

March 16, 1967
 Cons. Conv.
 CONSULAR CONVENTION WITH THE
 SOVIET UNION

CONGRESSIONAL RECORD — SENATE

S 3905

The Senate resumed the consideration of the Consular Convention between the United States of America and the Union of Soviet Socialist Republics, together with a protocol relating thereto, signed at Moscow on June 1, 1964 (Ex. D, 88th Cong., 2d sess.).

Mr. MANSFIELD. Mr. President, I wish to serve notice that of the remaining 30 minutes on this side, 20 minutes, at least, will be given to the distinguished minority leader, 8 minutes will be given to the ranking minority member of the Foreign Relations Committee, the Senator from Iowa (Mr. HICKENLOOPER), and perhaps the Senator from Montana will use the remaining 2 minutes.

In the meantime, I yield 10 minutes, on behalf of the other side, to the Senator from New Hampshire.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. MCINTYRE. I thank the majority leader.

Mr. President, I intend to vote to ratify the Consular Convention. I have decided to do this only after a long and careful study of the issues raised by the convention, and only after I had satisfied myself that the advantages which would accrue to the United States far outweighed the, claimed defects of the proposal.

As I see it, this convention offers the United States several substantial advantages. Some of these appear on the face of the convention itself. It clearly is in the national interest to be assured that American citizens will not be arrested without prompt notification to our officials. It certainly is in the national interest to allow our consular personnel to consult with imprisoned Americans. It certainly is in the national interest to permit U.S. consular officials in the Soviet Union to have greatly expanded immunity from the strange criminal laws of that nation. It is a great coup for our negotiators to have been able to persuade their Russian counterparts to make these special concessions to the United States, concessions and privileges given by the Russians to no other nation, and privileges regarding consultation which are not even enjoyed by Soviet citizens themselves.

These provisions are particularly advantageous when they are measured against the historic Soviet pattern which has resulted in the imprisonment of a number of American citizens in past years.

Mr. President, even more than these substantive advantages which appear from the provisions of the convention itself, there is another, more important, reason why the Senate should vote for ratification today. For a generation now, the United States and the Soviet Union have held significant differences of opinion regarding the world about us.

These differences have resulted in the hostilities and the tensions of the cold war, and the tragedies of the hot wars in Korea and now in Vietnam. We won our battle in Korea. I am convinced that we shall win the struggle in Viet-

nam. But shall we win a convincing victory in Vietnam only to be confronted with more and more future wars, or shall our eventual victory there mark a turning point toward a world at peace and proud of itself, a world in which our children can grow up to live to their full potential as human beings and in which our winning battles are fought against the enemies of disease, and poverty, and illiteracy? We can help shape the answer to that question, and we can begin to shape that answer today.

I believe that we bear a strong responsibility to be willing to agree with the Soviet Union in those areas where agreement is possible, as well as being willing to disagree where we must. I am disheartened with those men who are always willing to fight to resolve disagreements, but who are never willing to admit the possibility of having agreements. I believe that it is only by making a full and fair effort to seek areas of agreement with our adversaries that we can maintain the hope of future peace.

How does this relate to the Consular Convention? As Senators know, this will be the first bilateral treaty to enter into effect between the United States and the Soviet Union. We are here confronted with our first opportunity to put into action our belief that a world at peace is a possible goal. And I believe that this is the most substantial advantage which accrues to our Nation by ratification of this treaty; we shall go on record as indicating our firm commitment to the search for a key to a world at peace and proud of itself.

Now, Mr. President, I have been in the Senate long enough to have learned that any issue which is important enough to reach our floor has two sides. I have discussed the advantages of this convention; I should like to turn to the disadvantages for a moment. And I would like to differentiate between the phony arguments which have been advanced by the opposition, and the meaningful ones.

I have received a great deal of mail opposing ratification. A few weeks ago my mail was running at a rate of 200 to 1 against the treaty. Then I issued a statement to the press explaining how my mail was running, and who the organizations were that were stimulating the mail. The result was amazing. During the past 2 weeks the mail which I have received in opposition to ratification has dwindled, and the mail in support has multiplied.

The opposition mail, when it has not been simply a carrier of senseless invective, has contained argument after argument against ratification. Every single one of these arguments—with only one exception—has turned out to be phony, based upon misstatements of fact, distortions, and emotional appeals to prejudice.

These arguments have been ably rebutted on the floor of the Senate during the past week. I refer to such arguments as those based on the experiences of the refugee Kasenkina—who was not a refugee—or the so-called Litvinov agreement—which was ambiguous to begin with and in any event has no rele-

vance today—or the dangers of Soviet consulates—although ratification of this convention is not needed to establish Soviet consulates here now—or the extension of immunities to other Communist consular personnel under the most-favored-nation clause—although this does not in fact happen—and so on.

I believe that only one of the arguments advanced by the opponents of this convention has maintained any logical or intellectual sense. This argument is simply stated—how can we grant these privileges to the Soviets at a time when they are supplying equipment which is being used, even now as I speak, in opposition to our forces in Vietnam? This is the fundamental basis of the opposition to ratification of the convention at this time, and I would like to explain why I consider this to be an insufficient reason for voting no today.

I think that the answer to this argument must be based upon a full understanding of America's goals in the world, and the steps which we must take to achieve these goals.

Our goal should be to so conduct ourselves as to maximize the possibilities that the world of the future is one in which we can partake of the Great Society of mankind, in which nations do not make war any more, and we can truly beat our swords into plowshares and our spears into pruning hooks. To do this, we must, as we are doing today in Vietnam, be ready to meet aggression with our might wherever it appears, so that the aggressors of this world will learn that their conduct will never be successful as long as this Nation stands. This is a major reason for my support of our policies in Vietnam today.

But, for the same reasons and to achieve the same goals, I believe that we must conduct ourselves in such a fashion that even our most bitter enemies can have no doubts about our willingness to meet them on the fields of peace. And for this purpose, I believe that the present convention offers us an opportunity to show that we will not spurn the hand of constructive negotiations when it is offered.

So, Mr. President, when the opponents of ratification say that we cannot ratify because we are at war, my answer is that we must ratify for the same reason that we are at war—because both war and ratification are essential steps toward our goal of a world at peace.

RECESS

Mr. BYRD of West Virginia. Mr. President, I move that the Senate stand in recess subject to the call of the Chair.

The motion was agreed to, and (at 12 o'clock and 55 minutes p.m.) the Senate took a recess subject to the call of the Chair.

The Senate reconvened at 1:15 p.m. when called to order by the Presiding Officer (Mr. MANSFIELD in the chair).

The PRESIDING OFFICER. The Senator from South Carolina is recognized. How much time does the Senator require?

Mr. THURMOND. Mr. President, I ask unanimous consent that I may proceed for 15 minutes.

S 3906

CONGRESSIONAL RECORD — SENATE

March 16, 1967

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THURMOND. Mr. President, before the Senate votes on the resolution of ratification on the Consular Treaty I wish to emphasize a few points.

In carefully studying this treaty I have not found a single valid reason for the Senate to ratify it. There are many valid reasons why it should not do so. I have covered some of these reasons in previous addresses I have made before the Senate on this subject. I shall not have time today to reiterate all of these reasons.

I do wish to say that the record of aggression, subversion, and expansion by the Soviet Union is well known; and this alone is sufficient for the Senate to vote against ratification of the treaty.

Mr. President, it is clear that the Soviets still have as their goal world domination and enslavement and it is crystal clear that the Soviet Union has not abandoned that goal. The single most important step to bring peace to the world today would be for the Soviet Union to renounce its goal of world domination.

Mr. President, at this point in my remarks I ask unanimous consent that those instances beginning in 1956 and ending in 1967, given by the distinguished Senator from Connecticut [Mr. DONN] in his address to the Senate on March 8, 1967, be printed in the RECORD.

The PRESIDING OFFICER (Mr. KENNEDY of Massachusetts in the chair). Without objection, it is so ordered.

The excerpts ordered to be printed in the RECORD are as follows:

In 1956 there was the suppression of the Hungarian revolution.

In November 1958 there was Khrushchev's Berlin ultimatum threatening us with all-out thermonuclear warfare if we failed to yield to his demands.

In January 1959 Fidel Castro seized power by fraud in Cuba, and then proceeded with Soviet help to impose an open communist dictatorship on the Cuban people.

In February 1960 there was the World Conference of Communist Parties in Moscow, where all the talk was in terms of a final all-out assault on the bastions of imperialism, and where Khrushchev asked the delegates to "synchronize their watches" in preparation for this assault.

In the summer of 1960 the Soviets attempted to seize power in the Congo, working through Patrice Lumumba. They were frustrated only when the Army rose against Lumumba and forced the 500 man Soviet mission out of the country.

In December 1960 the Soviets opened the Laotian crisis by publicly mounting an airlift of weapons to the insurgent forces in that country.

In April 1961 there was the Berlin Wall.

In August 1961 the Kremlin, after many months of careful preparation, abrogated the moratorium on testing, and embarked on their massive series of atmospheric tests, culminating in the explosion of their 60 megaton superbomb.

In the summer of 1962 the Soviets with the greatest secrecy began building missile sites in Cuba and shipping intermediate range ballistic missiles to equip them.

When the matter was first raised, the Soviets gave us their solemn assurance that they had no missiles in Cuba.

In 1963, there was a bloody Communist coup in Zanzibar carried out by Castro trained Africans, with the participation of

Castro Cubans. As a result of the ill-advised federation of Zanzibar with Tanganyika to form the new country of Tanzania, the communists have not achieved a position of near dominance in the government of President Nyerere. It is a situation which is causing grave concern in all of East Africa.

Beginning in 1963, the Soviets, through their massive shipments of arms to President Sukarno, made themselves primarily responsible for Sukarno's so-called "confrontation" with Malaysia, which virtually succeeded in bankrupting Indonesia and created a serious danger of war in Southeast Asia.

1963 also witnessed Nasser's invasion of Yemen, with arms supplied by the Soviet Union and with its open political encouragement as well. The Soviets cannot escape moral responsibility for this cruel war and for the growing threat it now poses to the entire Arabian peninsula.

In October 1963 the Soviets further inflamed the highly dangerous situation in North Africa by sending arms and equipment to the Ben Bella government in large quantities and by openly inciting the Algerians against the Moroccans.

In January 1964 there were the terrible Panama riots, organized and led by identified Castro agitators and supported to the hilt by the entire Soviet propaganda apparatus.

In January 1966 there took place in Havana the so-called Tricontinental Conference of African, Asian, and Latin American peoples. The Soviets were the chief sponsors and financial backers of the Conference, and the Soviet delegation was the largest to attend it. United States imperialism was designated the chief enemy by the delegates to the Conference. A continuing apparatus of subversion was set up under Soviet control.

The fact that the Soviet Union has emerged as the principal architect of revolutionary violence in the hemisphere was recognized by the Special Consultative Committee on Security of the Organization of American States. Speaking about the Havana Conference, the report of the committee said—I quote:

"The Committee recognized that the tremendous significance of the event, of major seriousness inasmuch as it means a declaration of war against the democracies, lies in the fact that, it is no longer Cuba on its own initiative that proposes to export its 'revolution' to the other countries of the hemisphere, but Russia that makes common cause with the 'revolutionary movements' and promises determined support to the 'popular liberation movements' that follow the example of Cuba."

In 1966 and in this year of 1967 Soviet arms shipment to the leftist regimes of Syria, Algeria, the U.A.R., Iraq and Somalia, and Soviet political activities have posed a serious threat to the security of every country, all the way from Gibraltar to Aden.

We have been warned by King Hussein of Jordan, and by other Arab moderates, and even by prominent anti-communists in the UAR, that the current epidemic of unrest in the Middle East must not be viewed as a rash of unrelated incidents—that each of these many incidents, in fact, is an integral part of a coordinated plan designed to give the Kremlin control of the whole of North Africa, and to give them control as well of Arabia's fabulous oil deposits, which are estimated to contain 2/3 of the world's known reserves.

I challenge anyone to reconcile this current record of Soviet activity—in the Far East, in Africa, in the Middle East, and in Latin America—with the assertion that we are today in a state of detente.

Mr. THURMOND. Mr. President, to relate further instances indicating reasons for distrust of Soviet policy, I would

mention first the suicide of Newcomb Mott. Soviet authorities alleged that American citizen Newcomb Mott committed suicide on January 20, 1966, on a prison train while en route to a Siberian labor camp. Mr. Mott had been sentenced on November 24, 1965. When his body was returned to the United States, an independent examination of the evidence by Dr. E. J. Felderman, Director of Laboratories at two New York hospitals demonstrated beyond question that Newcomb Mott was murdered and that his death could not have been suicide.

As a second reason I would refer to the case of Gerald Brooke, a British citizen, who is currently serving 5 years in a Soviet labor camp at Potyemlag, a labor camp about 400 miles east of Moscow. The Soviet Union has contended that there are no longer any political prisoners in the U.S.S.R. How much the Soviet Union has changed since Stalinist days is indicated by the fact that Mr. George Brown, the British Foreign Secretary, intervened for Mr. Brooke during the December 1966 visit of Mr. Brown to Moscow. The only thing Mr. Brown could get was the "concession of a belated interview with the British Consul" according to the British weekly, the Spectator, December 23, 1966. Furthermore, the Spectator quoted Prof. Robert Conquest as stating that the charge against Brooke—taking anti-Communist material into the Soviet Union—was false, since Brooke's right to do so is "specifically provided for in the United Nations Declaration on Human Rights."

As a third instance, I should like to refer to the West Berlin border murders, in 1967.

While Soviet diplomats ask whether we trust them, the East German Communist regime—under close domination of the Soviet Union and with Soviet soldiers stationed throughout the country—continued in January 1967 to kill refugees even after the refugees reached Western territory. The London Times, January 29, 1967, reported that two East German refugees were "on U.S. sector territory" when they were killed by Communist border troops and that a third refugee "was seized and arrested by Communist soldiers when he was already on the West Berlin bank of the canal." An American protest note was sent by U.S. Ambassador to West Germany, George C. McGhee, to Soviet Ambassador to East Germany, Pyotr Abrasimov, but it was refused by the Soviets.

As a fourth instance, I refer to the case of U.S. citizen Kazan-Komarek and the U.S. agreement with Aeroflot.

Early in November 1966 the United States agreed to grant landing rights to the official Soviet air service, Aeroflot, in New York. On October 31, 1966, the Aeroflot agency diverted a Soviet airliner—on a direct Moscow-Paris flight—to Prague, Czechoslovakia, so that Czech secret police could seize Mr. Vladimir Kazan-Komarek, a naturalized U.S. citizen. His arrest was kept secret and was not made known until November 15. Having been held incommunicado from October 31 until January 30, 1967, Mr. Kazan-Komarek was secretly tried

March 16, 1967

CONGRESSIONAL RECORD — SENATE

S 3907

and on February 1, 1967, was sentenced to 8 years for "antistate activities." It is interesting to note that the Wall Street Journal—February 2, 1967—reported that the U.S. State Department said the "Russians deliberately diverted the plane to Prague."

For full details on the Kazan-Komarek case see the Washington Evening Star, 15 and 19 November 1966, and the New York Times, January 31 and February 2, 1967.

After "intensive secret diplomacy"—including, apparently a warning that trade could be affected—Mr. Kazan-Komarek was expelled from Czechoslovakia on February 4, 1967. It would now appear that the seizure and holding of this U.S. citizen was in retaliation for the U.S. expulsion of Czech attaché Jiri Opatrny. See the New York Times for February 5, 1967.

As a fifth instance, I would refer to the attempt by the Czech secret police to "bug" the U.S. State Department, in May and July 1966.

Related to the Kazan-Komarek case was the attempt of the Czech secret police to plant a listening device in the office of Raymond Lisle, director of State's Bureau of Eastern European Affairs. The FBI apprehended Mr. Jiri Opatrny, a Czech having diplomatic immunity, and he was expelled for his subversive activity. See the Washington Evening Star, November 15, 1966. Czech attempts had continued until July 1966. For further details, see the "1966 FBI Annual Report," pages 26-27.

As a sixth instance, I would refer to the case of Volker Schaffhauser.

A citizen of the German Federal Republic, Mr. Volker Schaffhauser was arrested in Leningrad on January 5, 1937, by the Soviet secret police, but the German embassy was not notified until much later. The incident was finally reported by Tass on January 26, 1967.

As a seventh instance, I would refer to Soviet attempts to subvert British students.

The London Daily Telegraph revealed on January 30, 1967, evidence of Russian interference in British internal affairs. It reported that Mr. Geoffrey Martin, president of the British National Union of Students had protested Soviet subversion. The Telegraph quoted him as saying:

Two members of the Russian union, who spent 10 days in Britain in November as NUS guests, went to see the full-time student organizer of the British Communist Party, Fergus Nicholson, "after telling their hosts they were making an important visit to the Russian Embassy". It was later discovered that they discussed the future of the National Union of Students. At the meeting were two other British students "who are also involved with Mr. Nicholson and the Radical Student Alliance."

As an eighth instance, I refer to the July 1966-February 1967 "vilification of America" campaign by cartoons in the Soviet press.

During the period July 1966-February 1967, the Soviet Communist Party newspaper Pravda and the official government newspaper Izvestia—as well as other newspapers—have fed their Russian readers a steady diet of cartoons vilifying the United States. Since all

newspapers in the U.S.S.R. are state-controlled, this would hardly appear to be an accident.

One must ask: If the Soviet Union wants to gain U.S. confidence, is such a campaign of abuse the way to do so?

One must further ask: Are the Soviets so contemptuous of the U.S. Senate that they believe they can take such actions in their press and that the Senate will ignore such abuse while considering a solemn treaty obligation?

As a ninth instance, I refer to Soviet violation of the United States-Soviet cultural agreement of March 19, 1966.

In early January 1967, a new Soviet propaganda magazine entitled Sputnik began appearing on newsstands in the United States. The magazine is distributed by Eastern News Distributors, of 155 West 15th Street, New York City which is registered with the Department of Justice as an agency of a Moscow state publishing exporting monopoly, according to the New York Times—January 13, 1967. The Times stated that Jack Zucker, representative of the agency, said:

We've had lots of requests from schools and colleges and intellectuals.

