Test Ban Treaty

Mike Mansfield 1903-2001
Senator is entirely sincere in offering his reservation. I appreciate the complimentary but undeserved remarks which he has made about me. I did not wish to leave the impression with the Senator that I felt the only desirable effect of the treaty would be a slight relief of cold war tensions. If both sides live up to the treaty—and, as the Senator knows, we have our protection in that if the other side cheats, we can withdraw at any time—it will have this other important effect in reducing atmospheric pollution. This I know is of deep concern to this country and to all those interested in the health and welfare of future generations.

The proliferation of nuclear weapons and the increased pollution of the atmosphere which can go on if we continue to test and if other countries continue to test is a matter of very deep distress throughout this country. Hopefully, the signing of a partial nuclear test ban treaty would put an end to that. I recognize that we have no complete assurance of it. I feel that that is one of the important factors, in addition to the relaxation of tensions.

Mr. GOLDWATER. I agree with the Senator.

Mr. MANSFIELD rose.

Mr. GOLDWATER. Mr. President, does the Senator from Montana wish to have me yield to him?

Mr. MANSFIELD. Mr. President, I should like to have the floor in my own right.

Mr. GOLDWATER. Mr. President, I yield the floor.

Mr. MANSFIELD. Mr. President, I intend to yield to the distinguished Senator from New York [Mr. Javits], but before doing so I wish to tell the Senator from Arizona that I have a few comments to make on the remarks he has just completed.

I yield to the Senator from New York [Mr. Javits].

Mr. JAVITS. Mr. President, I thank the majority leader.
THE NUCLEAR TEST BAN TREATY

Mr. MANSFIELD. Mr. President, I preface my remarks by stating that the Senator from Arizona (Mr. Goldwater) has raised the thoughtful comments on the desirability of clarification of certain points in the treaty through floor interpretations and declarations of understanding. Much of this has already been done, of course, through Presidential statements and in other official pronouncements by his duly authorized agents, and in the report of the committee.

There is always room for improvement. Further clarification may come during floor discussion, and I would hope that the Senator from Arizona would draw on his long military and legislative experience to make a contribution in this connection. I am sure that he will.

I had the opportunity to read on the ticker this morning what the Senator from Arizona was to say. I had the opportunity to listen to his speech and read it. I would bring to the attention of the Senate some comments, which may or may not be of interest to this body.

"Beyond" is underlined.

There is nothing in the world today which is beyond any doubt. Everything is doubtful. Everything is changeable. The only thing to do is to try to keep up with the changes as they occur.

On the same page the Senator refers to "President Eisenhower's wording," which I think was taken into consideration by the Committee on Foreign Relations. I recall to the Senate a letter dated April 13, 1959, which President Eisenhower wrote to Mr. Khrushchev, which stated:

The United States strongly seeks a lasting agreement for the discontinuance of nuclear weapons.

Note, Mr. President, the phrase "strongly seeks."

There is a question about the "ambiguous drafting" of the treaty, and the statements and that "no broadly experienced International lawyer was present ... nor was there a military representative on hand to help assure against those disadvantages of which the Joint Chiefs of Staff have spoken and because of which they have proposed such elaborate subsequent safeguards."

I must take exception to the implication in the Senator's remarks that there has been inadequate military or legal consideration of the treaty. Countless lawyers from the departments concerned, and countless officers from the armed services, along with diplomats, have been involved in the process of forming the treaty from the outset, which, as the Senate will recall, dates from the second administration of President Eisenhower.

The names of Arthur Dean, one of the foremost international lawyers of our time, and his colleagues, who spoke so often by the late great Secretary of State, John Foster Dulles, and former President Eisenhower; of James Wadsworth, who was likewise used by that administration and by this; of John Mcloyd, who has been used by both administrations; along with those of Mr. Harrison, who wrote Mr. Eisenhower and did not come ready to mind. There are, many, many others.

Speaking of the attitude of the Joint Chiefs of Staff, I believe it should be brought out in no uncertain terms that, with the four safeguards which the Committee on Foreign Relations agreed to, they have come out unequivocally for the treaty, provided such safeguards are contained therein.

I must take strong exception to the proposal of the Senator from Arizona that there be formal reservations to the treaty. If we wish to kill the treaty, that is the best and surest way to do it. I remind Senators that more than 80 nations have already ratified the treaty.

