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Nuclear Test Ban Treaty

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NUCLEAR TEST BAN TREATY

MESSAGE
FROM
THE PRESIDENT OF THE UNITED STATES
TRANSMITTING

AUGUST 8, 1963.—Treaty was read the first time and, together with the message and accompanying papers, was referred to the Committee on Foreign Relations and was ordered to be printed for use of the Senate


To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith a certified copy of the treaty banning nuclear weapon tests in the atmosphere, in outer space, and underwater, signed at Moscow on August 5, 1963, on behalf of the United States of America, the United Kingdom of Great Britain and Northern Ireland, and the Union of Soviet Socialist Republics.

This treaty is the first concrete result of 18 years of effort by the United States to impose limits on the nuclear arms race. There is hope that it may lead to further measures to arrest and control the dangerous competition for increasingly destructive weapons.
The provisions of the treaty are explained in the report of the Acting Secretary of State, transmitted herewith. Essentially it prohibits only those nuclear tests that we ourselves can police. It permits nuclear tests and explosions underground so long as all fallout is contained within the country where the test or explosion is conducted.

In the weeks before and after the test ban negotiations, the hopes of the world have been focused on this treaty. Especially in America, where nuclear energy was first unlocked, where the danger of nuclear war and the meaning of radioactive fallout are so clearly recognized, there has been understanding and support for this effort. Now the treaty comes before the Senate, for that careful study which is the constitutional obligation of the members of that body. As that study begins I wish to urge that the following considerations be kept clearly in mind:

First: This treaty is the whole agreement. U.S. negotiators in Moscow were instructed not to make this agreement conditioned upon any other understanding; and they made none. The treaty speaks for itself.

Second: This treaty advances, though it does not assure, world peace; and it will inhibit, though it does not prohibit, the nuclear arms race.

While it does not prohibit the United States and the Soviet Union from engaging in all nuclear tests, it will radically limit the testing in which both nations would otherwise engage.

While it will not halt the production or reduce the existing stockpiles of nuclear weapons, it is a first step toward limiting the nuclear arms race.

While it will not end the threat of nuclear war or outlaw the use of nuclear weapons, it can reduce world tensions, open a way to further agreements, and thereby help to ease the threat of war.

While it cannot wholly prevent the spread of nuclear arms to nations not now possessing them, it prohibits assistance to testing in these environments by others; it will be signed by many other potential testers; and it is thus an important opening wedge in our effort to “get the genie back in the bottle.”

Third: The treaty will curb the pollution of our atmosphere. While it does not assure the world that it will be forever free from the fears and dangers of radioactive fallout from atmospheric tests, it will greatly reduce the numbers and dangers of such tests.

Fourth: This treaty protects our rights in the future. It cannot be amended without the consent of the United States, including the consent of the Senate; and any party to the treaty has the right to withdraw, upon 3 months’ notice, if it decides that extraordinary events related to the subject matter of the treaty have jeopardized its supreme interests.

Fifth: This treaty does not alter the status of unrecognized regimes. The provisions relating to ratification by others, and the precedents of international law, make it clear that our adherence to this treaty, and the adherence of any other party, can in no way accord or even imply recognition by the United States or any other nation of any regime which is not now accorded such recognition.

Sixth: This treaty does not halt American nuclear progress. The United States has more experience in underground testing than any other nation; and we intend to use this capacity to maintain the ade-
quacy of our arsenal. Our atomic laboratories will maintain an active
development program, including underground testing, and we will
be ready to resume testing in the atmosphere if necessary. Continued
research on developing the peaceful uses of atomic energy will be pos­

Seventh: This treaty is not a substitute for, and does not diminish
the need for, continued Western and American military strength to
meet all contingencies. It will not prevent us from building all the
strength that we need; and it is not a justification for unilaterally
cutting our defensive strength at this time. Our choice is not between
a limited treaty and effective strategic strength—we need and can
have both. The continuous buildup in the power and invulnerability
of our nuclear arsenal in recent years has been an important factor
in persuading others that the time for a limitation has arrived.

Eighth: This treaty will assure the security of the United States
better than continued unlimited testing on both sides. According
to a comprehensive report prepared by the responsible agencies of
Government for the National Security Council, the tests conducted
by both the Soviet Union and the United States since President
Eisenhower first proposed this kind of treaty in 1959 have not re­

Ninth: The risks in clandestine violations under this treaty are far
smaller than the risks in unlimited testing. Underground tests will
still be available for weapons development; and other tests, to be
significant, must run substantial risks of detection. No nation
tempted to violate the treaty can be certain that an attempted viola­
tion will go undetected, given the many means of detecting nuclear
explosions. The risks of detection outweigh the potential gains from
violation, and the risk to the United States from such violation is
outweighed by the risk of a continued unlimited nuclear arms race.
There is further assurance against clandestine testing in our ability to
develop and deploy additional means of detection, in our determina­
tion to maintain our own arsenal through underground tests, and in
our readiness to resume atmospheric testing if the actions of others
so require.