Under present arrangements, the U.S. Embassy in Moscow is allowed to distribute 2,000 copies of the Russian-language Amerika of the U.S. Information Agency. Another 60,000 copies are—at least in theory—put on newsstands. However, newsstands in the Soviet Union are a monopoly of the Soviet state. In accordance with this arrangement, the Soviet Embassy gives out 2,000 copies of the English-language propaganda monthly Soviet News and places the remaining 60,000 copies on sale at regular commercial newsstands throughout the United States where any U.S. citizen may freely purchase a copy. There is, of course, no police surveillance of U.S. newsstands.

If the Soviet Union is employing this method to get around the cultural agreement, what methods will it employ to get around the Consular Treaty?

Mr. President, the various instances to which I have referred, as cited by the Senator from Connecticut [Mr. Don] in his speech on March 8, 1967, and the instances which I have cited here today, show clearly that the Soviet Union feels it can commit these violations and yet get the U.S. Senate to ratify a treaty of the nature being proposed here.

I would again remind the Senate that the goal of the Communist, based primarily in the Soviet Union, is to dominate and enslave the world. It cannot be overemphasized that the Soviet Union has within its grasp, the opportunity to bring peace to the world if it wants to do so.

We hear a lot about Red China. Of course, Red China is a dangerous and violent nation, too; but Red China is torn from within. There is a fight going on in that country now, apparently between the Chinese who adhere to the viewpoint of the Soviet Union on the one side and Mao's group on the other. They are fighting among themselves for ultimate control of China today. The Soviet Union, though, is responsible for the tur-

moil and war even there, in an attempt to reinstate their domination over Chinese policy.

The major threat to world peace today, I repeat, as bad as Red China is, is not Red China, and it is not the other countries behind the Iron Curtain who are being held as captive nations.

The major threat to the peace of the world today is the Soviet Union. Every move they make, every word they utter, is calculated for one purpose, and that is to take over the world and communalize it.

Mr. President, I ask unanimous consent that a summary of the arguments which I have made against the Consular Convention be printed in the Record at this point.

There being no objection, the summary was ordered to be printed in the Record, as follows:

1. No treaty necessary in order to establish foreign consulates on U.S. soil. (We have had Soviet consulates in the past without a treaty.)

2. Roosevelt-Litvinoff Agreement of 1933 provided similar "protections" to those sought in this treaty. (See Thurmond Remarks to Senate, February 9, 1967, CR pp. S 1867-9.)

3. Soviets have consistently violated Roosevelt-Litvinoff Agreement of 1933.

Litvinoff agreed to offer consular protection to U.S. citizens even without negotiating a consular treaty.

U.S. State Department used the 1933 agreement as the basis for official protests against violations of U.S. rights.

Secretary of State Cordell Hull held that U.S. citizens had a right of access to U.S. officials even without written agreements by U.S.S.R.

4. Soviets have not honored the provisions of the 1964 Treaty during the 30 months since it was signed.

Secretary of State Dean Rusk has cited 20 cases since the signing where the standards of the treaty have not been met.

5. Soviets agreed to this treaty because it provides immunity against prosecution for consular personnel.

Soviets insisted upon this provision, because it allows only for the expulsion of consular personnel, and not for prosecution of criminal acts, including espionage. This is a dangerous precedent in law.

6. A precedent would be set facilitating the establishment of Soviet consulates in Latin American countries, nations which might well be less equipped to counter massive subversion.

7. If Soviet law is so capricious that U.S. consular employees need special immunity while in the U.S.S.R., then the time is not yet ripe to normalize travel and trade relations with the Soviets.

8. Protection sought in the Baltic States—Estonia, Latvia, and Lithuania—by an arrested U.S. citizen would amount to de facto recognition of the forcible inclusion of these nations into the Soviet empire.

The U.S. has never recognized these states as part of the U.S.S.R.

9. Under a "sleeper" clause in the treaty, all Soviet diplomatic personnel (908) now in the U.S., including those without diplomatic immunity, could be given the heightened immunities of consular status without the knowledge or consent of U.S. officials.

The PRESIDING OFFICER. The Senator's 15 minutes have expired.

Mr. MANSFIELD. Mr. President, I yield 10 minutes to the Senator from Iowa [Mr. HICKENLOOPER].

Mr. HICKENLOOPER. Mr. President, my less than enthusiastic support

S 3908

CONGRESSIONAL RECORD — SENATE

March 16, 1967

of the pending Consular Convention between the United States and the Soviet Union is indicated by the fact that when it was reported to the Senate in August 1965, I was one of the members of the Committee on Foreign Relations who signed the minority report. I did so because I felt that it was not receiving adequate public attention and there had not been opportunity for full consideration of the implications of the convention.

After careful consideration, I have now decided, somewhat reluctantly, to vote for its ratification. I do so, in brief, because I believe it may contribute in some small way to a lessening of tensions between the United States and the Soviet Union.

The treaty itself does not authorize the establishment of consulates in each of the two countries. The President has that power without action by the Congress. In fact, some Soviet Consulates were established in the United States after President Franklin Roosevelt reorganized them in 1933. These were later closed. The President might, therefore, regardless of what the Senate does, on his own initiative permit the Soviet Union to open consulates within the United States.

Some of my concern about the convention relates to the provision of article 19, which for the first time will give consular officials and employees immunity from criminal felony prosecution. But we already have between 400 and 500 Russians with such immunity here and the addition of 10 or 15 more will not substantially increase the burden.

I take with a grain of salt the argument that American consular officials going to the Soviet Union need to be immune from criminal jurisdiction in that country, but it is of some comfort that trumped up charges cannot be enforced. As a practical matter, we have worked out a reciprocal device whereby officials of either country accused of criminal acts are declared *persona non grata*. And, on a reciprocal basis, we reject a Soviet diplomat every time they take a similar action with respect to one of our officers in the Soviet Union.

Therefore, I do not place a great deal of emphasis upon the importance of article 19. And, furthermore, we have been assured that Mr. Hoover can cope with any problems this article may present to the security of the United States, and I have no doubt he can.

I do attach some importance to the provisions of article 12, which may provide some protection to Americans visiting in the Soviet Union. It obliges the receiving state to notify consular officers of a sending state of the arrest or detention of a national within 1 to 3 days from the date of arrest. Furthermore, an American citizen arrested in the Soviet Union will be able to claim a treaty right to be visited by a consular officer of the United States. This may prove of value to some Americans visiting in the Soviet Union, including not only students, scientists, American businessmen, but also to a number of casual tourists. Almost certainly some of these visitors to the Soviet Union will, at some time in the future, find themselves in

conflict with some Soviet law and we will know very quickly whether the Soviet Union will honor these commitments to notify our authorities of arrests and grant access to people who have been detained.

Finally, Mr. President, article 30 provides that the convention may be terminated upon 6 months' notice.

This is a most important provision, because if we do not like the way they are performing, or if we feel they are not carrying out their part of the bargain, we can cancel the convention in 6 months' time. So that is a vital part of the agreement. It is not a long, indefinite term that is involved.

I hope, of course, that the convention will remain in force and prove a significant step toward some lessening of tensions between our countries. Nevertheless, should this not prove to be the case, or should the Soviet Union not fully live up to the terms of the convention, the United States can be relieved of its reciprocal obligations with only 6 months' notice.

In conclusion, Mr. President, when I seek to balance the advantages to the United States of this treaty—which are not very great—with the disadvantages which would flow from its rejection at this time, I conclude that the treaty should be approved. But we should keep our fingers crossed. A treaty such as this is only as good as the integrity of the parties. I view this as a small test of the integrity of the Soviet Union—at least the future integrity of the Soviet Union—and I use the word "future" integrity because certainly the record of the Soviet Union in keeping its word is not something to brag about. It has gone back on almost every agreement it has made with any Western power. I think this convention may be the first test to see whether the Soviet Union is willing to operate, to some degree, in keeping with what we believe to be honorable conduct among nations in the keeping of their word.

Again, I refer back to the important provision that this treaty can be canceled in 6 months' time if it becomes necessary.

So I do not think we are risking a great deal, and it is entirely possible—perhaps not probable; I do not know whether, based on the Soviet Union's past history, it is probable, but it is possible—that this treaty will become the basis for better relations between our nations. I think as education increases, as the world gets smaller, as science and technology expand, it is entirely possible that such steps as this may make it possible for amiable, friendly associations not only between our Nation and the Soviet Union but between all the other nations of the world that are presently in conflict on ideology and policy.

For those reasons, I have concluded that, on balance, at the moment, that there is more hope for the future in the adoption of the treaty with the safeguard provisions than without it. Therefore, I shall vote for ratification of the treaty.

I thank the majority leader for yielding to me.

The PRESIDING OFFICER. Who yields time?

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. Against whose time is the quorum call to be counted?

Mr. MANSFIELD. The other side.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MUNDT. Mr. President, I yield myself 25 minutes.

The PRESIDING OFFICER. The Senator from South Dakota is recognized for 25 minutes.

Mr. MUNDT. Mr. President, as I conclude the debate on the part of the opposition to the ratification of the U.S.S.R. consular treaty on which we will be voting in about 70 minutes, let me say first of all that the treaty upon which we are to vote today is far more than a simple diplomatic expression of undertakings between two sovereign States.

It is, in fact, far more significant and far reaching than the usual undertaking between two countries in the ordinary exchange of diplomatic papers or agreements, and certainly more important than an exchange between a Communist and a non-Communist country which might be considered in time of peace.

The stern, hard fact is that we are now about to decide whether as Senators we should approve this Consular Treaty not only in time of war but also at a time when the very country with whom we are making the treaty is sending an expanding amount of petroleum and all of the modern weapons required by our enemy in prolonging the war in Vietnam and escalating our American casualties.

To that should be added the fact that this Consular Treaty, as do all consular treaties, has a direct connection with the basic American foreign policy question now before this country which, after 5 hard years of war, must certainly be incorporated in the following question: "Is it wise, Mr. President, and is it proper for our Government in this country to take steps to expand even further our own export of materiel, supplies, machines, and equipment to strengthen and relieve the pressures on the industrial complex of Russia so that she can free more of her productive economy for the making of additional weapons of war to be supplied in even greater numbers to the North Vietnamese while we seek futilely to bring about a successful end to the fighting?"

That is the question with which we wrestle in this debate, and I predict that that is the question which is going to be resoundingly heard in this Chamber time

March 16, 1967

CONGRESSIONAL RECORD — SENATE

S 3909

after time during the remainder of the session unless, in fact, this administration changes its program and policy for exporting additional American materials, equipment, and supplies to Russia in this time of war.

On pages S3543, through S3547 of the CONGRESSIONAL RECORD of March 10, I have had printed the detailed list of the supplies which American exporters are now permitted to send free from restriction and free from license to the Russian Government any time and in any amount that it desires to buy them.

I think Senators and constituents alike will want to review that astonishing and disillusioning list in the weeks ahead.

In brief, Mr. President, can a kiss and peal relationship with Russia produce the peace which we all implore? Can it, in fact, be divorced from the growing casualty list in southeast Asia?

Incidentally, a reporter just asked me what I had in mind in labeling our effort to expand American trade with Russia in this time of war as a kiss and kill formula. I suspect it is a fair question.

Let me say, therefore, that I think those words are indeed descriptive of our actions because, for example, we are asked by ratification of this treaty to kiss the hand of Russia diplomatically, and by endorsing the administration program for stepping up our wartime exports to Russia we are asked to kiss the Russian rouble economically through making available to her in unrestricted amounts exports of more than 400 items, and therefore contributing to her capacity to supply weapons with which to kill our troops in Vietnam.

If that is not in fact a kiss and kill formula for dealing with the challenges of our times, I submit that it will have to stand as a descriptive term until somebody evolves a better one.

At the very first public hearing on this Consular Treaty addressed by Secretary of State Rusk, on January 23, I gave my initial reaction to it to the Secretary when it came my turn around the table to ask questions.

That reaction is reported beginning on page 41 of the printed hearings now on your desks. It summarized then, as it summarizes now, my main concern about the dangers involved in the ratification of this treaty in this time of war.

What I said on that occasion was said after reviewing the step-by-step procedures in which, through the cold war and now the hot one, the U.S.S.R. had failed to evidence good intentions of amity and was evidencing instead a capacity and a routine, for supply our enemies so that they can continue the war in Vietnam.

I said:

Senator MUNDT, Mr. Secretary, I wish that I could, knowing you, share your feeling we were discussing this treaty in an atmosphere of sweetness and light so far as Russia is concerned, but I think realistically we should consider this treaty in terms of the framework of world affairs as they exist today.

If all we had was the cold war going on with the USSR I think that would be one set of circumstances.

But what we have actually is a war going on today in Vietnam in which the Russians

are supplying virtually all, if not all, of the sophisticated weapons which are killing American boys every day of the year. Just about the time that the agitation developed again for the approval of this treaty we read in the newspapers that the USSR has supplied another hundred new Migs to be used against our boys out of Hanoi.

So I think we have to recognize this framework. The last two times you appeared before this committee sitting where you are now in this room, as I recall, was, one, to make a very eloquent and persuasive appeal for why the American policy was correct in not recognizing Red China now or admitting her to the U.N. now. The other was to make an equally persuasive appeal as to why it would be injurious to the free world and to America if we would lose the war to communism in Vietnam.

With those facts staring us in the face, it would seem to me that the presentation of this treaty now is at best a masterpiece of bad timing, because I don't believe that conditions have changed sufficiently so we can go back and allude to this as just a treaty with a country with which we are establishing a detente, without any tangible evidence as to what is involved in that detente.

Mr. President, I submit that, 60 minutes before the hour that the Senate will be called upon to vote on this ratification, there have been no outlines, there have been no definitions, and there have been no details of what this detente is supposed to comprise.

Mr. President, I ask unanimous consent that there be printed at this point in the RECORD my individual views on this consular treaty as contained in the report of the Foreign Relations Committee published on March 3.

There being no objection, the individual views were ordered to be printed in the RECORD, as follows:

INDIVIDUAL VIEWS OF MR. MUNDT

The undersigned does not agree with the recommendation of the majority of the Committee on Foreign Relations that the Senate should give its advice and consent to ratification of the proposed consular convention with the Soviet Union.

My reasons are as follows:

(1) I do not believe that this is a propitious time to ratify such an agreement with the Soviet Union or that the treaty can be considered as an isolated agreement unrelated to other measures concerning East-West relations and the war in Vietnam.

(2) I do not believe that the proposed convention would be respected any more than previous treaties and agreements have been respected by the Soviets.

(3) I believe that the convention would be to the disadvantage of the United States, principally because it would greatly increase the danger of subversion.

(4) I do not believe that the benefits the proposed convention provides are of sufficient importance to outweigh the disadvantages to the United States.

Each of these four reasons is explored at greater length below.

1. *This is not a propitious time to ratify the convention and the convention must be considered along with other East-West measures.*—I do not believe that the consular convention with the Soviet Union can be considered in isolation, for it is linked to other measures in the field of East-West relations. A New York Times editorial on January 23, 1967, put the case succinctly, saying:

"Ratification means more than normalizing Soviet-American diplomatic relations and providing badly needed additional protection to American citizens traveling in the

Soviet Union * * *. If the consular pact cannot be ratified, then the East-West trade bill is probably dead and the space treaty may have been stillborn. The entire direction of American foreign policy toward the Soviet Union at an extraordinarily critical moment in world history is at stake."

In fact, President Johnson himself has linked the Consular Convention to the East-West trade bill in his state of the Union message, in which he said:

"So tonight I now ask and urge this Congress to help our foreign and our commercial trade policies by passing an East-West trade bill and by approving our Consular Convention with the Soviet Union."

Is the Consular Convention the point of an opening wedge designed to lead to approval of the East-West trade bill? It would appear to be. If so, these measures relating to our relations with the Communist world should not be considered hastily and individually. They should be recognized as a package, a package which contains the component parts for building bridges to the Soviet Union and other Communist countries. We should examine this package carefully and thoroughly. We can only do so before it is delivered.

Not only can the Consular Convention not be considered in isolation, it can also not be considered in a political vacuum. We must set the proposed convention in the context of this particular point in history. It would be one thing if we were considering the proposed convention during a time of peace in the world or of only a cold war. It is quite another matter to consider such an agreement during a hot war. We have in the area of 500,000 men fighting in South Vietnam today. The weapons that are killing these men on land and in the air, and substantially over 7,000 have died in the war since 1961, are largely Soviet weapons. The Soviets are declared allies of the North Vietnamese. They are, therefore, accomplices in the deaths of many thousands of Americans, and have been largely responsible for the more than 50,000 American casualties thus far inflicted upon us by the enemy.

Consequently, I do not believe that this is the time to give the appearance of being in some sort of peaceful partnership with the Soviet Union. The Soviets are certainly not making any concessions to better relations with the United States either in Vietnam or elsewhere. Concluding important agreements with the Soviet Union at this juncture will be interpreted not only by our enemies but even by our allies, in the words of one of the witnesses who appeared during the hearings on the convention, as "a sign of weakness, if not confusion." And surely ratification of the convention will appreciably affect the morale of American soldiers in South Vietnam where the talk of peaceful coexistence or detente is drowned out by the sounds and dangers of war.

2. *There is no reason to believe that the Soviets would respect the convention.*—The record of Soviet behavior shows clearly that the Soviet Government has not respected the sanctity of international agreements or treaties ever since it came to power. A revised issue of a staff study for the Internal Security Subcommittee of the Senate Committee on the Judiciary, issued in 1964 and entitled "Soviet Political Agreements and Results," devoted 103 pages to cataloging the violations from 1917 through 1963. The foreword to the study stated:

"The staff found that in the 38 short years since the Soviet Union came into existence, its Government had broken its word to virtually every country to which it ever gave a signed promise. It signed treaties of non-aggression with neighboring states and then absorbed those states. It signed promises to refrain from revolutionary activity inside the countries with which it sought 'friendship,' and then cynically broke those promises. It was violating the first agreement it

ever signed with the United States at the very moment the Soviet envoy, Litvinov, was putting his signature to that agreement, and it is still violating the same agreement in 1955. It broke the promises it made to the Western nations during previous meetings at the summit in Teheran and Yalta. It broke lend-lease agreements offered to it by the United States in order to keep Stalin from surrendering to the Nazis. It violated the charter of the United Nations."

The Soviets have not lived up to past agreements even on the matters with which the proposed convention deals. When the United States recognized the Soviet Government in 1933, there was an exchange of letters between President Franklin D. Roosevelt and Foreign Minister Maksim Litvinov.

