	9th	5th ¹	Do.
Battle Creek, Mich.	Jan 6-17, 1969	5th	9th	5th ¹	Do.
San Diego, Calif.	Feb. 3-14, 1969	6th	11th ¹	6th	Do.
Dallas, Tex.	Mar. 3-14, 1969	4th ¹	8th	4th	Do.
West Palm Beach, Fla.	Apr. 14-25, 1969	3d	6th ¹	3d	Do.
Columbia, S.C.	May 5-16, 1969	3d ¹	6th	3d	Do.

¹ Primary sponsor.

National security seminar cities

<i>City</i>	<i>Years</i>	<i>City</i>	<i>Years</i>
Abilene, Tex.	1964	Charleston, S.C.	1961
Akron, Ohio	1953, 1957	Charleston, W. Va.	1958
Albuquerque, N. Mex.	1954, 1960	Charlotte, N.C.	1951, 1958
Amarillo, Tex.	1962	Chattanooga, Tenn.	1954, 1959
Anchorage, Alaska	1965	Cheyenne, Wyo.	1960, 1966
Atlanta, Ga.	1948, 1950, 1954, 1962	Chicago, Ill.	1948, 1949, 1951, 1956
Atlantic City, N.J.	1964	Cincinnati, Ohio	1950, 1953
Augusta, Ga.	1956	Cleveland, Ohio	1949, 1950, 1953
Austin, Tex.	1955	Colorado Springs, Colo.	1965
Bakersfield, Calif.	1960	Columbia, S.C.	1965, 1969
Baltimore, Md.	1948, 1962	Columbus, Ohio	1952, 1963
Baton Rouge, La.	1951, 1952, 1966	Corpus Christi, Tex.	1964
Battle Creek, Mich.	1959, 1969	Dallas, Tex.	1949, 1954, 1959, 1969
Beaumont, Tex.	1957, 1962	Dayton, Ohio	1950, 1963
Berkeley, Calif.	1956	Decatur, Ill.	1960
Bethlehem, Pa.	1960	Denver, Colo.	1949, 1951, 1956, 1963
Birmingham, Ala.	1948, 1950, 1956, 1961	Des Moines, Iowa	1951, 1956
Boise, Idaho	1953, 1957	Detroit, Mich.	1948, 1950, 1951, 1955, 1965
Boston, Mass.	1948, 1953, 1958	Duluth, Minn.	1965
Boulder, Colo.	1962	Durham, N.C.	1954, 1966
Bridgeport, Conn.	1958	El Paso, Tex.	1961
Buffalo, N.Y.	1956	Erie, Pa.	1952
Burlington, Vt.	1957	Eugene, Ore.	1959
Butte, Mont.	1956, 1959	Evansville, Ind.	1961
Carbondale, Ill.	1966	Fargo, N. Dak.	1960
Casper, Wyo.	1962, 1967		
Cedar Rapids, Iowa	1961		