Tenth: This treaty is the product of the steady effort of the U.S.
Government in two administrations, and its principles have had the
explicit support of both great political parties. It grows out of the proposal made by President Eisenhower in 1959 and the resolution passed by the Senate in that same year; and it carries out the explicit pledges contained in the platforms of both parties in 1960. Nothing has happened since then to alter its importance to our security. It is also consistent with the proposals this administration put forward in 1961 and 1962—and with the resolution introduced in the Senate, with wide bipartisan support, in May of 1963.

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

DEPARTMENT OF STATE,
Washington, August 8, 1963.

THE PRESIDENT,
The White House:

I have the honor to submit to you, with the recommendation that it be transmitted to the Senate for its advice and consent to ratification, a certified copy of the treaty banning nuclear weapon tests in the atmosphere, in outer space and under water, signed at Moscow on August 5, 1963, on behalf of the United States of America, the United Kingdom of Great Britain and Northern Ireland, and the Union of Soviet Socialist Republics.

On October 31, 1958, the United States and the United Kingdom began negotiations with the Soviet Union at Geneva for an effectively controlled nuclear test cessation agreement. As you are aware, continued studies and assessments of the technical, political, military, and other aspects of this subject have been conducted since that time in connection with the negotiations.

The Senate has followed the test ban negotiations with close attention, holding many hearings and enacting a resolution in support of the efforts of the executive branch (S. Res. 96, 86th Cong., 1st sess.). Congressional advisers have attended the negotiations at Geneva at various times since 1958.

The first proposal for a limited test ban treaty was advanced by the United States and the United Kingdom on April 13, 1959. On that date, supported by Prime Minister Macmillan, President Eisenhower proposed in a letter to Chairman Khrushchev a ban on tests above ground and up to 50 kilometers. On September 3, 1961, you and Prime Minister Macmillan proposed to Chairman Khrushchev that the three Governments agree immediately not to conduct “nuclear tests which take place in the atmosphere and produce radioactive fallout.”

On August 27, 1962, the United States and the United Kingdom submitted to the Conference of the 18-Nation Committee on Disarmament a draft treaty banning nuclear weapon tests in the atmosphere, outer space, and underwater. Both proposals have been
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renewed by the United States and the United Kingdom at various times since then. On May 27, 1963, Senators Dodd and Humphrey introduced in the Senate a resolution (S. Res. 148, 88th Cong., 1st sess.). This resolution, cosponsored by 32 other Senators, urged negotiation of a treaty banning tests in the atmosphere and the oceans.

On June 10, 1963, in a speech at American University, you announced further negotiations with the Soviet Union for a nuclear test ban, and a suspension of United States tests in the atmosphere so long as other nations did not conduct them.

On July 2, 1963, Chairman Khrushchev expressed the willingness of the Soviet Government “to conclude an agreement banning nuclear tests in the atmosphere, in outer space and under water.”

Commencing July 15, 1963, negotiations were held in Moscow between W. Averell Harriman, representing the United States, Lord Hailsham, representing the United Kingdom, and A. A. Gromyko, representing the Soviet Union, looking toward the possibility of concluding a treaty banning nuclear weapons tests in three environments, but not underground. On July 25, 1963, these negotiations resulted in an agreed draft initialed by the representatives of each of the parties. On August 5, 1963, the treaty was signed in Moscow by Secretary Rusk on behalf of the United States, by A. A. Gromyko on behalf of the Union of Soviet Socialist Republics, and by Lord Home on behalf of the United Kingdom.

The treaty consists of a preamble and five articles.

The preamble indicates the relationship of this treaty to the much broader aim of achieving an agreement on general and complete disarmament under strict international control, as well as to the more specific aims of eventually preventing nuclear weapons tests in all environments, meanwhile stopping the contamination of the atmosphere by radioactive fallout.

Article I contains the principal substantive obligations of the parties. Under its first paragraph the parties undertake to prohibit, to prevent, and not to carry out, at any place under their jurisdiction or control, nuclear weapons tests or other nuclear explosions in the atmosphere, in outer space, or under water. In the context of provisions devoted to obtaining a complete, verifiable ban on tests in these three environments, the treaty language relates “any nuclear weapon test explosion” to “any other nuclear explosion,” thus preventing evasion based on the contention that a particular detonation was not a weapon test but the explosion of an already tested device. The phrase “any other nuclear explosion” includes explosions for peaceful purposes. Such explosions are prohibited by the treaty because of the difficulty of differentiating between weapon test explosions and peaceful explosions without additional controls. The article does not prohibit the use of nuclear weapons in the event of war nor restrict the exercise of the right of self-defense recognized in article 51 of the Charter of the United Nations.