Litvinov stated, in a letter dated November 15, 1933, that the rights of legal protection (including notification and access rights) then enjoyed by German nationals, the nationals who were most favored in this respect at that time, "will be granted to American nationals immediately upon the establishment of relations between our two countries." It is a debatable point whether this undertaking on the part of the Soviet Government is still legally valid; I believe that there are legal arguments on both sides. But whether the agreement is still in effect or not, it was certainly at one point a legally binding promise made by the Soviet Government, a promise on which we relied on several occasions. Yet it was a promise that the Soviet Government ignored whenever it suited Soviet purposes. I do not believe that there is any reason to think that the Soviets would scrupulously observe their obligations under the proposed consular convention, given their unscrupulous violations of previous agreements.

The Soviets have had ample time to demonstrate that they do intend to change their behavior regarding the matters with which this convention deals. They have not done so. Secretary Rusk himself told the committee that in the 30 months since the consular convention was signed by the Soviets and the United States in Moscow, 20 Americans have been detained by Soviet police and, in the Secretary's own words, "in none of these cases did the Soviet authorities adhere to the standards of notification and access provided for by this convention."

3. *The immunity provisions of the convention provide serious disadvantages to the United States.*—Article 19 of the proposed convention contains immunity provisions that have never before been included by the United States in any consular agreement: they grant to consular officers and employees of the sending state unrestricted immunity from criminal prosecution in the receiving state. Heretofore, we have restricted such immunity to misdemeanors. We have not granted such unrestricted immunity to the consular officers or employees of any of our traditional and proven allies. We have not agreed to such unrestricted immunity in the multilateral Vienna consular convention (which we have not yet ratified). Yet we extend this immunity for the first time in an agreement with a country with which we have had more difficulties than any other, a country whose attitude toward us is one of implacable hostility, a country which has used its officials abroad for espionage purposes to a greater degree than any other and a country which is supplying the arms to kill and maim Americans fighting to preserve freedom in the face of aggression.

The immunity provisions of the proposed convention mean that a Soviet consular officer or employee cannot be prosecuted for any crime, including murder, sabotage, and espionage. I do not believe that anyone would deny that the Soviets have used their embassies, consulates, and official missions abroad for espionage purposes. In this country alone, since January 1, 1957, a period of

only 10 years, 28 Soviet officials have been arrested or expelled, according to J. Edgar Hoover, Director of the Federal Bureau of Investigation.

Testifying before a subcommittee of the Committee on Appropriations of the House of Representatives on March 4, 1965, Mr. Hoover said:

"Historically the Soviet intelligence services have appropriated the great bulk of official positions abroad, primarily using their official representatives and diplomatic establishments in other countries as bases from which to carry on their espionage operations . . . Long seeking greater official representation in the United States which would be more widely spread over the country, a cherished goal of the Soviet intelligence services was realized when the United States signed an agreement with the Soviet Union on June 1, 1934, providing for the reciprocal establishment of consulates in our respective countries."

On January 21, 1967, I wrote Mr. Hoover and asked him whether he had "in any way" changed his views or changed his mind about this testimony. He replied, in a letter dated January 23, 1967:

"You specifically inquired whether I had changed my views or whether any evidence has developed to make me change my mind about my testimony of March 4, 1965. The answer is an unequivocal no."

In the same letter Mr. Hoover said:

"I can also state without equivocation that Communist bloc diplomatic establishments in this country serve as vital points for intelligence operations."

Mr. Hoover continued, making the point that the problem of subversion on the part of Soviet diplomats is a problem of the present—the immediate present—as well as the past:

"You inquired whether, since March 5, 1965, there has been a cessation of attempts by Communist diplomatic personnel in this country to engage in acts of subversion or attempted espionage. The answer again is an unequivocal 'No.'"

Those who need proof to support Mr. Hoover's statement need only read the testimony of Mr. John Humnik before the committee, recounting the activities of six Soviet diplomats during the past 5 years.

Subsequently, Mr. Hoover has been quoted as saying that the additional number of Soviet agents who would come to this country if a Soviet consulate were established "would raise no problems which the FBI cannot effectively and efficiently deal with." Nevertheless, the fact remains that there is a difference between saying that a serious problem can be dealt with and arguing that a serious problem would not arise. Additional Soviet agents and increased Soviet intelligence activity would certainly follow from the establishment of a Soviet consulate in the United States. I do not think that this assertion can be challenged. It certainly has not been to date.

There are additional dangers in the provision in the consular convention extending unrestricted immunity from criminal prosecution to consular officers and employees. One complication is a result of the fact that we have consular agreements with other countries which contain a most-favored-nation clause under which the country concerned can request the same treatment for its consular officers, and in some cases its employees as well, as the treatment which we extend to the nation most favored in this respect. Entry into force of the Consular Convention with the Soviet Union would mean that the consular officers and employees of the Soviet Union would become the most favored in this respect.

What would be the practical effect? We have agreements containing a most-favored-nation clause with 35 countries including three Communist countries (Cuba, Rumania,

and Yugoslavia). Twenty-seven of these 35 countries have consular establishments in the United States (these 27 include only one Communist country—Yugoslavia). In the consular establishments of these 27 countries there are presently 577 consular personnel who would be entitled to immunity under a most-favored-nation clause. The Department of State has asked our embassies in these 27 countries to estimate how many of these countries will request most-favored-nation privileges regarding unrestricted immunity from criminal jurisdiction. The Department has stated that on the basis of replies received from our embassies only 11 of these 27 countries (Yugoslavia is not among the 11) would take advantage of the most-favored-nation clause and, thus, that only 290 consular officers and employees would be presently affected.

Making an additional 290 foreign officials immune from criminal prosecution for violations of the law, including the laws against espionage, is bad enough. But it seems clear that 290 is only a starting point. The figure of 290 represents only a guess by the Department of State. We could well find that the Department's guess was inaccurate and that many more of the 27 countries with consular establishments in the United States desire to take advantage of the immunity provisions. Furthermore, the figure of 290 is based on the number of consular officers and employees now in the United States. But the number of consulates is bound to increase in time and the size of consulates is bound to grow. That has been a fact of life and will undoubtedly continue to be so.

Thus, 290 is a minimum figure. The maximum number of persons who might be affected over the course of just the next decade cannot be estimated. Nor can the number of consular officials from other Communist countries who would have such immunity be estimated. Initially, we were told, only the Soviets will have such immunity. But the Department's guess as to the intention of the Yugoslav Government may be wrong or the Yugoslavs may change their minds and ask for unrestricted immunity for their consular personnel in New York, Chicago, Pittsburgh, and San Francisco. Poland, with a consulate in Chicago, could insist on similar immunity provisions in any consular convention which might be negotiated in the future. Rumania, which has the right to ask for such immunity because there is a most-favored-nation clause in its consular agreement with the United States, has no consulates here now. But it well may have consulates in the future, as it has in the past, and the personnel of that consulate would be able to ask for such immunity.

In brief, in this Consular Convention we are not only granting a new immunity to Soviet consular officers and employees. We are, in effect, granting this immunity to hundreds of other consular officers and employees and leaving the way open for still hundreds of others, including those from other Communist countries, to have the protection of such immunity in the future.

One other factor should be noted. If the proposed convention is ratified its immunity provisions will undoubtedly serve as a model not only for the United States in future consular conventions but also as a model for other countries in their consular conventions. Surely other countries negotiating a consular agreement with the Soviet Union, or with any other country, will feel that if the United States can grant such immunity and grant it to the Soviet Union, so can they. This will undoubtedly be true especially of the developing countries. The result will be a spread of Soviet subversion throughout the developing world, including the Western Hemisphere. As I observed during the hearings on the convention: "I wonder if we are not about to open a door which we will not be able to close."

March 16, 1967

CONGRESSIONAL RECORD — SENATE

S 3911

Indeed, the Soviets are already active in this hemisphere, using Cuba as a base. At the Tri-Continental Conference held in Havana in January 1966, the head of the Soviet delegation, Sharaf R. Rashidov, said:

"The Soviet delegation came to this Conference to promote in every conceivable way the unity of anti-imperialist forces of the three continents so as to unfold on a still greater scale our common struggle against imperialism, colonialism, and neocolonialism headed by the U.S. capitalists."

The final declaration of the Conference read, in part:

"The Conference hereby proclaims that the primary task of the peoples of Asia, Africa, and Latin America is to intensify the struggle against imperialism, colonialism, neocolonialism, and to win and consolidate national independence especially against the exploitation practiced by the Yankees. The merging of efforts will turn active solidarity on our continent into a new historical force of colossal dimensions.

The modest benefits which the United States would obtain as a result of this convention are discussed below. The principal benefit is found in the notification and access provisions in article 12 and the protocol to the convention which involve an obligation on the part of the Soviets to notify an American consular official within 1 to 3 days when an American national is arrested and to grant a consular officer access to that arrested citizen within 2 to 4 days. These notification and access provisions were the benefits we obtained which, it is claimed, balance the concession we made in granting unrestricted immunity. But in the case of countries which have consular agreements with us containing a most-favored-nation clause we could be put in the position of making a concession without obtaining such a benefit in return. Under the most-favored-nation clause any of these countries can request that unrestricted immunity from criminal prosecution be extended to its consular personnel. The most-favored-nation clause does not go to the question of notification and access, however, and from a legal point of view there is nothing in these consular agreements that gives us ground for demanding such a concession in return.

4. *The benefits obtained do not outweigh the disadvantages.*—The principal claimed benefits for the convention are, as has been stated above, the notification and access provisions. It should be made clear, however, that notification and access are not equivalent to freedom. They do not even offer due process. They mean, purely and simply, that we will be notified when a citizen is arrested and that an American consular officer will be able to visit the arrested person in prison. There is no guarantee that the arrested person will be given a fair trial. There is no guarantee that he will be treated well during his imprisonment. There is no guarantee that he will be given the right to counsel.

Secretary Rusk, testifying before the committee on January 23, said:

"The rights of international due process which this convention would provide would be available without delay and without the need for continuous and insistent high-level diplomacy * * *. That goal—the maximum possible protection and assistance for American citizens on a regular and written basis—is out central purpose in this convention * * *"

I submit that the convention does not provide "rights of international due process" and does not obtain for American citizens maximum protection and assistance. On the contrary, the protection and assistance for which it provides are minimal at best.

It has been argued by some that the immunity provision is an advantage to the United States because while it is admitted that the Soviet officials who would come to

this country as officers and employees of any consulate might well be espionage agents, we in return could send intelligence officers to any consulate we were to establish in the Soviet Union. I believe, however, that in any exchange of intelligence officers, there would be a net disadvantage to the United States. A Soviet intelligence officer, operating in an open society with easier access to individuals and to information, would undoubtedly find his stay in the United States most productive. An American intelligence officer, operating in a closed society with very limited access to individuals and information, would surely not be obtaining a reciprocal benefit.

In sum, I believe that the modest benefits provided by the treaty are far outweighed by the disadvantages. These disadvantages include improving the Soviet capacity to spread propaganda and to conduct subversion, and jeopardizing our refusal to recognize the forcible incorporation into the Soviet Union of Latvia, Lithuania, and Estonia. I believe, furthermore, that the treaty would enhance Soviet prestige at a time when we are engaged in a war in which the Soviet Union is participating, although by proxy. The treaty would thus be regarded throughout the world—by our allies and our enemies and by our men fighting Communist aggression in Vietnam—as inconsistent, irrational and foolish at best, and as dangerous at worst.

Ratifying the consular convention is not the way to improve relations between the United States and the Soviet Union or to reduce tensions in the world today. The first step toward that end is a fundamental change in Soviet aims. These aims, constantly reiterated, were summed up by former Soviet Premier Khrushchev a few years ago in the never-to-be-forgotten words, words that the Soviets have never retracted: "We will bury you." Khrushchev's prophecy is being fulfilled daily in Vietnam, as the stream of coffins crossing the Pacific attests. This time of trouble for our country, a trouble to which the Soviet Union has contributed in large part, is no time to confuse the realities of today with the hopes—the still unfortunately unrealized hopes—of tomorrow.

KARL E. MUNDT.

Mr. MUNDT. Mr. President, it is my conviction that we are now being asked today to ratify the wrong treaty on the wrong subject at the wrong time and with the wrong approach to the basic problem of how best to end the fighting in Vietnam and how to bring about a better understanding and greater amity between the Communist and non-Communist areas of this globe.

The advocates of this treaty summarize their primary objectives in just five words: "We want to protect Americans."

Surely, Mr. President, nobody can quarrel with a noble objective of this kind. We all want to protect Americans wherever they are and for whatever reason they are there. But when we are called upon to protect one segment of America—the fortunate 18,000 who are able to travel for pleasure or profit in Soviet Russia and of whom some nine annually get in trouble with the law—it seems completely clear to me that we must not take action which, by giving greater protection to these Americans, places in greater jeopardy 500,000 far less fortunate young Americans who are now on the firing lines and the battlefields fighting for our freedoms in far-off Vietnam.

Related as it is to expanded trade with Russia and containing as it does psychological impacts, unprecedented concessions of immunity to a great Communist power, and no effective quid pro quo guarantees in terms of making peace either more prompt or more probable, I cannot believe that this treaty at this time, in its present form, is either in our national or our international interests. Otherwise, I can assure Senators that I would not have undertaken the long—and at first the very lonesome—task, and always the exceedingly difficult uphill battle, or trying to bring before the Senate and the country the basic issues and the farflung ramifications which are involved before we actually voted on ratification. It has not been an easy responsibility but starting as we did with only four negative votes in our committee, I for one am greatly encouraged by the number of Senators who have now assured us of their determined opposition to the treaty.

In fact, compared with what might and should have been written into this treaty under today's wartime circumstances, I believe this is indeed another shameful example of how anonymous architects of America's destiny working abroad in treaty conferences, which conceal from the public both the discussions and the minutes of the meetings leading up to the final agreements, all too frequently tend to fritter away America's great opportunities for world leadership through surrendering our international strength by diplomatic obsequities.

This brings to mind, nostalgically, other sad and irrevocable mistakes made at other international conferences which all of us can still remember, bearing names like the conference at Cairo, the Yalta Conference, and the ill-fated conference at Potsdam.

I believe that this treaty with Russia in this time of war, linked as it is with both the desire and the program to ship increasingly our American exports to the Russian industrial complex—which, on the record and substantiated by the testimony of every knowledgeable witness before our congressional committee, is today supporting not only all of the petroleum required by Hanoi to continue the fighting over there but also every sophisticated weapon and many less sophisticated weapons needed by the North Vietnamese to continue our fighting, to expand our casualty list, and to prolong the war—is a treaty which historians will describe, if we cannot recognize that fact today, as a treaty which is morally wrong, psychologically bad, militarily dangerous, and a setback in bringing about successfully the early ending of the war we all so devoutly desire to conclude.

The pros and cons of this Consular Treaty have been discussed in the homes and offices of America, up and down the corridors of Congress, in speech after speech recorded in the CONGRESSIONAL RECORD, on the air waves, through the press; and in one way or another there have been placed before the Senate and our constituents, since the Secretary's first appearance before our committee on January 23, the issues, the involve-

ments, the repercussions, and the far-flung ramifications of the vote which we are about to undertake.

It is not my purpose and it would be of no avail today to repeat the many reasons why, in the view of some of us in the Senate at least, and in the view of millions of Americans not privileged to express their convictions in the impending Senate vote, this treaty is inadvisable and counterproductive at this particular juncture of our wartime history.

It has been pointed out by me and many others that the advantages claimed for the treaty are far less than those stipulated by the language of the treaty itself. Stripped to its bare essentials, this treaty proposes to protect American travelers in Russia by giving them the right to notify those most concerned when they are in trouble and the right to consult with our consulate officers when they are placed in jail. Only that and nothing more.

The treaty does not even add in any way the right of an American tourist, finding himself in a Russian jail, to have a fair and free trial, to make public statements concerning his problem, to have representation by an attorney of his choice, and to have his trouble resolved by the due processes of legitimate law. None of that is included in the treaty and none of that has been promised by the Russian Government.

Notification and consultation is the sole benefit contained in the treaty protecting traveling Americans in Russia. And for that we provide, for the first time in American history, complete immunity to all Russian consulate employees in any and in every consulate they establish in the United States subsequent to our action. Once having extended this unprecedented action to Russia, we must, of course, extend the same immunity to all consulate offices of other countries or bear the stigma of providing for the Communists of Russia special and exclusive concessions denied to other countries with which we maintain diplomatic relationships.

To me, were there no other arguments against the treaty, except for the impact of this unusual diplomatic concession to the Russians upon our friendly neighbors of Latin America, that would be sufficient for the Senate to vote against ratification of the treaty at this time. I call to mind that only 4 of the 20 non-Communist Latin American countries now even extend diplomatic recognition to Communist Russia.

However, should we ratify and announce this unusual agreement before the world by providing a complete immunity to Russian consular offices and employees, the pressure would certainly be great upon all Latin American governments for them at least to give diplomatic recognition to Russia and for them next to provide similar consular treaties with similar diplomatic immunities as those provided between the United States of America and the U.S.S.R.

Secretary of State Rusk, himself, has said that he believes it to be probable that consular employees sent to the United States will be selected from the KGB secret police personnel of the U.S.S.R. Director of the FBI, J. Edgar

Hoover, has told Congress and the country that the FBI can cope with this additional espionage by increasing the number of agents to meet the challenge. I too, believe that to be a fact.

However, I think it far less likely that the Latin American governments have the experienced and the security personnel to cope with the vast numbers of Communist agents officially entering their countries should they follow our example in this treaty, as I believe they understandably and necessarily might.

Only this week President Johnson has asked us to support a new program of \$1,500 million to help stabilize and strengthen our Latin American neighbors.

It is inconceivable to me that we should take action which it appears to me, would sabotage in advance the stabilizing measures and the money involved in his new requests for Latin America.

Mr. President, we Americans can ill-afford to have any new Castro-like Cuban governments in other Latin American countries in this time of test and trial.

Likewise, I also am greatly concerned about the psychological impact of this treaty upon our allies who have joined us in the war effort in Vietnam. I am sure that our allies, as have many Americans, have read the President's state of the Union address linking together expanded commercial trade with Russia in this time of war with the ratification of this Consular Treaty as a twin objective.

I am sure that they have read the editorials in the New York Times which make the same connection and one of which I inserted in the CONGRESSIONAL RECORD only yesterday.