<i>City</i>	<i>Years</i>	<i>City</i>	<i>Years</i>
Fort Meade, Md.....	1954	Pasadena, Calif.....	1954
Fort Worth, Tex.....	1952, 1958	Peoria, Ill.....	1951, 1959
Fresno, Calif.....	1958	Phoenix, Ariz.....	1953, 1958
Gainesville, Fla.....	1967	Philadelphia, Pa.....	1948, 1948, 1950, 1953, 1955, 1958
Gary, Ind.....	1962, 1968	Pittsburgh, Pa.....	1948, 1949, 1951, 1954, 1957, 1966
Grays Harbor, Wash.....	1964	Pocatello, Idaho.....	1962
Great Falls, Mont.....	1954, 1962	Ponca City, Okla.....	1964
Greenville, S.C.....	1960	Portland, Maine.....	1964
Groton, Conn.....	1967	Portland, Oreg.....	1949, 1952, 1955, 1958, 1965
Hartford, Conn.....	1948, 1956	Providence, R.I.....	1951, 1957
Helena, Mont.....	1966	Provo, Utah.....	1968
Honolulu, Hawaii.....	1961	Reading, Pa.....	1952
Houston, Tex.....	1949, 1951, 1952, 1955, 1963	Reno, Nev.....	1960
Huntington, W. Va.....	1964	Richmond, Va.....	1949, 1956
Huntsville, Ala.....	1963	Riverside, Calif.....	1960
Hutchinson, Kan.....	1957	Roanoke, Va.....	1957
Indianapolis, Ind.....	1952, 1958	Rochester, N.Y.....	1950, 1958
Jackson, Miss.....	1956	Sacramento, Calif.....	1955, 1963
Jacksonville, Fla.....	1952, 1957	Salem, Ore.....	1966
Kansas City, Mo.....	1949, 1955, 1964	Salt Lake City, Utah.....	1950, 1953, 1959
Kingston, N.Y.....	1963	San Antonio, Tex.....	1951, 1957, 1968
Knoxville, Tenn.....	1953	San Bernardino, Calif.....	1964
La Crosse, Wis.....	1965	San Diego, Calif.....	1952, 1957, 1969
Lafayette, La.....	1964	San Francisco, Calif.....	1948, 1950, 1953, 1958
Lake Charles, La.....	1960, 1968	San Jose, Calif.....	1954, 1965
Lansing, Mich.....	1960	Santa Barbara, Calif.....	1955
Las Vegas, Nev.....	1961	Savannah, Ga.....	1956
Lincoln, Neb.....	1952, 1965	Schenectady, N.Y.....	1953
Little Rock, Ark.....	1955, 1960, 1966	Seattle, Wash.....	1949, 1951, 1952
Logan, Utah.....	1964	Shreveport, La.....	1956, 1965
Long Beach, Calif.....	1952, 1967	Sioux City, Iowa.....	1963
Los Angeles, Calif.....	1949, 1951, 1958	Sioux Falls, S.D.....	1957, 1963, 1968
Louisville, Ky.....	1951	South Bend, Ind.....	1955
Lubbock, Tex.....	1961	Spokane, Wash.....	1955, 1962
Madison, Wis.....	1960	Springfield, Mass.....	1952, 1966
Manchester, N.H.....	1959, 1963	Springfield, Mo.....	1959, 1962
Maxwell AFB, Ala.....	1963	St. Louis, Mo.....	1949, 1951, 1953, 1957
Memphis, Tenn.....	1949, 1957	Stockton, Calif.....	1966
Merced, Calif.....	1964, 1968	Syracuse, N.Y.....	1951
Miami, Fla.....	1957, 1955	Tampa, Fla.....	1955, 1964
Milwaukee, Wis.....	1950, 1952, 1954, 1960	Terre Haute, Ind.....	1965
Minneapolis, Minn.....	1950, 1954, 1958	Toledo, Ohio.....	1955
Minneapolis-St. Paul, Minn.....	1948	Tucson, Ariz.....	1956, 1962
Missoula, Mont.....	1963	Tulsa, Okla.....	1953, 1963
Mobile, Ala.....	1956	Vallejo, Calif.....	1961
Moline, Ill.....	1966	Ventura, Calif.....	1957, 1962
Montgomery, Ala.....	1958	Waco, Tex.....	1956
Nashville, Tenn.....	1953, 1962	Washington, D.C.....	1948, 1958
Newark, N.J.....	1952, 1961	Waukegan, Ill.....	1964
New Orleans, La.....	1948, 1950, 1954	West Palm Beach, Fla.....	1969
New York, N.Y.....	1948, 1949, 1950, 1953, 1955, 1957, 1960	Wichita, Kan.....	1952, 1961
Oakland, Calif.....	1952	Wichita Falls, Tex.....	1967
Odessa, Tex.....	1963	Wilmington, N.C.....	1961, 1967
Ogden, Utah.....	1955	Winston-Salem, N.C.....	1961
Oklahoma City, Okla.....	1950, 1953, 1959, 1965	Worcester, Mass.....	1955
Omaha, Neb.....	1950, 1954, 1959	Wright-Patterson AFB, Ohio.....	1953
Orlando, Fla.....	1961	Yakima, Wash.....	1961, 1967