Underground nuclear explosions are not prohibited so long as they do not cause radioactive debris to be present outside the territorial limits of the State under whose jurisdiction or control such explosions are conducted. Thus, so long as adequate precautions are taken to prevent such spread of radioactive debris, the treaty will not prohibit the United States from conducting underground nuclear weapons tests or underground nuclear explosions for peaceful purposes.
The second paragraph of article I contains an undertaking by the parties to refrain from causing, encouraging, or in any way participating in, the carrying out of the prohibited tests and explosions anywhere by anyone. This provision prevents a party from doing indirectly what it has agreed to refrain from doing directly.

Article II contains a procedure for amending the treaty. Any party may propose an amendment, and a conference to consider such an amendment must be called if requested by one-third or more of the parties although a conference would not be necessary for the adoption of an amendment. To be effective, an amendment must be approved and ratified by a majority of all the parties which must include the United States, Great Britain, and the Soviet Union. Thus, no amendment can become effective without the advice and consent of the Senate.

Article III provides that the treaty shall enter into force upon the deposit of instruments of ratification by all three original parties and specifies how other states may become parties. It designates the three original parties as depositary governments and contains other provisions of a formal nature relating to ratification, accession, and registration with the United Nations.

An increasing number of countries have indicated their intention of becoming parties to the treaty and of thus broadening its effectiveness. The provisions for signature and accession have been designed to permit the widest possible application of the treaty. At the same time adherence to the treaty will in no way imply recognition or change in status of regimes the United States does not now recognize. Nor will it in any way result in according recognition or change in status to any regime not now recognized by any other party.

Article IV provides that the treaty shall be of unlimited duration. It also creates a special right of withdrawal, upon 3 months' notice, if a party finds that extraordinary events related to the subject matter of the treaty have jeopardized its supreme interests.

Article V provides that the English and Russian texts of the treaty are equally authoritative and makes provision for the deposit of the original treaty instruments and the transmittal of certified copies to signatory and acceding states.

There is transmitted for your information, and for that of the Senate, the agreed communique issued by the representatives of the original parties on July 25, 1963, at the conclusion of the Conference in Moscow at which the treaty was formulated.

I believe that the signing of this treaty is a significant achievement. Its ratification by the three original parties and by such other states as may sign or accede to it will be an important and hopeful step toward the reduction of international tensions, alleviation of the fears and dangers caused by radioactive fallout, and the prevention of the spread of nuclear weapons capability. I believe it will promote the security of the United States and of the entire free world.

In view of these advantages, and of the hopes and expectations of virtually every nation in the world, it is my sincere hope that the United States will promptly ratify this treaty.

Respectfully submitted.

GEORGE W. BALL.

(Enclosures: (1) certified copy of the treaty and (2) copy of agreed communique.)
TREATY BANNING NUCLEAR WEAPON TESTS IN THE ATMOSPHERE, IN OUTER SPACE AND UNDER WATER

The Governments of the United States of America, the United Kingdom of Great Britain and Northern Ireland, and the Union of Soviet Socialist Republics, hereinafter referred to as the "Original Parties";

Proclaiming as their principal aim the speediest possible achievement of an agreement on general and complete disarmament under strict international control in accordance with the objectives of the United Nations which would put an end to the armaments race and eliminate the incentive to the production and testing of all kinds of weapons, including nuclear weapons,

Seeking to achieve the discontinuance of all test explosions of nuclear weapons for all time, determined to continue negotiations to this end, and desiring to put an end to the contamination of man's environment by radioactive substances,

Have agreed as follows:

ARTICLE I

1. Each of the Parties to this Treaty undertakes to prohibit, to prevent, and not to carry out any nuclear weapon test explosion, or any other nuclear explosion, at any place under its jurisdiction or control:
   (a) in the atmosphere; beyond its limits, including outer space; or underwater, including territorial waters or high seas; or
   (b) in any other environment if such explosion causes radioactive debris to be present outside the territorial limits of the State under whose jurisdiction or control such explosion is conducted. It is understood in this connection that the provisions of this subparagraph are without prejudice to the conclusion of a treaty resulting in the permanent banning of all nuclear test explosions, including all such explosions underground, the conclusion of which, as the Parties have stated in the Preamble to this Treaty, they seek to achieve.

2. Each of the Parties to this Treaty undertakes furthermore to refrain from causing, encouraging, or in any way participating in, the carrying out of any nuclear weapon test explosion, or any other nuclear explosion, anywhere which would take place in any of the environments described, or have the effect referred to, in paragraph 1 of this Article.