I am sure many share my curiosity and skepticism also about the effect on the morale of our fighting men in Vietnam and their parents of President Johnson's Executive order of last October 12 in which he opened up the unrestricted exportation to Russia of 400 American products and supplies, a great many of which will have an immediate benefit to the Russians in strengthening their war munitions output by relieving many pressures on their faltering domestic economy. That, consequently must make it easier for the Russian industrial complex to grind out additional weapons such as they are sending in increasing numbers to aid our enemy in Vietnam. I am sure these foreign friends of ours also read the language of the Consular Treaty itself which specifically enumerates as one of the factors of this treaty the building of additional economic ties and trade between the U.S.S.R. and the United States of America.

In this cruel time of war, Mr. President, I think all these factors will have a most unfortunate psychological impact upon both our friends and our foes in other countries.

Mr. President, I fear that the step that the Senate is about to take if it votes for ratification of this treaty will come back to plague us some day much as the Tonkin Gulf resolution has come back to plague some of my colleagues in this Chamber. Our failure to protest now, this great economic war time aid to Russia will be construed by many and I predict will be described by some in high

places as Senate concurrence or approval of this policy of providing wartime economic aid to Russia at this time.

Some Senators have already complained publicly on this floor about the various interpretations being made in high places about the impact and intent of the Tonkin Gulf resolution passed by the Senate almost unanimously at the time of the Tonkin Gulf incident. Having been forewarned by this fact of political life they cannot now be surprised by the type of interpretations which I envision would follow sooner or later the ratification action of today should we ratify this treaty today and should it come to be considered as an "economic Tonkin Gulf resolution."

Incidentally, Mr. President, I suggest that some reporter, or commentator, or editor of our times make an analysis of the groupings in the Senate of those who vote for and those who vote against this treaty since certainly some historian of the future will make such a study. I believe the impending vote and the debate of the past week will show that those opposing ratification of this treaty now have provided the greatest unity of support of President Johnson in his war effort and that among those who support this ratification, you will find the great preponderance of Senators who have been in the frontline of the President's sharpest and most persistent critics in his handling of the war in Vietnam.

I think that in the Senate, and in the country generally, there will be found supporting ratification of the treaty most of those who feel that we are in an impossible and unjustifiable war over there and so we should quit and come home; or we should run and hide and spend our lives in some bloody, endless enclave, or that we should stay in South Vietnam and be shot at while the enemy is freed from attack by bombing or air raids on his staging areas of the North.

Perhaps the President himself will study the ensuing rollcall as he looks ahead to the wisdom of pressing for additional expansion of our wartime trade with Russia. This is at least an eventuality for which I devoutly hope.

The PRESIDING OFFICER. (Mr. BYRD of Virginia in the chair). The time of the Senator has expired.

Mr. MUNDT. Mr. President, I ask unanimous consent that I may proceed for 5 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Let me say finally, Mr. President, that enough Senators on one issue or another on the votes this week have expressed their disenchantment and uncertainty about the timing and the purport of this treaty by the manner in which they have voted on one or another of the several reservations which have already been before us, so that standing together, those Senators who on one vote or another conveyed their desire to advise before consenting to this treaty can, through sticking to their guns and voting "No" on ratification, today defeat or delay this ratification.

I hope that those who, by their votes, have earlier displayed their desire to exercise their constitutional right to advise in treaty-making, and who are not con-

March 16, 1967

CONGRESSIONAL RECORD — SENATE

S 3913

tent merely to consent will not now retreat or recant or renounce their earlier convictions and thereby on the impending vote now express approval of a treaty which they earlier found undesirable in one aspect or another.

I believe there are five questions we should ask ourselves before we vote on this treaty:

First. Can and will its ratification shorten the war?

Second. Can and will it help attain success in our costly military effort?

Third. Can and will ratification of this treaty reduce our fast growing list of casualties in Vietnam?

Fourth. Can and will it improve the morale of our fighting men in Vietnam?

Fifth. Can and will this treaty ratification develop a greater and, in my opinion, a much needed unity of purpose at home among our fellow citizens in support of our war efforts overseas?

Mr. President, I hope and pray that we can save President Johnson from the awful but I am sure unintentional error in which he is involved in pressing so hard for ratification of this treaty in this agonizing hour of war.

Otherwise, I sincerely believe that what we do here today, if by our votes we ratify this treaty, will help to prolong the war, to discourage our allies, to bring evil consequences and suspicion to our friends, and to increase even faster the growing list of military casualties in Vietnam.

Mr. President, ordinarily, a Senator engaging in debate devoutly hopes that he is right. Let me say, as I conclude, that I devoutly hope that I am wrong in my analysis of the question and in my prediction of the results flowing from a ratification of this treaty in this time of war.

For me, however, every rule of reason and of logic which I can bring to bear and exercise brings me to the clear conviction that I believe, unfortunately, that I am right.

Therefore, Mr. President, this treaty will not be approved at this time by the vote and consent of this Senator. I hope that it will not be approved by the consent and the vote of this Senate when it answers the rollcall on this fateful action.

Mr. President, I reserve the remainder of my time.

Mr. KENNEDY of New York. Mr. President, I rise in support of ratification of the Consular Convention. I believe it is an important step in lessening tensions between the United States and the Soviet Union.

Ratification of the convention will bring to a successful close an effort to improve Soviet-American relations which has been the subject of discussion and negotiation since the late years of the Eisenhower administration. It is on the verge of ratification because of the strong initiative taken by President Johnson in seeking final approval this year. I know we all applaud President Johnson's action in making ratification a matter of the highest priority.

The tangible benefits of the treaty to the United States are significant. Nearly 20,000 American citizens now travel

in the U.S.S.R. each year. The convention provides important new procedures for their protection. It insures that American officials will be notified should one of these travelers be arrested, and it insures that our representatives will have access to the person detained.

As a result, any new American consulates which are opened after further negotiations will be able to serve and protect American travelers far better than is possible at present.

The intangible benefits of the convention are even more important. The monolithic communism which we confronted with the foreign policy of the cold war is no longer relevant. In these circumstances, improving in relations with the Soviet Union will further not only our national interest, but the cause of peace all over the world.

The Consular Convention represents a significant symbolic step toward improving Soviet-American understanding. Its ratification, therefore, serves the highest cause of mankind—the cause of peace.

Mr. President, I urge the ratification of the Consular Convention.

Mr. JORDAN of North Carolina. The Consular Treaty which we are now considering has caused me as much concern as any issue which has come before us during the time I have been a Member of the Senate.

It concerns me, first of all, because it comes up at a time when we are at war with Communist forces in Vietnam.

It concerns me because I honestly feel that a great deal of misinformation designed to play on the emotions of people has been deliberately spread about what the treaty would and would not do. I have received hundreds of letters from sincere and honest people who fear the treaty because of misinformation put out through a massive letter-writing campaign.

This treaty also causes me great concern because we are at a point in our history when we must not only use whatever military force is necessary to overcome Communist aggression in Vietnam or anywhere else, but we must also use the very best wisdom we have in trying to bring about peaceful relations among men of all nations regardless of their political persuasion.

I know we have the military might to meet any challenge. We must also show our adversaries that we have the prudence and the judgment to promote peace.

In deciding on the Consular Treaty we need to think very carefully about where it would fit into this picture.

First of all, the treaty itself does not provide for any more or any less consulates than could be established under existing law.

What the treaty would do, and all it would do, would be to spell out the rules under which American consulates could be opened and operated in Russia and under which Russian consulates could be opened and operated in the United States.

These rules would be reciprocal in every respect.

I think we must also consider very

carefully the fact that the treaty we are seeking is not something that has just been suddenly thrust upon us. The exact opposite is true. Our Government under three Presidents has seen the need for and sought such a treaty as a means of encouraging peaceful relations for nearly 10 years.

It is my sincere belief that if such a treaty would help us in finding peace as early as 1959 then it may help us even more today, at a time when we are devoting our resources, our knowledge, and our wisdom to ending the fighting in Vietnam.

On many occasions I have stated that any conflict between men or nations must be settled ultimately by people sitting down talking with each other. For example, whatever understanding is finally reached about Vietnam it will be reached at the conference table, and I wish very much that an understanding could have been reached before the fighting instead of the one which must be reached after the fighting.

People, and nations, that talk to each other are much less likely to fight than those who sit in the corner, suck their thumbs, and refuse to speak. On the other hand, people, and nations, who talk and communicate with each other, more often than not trade and do business with each other and become more understanding and more peaceful.

If our Nation should decide that the wisest course in dealing with Russia is to maintain rigid silence and refuse to communicate, then we should prohibit the 18,000 Americans who visit Russia each year from doing so. This same course would also require us to prohibit any Russians from visiting and seeing the United States.

On the other hand, if we think it is wise, constructive, and helpful to ultimate peace to exchange travelers, then we have an obligation to give our citizens who visit Russia the best possible protection. That is one of the purposes of this treaty.

It is my honest belief that it is wiser for us to establish communications with the people of Russia than it is to try to convince ourselves that they do not exist and ignore them. I may be old fashioned, but I believe that once we establish more peaceful communications with them we can not only show them the futility of war but we can also sell them on democracy.

I am willing to try. I am not afraid of democracy competing with communism. I believe there is a way to settle our differences without going to war and I believe this treaty would help us toward that end.

For these reasons I support the Consular Treaty.

Mr. McGEE. Mr. President, let it not be said that timidity, for the second time, has caused this body to shrink from approving a very simple and desirous convention on the exchange of consuls with the Soviet Union because of fears engendered by people who either misunderstand its nature or intentionally distort the purposes of the treaty.

Every Senator in this Chamber has, as I have, received countless letters—many

of them identical form letters—opposing this treaty and citing the Director of the Federal Bureau of Investigation as the source of their belief that it would lead to the establishment of Soviet espionage nests beyond the touch of U.S. laws in virtually every important city of the land.

Many Senators in this Chamber know this contention is pure, unadulterated hogwash. It has been fostered by the same coterie of individuals and organizations which attempts at every turn to block every attempt at expanding the contacts between the United States of America and the Soviet Union, the world's two major powers. The people who fire the flames of opposition to this treaty are, I submit, without substantial faith in the attractiveness and power of the American system. Why else do they make the Communists seem 10 feet tall? Communism has always found it difficult, if not impossible, to stand comparison with the American way of life. Yet we in the United States have been altogether too shy, too reticent, or too afraid, to use our best weapon—our heritage, our traditions, our ideas, and our way of life. The more we can expose foreigners, especially Russians, to these, Mr. President, the greater our potential gains.

Indeed, as a politician I can state, very frankly, that I am glad I am not a Russian in the Kremlin having to justify this treaty. For, in fact, the United States has more to gain from this treaty than does the Soviet Union. As a bargain, it is much in our favor.

It is an unfortunate circumstance that this treaty, which the very able and astute Committee on Foreign Relations has twice considered and twice approved, has been allowed to become an emotional issue. If we look at it unemotionally, Mr. President, what do we find?

First, we find that it would not in itself lead to the establishment of any Soviet consulates in the United States. Such exchanges would have to be worked out between the two governments, although the ground rules for their operations would be laid down. Secondly, the contention that any consulates subsequently opened would be "covers" for Russian espionage and thus endanger the security of the United States cannot be taken too seriously if one has confidence in our own counterespionage agencies, notably the FBI. Indeed, one Russian consulate, which is what we can look for in the foreseeable future, would involve only 12 to 15 Russian nationals, all of whom the FBI would presumably have no difficulty in identifying and in keeping under surveillance.

Although these Soviet nationals would be granted immunity, Mr. President, it is likewise true that American consular officers would have immunity from prosecution under Soviet law. Considering the quality of justice in the respective countries, I submit that this is, indeed, an important protection for U.S. personnel which might in the future be sent to consular outposts in the Soviet Union.

Each year, as we know, some 18,000 citizens of the United States visit the Soviet Union for one reason or another. A few get into trouble. This treaty, for

the first time, would guarantee our Government access to any American citizens who may be apprehended and detained. This, in view of the recurring arrest of Americans in Russia, is, I think, an important argument in favor of the treaty. It is a protection we do not have now—but which every potential American tourist may need—perhaps sooner than he realizes. The Russian traveler in America, on the other hand, already has this protection. Why cheat ourselves?

I am under a firm impression, Mr. President, that the elected leaders of our Nation and the representatives of this Government who participated in the drafting of this treaty are honorable men with the best intentions for the United States of America always foremost in their minds. In them, I say, should repose much greater confidence than in any fly-by-night operation on the fringes of Capitol Hill operating with a mailing list and a printing press. I would remind the Senate that this treaty was first sought by President Eisenhower, still sought under President Kennedy, and finally signed 2 years ago under President Johnson.

It lies in its own national interest for the United States to be willing to meet the challenge of easing tensions between East and West. This treaty is but a step, and a small step, in that direction. It may develop that the Soviets might not honor all provisions of the agreement, in which case the United States could declare it null and void.

It might well be argued, Mr. President, that now is the best time for another step toward bettering East-West relations, which are strained by the conflict in southeast Asia.

Mr. President, just as our objective in Vietnam is not to make war, but to end it, our objective with regard to the Soviet Union and Eastern Europe is, as President Johnson said in his most recent state of the Union address, "not to continue the cold war, but to end it."

The Consular Treaty will not end the cold war, but it will help to ease it, perhaps, and without lengthening the war in Vietnam. It requires of us only that we place trust in our own Government to act wisely and in the best interests of the United States and world peace in making the treaty's provisions operative. That is not, or should not be, asking much from this body. We should vote to ratify this treaty forthwith.

Mr. TOWER. Mr. President, ratification of the consular pact would, in my opinion, best be deferred pending careful consideration of its relationship with other important measures soon to come before us. I refer, of course, to the Treaty on Peaceful Uses of Outer Space, as well as proposals to greatly increase our trade with Communist nations.

The Space Treaty itself has what could be termed broad ramifications. Certainly, it deals with a subject matter that could very well have a significant bearing on our strategic posture, and on our long-range national security interests. Its provisions must be considered meticulously, with careful analysis by this body

as well as by those possessing a high degree of military and technical expertise.

It could very well be, Mr. President, space treaty ratification would have little adverse effect on our overall defense posture. If such were the case in my opinion, then I would probably support it.

However, I feel my distinguished friend from Nebraska has suggested the most logical approach, and that is, consideration of the interrelationship of the Consular and Space Treaties, along with the more far-reaching, extremely sensitive, and most important East-West trade plans.

Some of those in support of the Consular Pact advise, Mr. President, that today the Communist world is a divided one, and that this fact should be taken into account in consideration of the ratification of this treaty.

Specific Soviet-Chinese differences are cited, but such differences have nothing whatsoever to do with this proposed treaty. And there has certainly been little if any effect on the continued assistance to North Vietnam by either nation.

It is difficult to find a single criteria which would indicate to us that treaty ratification would be followed by a cessation of Soviet ideological vilification, or more importantly, an end to Soviet Russia's massive infusion of military aid into North Vietnam.

The Consular Treaty and the Outer Space Treaty, we are told, are merely two preliminary agreements preceding what could well prove the most controversial issue to face the Congress in this session, that is, the proposed expansion of trade with Communist nations.

Mr. President, it goes without saying I strongly favor, as I am sure my colleagues do, sincere, mutual, peace efforts. So have past administrations, both Republican and Democrat. This Nation and its official representatives, and some not so official, I might add, have made countless offers, countless times, to lessen tensions and to increase understanding with the Soviets and their Communist satellites. Just as often, our moves and offers have been refuted. No one can say this Nation has not diligently pursued the quest for peace; substantial concessions have been made in hopeful expectation that just a fraction of our efforts would be successful. All, Mr. President, to no avail, and I would add, that at the very time we were making such proposals, the U.S.S.R. not only mounted, but increased, its professed ambition to impose, through any means, its communication of the world.

The Tri-Continent Conference held in Havana last year was attended by Communist delegations from some 80 countries, there was vigorous participation by the Soviets. The purpose of the conference was described as one to consolidate the efforts of the Communists to achieve their objectives in South America, Africa, and Asia.

The Soviet representative in attendance stated:

The Soviet delegation came to this Conference to promote in every conceivable way the unity of anti-imperialist forces of the

March 16, 1967

CONGRESSIONAL RECORD — SENATE

S 3915

three continents so as to unfold on a still greater scale our common struggle against imperialism, colonialism, and neo-colonialism headed by the United States capitalists.

The Tri-Continental Conference itself called "for the use of every form of struggle necessary including armed battle" to achieve the objectives of the Communists of the world.

And the final Conference declaration stated:

The Conference hereby proclaims that the primary task of the peoples of Asia, Africa, and Latin America is to intensify the struggle against imperialism, colonialism, neo-colonialism and to win and consolidate national independence, especially against the exploitation practiced by the Yankees. The merging of efforts will turn active solidarity on our continent into a new historical force of colossal dimensions.

Mr. President, had this country's unilateral efforts lessened tensions in any way, or advanced the goal of peace, then matters would be different. As I have noted, not only have our peaceful gestures been spurned, hostility toward us by the U.S.S.R. has actually increased.

In January of this year, the President of the Soviet Union said:

The Soviet Union is giving, and will continue to give North Vietnam ever growing aid until the full triumph of the just cause which the Vietnamese people are struggling.

Mr. President, in my opinion, the prestige of this country can only be harmed in the face of such overt repudiation, such thwarting of our sincere efforts toward peace, if we do not stand firm.

Two arguments presented in behalf of the treaty are that better protection would be afforded American citizens who travel in Russia, and that this country would be able to secure greater insight into the Soviet thinking and way of life.

Certainly, the affording of better protection for American tourists would be welcome, but nothing in the past has deterred the Communists from detaining and mistreating our citizens. I doubt seriously if a new agreement would be better honored, if in the Soviets' opinion their best ends could be better served by breaking or failing to honor such new agreement.

As to the argument that our officials would learn more of the Soviet way of life, I can see little advantage. The Soviet society is a closed one, with little access to information, and very tight restrictions on travel. Contrast this with relatively few restrictions which will be placed on additional Soviet personnel, and it can easily be seen which Nation would gain the most.

Mr. President, I support in lieu of the ratification of the Consular Treaty at this time, and prior to the administration's presentation of the Space Treaty and its presentation of East-West trade proposals, the suggestion of several of my distinguished colleagues that we undertake a thorough examination and review of our relations with the Soviet Union and its Communist bloc nations. This detailed inquiry into the relations with the Soviet bloc will provide a needed opportunity for clarification of many important issues.