NATIONAL SECURITY SEMINAR PROSPECTUS, 1968-69

INDUSTRIAL COLLEGE OF THE ARMED FORCES

The National Security Seminar program conducted by the Industrial College of the Armed Forces has been instrumental in bringing to the Industrial College eight consecutive awards from the Freedoms Foundation at Valley Forge. These include the Foundation's Principal National Awards in the Governmental Unit Activity category for 1963 and 1965, and Honor Medal Awards in all other years from 1960 through 1967. These eight awards represent the longest consecutive series presented to any single recipient by the Freedom Foundation.

"Our liberties rest with our people, upon the scope and depth of their understanding of the spiritual, political, and economic realities which underlie our national purpose and sustain our Nation's security. It is the high mission of the Industrial College of the Armed Forces to develop such understanding among our people and their military and civilian leaders."

—DWIGHT D. EISENHOWER.

"History demands of us that this great Nation be the principal bulwark against the multitude of forces, often obscure, which are constantly working against freedom wherever it exists. In meeting this challenge, the Industrial College of the Armed Forces is a major instrument for promoting the kind of understanding and purpose which will assure the wisest use of all our resources and which must underlie effective national policies."

—JOHN F. KENNEDY.

"America's position of Free World leadership carries heavy responsibilities in this complex, revolutionary period of history. We are faced with vast problems that must be met with patience, fortitude, and understanding. Communists, using force and intrigue, seek to bring about a Communist-dominated world. Our convictions, our interests, and our life as a nation demand that we resolutely oppose that effort with all our might and all our resources. An enlightened citizenry is our greatest hope in meeting this challenge. It is the high mission of the Industrial College of the Armed Forces to promote a broad understanding of the various elements of our national security—economic, political, and military. The College is a major instrument for instilling in growing numbers of our people the essential principles of a free society."

—LYNDON B. JOHNSON.

Each year, through a series of National Security Seminars, the Industrial College of the Armed Forces extends its educational program to Reserve officers and other interested citizens across the country. Since the first of these meetings in 1948, more than 175,000 conferees have enrolled in 293 Seminars in 161 cities. Based on the College's intensive 10-month resident course, the Seminars cover the major factors influencing our national security, including current national and world problems, and the management of our human, economic, and material resources. Citizens who attend, both military and civilian, become better informed on these matters and are able, therefore, to contribute more effectively to our national security.

JOHN S. HARDY,

Lieutenant General, USAF, Commandant.

INDUSTRIAL COLLEGE BOARD OF ADVISERS

Hon. George V. Allen, Director, Foreign Service Institute, Department of State.
 Mr. Karl R. Bendetsen, Chairman, U.S. Plywood-Champion Papers Inc.
 Mr. Ernest D. Brockett, Jr., Chairman and Chief Executive Officer, Gulf Oil Corporation.
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 Maj. Gen. James McCormack, USAF (Ret.), Chairman and Chief Executive Officer, Communications Satellite Corporation.
 Mr. Ira G. Ross, President, Cornell Aeronautical Laboratory, Inc.
 Mr. Sherrod E. Skinner, Chairman of the Board, Aerospace Corporation.

Ex Officio

Deputy Assistant Secretary of Defense (Education).

Observer

Rear Adm. Percival W. Jackson, USN, Director, J-1 (Personnel), Joint Staff, Office of the Joint Chiefs of Staff.

PURPOSE

The primary objective of the National Security Seminar program is the education of Reserve officers.

The seminar seeks to foster, among Reserve officers and interested civilians, a better understanding of the many interrelated and complex national and international problems associated with national security.