ARTICLE II

1. Any Party may propose amendments to this Treaty. The text of any proposed amendment shall be submitted to the Depositary Governments which shall circulate it to all Parties to this Treaty. Thereafter, if requested to do so by one-third or more of the Parties, the Depositary Governments shall convene a conference, to which they shall invite all the Parties, to consider such amendment.

2. Any amendment to this Treaty must be approved by a majority of the votes of all the Parties to this Treaty, including the votes of all of the Original Parties. The amendment shall enter into force for all Parties upon the deposit of instruments of ratification by a majority of all the Parties, including the instruments of ratification of all of the Original Parties.

Mike Mansfield Papers, Series 21, Box 41, Folder 82, Mansfield Library, University of Montana
ARTICLE III

1. This Treaty shall be open to all States for signature. Any State which does not sign this Treaty before its entry into force in accordance with paragraph 3 of this Article may accede to it at any time.

2. This Treaty shall be subject to ratification by signatory States. Instruments of ratification and instruments of accession shall be deposited with the Governments of the Original Parties—the United States of America, the United Kingdom of Great Britain and Northern Ireland, and the Union of Soviet Socialist Republics—which are hereby designated the Depositary Governments.

3. This Treaty shall enter into force after its ratification by all the Original Parties and the deposit of their instruments of ratification.

4. For States whose instruments of ratification or accession are deposited subsequent to the entry into force of this Treaty, it shall enter into force on the date of the deposit of their instruments of ratification or accession.

5. The Depositary Governments shall promptly inform all signatory and acceding States of the date of each signature, the date of deposit of each instrument of ratification of and accession to this Treaty, the date of its entry into force, and the date of receipt of any requests for conferences or other notices.

6. This Treaty shall be registered by the Depositary Governments pursuant to Article 102 of the Charter of the United Nations.

ARTICLE IV

This Treaty shall be of unlimited duration.

Each Party shall in exercising its 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 three months in advance.

ARTICLE V

This Treaty, of which the English and Russian texts 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 city of Moscow the fifth day of August, one thousand nine hundred and sixty-three.

For the Government of the United States of America:

DEAN RUSK
WAH

For the Government of the United Kingdom of Great Britain and Northern Ireland:

HOME

For the Government of the Union of Soviet Socialist Republics:

A. GROMYKO
A.G.
NUCLEAR TEST BAN TREATY

I certify that the foregoing is a true copy of the Treaty banning nuclear weapon tests in the atmosphere in outer space and under water, signed at Moscow on August 5, 1963 in the English and Russian languages, a signed original of which is deposited in the archives of the Government of the United States of America.

IN TESTIMONY WHEREOF, I, George W. Ball, Acting Secretary of State of the United States of America, have hereunto caused the seal of the Department of State to be affixed and my name subscribed by the Authentication Officer of the said Department, at the city of Washington, in the District of Columbia, this eighth day of August, 1963.

[seal]

George W. Ball
Acting Secretary of State

By Barbara Hartman
Authentication Officer
Department of State

[Released on July 25, 1963]

AGREED COMMUNIQUE

The special representatives of the President of the United States of America and of the Prime Minister of the United Kingdom, W. Averell Harriman, Under Secretary of State for Political Affairs of the United States, and Lord Hailsham, Lord President of the Council and Minister of Science for the United Kingdom, visited Moscow together with their advisers on July 14. Mr. Harriman and Lord Hailsham were received by the Chairman of the Council of Ministers of the Union of Soviet Socialist Republics, N. S. Khrushchev, who presided on July 15 at the first of a series of meetings to discuss questions relating to the discontinuance of nuclear tests, and other questions of mutual interest. The discussions were continued from July 16 to July 25 with A. A. Gromyko, Minister of Foreign Affairs of the Union of Soviet Socialist Republics. During these discussions each principal was assisted by his advisers.

The discussions took place in a businesslike, cordial atmosphere. Agreement was reached on the text of a treaty banning nuclear weapons tests in the atmosphere, in outer space and under water. This text is being published separately and simultaneously with this communiqué. It was initialed on July 25 by A. A. Gromyko, Mr. Harriman and Lord Hailsham. Mr. Harriman and Lord Hailsham together with their advisers will leave Moscow shortly to report and bring back the initialed texts to their respective Governments. Signature of the treaty is expected to take place in the near future in Moscow.

The heads of the three delegations agreed that the test ban treaty constituted an important first step toward the reduction of international tension and the strengthening of peace, and they look forward to further progress in this direction.

The heads of the three delegations discussed the Soviet proposal relating to a pact of non-aggression between the participants in the North Atlantic Treaty Organization and the participants in the Warsaw Treaty. The three Governments have agreed fully to inform their respective allies in the two organizations concerning these
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talks and to consult with them about continuing discussions on this question with the purpose of achieving agreement satisfactory to all participants. A brief exchange of views also took place with regard to other measures, directed at a relaxation of tension.