What we truly need, as my able friend from Nebraska Senator HRUSKA has

pointed out is a "painstaking analysis" of the goals of the Communist world today. We hear one thing, and see another, Mr. President. We hear there is a softening of the Soviet position, that no longer is world revolution the Communist order of the day, that Russia at long last realizes that the achievement of peace is in its own best interests. We are told increased trade, which will be used to enhance the strategic power of the Communist world, will not be adverse to our interest.

I would just briefly point out to those espousing this trade line that it is not within our means to determine the ultimate uses to which our exports will be put. And certainly, such imports into the Soviet bloc would allow diversion by them of at least some of their productive resources into more militarily strategic fields.

In any event, as has been noted, we have just heard of this recent change of Soviet heart, no evidence of it has been seen. On the contrary, consider the official Soviet declarations as to its present and future commitments to North Vietnam.

Mr. President, it is readily conceded that this matter of a Consular Treaty is only the first in a series of measures, all of which, if adopted, would change the entire complexion of our foreign policy structure. Therefore, while it is important we consider each such proposal carefully, we must not lose sight of the cumulative effect on our national interests.

Thus, I feel it would be wise indeed to consider the administration's so-called bridgebuilding measures in toto, rather than piecemeal. By calling upon the administration to submit all of its "bridgebuilding" measures in one package, we may view the package in its entirety, and thus better assess its ultimate impact and long range effect upon the United States.

Most certainly, Mr. President, consideration of the Consular Treaty should be deferred.

Mr. SPONG. Mr. President, after considerable thought and careful study, I have decided to vote in favor of the pending Consular Treaty with the Soviet Union.

In 1848 Viscount Palmerston of Great Britain, speaking in defense of the foreign policy he had directed for his country, said:

We have no eternal allies, and we have no perpetual enemies. Our interests are eternal and perpetual, and those interests it is our duty to follow.

More recently, Gen. Charles de Gaulle, borrowing perhaps from Lord Palmerston, stated that nations have no friends, only interests. While these expressions have not always been hallmarks of American foreign policy, they form the context within which I chose to view our posture with regard to Soviet Russia, particularly with regard to the questions of ratification of the Consular Treaty presently before the Senate for advice and consent.

I am persuaded that it is in the interest of the United States to ratify this treaty at this time. The United States

proposed the convention. The United States took the initiative in pressing for negotiations leading to the document now before the Senate.

The treaty merely provides the legal framework for the operation of Soviet consulates in this country and U.S. consulates in Russia, if and when they are established. The treaty itself does not authorize the opening of consulates nor does it specify the number of consulates to be opened. The location and number of consulates will be determined by negotiation, should the treaty be ratified. If negotiations are held as a result of ratification, I have been assured that the Congress will be kept fully advised. Moreover, it has been stated that for the foreseeable future only one consulate for each nation is contemplated.

Should the treaty become operative, protection will be afforded the more than 18,000 Americans who visit Russia annually. Should an American national be arrested in Russia, the treaty guarantees that consular offices will be notified within 1 to 3 days. There is guaranteed access by our officials to detained Americans within 2 to 4 days of their arrest and this right of access continues as long as they are held.

Gary Powers, the U-2 pilot, was held incommunicado by the Soviets for 21 months. In 1961, an American student, Marvin Makinen was detained from July 21, to September 4, before there was any notification of his detention to the American Embassy. There are more recent examples, one involving Newcomb Mott, who died while imprisoned under circumstances still unexplained.

The provision in the treaty that has given me concern is the immunity clause. It is broad and contrary to any consular agreement heretofore entered into by the United States. Accordingly, I supported an amendment to reduce the immunity to that spelled out in previous consulate agreements entered into through the years by this Nation. This amendment was defeated. It should be observed, however, that the immunity given to Russian officials in this country under the treaty will also apply to American officials in Russia. Undoubtedly additional security problems will be presented by the treaty. But the proper authorities have testified that no problem is presented that cannot be handled. Should the treaty prove unsatisfactory because of the immunity clause or any other article, it may be terminated by either party upon 6 months' notice.

Other language has been offered during the course of the debates as addenda to the treaty. While I am in agreement with the sentiments expressed in these offerings, particularly those which recognize the present hostility of the Soviet government to our efforts in Vietnam, they are, for the most part, inapplicable to the purpose of this treaty. Adoption of any of these would have the effect of saying that we do not desire the treaty at this time.

Despite my reservations about the immunity clause, the compelling need for the protection of American nationals in Russia persuades me to support ratification of this treaty. Moreover, with a

decided change in Sino-Soviet relations so evident these past months, a limited measure in the direction of the Soviets seems advisable.

I ask unanimous consent that recent editorials from the Roanoke, Norfolk, and Richmond newspapers which endorse treaty ratification be printed in the RECORD. These editorials see ratification of this treaty for what it is: a cautious, guarded step for the protection of American citizens abroad; hopefully, a step toward better understanding in a troubled, shrinking world; and, in the Alice-in-Wonderland atmosphere of today's world stage, possibly a wise move at a time when the Russians are concerned with the growing tide of Chinese nationalism and anti-Soviet sentiment in Peking.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the Norfolk-Portsmouth Virginian-Pilot, Feb. 4, 1967]

HELP FROM MR. EISENHOWER

Former President Eisenhower's endorsement of the proposed Consular Treaty with the Soviet Union is a valuable service in behalf of what ought to be a bipartisan approach to improve Russo-American relations.

First of all, Mr. Eisenhower made clear that the proposal was no scheme from Moscow to increase its espionage apparatus in the United States. The idea originated from the American side in his administration. Vice President Nixon made the first official move toward reciprocal consulates in July 1959. Secretary of State Herter renewed the suggestion two months later. The major objective was to protect American citizens in Russia.

The Eisenhower statement also serves to bolster the efforts of an important group of Republican moderates to overcome Senator Dirksen's negative leadership on this issue. Without Republican support in the Senate, where ratification requires a two-thirds vote, the treaty is dead.

Two former chairmen of the Republican National Committee—Senator Morton of Kentucky and Senator Scott of Pennsylvania—are among the moderate wing who have spoken out on the Senate floor in behalf of the agreement. Both took the occasion to denounce the right-wing Liberty Lobby, which is flooding the Senators with letter of opposition. Senator Morton called the postal avalanche a "carefully planned and well financed 'big lie' operation designed by the paranoids and fearmongers." Strong language, if ever we heard it. Senator Morton also chided President Johnson for "timidity" in not pressing more forcefully for ratification.

The Senator asked on Tuesday for "forceful and persuasive testimony" from the White House. The answer came two days later. Mr. Johnson, opening his Thursday press conference, read a statement putting himself "very strongly" on the side of ratification. He may even have undone some of the jinx put on the treaty by Mr. J. Edgar Hoover's two-year-old testimony that Soviet consulates in this country would make the FBI's work more difficult. Mr. Johnson said Mr. Hoover "has assured me" that no problems would be raised with which the FBI could not deal. This attribution is a shade more affirmative than Mr. Hoover's cryptic response in the exchange of letters with Secretary Rusk.

Mr. Eisenhower, agreeing with Mr. Johnson that the treaty is "in our national interest," also helps to combat the espionage argument against the treaty. As to whether

consulates would not also provide enlarged spy opportunities for the United States, the State Department has replied simply, "The rights are reciprocal." Mr. Eisenhower adds: The treaty "should enlarge our opportunities to learn more about the Soviet people."

[From the Roanoke Times, Mar. 5, 1967]

TIME TO RATIFY CONSULAR TREATY

Now that the Senate Foreign Relations Committee has approved the consular treaty and some of the misconceptions about it have been cleared up, the Senate should ratify it as soon as possible.

The treaty, which has had a weird, in and out, up and down existence since 1964, is a small, guarded step in the direction of better East-West relations.

It would work principally to the benefit of the more than 18,000 American visitors and tourists who travel in Russia (this figure will probably leap with the direct air service between the U.S. and the Soviet Union). But more important, it is a way in which two world powers can show their willingness to try to ease the worldwide tension engendered by the war in Vietnam.

Sen. Everett Dirksen has broken with the Senate's small but influential group of old guard Republicans and has come out for the consular treaty, a move that should help speed ratification. The question of J. Edgar Hoover's position on the treaty as an internal security threat has been so muddled by Mr. Hoover's propensity for letter-writing that his shifting position is no longer a consideration.

The conservative GOP forces in the Senate, realizing that the treaty has been blown up into a do-or-die battleground over President Johnson's "bridge-building" campaign, may be retreating and regrouping for an assault on the East-West trade bill.

At that point Cold War rhetoric will probably ring out again. Until then, however, ratification of the consular treaty would be tangible evidence that the United States is flexible enough to take advantage of growing gaps in Russia's "closed society."

[From the Richmond Times-Dispatch, Mar. 15, 1967]

RATIFY THE TREATY

Since the proposed consular treaty with Russia, unlike nearly every other treaty which that country has wanted to sign with us, is as fair to the United States as it is to the Soviet Union, it should be ratified.

Its ratification will bring no millennium—we may be sure of that. The signing of such a pact will represent only a minuscule step in the direction of ultimate peace between Moscow and Washington.

Yet, to repeat, the treaty embodies advantages to the United States as great as those proposed for the USSR. For that reason, one finds it hard to see that we are taking a risk in ratifying it.

Each country is permitted, under the pact, to open additional consulates within the other. Since Russia can do that now in this country, but we can't do likewise in the Soviet Union, this is a distinct "plus" for us.

In addition, the 18,000 Americans who visit Russia as tourists annually will enjoy added protection, under the treaty. In the event of their arrest, they can communicate promptly with U.S. officials in Moscow or one of the other Soviet cities where there will be an American consul. Arrested Americans no longer can be kept incommunicado, and forbidden access to U.S. consular representatives.

True, it can be argued with absolute accuracy that the USSR is furnishing the backbone of the Viet Cong's war effort in Vietnam. The contention follows logically that if Moscow wants to be friendly with Washington, it should first call off its "dogs" in Vietnam.

But Russia isn't going to do any such thing now—everybody knows that. So either we sign the treaty without relationship to what is happening in Vietnam, or there will be no treaty.

Various types of reservations are being proposed. However logical they may be, the fact remains that we must approve the treaty without such reservations, or Russia will forget the whole thing.

Ratification by the U.S. Senate may turn out to have no consequences whatever beyond providing the slight advantages with respect to U.S. consulates and tourists already referred to. But it might have additional important results, such as helping to drive Moscow and Peking farther apart. If so, it could be eminently worthwhile.

Mr. GRIFFIN. Mr. President, many Michigan citizens trace their origins to lands which are now under Soviet domination. At the time of the 1960 census, over 27,000 first and second generation Latvians, Lithuanians, and Estonians were counted in Michigan. It is likely that this number now exceeds 30,000.

I am receiving hundreds of letters from these Michiganites because they are keenly and sincerely concerned about possible effects of ratification of the Consular Convention upon the Baltic nations and their peoples.

They are concerned that ratification of the Consular Convention may prejudice and perhaps destroy the international position of the Baltic States. Until now, the United States has not recognized the forcible annexation by the Soviet Union of the Republics of Latvia, Lithuania, and Estonia. Many well-informed individuals are concerned that ratification will alter our present policy and may lead immediately, or ultimately, to recognition of the Soviet position with respect to the Baltic States.

These good Americans of Baltic descent are also concerned that Soviet consular personnel may be able to assert representation rights with respect to U.S.-situated decedents' estates belonging to, or passing to, Baltic nationals. Consulates representing the last free governments of these Baltic Republics have been recognized in the past by our probate courts.

But there is concern that, if the convention were ratified, the probate courts of the various States would be required to review our foreign policy and might find the Soviet Union to be a proper representative in probate matters.

Mr. President, I am convinced that these are honest and substantial concerns. Because I share these concerns, I have studied the record and directed several inquiries to the State Department.

I believe that certain remarks of Secretary of State Rusk delivered during the 1965 hearings of the Senate Foreign Relations Committee, together with excerpts from a State Department question and answer statement, dated February 2, 1967, as well as replies I have received from the State Department should be spread upon the RECORD and made a part of the legislative history of the Senate's deliberations on this treaty.

The State Department has declared unequivocally that ratification of the Consular Convention will not alter the existing U.S. nonrecognition policy with

March 16, 1967

CONGRESSIONAL RECORD — SENATE

S3917

respect to the forcible Soviet takeover of Latvia, Lithuania, and Estonia.

As appears in the record of the 1965 committee hearings, at pages 25-26, Secretary Rusk was asked about the effect of the treaty on recognition. Here are the words of Secretary Rusk:

First of all, Sir, this convention does not affect in any way the question of recognition of the absorption of those countries into the Soviet Union. Recognition there is similar to the general practice of recognition of states or of governments; that is, everything turns upon the intent of the government concerned—in this case ourselves. It would require us to make some formal statement of an intent to recognize or an act of recognition before that could come about.

So, this convention itself does not affect that.

Nor would it be affected by the establishment of consular districts there for the protection of our own citizens. We do have a bit of a dilemma there, Senator. If American citizens go into areas whose political status we do not recognize, we still have the responsibility of doing what we can to give those citizens adequate protection, and as you know, we have had some difficulties in the courts and otherwise about the limitations on the power of the U.S. Government to inhibit the travel of its citizens into areas where we cannot afford adequate protection.

So, our judgment and our position are quite clear. This does not affect the question of the recognition of the absorption of those three states.

Earlier this year the State Department issued a short statement entitled "United States-U.S.S.R. Consular Convention, Questions and Answers," dated February 2, 1967. Question 13, and the answer thereto, relate to the issue of recognition. The question:

Does the Convention prejudice the position of subject peoples incorporated against their will into the Soviet Union?

And the Department's answer:

No, it does not. The United States Government has never recognized the forcible annexation of Estonia, Latvia, and Lithuania. Ratification of this convention would in no way change our policy in this respect, nor would any subsequent opening of a consulate or demarcation of a consular district. Recognition of incorporation of states into the Soviet Union would require a positive statement or act by the United States. The convention contains no such statement and provides for no such act. It is United States policy to support the just aspirations of all peoples of the world and to look forward to the day when all will be able to express these aspirations freely. The ratification of this treaty will not change this policy—any more than did the signing of more than 105 other bilateral and multilateral agreements which we have entered into with the U.S.S.R.

In addition, a letter dated February 6, 1967, which I received from the State Department, signed by the then Assistant Secretary of State Douglas MacArthur II, includes the following statement:

The United States Government has consistently refused to recognize the forcible annexation of Estonia, Latvia and Lithuania into the Soviet Union. We continue to recognize the diplomatic and consular representatives of the last free governments of these countries. The ratification of this Convention would in no way change our policy in this respect. Neither would the eventual opening of an American consulate in the USSR and the demarcation of consular districts, which, as you know, are not

required by this treaty. Recognition of the incorporation of Estonia, Latvia and Lithuania into the USSR, like all cases of recognition, would require either a positive statement to that effect, or a positive act clearly manifesting an intention to recognize. This Convention contains no such statement and provides for not such act.

... It is United States policy to support the just aspirations of all the peoples of the world and to look forward to the day when all will be able to express these aspirations freely.

Mr. President, the State Department has also declared that ratification of the United States-U.S.S.R. Consular Convention will not alter existing probate practice as it relates to decedents' estates passing to nationals of the Baltic States.

Recently, Mr. Algis Zaprackas, chairman of the Lithuanian World Youth Congress, wrote to me expressing serious concern on this point, and requesting clarification.

This is a sober, intelligent inquiry addressed to a real issue of significance. The legislative history of this debate should contain a direct and satisfactory response. Therefore, I addressed an inquiry to the State Department, and I have received a reply dated March 15, 1967, signed by Assistant Secretary of State William Macomber.

The reply reads in part as follows:

... Article 10(3) of the Convention ... preserves in full the competence of state law and state courts to refuse or limit the authority of consular officers to receive and distribute assets of an estate.

We believe that allowing this kind of flexibility to the state courts, which after all have primary jurisdiction and responsibility for the administration of estates, will serve the objectives sought by Mr. Zaprackas and his organization.

It is believed by some that State Department assurances, even if adequate now, are inherently inadequate with respect to the long-range problems this convention may create for U.S. policies in regard to the Baltic States. There is the opinion that ratification will inevitably lead to de facto recognition of the forcible annexation.

The course of international affairs is too unpredictable to reject that concern out of hand. However, we can minimize that possibility by taking this opportunity to reiterate emphatically the continuance of our existing policy. In fact, it would be my hope that the reassertion of our present policy in this debate should serve to reaffirm and strengthen our support for the freedom aspirations of the Baltic peoples.

Mr. President, I ask unanimous consent that the full text of the two letters from the State Department, to which I have referred, be reprinted at this point in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

ASSISTANT SECRETARY OF STATE,
Washington, February 6, 1967.

HON. ROBERT P. GRIFFIN,
U.S. Senate.

DEAR SENATOR GRIFFIN: During our recent discussion of the US-Soviet Consular Convention, you asked what communist countries maintain consular offices outside of

Washington. The only two that do so are Poland and Yugoslavia. Poland has a consulate in Chicago, and Yugoslavia has consulates in San Francisco, Chicago, New York and Pittsburgh.

Since we have no consular convention with Poland, Polish consular personnel in Chicago would not receive the immunities set forth in the US-Soviet Consular Convention by virtue of the most-favored-nation principle. We do have a consular convention with Yugoslavia signed in 1881 which provides for most-favored-nation treatment, conditional, however, upon reciprocity. The Yugoslav Government has evinced no interest in the immunities provisions of the US-Soviet Consular Convention.

You also inquired as to what the effect of the US-Soviet Consular Convention would be on our position and policy concerning the Baltic States and other peoples aspiring of freedom. There has apparently been some misunderstanding of these points and I should like to make our position on them perfectly clear.

The United States Government has consistently refused to recognize the forcible annexation of Estonia, Latvia and Lithuania into the Soviet Union. We continue to recognize the diplomatic and consular representatives of the last free governments of these countries. The ratification of this Convention would in no way change our policy in this respect. Neither would the eventual opening of an American consulate in the USSR and the demarcation of consular districts, which, as you know, are not required by this treaty. Recognition of the incorporation of Estonia, Latvia and Lithuania into the USSR, like all cases of recognition, would require either a positive statement to that effect, or a positive act clearly manifesting an intention to recognize. This Convention contains no such statement and provides for no such act.