PROGRAM

Each Seminar is a factual analysis of issues and problems which have a direct bearing on our survival as a nation. It is presented in a series of lecture-type presentations of approximately one hour each, supplemented by colorful visual aids and selected films. All of these are continually updated to provide the latest available information and to cover current major problem areas. The program is scheduled over two five-day weeks.

Conferees receive a systematic presentation of the elements essential to a strong defense posture; an analysis of the economic, political, and social factors affecting our national security; and a critical appraisal of our human, natural, and industrial resources. Although the subjects range over the entire field of national security affairs, attention is focused throughout on the management of resources in dealing with problems of national security.

Our research and development efforts, our space program, and our defense management systems—all related to national security—are discussed in detail.

An examination of the different world areas reveals the reasons why each is of vital concern to us, and how we stand today, as a nation among nations, militarily, politically, and economically.

Each Seminar is presented by a team of Army, Navy, Air Force, and Marine Corps officers from the faculty of the Industrial College. The Seminars are jointly sponsored in each city by military and civic organizations.

WHY ATTEND?

Because the National Security Seminar presents a panoramic view of problems affecting our national security in a tense world undergoing great social and technological change.

Because it is the right and duty of every American to keep informed on the issues which affect our Nation's security, in order that he may better fulfill his obligation as a citizen in a democratic society.

WHO MAY ATTEND?

Military

Suggested minimum Reserve military quotas for each Seminar are as follows:

Department of the Army Reserves.....	50
Department of the Navy Reserves (including Marine Corps).....	50
Department of the Air Force Reserves.....	50

In addition, the military quota may be augmented by persons in uniform from the National Guard, Coast Guard, Regular Forces, and Public Health Service.

NOTE: Quotas may be exceeded by military commanders, through coordination with Seminar Administrators, for respective Seminar locations.

Civilian

The number of civilian conferees is governed by the size of the auditorium in which the Seminar is held. Civilian conferees represent a cross section of industry, labor, business, the professions, religion, education, agriculture, women's organizations, and government.

ENROLLMENT

Civilians

Civilian conferees enroll in the Seminar locally, through the civilian sponsor—not through the Industrial College of the Armed Forces.

The tear-out form on the back cover may be used to request registration information from Chambers of Commerce in cities listed.

Military

The Industrial College of the Armed Forces has no jurisdiction in the selection of Reserve officers for attendance at Seminars.

Eligible Army, Air Force, and Naval Reserve officers, not on extended active duty, who desire to attend the Seminar, may apply through official channels to their respective Army and Air Force Commanders or Naval District Commandants, Marine Corps and Coast Guard Reserve officers apply, respectively, to Headquarters, Marine Corps, and Headquarters, U.S. Coast Guard. Determination of eligibility will be made by the appropriate local Reserve headquarters.

Local Armed Forces officers on extended active duty and regular officers may apply for attendance through their immediate headquarters upon approval by the local Seminar Administrator.

CREDITS

Civilians who attend 50 percent of the lectures and forums are presented with a diploma. Reserve military personnel in a pay or nonpay status, who are acting under competent orders, are awarded retention, promotion, and retirement point credits for attendance with the directives of the military Service concerned.

TYPICAL PRESENTATION SCOPES

Comparative Political Systems

A comparison of the democratic and totalitarian systems, and an examination of the political ideas and processes in the developing countries. To form a basis for comparison, political theories are briefly discussed. Some implications are drawn for the future.

Geopolitics

A survey of geopolitics and its relationship to the Free World policy of containment of Communism. The theories of Kjellen, Mahan, Mackinder, and Haushofer are noted. Expansion of the Russian and Red Chinese "heartlands" and containment at the Free World "rimlands" are examined, as are latter-day Russian and Red Chinese concepts of leap-frogging the "rimlands" with "wars of national liberation."

Soviet Union

A look at the Soviet Union today—its physical features, people, government, economy, and some of the forces at work in the USSR, with their possible consequences to U.S. security interests. The role of the Communist Party and its relationships with the governmental organizations. Soviet agricultural and industrial problems, together with actions being taken toward their solution.