In the course of the distinguished Senator's speech, another statement is of interest, in which he says:

We cannot be isolationists in this nuclear world.

No truer words were ever spoken.

Then the Senator says:

The distinguished Senator from Louisiana (Mr. Lodge) has noted the warning and has suggested that he will seek to have a reservation formally attached to the treaty.

The distinguished Senator from Louisiana stated in the committee against reporting the treaty, that his mind was not made up, and that if the arguments were amenable to his way of thinking during the course of the debate, he might very well vote for this treaty.

I am sure that the able Senator from Arizona has an open mind and is willing to listen to the debate on the floor of the Senate, since hearings were held over a long period of time by three committees of the Senate, in total numbering more than one-third of the Members of the Senate.

The Senator from Arizona also says the Soviets would gain from the treaty. I do not believe that the Soviets would gain from the treaty. I believe if anyone gains from it, it will be this country as much as the Soviet Union. The world as a whole will gain from the treaty.

At the bottom of page 4 there is the following statement:

It's risks cannot be justified if we are only to give in and get nothing.

It seems to me that the Senator, on the basis of his attendance at the hearings—and I know he was there, because I was there with him—should know that the editorial opinions of the vast majority of the newspapers are in favor of the treaty. Certainly he knows we will get something out of the treaty. Certainly he knows that those who have rally been in favor of the missile, Members of both parties, have made clear the potential of the treaty, first, to eliminate the spiraling race toward an arms race."

Second, eliminate the deadly clouds of fallout that have affected the people of every country on the face of the earth. Third, by containing the spread of super weapons to many countries which do not now have them. If anyone has any idea that this administration exerted any kind of pressure on anyone in favor of the treaty, he ought to do a little second thinking.

The whole premise of this treaty, as it now stands, is that it is in the interest of the United States as it is of the Russians or any other nation.

The whole premise of the Senator from Arizona's remarks is that we are getting the short end of the stick in this treaty. It is difficult to see how that premise can be accepted unless mutual interest.

First, the Senator from Arizona feels that it is not in our interest to seek to ban those Russian tests, as well as our own. He said that we in times to save 9 camels can take birth malformations not unlike those produced by thalidomide and of unnecessary bone cancer and leukemia cases in this country. If those tests which, if they continue indiscriminately, could bring about a vast increase in this damage to health and to the genetic integrity of the people of the United States. If the Senator from Arizona sees no advantage to the United States in stopping Russian tests of this kind, then the premise of the legislation--and his conclusion--and the results to the treaty might be understandable.

Further, this treaty assumes that the fears and hostilities as between ourselves and the Russians are so great that any effort to bring about a more peaceful situation must start from the humblest point of mutual interest. But the Senator from Arizona apparently believes that we can hurry up the process, that instead of 1 step, we could take 2 and save 18, or 3 and save 27. I do not have that kind of confidence in the Russians. It would seem to me that the United States will be very fortunate, indeed, if it can take this one stitch at this time and make it stick, let alone saving the 9 or the 18 or the 27.

I appreciate the Senator's eagerness for peace with the Russians and his anxiety to dissolve other problems in the United States relations along with the one of the treaty. But the Senator must know that any reservation to this treaty will require its renegotiation not only with the Soviet Union but with over 80 other nations. It is easy to see what will happen. We will ask for a reservation that the Russians withdraw from Cuba and the Russians will then ask that the United States withdraw from Greece or Turkey or Berlin or Vietnam or somewhere else. And Egypt will ask for an Israeli withdrawal from Palestine, and Israel will ask for a comparable Egyptian withdrawal, and Pakistan and India will ask for a mutual withdrawal from Kashmir.

In the end, Mr. President, about half the world will ask reservations of one kind or another to the effect that the other half withdraw from the earth, and since the feeling will be mutual, we will find ourselves in a situation where we are half urging the disappearance of the other, even though a nuclear disaster will provide for the extinction of both.
Of course it would be a wonderful thing to get the Russians out of Cuba. But I can think of no more unsatisfactory way of doing it than to assure the continuance of the assault of nuclear testing on the health and families of the United States or to assure the continuance of the total anarchy which now prevails in the elusive search for security through unrestricted bomb testing. The reservations proposed by the Senator from Arizona would appear to me to provide this dual assurance.