Whether or not this Convention is approved, if an American citizen should be arrested or detained in the Baltic States we would have the inescapable obligation of trying to make arrangements for his protection through the Ministry of Foreign Affairs of the USSR, including access by an American consular officer. While fortunately no Americans have been detained in the Baltic States in the recent past, this has been our policy over the years. It will continue to be our policy whether or not this treaty is approved.

Some have argued that this treaty should be rejected because it would confirm or approve the Soviet Government's domination over the non-Russian peoples of the USSR. It is United States policy to support the just aspirations of all the peoples of the world and to look forward to the day when all will be able to express these aspirations freely. The ratification of this treaty will not change this policy—any more than did the signing of the more than 105 other bilateral and multilateral agreements which we have entered into with the USSR.

I am enclosing several papers which deal with various aspects of the US-Soviet Consular Convention upon which we touched in our talk on February 1. After you have had a chance to look them over, I would be happy, indeed, to confer further with you on this important subject if you so desire.

With all good wishes.

Sincerely,

DOUGLAS MACARTHUR II,
Assistant Secretary for Congressional
Relations.

DEPARTMENT OF STATE,
Washington, March 15, 1967.

HON. ROBERT P. GRIFFIN,
U.S. Senate,
Washington, D.C.

DEAR SENATOR GRIFFIN: I have received your letter of March 7, on the behalf of Mr.

Algis Zaprackas, Chairman of the Lithuanian World Youth Congress, who suggests ratification of the U.S.-U.S.S.R. Consular Convention with a reservation preserving in force certain treaties concluded in the 1930's between the United States and the Republic of Estonia, Latvia, and Lithuania.

The Department has taken a clear position against the adoption of any reservations which might and probably would open up the Convention to counter-reservations or rejection by the Soviet Union. Such a course of action would jeopardize, among other things, the rights of consular protection for American citizens in the Soviet Union provided by the Convention, which we consider very much in the national interest.

The Secretary of State and the Legal Adviser to the Department have both made it clear in their testimony to the Foreign Relations Committee that the Convention does not in any way alter our policy of non-recognition of the forcible incorporation by the Soviet Union of the Baltic Republics of Estonia, Latvia, and Lithuania. Furthermore, Article 10 (3) of the Convention, which I have reproduced as an enclosure to this letter, preserves in full the competence of state law and state courts to refuse or limit the authority of consular officers to receive and distribute assets of an estate.

We believe that allowing this kind of flexibility to the state courts, which after all have primary jurisdiction and responsibility for the administration of estates, will serve the objectives sought by Mr. Zaprackas and his organization.

Please let me know if I can be of any further assistance.

Sincerely yours,

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

CONSULAR CONVENTION WITH THE SOVIET UNION—ARTICLE 10(3)

Unless prohibited by law, a consular officer may, within the discretion of the court, agency, or person making distribution, receive for transmission to a national of the sending state who is not a resident of the receiving state any money or property to which such national is entitled as a consequence of the death of another person, including shares in an estate, payments made pursuant to workmen's compensation laws, pension and social benefits systems in general, and proceeds of insurance policies.

The court, agency, or person making distribution may require that a consular officer comply with conditions laid down with regard to: (a) presenting a power of attorney or other authorization from such nonresident national, (b) furnishing reasonable evidence of the receipt of such money or property by such national, and (c) returning the money or property in the event he is unable to furnish such evidence.

Mr. SMATHERS. Mr. President, the United States-U.S.S.R. Consular Convention now before the Senate has already been the subject of considerable debate in the Foreign Relations Committee, on the Senate floor, and among the general public.

I have carefully studied the arguments for and against ratification and concluded that I will support it—not as a gesture of friendship to the Soviet Union but as a measure to advance our own self-interest.

I came to this decision only after considerable thought and only because I decided that this agreement meets one essential criterion: it benefits the United States more than it benefits the Soviet Union.

We can perhaps afford to adopt less stringent standards in judging treaties with other countries, though these too must result in a net gain for our national interest if they are to merit approval.

But the Soviet Union is an adversary with a very poor record of performance on treaties and solemn undertakings to which she has been a party in the past.

I believe experience shows us that we must look long and hard at each new proposal put before us. We must be certain that any agreement with the Soviets contains firm safeguards against abuse or is self-enforcing, for while many nations show an easy virtue in fulfilling their treaty obligations the Soviet Union's cynicism in this regard flows from the well-springs of ideology.

The Consular Convention, I believe, meets these exacting tests:

It was proposed by the United States, not the Soviet Union.

Throughout the negotiations it was the United States, not the U.S.S.R. which pressed for conclusion of a treaty.

Today there is no evidence that the Soviet Union attaches particular importance to the ratification of this treaty except as an indication of the United States' willingness to do business with them.

The treaty gives the President no power to open consulates which he does not already have under the Constitution.

On the other hand, the treaty will bring immediate benefits to Americans arrested or detained in the Soviet Union, whether or not consulates are ever opened.

Its provisions on notification and access give Americans rights which Soviet citizens do not possess. While notification and access are not equivalent to guarantees of immunity from Soviet law, they do represent a major step forward in our ability to assist Americans who need help.

I know that if I were in a Soviet jail I would feel that the right to inform my embassy of my plight and be visited by American officials would be very important, and the testimony of those who have been arrested in the Soviet Union and other Communist states strongly supports this view.

The minority views of the Foreign Relations Committee's report contain four compelling arguments against ratification which must be carefully considered and answered before arriving at any decision.

These arguments were carefully developed in open hearings by seven witnesses appearing in opposition to the treaty.

One need only glance at the report of these hearings to see that the opponents of the convention were given full opportunity to express their views.

Let me briefly give my views on each of the four arguments presented against ratification:

First. The minority report holds that this is the wrong time to act on this treaty because of Vietnam; in any case, the entire package of bridge-building proposals should be considered together.

I believe it would be folly to tell the Soviet Government at the height of the

Sino-Soviet dispute that in effect we are unwilling to do business with them on any issue regardless of its merits.

Our limited aims in Vietnam will not be served by full scale confrontation with the Soviet Union in southeast Asia and elsewhere.

Indeed such a policy might well force Moscow and Peking into one another's arms. We must carefully consider each step toward more normal relations on its own merits, not as part of some indivisible package.

Second. The minority report stresses that the Soviets have a very poor record in living up to treaty obligations, and questions the usefulness of entering into any sort of agreement with them.

I agree that history teaches us an important lesson about treaties with the Communists. The lesson is that nothing must be taken on faith—that specific safeguards against abuse must be a central part of any agreement.

The committee report on the Consular Convention shows that it contains safeguards spelled out in unprecedented detail for an agreement of this sort.

Third. The minority report maintains that this convention would greatly increase the danger of subversion by granting immunities to any Soviet consular officials who might be assigned to consulates in this country.

I am satisfied that Americans who might serve in a consulate in the U.S.S.R. need the protection of immunity, both for their own safety and for the security of this country.

I am satisfied also that our law enforcement agencies can control the activities of the 10 or 15 Soviet nationals with immunities who might staff a Soviet consulate in the United States.

As a matter of fact there are presently 452 Soviet officials in the United States that have diplomatic immunity. The Director of the Federal Bureau of Investigation has assured the Congress that 10 or 15 more would raise no problems which the FBI cannot effectively and efficiently deal with. The President of the United States and the Secretary of State are in agreement with the Director of the Federal Bureau of Investigation.

There is one other point that I would like to emphasize and that is that under the safeguards of the proposed Consular Convention, if after ratification negotiations are undertaken with respect to the opening of a consulate it would be on an equality basis. If the Soviet Union agreed to permit us to open up one consulate we in turn would allow them to open one here. Should such an occasion come about the question of where the Soviet consulate might be eventually established in this country would be discussed not only with the Senate Foreign Relations Committee, but also the State and local officials of the community to be affected before concluding such an agreement.

Fourth. Finally, the minority report holds that, on balance, the disadvantages of this treaty outweigh its advantages.

I disagree. First, I believe that the convention's concrete provisions on protection for American citizens abroad

March 16, 1967

CONGRESSIONAL RECORD — SENATE

S 3919

outweigh the hypothetical hazards cited by opponents of ratification.

Second, I believe that we must show our readiness to normalize relations with the Soviet Union at this critical moment of disarray in the Communist world.

In making the difficult decision to support this treaty I have tried to avoid emotion and cliché. Examined on its own merits the Consular Convention is a modest step of little intrinsic importance.

While it will serve the U.S. interest it will hardly open a new era of good feeling in United States-Soviet relations.

One issue connected with ratification is of overriding importance and justifies the attention which has been devoted to this seemingly minor question.

If we reject this minor step forward, a step which if considered on its own merits is clearly in our interest, we are rejecting the central thesis of the President's policy towards the Soviet Union and East Europe.

We are telling the Soviets that at this critical moment in the Sino-Soviet dispute we are unwilling or unable to take any steps to limit areas of disagreement between us and build a more stable relationship based on areas of mutual interest. I believe this would be an historic mistake.

For these reasons, I believe that ratification of this treaty is in our own national interest and is not adverse to our national security.

Mr. LAUSCHE. Mr. President, I would like to build bridges between the East and the West, if it can be done constructively, that would lead toward peace and better understanding. I have been prepared to change my mind, feeling that if what we have done in the past has not succeeded probably we should take a different course and see what the end will be.

My opinion is that while a consular treaty is of some consequence, it is not the major issue in what is going on. The Consular Treaty contemplates giving the right to Russia to open consular offices in different places in the country, but there will be other proposals coming before us, such as removing the restrictions against trade with Communist countries. I would hope that we could make a rapprochement with them, but there is no indication on the part of Russia of any purpose to do so.

Certainly, to establish, let us say, one new consular office with 15 attachés might not be dangerous, although if we give Russia a consular office, we will have to give one to Yugoslavia and to all the other satellite nations as well.

The Consular Treaty is not what bothers me. I think we can stomach that, even though there may be some dangers in it.

But, what is to follow?

How far are we to open the doors and engage in normal intercourse with them, commercially and socially, after the Consular Treaty has been adopted?

Russia could help by ceasing its condemnation of the United States; cease hurling epithets and labeling us as imperialists wanting to exploit the resources and the human beings of other areas of the world; cease issuing declarations

such as the one it made in Havana, in its condemnation of the United States, that they were going to fight us in South America, Africa, and in the Far East; cease sending equipment to South Vietnam, equipment which is being used to kill our boys.

They have done nothing to show any gesture of friendliness toward us. All their actions have been hostile, indicating a continuation of the purpose they announced in 1949, that they would not rest content until all of imperialist United States has been destroyed.

Mr. President, on February 17 a letter was written to me by Mr. Wilbur L. Dunbar, the editor of the Courier-Crescent, of Orrville, Ohio. Orrville is a community of probably 2,000 people. Among several questions, he put this question to me:

What measures should be taken (or can be taken) to improve international relations between the U.S. and the U.S.S.R.? In this respect, how do you evaluate the proposed consular treaty?

The following was my answer:

The United States government has been attempting in every way reasonable to bring about a lessening of tensions between Soviet Russia and the United States. I am distressed, however, to observe that there has not been much effort on the part of Soviet Russia to indicate in any way a desire to lessen tensions. It is sending military equipment to North Viet Nam now. It was a vigorous participant in the Tri-Continental Conference held in Havana, Cuba, in January of 1966, attended by Communist delegations from about 86 countries and purposed to consolidate the efforts of the Communists to achieve their objectives in South America, Africa, and Asia.

By way of interpolation, the Tri-Continental Conference was concerned with the continents of South America, Africa, and Asia.

I read further from my answer:

A 34-man delegation went to the Conference from the Kremlin; it was headed by a Sharaf R. Rashidov who quickly set the tone by stating:

"The Soviet delegation came to this Conference to promote in every conceivable way the unity of anti-imperialist forces of the three continents so as to unfold on a still greater scale our common struggle against imperialism, colonialism, and neo-colonialism headed by the United States capitalists."

In the final declaration issued by the Conference it called "for the use of every form of struggle necessary including armed battle" to achieve the objectives of the Communists of the world.

The declaration reads as follows:

"Imperialism will never voluntarily renounce its policy of exploitation, plunder, aggression and intervention.

"The people of Asia, Africa, and Latin America know by their own experience that Yankee imperialism, the implacable enemy of all the peoples of the world, is the main redoubt of colonial oppression and international reaction.

"Yankee imperialism covers the map with its capital, extracting millions of dollars yearly for its monopolies. Yankee imperialism commits all sorts of abominable crimes against the people and actively prepares attacks against socialist countries and against world peace."

But, Mr. President, that is not the end. They still go on.

The proclamation continues:

"The Conference hereby proclaims that the primary task of the peoples of Asia, Africa, and Latin America is to intensify the struggle against imperialism, colonialism, neo-colonialism and to win and consolidate national independence especially against the exploitation practiced by the Yankees. The merging of efforts will turn active solidarity on our continent into a new historical force of colossal dimensions."

Mr. President, I shall repeat. This declaration was issued in Havana, Cuba, in January 1966, at the Tricontinental Conference, with 83 countries represented by delegates of the Communist peoples of the world. As I stated earlier, 34 of the delegates were from Russia.

Mr. President, I shall continue to quote from my letter:

I cannot bring myself to the conclusion that the people of the United States, or Congress, should adopt the attitude that the challenge to the security of our country has come to an end.

Mr. President, we simply cannot do it in the face of declarations that they are constantly making.

About 5 weeks ago Premier Kosygin of Russia had a 1-hour press conference in London, which was televised to the United States. I was at home and I made up my mind that I would listen to it thoroughly. The discussion was then in progress about the prospects of going to the negotiating table with Ho Chi Minh, and it was sort of said that Kosygin was going to say something that would bring us to the negotiating table. But what did Kosygin say?

I listened to Kosygin hoping that he would utter some words showing a purpose on the part of Russia to relax the tensions existing between his country and ours. Not a word favorable to the United States was uttered by him.

He was asked about our position in Vietnam; he quickly and emphatically declared that we were the aggressors; that we were taking the lives and injuring the bodies of innocent men, women, and children.

I continued to listen, hoping that he would say some one word in behalf of our country.

He uttered not one word against the atrocities which have been clearly established and are legion in number perpetrated by the Communist North Vietnamese.

Repeatedly Russian leaders are labeling our country as imperialist seeking to exploit by neocolonialism various people of undeveloped nations in Africa, South America, and Asia.

We are trying to improve our relations with Russia, but the Communists in Russia just as Ho Chi Minh, the Communist in North Vietnam do not want any relaxation in tensions nor the achievement of peace.

In 1965 when the Consular Treaty was before the Foreign Relations Committee, I cast my vote against it. I would go along with the President and approve the treaty if I could conscientiously and honestly bring myself to the belief that Russia has any purpose actually—and by deed—to cultivate a state of peaceful coexistence but I see no evidence of such a purpose on Russia's part.

S 3920

CONGRESSIONAL RECORD — SENATE

March 16, 1967

I will move into another subject or field. Tito is supposed to be our best friend of all the governments which have a Communist basis. Being our best friend, it would be well to look at what he says as a Communist about our country.

I have a letter here from the Department of State answering a letter that I addressed to it concerning statements made by Tito about the United States. Now then, this letter states that a plenary meeting of the Central Committee of the League of Communists of Yugoslavia was held in Belgrade on February 25 to 26 and March 11, 1966. In his speech on February 25 opening the meeting, Tito said the following:

Comrades, grave excesses are taking place in the world today. The situation is far from good, it is troubled. You read what is happening. The class enemy personified by imperialists and the capitalist bourgeois class is on the offensive all over. In some places, he relies on money, or on coups, in others, on gradual ideological infiltration, etc. And he is extremely active.

Then later in his speech concluding this meeting, he stated:

As you know, the international situation has recently become extremely aggravated. The atmosphere in the world is full of electricity, and various excesses may occur at any moment. Capitalism and imperialism have undertaken their full offensive to regain their positions. For this reason it is no wonder that all this has an effect on our country, which has numerous contacts with other countries.

He then visited Rumania, and at a luncheon in Rumania on April 18, he said:

Unfortunately, this détente has not been achieved in other parts of the world. On the contrary, the situation is steadily worsening and new dangerous hotbeds of conflict spelling a serious threat to world peace and security have appeared of late, especially in Asia and Africa. By their unscrupulous intervention in the internal affairs of independent countries, the imperialist and neo-colonialist forces try to halt progressive development in the world and to stifle the people's aspirations for liberty, independence, and equal rights. The most telling example in this respect is the war in Vietnam where, by a most brutal use of foreign armed forces an attempt is being made to prevent the Vietnamese people from deciding their own destinies and ways of development.

If the above statements of Tito show an absence of purpose of establishing amity, what can we expect of Russia?

Mr. President, I ask unanimous consent that the minority views on the Consular Convention with the Soviet Union which I wrote, published August 10, 1965, constituting the minority views of the Committee on Foreign Relations, be printed in the RECORD at this point.

There being no objection, the minority views were ordered to be printed in the RECORD, as follows:

MINORITY VIEWS

We do not concur with the recommendation of the Committee on Foreign Relations that the Senate give its advice and consent to ratification of the Consular Convention With the Union of Soviet Socialist Republics. We believe that the disadvantages of the convention for the United States are sufficiently grave to outweigh the advantages which are claimed for it.

Our concern relates principally to the provisions in the convention under which consular officers and employees of the sending state are given immunity from the criminal jurisdiction of the receiving state. This convention is the first to which the United States has been a party which provides for unlimited exemption from criminal jurisdiction for consular personnel. Previous consular conventions have provided for immunity from criminal jurisdiction for consular personnel with respect only to misdemeanors but not to felonies. We believe that if the provisions regarding immunity had not been included in the convention, the Soviet Union would not have agreed to it and that, in fact, these provisions were a principal Soviet objective. The testimony of witnesses from the Department of State has been contradictory on the question of whether the Soviet Union or the United States first proposed including these immunity provisions in the convention.

In any case, we believe that the extension of immunity to include felonies would open the way to espionage and other forms of subversion on the part of Soviet consular personnel. If this convention is ratified, and if the Soviet Union then establishes a consulate or consulates in the United States, the officers and employees of these consulates would be able to engage in espionage and subversion knowing that they will not be liable to prosecution but only to expulsion.