Exploration of space

A discussion of space as an issue of our current environment for national security and the benefits from the Space Exploration program. Some considerations and observations on the magnitude of space. The problems of space travel, to include propulsion and the hostile environment which confronts astronauts and future managers. Our NASA program of space exploration and a description of our "Man to the Moon" flight.

Southeast Asia

Some observations on the geography, people, and economies of Burma, Thailand, Malaysia, Singapore, Laos, Cambodia, and North and South Vietnam. Regional attitudes toward Red China and the U.S. position in Vietnam. A review of Vietnamese history, past and present, as a background for the American involvement in Vietnam.

Military Forces of the World

An analysis of the military situation worldwide, with emphasis on the Communist military threat which has developed since World War II and U.S. counter-

moves. NATO forces are compared with those of the Soviet bloc. Communist and non-Communist force deployments are examined worldwide. A review of the U.S. military base brings out the missions and the strengths of its various components, and the importance of maintaining a powerful deterrent force in preserving world peace.

Civil Defense

Nuclear war presents new problems to our non-military defense. The problems attendant with this threat to both our civilian population and industrial complex are discussed. The steps that are being taken to protect the population and the plans for the protection and recovery of our industrial complex are examined: this includes the government's organization and plans to meet the impact of a possible nuclear conflict and peacetime planning for emergency production.

PRESENTATION TITLES

Public Opinion	Civil Defense
Foreign Policy	Communist China
National Security Structure	Nature of Modern War
Comparative Political Systems	Defense Logistics
Geopolitics	Exploration of Space
Natural Resources	The Middle East
Energy Resources	Defense Management
International Economics	Inside U.S.A.
World Agriculture	Science and Technology
Transportation and Telecommunications	Africa
Population Management	Southeast Asia
Soviet Union	South Asia and the Far East
American Management	Europe
Foreign Aid	Western Hemisphere
Managing the National Economy	Military Forces of the World
World Industrial Development	The United States in World Affairs
	Weapons Systems Management

WHAT OTHERS SAY

"And thank goodness we have, in our democratic society, an informed military which is not only allowed, but encouraged, to share its knowledge with the public in seminars such as this."

CATHERINE MAY,

Member of Congress from Washington.

"Neither in nearly 20 years of Reserve time, have I attended a two-week training session that I felt was as helpful as this. The College is to be commended for putting together both an informative program and a top flight Gray Team to deliver the information to its public."

Rev. M. C. NELSON,

Dean of Education, North Central Bible College, Minneapolis Minn.

"It has been of great benefit to me in bringing me up to date quickly on the posture and problems of our nation vis-a-vis the rest of the world."

FRANK E. MALONEY,

Dean and Professor of Laws, University of Florida.

"* * * I feel your approach of bringing education from the 'ivy clad walls' directly to the 'consumers' is certainly in tune with the times and will go far to achieve the aim of creating a realistically informed body of opinion about our national security."

CECIL E. COMBS,

Major General, USAF, Former Commandant, Air Force Institute of Technology, Air University, Wright-Patterson Air Force Base, Ohio.

"I attended the last Seminar six years ago, and was so impressed and so well informed, that as a concerned citizen, I could not afford to miss this one. You can be assured that I will not contain this information within myself but shall spread it abroad."

Rev. EDWIN E. KIRTON,

Rector, St. Mark's Episcopal Church, Wilmington, N.C.

"It has been my privilege to attend all of the scheduled 'talks' and films of the Seminar. Tonight, I feel that I am a better informed, more tolerant citizen. I have never been more proud to be an American."

BETTY B. PRICE,
Realtor, Gainesville, Fla.

"I attended the National Security Seminar held in Washington, D.C., several years ago and am personally convinced of the excellence, fairness and thoroughness of the presentations. What I learned at this Seminar is constantly of great value to me in my Congressional work."

CRAIG HOSMER,
Member of Congress from California.