The reservations sound most plausible. Mr. President, but they would not get the Russians out of Cuba. Who does not wish to get the Russians out of Cuba? Who does not wish to assure the defense of the Nation? But these reservations will do neither. The world is not that simple, nor is it not, these reservations would be—although I am sure the Senator from Arizona did not mean them that way—a mischievous way of saying that the health and hopes of the people of the United States, hopes which have been sustained by both President Eisenhower and President Kennedy, for a saner and more mature world through curbs on nuclear testing.

Mr. GOLDWATER. Mr. President, will the Senator yield?

Mr. MANSFIELD. I am delighted to yield.

Mr. GOLDWATER. First, let me say that the bulk of the distinguished majority leader's comments are of a nature that will be thoroughly debated during the discussion of the test ban treaty. It is not my purpose today to argue the merits of his proposal. I think that can be done at the time of the presentation of the reservation; and it will be done whenever it is proper.

I wish to comment on one observation the Senator made on my remarks when I said that "Such ambiguous drafting is certain natural and understandable inasmuch as many experienced international lawyer was present." The Senator from Arizona would agree that many eminent lawyers, in both administration, have been consulted. I used the words "was present." Nor was there a military representative on hand. I would be more critical of that than I would be of the lack of consultation of international lawyers. There was present, I believe, a military representative from the Judge Advocate General's Office, but he was not a man well versed in military weapons, tactics, and so forth. I believe the Senator from Montana was present in the committee hearing when this was brought out.

Mr. MANSFIELD. That is correct.

Mr. GOLDWATER. I think he was present also when I asked the Secretary of Defense if he had discussed the proposed treaty with all the members of the Joint Chiefs of Staff. He assured me he had. The Senator will remember that later General LeMay, in answer to a straight question, said it had never been discussed with him.

I do not inject that comment as a criticism against the Secretary or in support of the general. I merely wish to show that there is grave military concern over this matter that will be very well expressed in the report now completed by the Preapredness Subcommittee, which will be out on Monday, a report which I believe every Senator should read, because it approaches this question from the military side and purposely avoids the political side.

I said the distinguished Senator from Louisiana has echoed that warning. I merely go on what I read in the press, that he was interested in introducing such a reservation.

The matters which the Senator has brought up are good subjects which must be thrashed out on the floor. I believe that all Senators owe it to the country to be present in the Senate during the debate. The report of the Preparedness Subcommittee makes no recommendation. The committee states that the decision is up to the minds of Senators themselves. I believe that when Senators have heard all sides discussed, they will be able to vote intelligently.

Mr. MANSFIELD. I appreciate the remarks made by the distinguished Senator from Arizona. He has made a contribution, and in the debate the subject will be discussed in more detail.

Also, if the report of the Preparedness Subcommittee is as good as its report on Cuba, which was issued a few months ago, and which I thought was an extremely good report, it likewise will be a distinct contribution. I did not mean to imply that the Senator from Arizona (Mr. Loesel) said he might not bring up a reservation. All I wished to say was that he had indicated that he had not definitely made up his mind, and that he would wait until all the evidence was in, and then would make his decision.

So far as the military chiefs of staff not being present in the negotiations is concerned, I remind my colleagues in the Senate that our Government is a government of civilians; that, as far as the military are concerned, they are present to give advice and counsel, but not to make policy; they are present to carry out orders.

I would refer my colleagues to the last speech made by President Eisenhower, which was one of his great speeches, before he voluntarily retired from office, and in which he raised a warning flag about some of these matters, which seem to indicate that the military under certain conditions, along with industry, might have too much to say in the plans of this country, and which I would hope all Senators, regardless of party, would take to heart.

I wish to express my appreciation to the distinguished Senator from Arizona. He always makes a contribution. I know personally that he is deeply worried about the treaty and its implications. I know personally that he still has an open mind in consideration of the treaty, debate on which will begin next Monday, and which will continue for some time.

I should like to say to the Senator from Arizona that the treaty will not be rushed through. Every Member of the Senate will have an opportunity to speak, and every side will be heard. At the conclusion of the debate every Senator in his own conscience will have to make up his own mind and render his own decision and make his own report to his own people.

Mike Mansfield Papers: Series 21, Box 42, Folder 3, Mansfield Library, University of Montana.