It is true that the establishment of a Soviet consulate or consulates would mean only a small increase in the number of Soviet officials with immunity from criminal jurisdiction (as of July 1, 1965, there were 249 Soviet officials and 150 dependents who enjoyed diplomatic immunity). We are convinced, however, that there is a predisposition on the part of Soviet officials to engage in espionage and subversive activities, a predisposition which is an important consideration regardless of the numbers involved. In this connection, it is important to recall the testimony of J. Edgar Hoover, Director of the Federal Bureau of Investigation, before a subcommittee of the Committee on Appropriations of the House of Representatives on March 4, 1965. In a statement inserted in the record justifying the appropriations being requested for the Federal Bureau of Investigation, Mr. Hoover said:

"In regard to the Communist-bloc espionage attack against this country, there has been no letup whatsoever. Historically, the Soviet intelligence services have appropriated the great bulk of official representation and diplomatic establishments in other countries as bases from which to carry on their espionage operations. Over the years, the number of such official personnel assigned to the United States has steadily increased."

In testimony relating to this statement during the March 4 hearing Mr. Hoover stated that "our Government is about to allow them [the Soviet Union] to establish consulates in many part of the country which, of course, will make our work more difficult." Mr. Hoover then inserted in the record of the hearing several other brief statements. The first read, in part, as follows:

"The methods used to collect the data sought by the Communist-bloc intelligence services are almost as varied as the types of data which they endeavor to collect. One of their mainstays is the collection of information—classified and otherwise—through espionage operations involving personnel legally assigned to official Soviet and satellite establishments in the United States. The focal points of these operations continue to be the United Nations and the Communist embassies, legations, consulates, and news or commercial agencies in our country. Such gathering of information is conducted by the Communist representatives using the legal cover of their diplomatic

or other official status to cloak their spying activities.

"Historically, the Soviet intelligence services have appropriated the great bulk of official positions abroad, primarily using their official representatives and diplomatic establishments in other countries as bases from which to carry on their espionage operations."

A second statement related specifically to the question of new Soviet consulates. It read as follows:

"Long seeking greater official representation in the United States which would be more widely spread over the country, a cherished goal of the Soviet intelligence services was realized when the United States signed an agreement with the Soviet Union on June 1, 1964, providing for the reciprocal establishment of consulates in our respective countries.

"One Soviet intelligence officer in commenting on the agreement spoke of the wonderful opportunity this presented his service and that it would enable the Soviets to enhance their intelligence operations.

"In involving the great bulk of their official personnel in intelligence activity in one way or another, the Soviets utilize to the fullest extent possible any and all official means such as the United Nations, trade delegations, and the like, as transmission belts to carry additional intelligence personnel into this country."

More recently, on July 14, 1965, Mr. Hoover, reviewing the major phases of the operations of the Federal Bureau of Investigation during the past fiscal year, stated:

"The great majority of the 800 Communist-bloc official personnel stationed in the United States, protected by the privilege of diplomatic immunity, have engaged in intelligence assignments and are a dangerous threat to the security of the United States."

We believe that these statements of the chief investigative officer of the United States should be given serious consideration. It is also worth looking at the record of the activities of Soviet officials in the United States. According to information supplied by the Department of State, since 1948, 27 Soviet Embassy and consular officers and personnel in the United States have been arrested or expelled for intelligence activity.

These 27 included personnel assigned to the Soviet Embassy in Washington, the Soviet consulate general in New York (which was closed in 1948), the Soviet mission to the United Nations, and the United Nations Secretariat. In the same period, 13 diplomatic, consular, and international organization officials from Czechoslovakia, Hungary, and Rumania were expelled from the United States for intelligence activities.

There is another grave aspect to these immunity provisions and that is the chain reaction that will be set off if this convention is ratified. The provisions regarding immunity will then apply not only to Soviet consular personnel but may also apply to consular personnel of the 27 other countries with which the United States has consular conventions or agreements which contain a most-favored-nation clause. These 27 countries include 2 other Communist countries: Rumania and Yugoslavia. As a practical matter, as there are no Rumanian consulates in the United States at present, there would not be any immediate increase in the number of Rumanian official personnel enjoying complete immunity from criminal prosecution. If any Rumanian consulates were established in the United States in the future, however, their consular personnel would enjoy such immunity.

We are thus opposed to the convention because we consider the provisions granting unrestricted immunity from criminal jurisdiction to Soviet consular personnel to be unwise. We believe that these immunity provisions will encourage Soviet subversion

March 16, 1967

CONGRESSIONAL RECORD — SENATE

S 3921

by placing Soviet consular personnel outside the criminal jurisdiction of the United States. We also believe that it is not in the interests of the United States to extend this immunity to several hundred, perhaps as many as 400, persons which would be the case given the fact that most-favored-nation clauses are found in consular conventions and agreements the United States has with 27 other countries.

FRANK J. LAUSCHE.
BOURKE E. HICKENLOOPER.
JOHN J. WILLIAMS.
KARL E. MUNDT.

INDIVIDUAL VIEWS OF SENATOR THOMAS J. DODD (DEMOCRAT, CONNECTICUT) ON THE PROPOSED RATIFICATION OF THE CONSULAR CONVENTION WITH THE SOVIET UNION

I wish to express my opposition to the ratification of the Consular Convention With the Soviet Union.

I am opposed to it not because this clause or that clause has been poorly drawn, but on grounds of basic principle.

The signing of the consular convention will in no way serve to improve communications between the Soviet Government and the Government of the United States, because it is not the function of consulates to communicate or to participate in diplomatic conversations.

Nor is there any reason to believe that the opening of several American consulates in the Soviet Union and several Soviet consulates in the United States will encourage the development of friendlier relations between the Soviet and American peoples, or that it will persuade the Soviet leaders to call off the cold war.

On the contrary, it is my conviction that the establishment of Soviet consulates in this country will only serve to provide the Kremlin with an enhanced cold war capability and that it will, in the long run, only fan popular hostility toward the Soviet Union because of the incurable addiction for espionage of all Soviet diplomats.

The record of Soviet diplomatic espionage is so massive and consistent that I think it can properly be taken for granted that every Soviet diplomat and diplomatic employee must be considered a member of the Soviet espionage apparatus and a recruiter for this apparatus.

Mr. J. Edgar Hoover, Director of the Federal Bureau of Investigation, has underscored the seriousness of this problem in repeated statements over the years.

In a speech which I made on the floor of the Senate in October of 1962, I listed 17 Soviet nationals who had used their positions at the United Nations for purposes of espionage and who had been obliged to leave the United States when their activities had been exposed. Since that time the number of such cases has grown to 21. In addition to these Soviet nationals who had used their diplomatic status at the United Nations as a cover for espionage against the United States, a total of 12 Soviet nationals attached to the Soviet Embassy in Washington have similarly been obliged to leave the country when their espionage activities were exposed.

I am appending to this statement a summary list of Soviet nationals at the United Nations and Soviet nationals attached to the U.S.S.R. Embassy who have engaged in espionage against the United States.

It has been argued that the Consular Convention With the Soviet Union is in no sense exceptional because it is similar in substance to our consular conventions with other nations.

This statement is not entirely accurate because the provision in the convention which gives consular officers and employees immunity from criminal jurisdiction makes this the first convention which grants such unlimited exemptions to all consular personnel.

Senators Lausche, Williams of Delaware, Hickenlooper, and Mundt in the minority views which they jointly presented, have dealt with this matter in considerable detail.

But even if it were true that the convention with the Soviet Union is similar in substance to our consular conventions with other nations, this argument would still ignore the fact that the other nations with whom we have consular conventions are not committed to our destruction, are not seeking to subvert friendly governments all over the world, and are not waging cold war against us.

More than one administration spokesman has made the point that those who oppose our policy in Vietnam for some strange reason fail to comprehend the fundamental nature of Communist tyranny and the nature of Communist aggression.

I, too, feel that the anti-Vietnam demonstrations that have taken place on our campuses reveal an appalling lack of comprehension of the basic facts about communism.

But the fault for this does not lie entirely with our educational system or with the indifference of our citizens to the facts of history.

To a very large degree, I believe that the lack of comprehension displayed by the many honest critics of our Vietnam policy stems from the persistent efforts, under both Democratic and Republican administrations, to gloss over the tyranny of communism, to ignore the Kremlin's persistent anti-American tirades, to minimize its subversive activity in other countries, to grant the Soviet regime respectability, and to encourage the illusory belief that the Soviet regime is just another civilized government whose philosophy happens to be different from ours.

To a large degree, this lack of comprehension has been encouraged by things like Khrushchev's invitation to visit this country, by our willingness to sweep the issue of Hungary under the rug at the United Nations, by muting the criticism of communism on Voice of America programs.

The consular convention which we are now being called upon to ratify is, in my opinion, an error of the same order—an error that blurs the differences between freedom and communism and that makes it easier for the Communist cadres on our campuses to incite the academic community against our policy in Vietnam.

I believe that we have nothing to gain from this consular convention, that it will not, by any stretch of the imagination, serve to bring about a true abatement of tensions between the Soviet Union and the United States, and that it will contribute significantly to the spread of popular befuddlement on the issue of Vietnam and on the cold war in general.

I am loath to oppose the administration on an issue such as this at so critical a period in history. But I would be untrue to my conscience and undeserving of any popular confidence if I were to mute my criticism on this issue in deference to the administration's attitude.

I, therefore, wish to go on record against the ratification of the consular convention and I would urge my colleagues to examine the record closely before they cast their final vote.

LIST OF U.S.S.R. EMBASSY PERSONNEL WHO HAVE BEEN DECLARED PERSONA NON GRATA BECAUSE OF ESPIONAGE ACTIVITY

Yuri Vasilyevich Novikov

Novikov entered the United States April 24, 1948, as an attaché of the Soviet Embassy, Washington, D.C. He subsequently held the position of second secretary and from 1950 through July 1952 acted as editor of the official publication of the Soviet Embassy, the Information Bulletin.

In April 12, 1951, Novikov, by meeting a source in Washington, D.C., was identified

as the new Soviet principal in an espionage operation which had its origin in Austria in 1949. Novikov, on April 12, 1951, appeared at the designated place on the proper date, at the designated time, and gave the password previously agreed upon between the source and his Soviet espionage superiors in Austria.

The original principals in this operation in Austria were two naturalized citizens, Otto Verber and Kurt L. Ponger, who were brought back to the United States and upon entering guilty pleas, were, on June 8, 1953, sentenced for violation of the espionage statute.

Novikov operated the controlled source in the United States until April 22, 1952, and on 10 occasions sought classified material.

On January 14, 1953, Novikov was declared persona non grata by the Department of State in connection with his espionage activity. He departed the United States on January 19, 1953.

Igor Aleksandrovich Amosov

Amosov entered the United States February 17, 1952, as assistant Soviet naval attaché.

Amosov was the third Soviet principal in an intelligence operation directed by the Soviets from their naval attaché's office. He served in this capacity from June 7, 1952, until his departure in February 1954. Targets assigned by Amosov to the controlled source included radar developments, details of the latest cargo ships, manuals reflecting details of the latest electronic developments, and bombsight data. He paid the source a total of \$2,000 for his services.

While the operation functioned under Amosov's control, he did not accept any material directly from the source. Amosov furnished instructions to the source in Washington, D.C., and the material was passed in the New York City area with the source following a set procedure of obtaining acknowledgment signals and, thereafter, delivering the material to a designated drop area. Amosov was declared persona non grata by the State Department on February 3, 1954, as a result of his activities in this case and he left the United States on February 7, 1954.

Aleksandr Petrovich Kovalev

Kovalev arrived in the United States October 8, 1950, as a second secretary of the Soviet delegation to the United Nations.

For approximately 2 years as assistant Soviet naval attaché in Washington, D.C., he had been operating a controlled source, obtaining from him material of intelligence significance. On April 19, 1952, the assistant Soviet naval attaché told the source that in the future, material obtained was to be microfilmed and the undeveloped film was to be delivered to the Soviets by means of a dead drop located in the New York area rather than through direct delivery to the assistant naval attaché. The source was told to park his car in a designated area in New York City at a designated time and to place a package wrapped in red paper therein so that it could be seen through the rear window in the event material was to be passed. An additional signal by way of marking a telephone directory in a New York restaurant was perfected to indicate to the source that the material delivered to the dead drop was picked up.

A trial run of this arrangement occurred in New York City on April 23, 1952, on which date Kovalev was observed in the immediate vicinity of source's car, which was parked in the designated area and in which was placed a package wrapped in red paper. Thereafter, the source deposited material in the dead drop and on April 24, 1952, Kovalev was observed making the pre-designated mark in the telephone directory in the New York restaurant.

Material of intelligence significance was left by the controlled source in the New

York dead drop area on October 1 and December 3, 1952, which material was retrieved by the Soviets. On June 7, 1952, the source was given by his Soviet principal in Washington \$500 to purchase an electronic device for delivery to the Soviets and an additional \$500 in payment for delivery of a microfilm reproduction of portions of a manual dealing with an automatic steering device for ships. The controlled source last heard from his Soviet principal on April 1, 1953, on which date he was told that a meeting scheduled for April 3, 1953, would not be held.

Kovalev was declared persona non grata by the Department of State for his actions in this case on February 3, 1954, and he departed the United States February 10, 1954.

Leonid Igorovich Pivnev

Pivnev entered the United States on March 17, 1950, as assistant Soviet air attaché.

On November 2 and 3, 1953, while on a tour throughout the Southwest, Pivnev purchased aerial maps of Tulsa, Okla., and vicinity and Dallas, Tex., and vicinity. Pivnev did not identify himself as a Soviet official when purchasing these maps.

In the spring of 1953, through a Washington businessman, he endeavored to utilize the businessman's address as a mail drop. He explained to the businessman that he would have mail delivered to him at the businessman's address, which mail was to be addressed to a fictitious person and which, upon receipt, was to be delivered by the businessman to him.

On March 24, 1954, he inquired at a Virginia aerial photographic concern as to the possibility of purchasing aerial maps of Chicago, Ill. He instructed the firm to seek such maps and agreed to pay approximately \$8,000 for them. On that date he purchased 33 aerial photographs of Washington, D.C., and vicinity. Pivnev, in contacting this firm, identified himself as one "George." He did not indicate his official connection with the Soviet Embassy.

On May 3, 1954, he contacted a Washington, D.C., photographer, introducing himself as Mr. George Tinney, a representative of a private firm desirous of purchasing aerial photographs of New York City at a scale of 1:20,000 to 1:40,000 feet. Photographs of this type were not commercially available. On May 13, 1954, he agreed to pay the photographer \$700 to obtain the photographs. He advanced on that date the sum of \$400 as partial payment.

On May 20, 1954, when meeting with the photographer for the purpose of obtaining the photographs, he was accosted by special agents of the Federal Bureau of Investigation on which occasion he identified himself. On May 28, 1954, the Department of State declared Pivnev persona non grata for his action, and he departed June 6, 1954.

Ivan Aleksandrovich Bubchikov

Bubchikov entered the United States December 1, 1954, as an assistant Soviet military attaché.

From July 1955 through May 1956, Bubchikov maintained contact with a naturalized American citizen of Russian origin who was employed as a sales engineer. In July 1955 he appeared at the sales engineer's residence late in the evening and sought his cooperation in securing data concerning jet fuel, atomic submarines, and aeronautical developments. Bubchikov promised the engineer large sums of money; however, even though seemingly important information was furnished to him, he did not fulfill his promise of large payments. During the course of this operation it was featured by clandestine meetings, complex recognition signals, and a variety of "drop areas" in which the source deposited material for the Soviet.

In view of his activities in connection with the engineer, the Department of State, on June 14, 1956, declared Bubchikov persona

non grata for engaging "in espionage activities incompatible with his continued presence in this country." He departed the United States June 24, 1956.

Yuri Pavlovich Krylov

Krylov entered the United States May 4, 1955, as assistant Soviet military attaché, Washington, D.C.

In April 1956, Krylov was introduced to the manager of a Washington electronics supply house. Through the Washingtonian, who cooperated with the Federal Bureau of Investigation Krylov purchased hard-to-get electronic equipment.

In August of 1955, Krylov contacted an employee of the Atomic Energy Commission and attempted to obtain from him information concerning the technical aspects of nuclear power. In December 1955, he contacted a former commissioner of the Atomic Energy Commission in an effort to develop information concerning atomic energy for space heating. In February 1956, he attempted to purchase 28 unclassified films on peacetime atomic energy.

In February 1956, he endeavored to join the Society of American Military Engineers and to subscribe to the publication "The Military Engineer," which contained information concerning U.S. fortifications.

On January 14, 1957, the Department of State declared Krylov persona non grata as a result of his activities. He departed the United States January 26, 1957.

Gennadi Fedorovich Mashkantsev

Mashkantsev served as an employee of the consulate division of the Soviet Embassy, Washington, D.C., handling repatriation matters. He arrived in the United States October 25, 1955.

On March 12, 1957, he appeared at the home of Petr Progov, Russian flyer who, with Anatoli Barsov, defected to the United States in Austria in 1948. Barsov redefected to Russia in 1949 and, according to Vladimir Petrov, the former Soviet intelligence officer who defected in Australia, after lengthy interrogation was executed.

Upon visiting Progov, Mashkantsev delivered to him a lengthy handwritten letter purportedly from Barsov. The letter petitioned Progov to return to the U.S.S.R. Examination of the letter established that it was not in the handwriting of Barsov but was a carefully prepared simulation. As a result, on April 17, 1957, Mashkantsev was declared persona non grata for "improper activities directed toward inducing return to the Soviet Union of persons who have sought asylum in the United States." Mashkantsev departed April 25, 1957.

Nikolai Ivanovich Kurochkin

Kurochkin entered the United States, April 4, 1956, as a third secretary of the Soviet Embassy, Washington, D.C.

In the fall of 1956, Charles T. Beaumet, a professional writer, contacted the Soviet Embassy seeking statistics as to hostelry production in the Soviet Union. He met Kurochkin, who supplied the desired statistical data and, after a series of meetings, informed Beaumet that if he would obtain military information to be incorporated in articles Kurochkin was writing for Russian military journals, he would share with him his proceeds from the articles. Thereafter, Beaumet, utilizing the entree he enjoyed as a reporter, obtained training and field manuals of the U.S. Army which he turned over to Kurochkin. For the various manuals delivered to Kurochkin, Beaumet was paid approximately \$450. Included among the manuals sought by Kurochkin were two which were classified. The classified manuals were not delivered to the Soviet.