"The Seminar conducted wonderful meetings, and I feel they were exceptionally informative and inspirational. The local response was most gratifying. These highly successful meetings do much to further strengthen the ties between the civilian and military in this region."

HARRY W. HOTII,
Former Mayor of Colorado Springs.

1968-69 NATIONAL SECURITY SEMINAR SCHEDULE

Provo, Utah, October 14-25, 1968.
Sioux Falls, S. Dak., November 11-22, 1968.
Battle Creek, Mich., January 6-17, 1969.
San Diego, Calif., February 3-14, 1969.
Dallas, Tex., March 3-14, 1969.
West Palm Beach, Fla., April 14-25, 1969.
Columbia, S.C., May 5-16, 1969.

THE NATIONAL SECURITY SEMINAR TEAM

Col. John A. MacNeil, USMC.
Col. Daniel C. Bird, USA.
Col. Charles E. Benson, USA.
Col. Robert T. Hof, USAF, Team Chief.
Col. Hubert W. Hodges, USAF.

INDEX TO EXAMINATION OF WITNESSES

	Page
Alken, Senator George D. :	
Laird, Hon. Melvin R. -----	307-309
Rogers, Hon. William P. -----	330-334, 340, 355
Seaborg, Hon. Glenn T. -----	326-328, 329-330, 333, 335
Case, Senator Clifford P. :	
Fisher, Hon. Adrian S. -----	350-350
Laird, Hon. Melvin R. -----	307-309
Seaborg, Hon. Glenn T. -----	358
Rogers, Hon. William P. -----	354-356, 358, 360
Cooper, Senator John Sherman :	
Fisher, Hon. Adrian S. -----	363-365
Laird, Hon. Melvin R. -----	401-407, 410
Rogers, Hon. William P. -----	365-367
Dodd, Senator Thomas J. :	
Fisher, Hon. Adrian S. -----	379
Laird, Hon. Melvin R. -----	414-416
Rogers, Hon. William P. -----	379
Seaborg, Hon. Glenn T. -----	380-381
Wheeler, Gen. Earle. -----	414
Fulbright, Senator J. W. :	
Fisher, Hon. Adrian S. -----	318
Laird, Hon. Melvin R. -----	386-394, 408-409, 414, 419, 420-439
Rogers, Hon. William P. -----	316-318, 334, 337-338, 348, 350-351, 375-376
Seaborg, Hon. Glenn T. -----	315-319, 328-329, 334
Wheeler, Gen. Earle. -----	385-386, 430
Gore, Senator Albert :	
Fisher, Hon. Adrian S. -----	353
Laird, Hon. Melvin R. -----	386, 394-397, 416, 441
Rogers, Hon. William P. -----	349-350, 352-354, 376-379
Javits, Senator Jacob K. :	
Fisher, Hon. Adrian S. -----	368, 371
Laird, Hon. Melvin R. -----	407, 420-428
Rogers, Hon. William P. -----	367-375
Seaborg, Hon. Glenn T. -----	369, 370, 373-374
Wheeler, Gen. Earle. -----	423
Mansfield, Senator Mike :	
Rogers, Hon. William P. -----	335-337
Seaborg, Hon. Glenn T. -----	336-337
McGee, Senator Gale W. :	
Fisher, Hon. Adrian S. -----	362
Rogers, Hon. William P. -----	360-363
Mundt, Senator Karl E. :	
Fisher, Hon. Adrian S. -----	340, 341
Laird, Hon. Melvin R. -----	417-419
Rogers, Hon. William P. -----	338-340, 341, 346-348
Seaborg, Hon. Glenn T. -----	338, 345
Wheeler, Gen. Earle. -----	416-418
Sparkman, Sen. John :	
Fisher, Hon. Adrian S. -----	319
Rogers, Hon. William P. -----	319, 320, 340
Seaborg, Hon. Glenn T. -----	320-321
Symington, Senator Stuart :	
Laird, Hon. Melvin R. -----	399-401, 410-411
Williams, Senator John J. :	
Laird, Hon. Melvin R. -----	412-413