On June 6, 1958, Kurochkin was declared persona non grata for engaging in highly improper activities incompatible with his

diplomatic status. He departed from the United States on June 11, 1958.

Evgeni Alekseevich Zaostrovsev

Zaostrovsev entered the United States August 2, 1957, as a second secretary of the Soviet Embassy, Washington, D.C.

On February 23, 1958, Zaostrovsev met a State Department Foreign Service officer in training, at a social function. There followed intensive efforts on the part of Zaostrovsev to cultivate the State Department employee for intelligence purposes. Between February, 1958, and February 6, 1959, he met with the State Department employee on 15 occasions. He obtained from the State Department employee material concerning the training program of Foreign Service officers and endeavored, without success, to obtain classified documents from State Department files concerning the political and economic affairs in the area of the Government employee's future foreign assignment. He paid the Government employee \$150 for information furnished to him.

As a result of his dealings with the State Department employee, the Department of State on May 13, 1959, made an informal request of the Soviet Embassy for Zaostrovsev's recall. Zaostrovsev departed the United States on May 16, 1959.

Gennadiy G. Sevastyanov

Gennadiy Sevastyanov arrived in the United States in March 1959 to serve as an attaché in the cultural division of the Soviet Embassy in Washington, D.C. On April 6, 1963, an individual whom the Russians identified as "Vladimir Gridnev" arrived in the United States as a temporary employee of the Soviet Embassy. Actually "Gridnev" was not the man's true name. He had been brought to the United States under this pseudonym to assist in the attempted recruitment of his brother, a Soviet defector now employed by the Federal Government, as a Russian spy.

Under the eye of Sevastyanov, "Gridnev" approached his brother outside his brother's home in a suburb of Washington on the night of April 28, 1963. Sevastyanov also stood by while meetings were held between the brothers on April 30 and May 2, 1963; and he attempted to obtain details of the work which "Gridnev's" brother was performing for the Federal Government as well as to recruit him as an espionage agent.

"Gridnev" left the United States early in May 1963. His brother held one other meeting with Sevastyanov—on the night of June 13, 1963. "Gridnev's" brother cooperated fully with the FBI following his initial contact by the Soviets on April 28, and FBI agents made motion pictures, as well as still photographs, of the meetings between the three men on April 30 and May 2.

Sevastyanov was declared persona non grata by the U.S. State Department on July 1, 1963.

Boris V. Karpovich

On January 7, 1965, Boris V. Karpovich was declared persona non grata by the U.S. Government for conduct incompatible with his diplomatic duties and he departed the United States on January 12, 1965. (See p. 72 of Mr. Hoover's testimony, March 4, 1965, copy attached.)

Stefan M. Kirsanov

On June 2, 1965, Kirsanov was declared persona non grata by the U.S. Department of State for "activities incompatible with his diplomatic status." Kirsanov and his wife departed the United States June 10, 1965, for Russia.

LIST OF SOVIET U.N. REPRESENTATIVES AND SOVIET U.N. EMPLOYEES WHO HAVE ENGAGED IN ESPIONAGE AGAINST THE UNITED STATES

Vassili Molev

While attached to the Soviet delegation to the United Nations, in 1953 (handling main-

March 16, 1967

CONGRESSIONAL RECORD — SENATE

S 3923

tenance, purchase of supplies and similar matters) Vassili Molev met Boris Morros on a date and at a time and place previously designated by Morros' Soviet intelligence superiors in Austria. Molev accepted from Morros a report prepared in New York by Jack Soble and given by Soble to Morros in accordance with instructions from their Soviet superiors. Photographs, both still shots and motion pictures, of this meeting were taken by FBI personnel. Immediately following the arrest of Jack Soble on espionage charges on January 26, 1957, the U.S. Department of State declared Molev persona non grata. Molev at that time was employed (in a similar capacity) by the Soviet Embassy. He left the United States on January 28, 1957, en route to Russia.

Mikhail Nikolaevich Svirin

Mikhail Nikolaevich Svirin, a Soviet assigned to the Soviet U.N. delegation from August 1952 to April 1954, was identified by Yuri A. Rastvorov, a former Soviet intelligence officer, as a member of the Ministry of Internal Affairs and a very experienced intelligence officer. Svirin was also identified by Reino Hayhanen a former Soviet intelligence agent. On two occasions in January and February 1953, Svirin was observed in the area where Boris Morros was scheduled to meet with his Soviet superior. Morros subsequently met Vassili Molev on March 3, 1953, at the scheduled meeting place.

Maksim Grigorievich Martynov

Maksim Grigorievich Martynov last entered the United States on November 3, 1954, as a member of the Soviet representation to the U.N. Military Staff Committee. In August 1954 a highly placed Army officer in Germany was introduced to a Soviet under clandestine circumstances in the Soviet sector of Berlin. The officer did not discourage the Soviet's approach and meetings in New York were arranged. A code phrase was established for recognition purposes. The New York contact turned out to be Martynov. On two occasions, a special agent of the FBI, made up to resemble the Army officer, met with Martynov. On the second occasion January 15, 1955, FBI agents, with State Department permission, accosted Martynov, who identified himself, but claimed diplomatic immunity. On February 21, 1955, the Department of State declared Martynov persona non grata for the above activity and he departed the United States February 26, 1955.

Aleksandr Konstantinovich Guryanov

Aleksandr Konstantinovich Guryanov entered the United States March 26, 1955, as an employee of the Soviet delegation to the U.N. On April 25, 1956, he was declared persona non grata by the U.S. Department of State as a result of his implication in the improper repatriation to the U.S.S.R. of five Soviet seamen who left the United States on April 7, 1956. The seamen were members of the crew of the Soviet tanker *Tuapse* who previously defected to the United States. The Department of State informed the Soviet Government that Guryanov's activities made his presence in the United States no longer desirable and he departed May 9, 1956.

Boris Fedorovich Gladkov

Boris Fedorovich Gladkov entered the United States December 15, 1953, as naval adviser to the Soviet representation in the Military Staff Committee of the UN. In January 1955, Gladkov, at a cocktail party, met a sales engineer for a New York marine engineering firm. He cultivated the sales engineer and held a number of clandestine meetings with him. Through the engineer, on June 14, 1955, he received two unclassified publications dealing with marine boilers. During his meetings with the sales engineer which continued on a regular basis through June 1956, Gladkov furnished the engineer \$1,550 for services rendered. On June 22, 1956, the Department of State declared Glad-

kov persona non grata. He departed July 12, 1956.

Rostislav E. Shapovalov

Rostislav E. Shapovalov entered the United States September 27, 1955, as a second secretary of the Soviet delegation to the U.N. On May 7, 14, 17, and 21, 1956, he contacted a Russian emigre in New York and urged him to return to Russia. The emigre, Michael Schatoff, a former officer in the Russian Army, was a classmate of Shapovalov at a New York university. On August 20, 1956, the Department of State declared Shapovalov persona non grata for his activities in attempting to induce Schatoff to return to the Soviet Union. Shapovalov departed the United States September 12, 1956.

Viktor Ivanovich Petrov

Viktor Ivanovich Petrov arrived in the United States February 17, 1953, as a translator employed at the U.N. Secretariat. According to the FBI, Petrov, during 1955-56, established contact with an aviation draftsman for the purpose of seeking classified information concerning U.S. military aircraft development. On August 20, 1956, the U.S. representative to the U.N. brought the matter to the attention of the Secretary General, who agreed to dismiss Petrov. Petrov departed the United States on August 23, 1956.

Konstantin Pavlovich Ekimov

Konstantin Pavlovich Ekimov entered the United States October 17, 1955, as second secretary of the Soviet delegation to the U.N. Ekimov was accused before the Senate Internal Security Subcommittee of participating in the abduction of Tanya Chwastov, aged 2, and American-born daughter of a Russian refugee. He took part in dockside arrangements which enabled Alexei Chwastov to leave the United States with his infant daughter. This move was against the wishes of the child's mother who remained in the United States. Ekimov was declared persona non grata by the Department of State on October 29, 1956, and he departed the United States on November 30, 1956.

Vladimir Arsenevich Grusha

Vladimir Arsenevich Grusha was formerly assigned as first secretary of the Soviet delegation to the U.N. On March 5, 1957, Grusha had a rendezvous with a Ceylonese employee of the U.N. Secretariat, Mr. Dhanapala Samarasekara, in the latter's automobile, after Mr. Samarasekara had been observed entering the offices of the Ceylonese delegation and extracting certain papers from a file cabinet. Based on information developed by the FBI, the Department of State declared Grusha persona non grata on March 25, 1957, and he departed from the United States on April 10, 1957.

Kirill Sergeevich Doronkin

Kirill Sergeevich Doronkin arrived in the United States March 12, 1956, to serve as film editor, radio and visual division of the Department of Public Information, U.N. Secretariat. In October 1958 special agents of the FBI observed a clandestine meeting between Doronkin and a source that had been recruited for the specific purpose of obtaining aerial photographs of the Chicago area. The source reported to the FBI that the package which he turned over to Doronkin at this meeting contained the requested aerial photographs. The U.S. mission to the U.N. delivered a note to the Secretary General of the U.N. on January 15, 1959, requesting Doronkin's dismissal from the U.N. Doronkin's contracted term of employment terminated March 3, 1959, and he was not reemployed by the U.N. He departed from the United States March 11, 1959.

Vadim Aleksandrovich Kirilyuk

Vadim Aleksandrovich Kirilyuk arrived in the United States September 11, 1958, as a political affairs officer employed by the Department of Trusteeship and Information for

Non-Self-Governing Territories, U.N. Secretariat. During the period from June through September 1959, Kirilyuk met with an American citizen in a clandestine manner on five occasions. On these occasions he requested data concerning cryptographic machines and instructed the American to seek employment with a vital U.S. Government agency. Kirilyuk's meetings with the source on August 28, 1959, and on September 18, 1959, were observed by special agents of the FBI. The Secretary General of the U.N. was informed of Kirilyuk's espionage activity on December 17, 1959. On January 7, 1960, the Soviet delegation to the U.N. was advised of Kirilyuk's activities, whereupon Kirilyuk and his family left the United States on January 10, 1960.

Igor Y. Melékh

Igor Y. Melekh, a Soviet national was assigned to the U.N. Secretariat in October 1958. According to the FBI, Melekh asked a New York freelance medical illustrator, Wille Hirsch, to provide intelligence data such as a map of Chicago showing military installations. Melekh and Hirsch were indicted by the Federal grand jury in Chicago on October 27, 1960, and both were placed under arrest by the FBI on the same day. They were charged with three counts including espionage and conspiracy. Melekh claimed diplomatic immunity; however, this was denied by the courts and he was released under \$50,000 bond. On March 24, 1961, a U.S. district court ruled that, if Melekh departed from the United States by April 17 and if the Attorney General moved for dismissal of the indictment, the court would dismiss as to both defendants. Melekh left the United States for the Soviet Union on April 8, and the indictments against both Melekh and Hirsch were dismissed on April 11, 1961.

Yuri A. Mishukov and Yuri V. Zaitsev

Yuri A. Mishukov was employed as a translator by the U.N. on November 11, 1957. Yuri V. Zaitsev was employed on August 9, 1961, as a U.N. political and security council affairs officer. On September 15, 1962, the FBI disclosed that Mishukov and Zaitsev had established an espionage arrangement with an American citizen and between June and August of this year had paid him \$3,000. Two days after the Justice Department made its announcement, the U.N. announced that Mishukov had left for Moscow last July 5 and Zaitsev had done so August 7.

Eugeni M. Prokhorov and Ivan Y. Vyrodov

Both Eugeni M. Prokhorov and Ivan Y. Vyrodov were members of the permanent mission of the U.S.S.R. to the U.N. On September 28, Prokhorov and Vyrodov were apprehended by FBI agents in the act of receiving classified information concerning the U.S. Navy from Yic Nelson Cornelius Drummond. They were released after establishing their identity. On September 29 the U.S. delegation to the U.N. demanded that the Soviet delegation expel Prokhorov and Vyrodov.

Ivan D. Egorov

On July 2, 1963, FBI agents arrested two persons in New York City and two persons in Washington, D.C., on charges of conspiring to spy for Russia. The pair arrested in New York City were Ivan D. Egorov, an employee of the Office of Personnel, United Nations Secretariat, and his wife, Aleksandra I. Egorova. Charges against these two were dismissed on October 11, 1963, contingent upon their immediate departure from the United States. At the same time, the Soviets released the Reverend Walter Ciszek, a Catholic priest, and Marvin Makinen, a college student, both of whom had been in prison in Russia.

The pair arrested in Washington, D.C., on July 2, 1963, were identified as Robert K. Baltch and Joy Ann Baltch. Actually, these were not their true names.

Gleb Pavlov, Yuri Romashin, and Vladimir Olenev

On the night of October 29, 1963, John W. Butenko, an American engineer, was arrested by FBI agents in New Jersey after delivery to Gleb Pavlov of an attaché's case containing detailed documents of military interest. Also arrested was Igor A. Ivanov, an employee of Amtorg Trading Corp., who was accompanying Pavlov.

Yuri Romashin had served in countersurveillance capacity during the clandestine meeting between Pavlov and Butenko on the night of October 29, 1963. Vladimir Olenev had previously accompanied Pavlov during meetings with Butenko. These three men were members of the Soviet mission to the United Nations and were declared persona non grata by the U.S. State Department on October 30, 1963. They departed from the United States on November 1, 1963.

Butenko and Ivanov were convicted on December 2, 1964, on charges stemming from this espionage plot.

Mr. LAUSCHE. Mr. President, in conclusion, we want peaceful coexistence. This Congress has tried to achieve it. We have shown a charitable and eleemosynary attitude toward people all over the world.

It is argued that Russia has let up on its perpetuation of the tensions. Can anyone point out tangible evidence where that lessening has occurred? I would like to hear it. I have tried to find it. I have searched for it. But instead of finding it, every word that comes to me indicates an avowed, unrelenting, eternal purpose to destroy our country.

Mr. President, I wanted to vote for this Consular Convention, but neither my reasoning, nor my intuition, nor the promptings of my soul would permit me to do so. I will vote against the convention.

Mr. SCOTT. Mr. President, I ask unanimous consent that an editorial of the Wall Street Journal, which puts the Soviet-American Consular Convention in proper perspective, be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Mar. 14, 1967]

THE WRONG TARGET

The Senate was wise, we think, to reject an amendment intended to cripple the Soviet consular treaty, and it will also be wise to reject further proposed impediments.

The treaty would allow each nation to open consular offices in the other's chief cities, supplementing the embassies in capitals. This would give Americans traveling in the Soviet Union better access to the protections U.S. officials can offer, which is clearly a gain for U.S. citizens.

There has been complaint that Russian consulates in the U.S. would facilitate Soviet espionage. But since we would be trading listening-posts in our open society for listening-posts in their closed one, the balance would again seem to favor our side.

In other words, here is one treaty which shows a profit for the U.S. Yet some members of the Senate have offered amendments and reservations designed to scuttle the pact. The most notable is a proposal which would bar the treaty's implementation while the Soviets continue to supply arms used against U.S. troops in Vietnam.

It's an approach with a nice patriotic sound, and at first hearing it even has a logical ring. The ring goes off key, however,

the moment someone asks just how such a course would advance the best interests of the U.S. Certainly it would not stop the flow of Soviet arms or yield any other benefit we can think of.

The treaty is part of President Johnson's campaign to normalize relations with the European Communist nations. Ultimately, the U.S. must seek to live as normally as possible with these nations despite their alien ideology and the Soviet record of treachery; the alternative is to prepare for a nuclear showdown. Steps toward more normal relations might also have some slight tendency to aggravate splits in the Communist camp.

This "bridge-building" contains manifest dangers. Each part of it must be carefully examined on its merits. The Senate would serve a real purpose in scrutinizing, say, the outer space treaty for any evidence of booby traps.

On the consular treaty, though, the Administration seems to be on solid footing while the pact's foes have their heads in the clouds. It hardly serves the U.S. interest to sabotage a deal in its own advantage.

Mr. HANSEN. Mr. President, I have made two brief comments on the Consular Convention before us and I hesitate to again inflict my views on the Senate. However, there are several points raised in my letters which I feel should be answered on the Senate floor. I wish also to place myself on record as to the reasons for the position I shall take on this convention.

I want to make clear at the outset that as a very junior Member of the U.S. Senate, I am certainly not an expert on foreign policy. This, indeed, is my first involvement in treaty legislation.

I shall express opinions based on the best information obtainable. They will be opinions based on correspondence I have exchanged with the Department of State, numerous telephone conversations with that Department, personal conversations I have had with Secretary Rusk, and certainly on the views of my constituents contained in correspondence delivered by the pound to my Senate office.

My views and opinions are based also on the very excellent speeches which Senators on both sides of the aisle and on both sides of this issue have delivered during the more than 2 years the Consular Convention has been pending before the Senate.

One's attitude toward the Consular Convention must, of necessity, be predicated on certain major premises and assessments. It seems apparent that while the Soviet Union can be expected to continue supporting forces in its ideological corner, Russian leaders are carefully avoiding a major confrontation with the United States.

In a no-holds-barred contest with Red China for leadership of the Communist world, no one should expect Russia to transform her social order for the sake of a Consular Treaty. To predicate all contracts between our two countries entirely on the basis that Russia must first cease being Communist is to close the door on any hope for even limited agreements of mutual benefit.

CHANGING COMMUNISM

Communism violates too dramatically the aspirations of man, the realities of economics and the existence of a Su-

preme Being, to survive as a system. I believe that we are seeing today in Europe the beginning of the end of Communism, as anything more than a defunct ideology of revolution. The end of the process is many years away, but communism is losing its grip on the millions it once held so tightly in its fist.

I have no doubt that with the passage of time, the Soviet system itself will become less militant and more responsive to the needs of its own people. I think history indicates and contemporary events substantiate the fact that Russian communism will draw inward to save itself. The Soviet Union will come to think of itself as a nation of people and consumers, rather than as the faunt of a rapacious philosophy of international conquest. But that time if far in the future.

As we deliberate this consular convention, we must consider today's world and today's priorities—priorities dictated by the war in Vietnam, the threat of war elsewhere, and the general hostility of communism. These are facts at hand—not theories or inevitabilities in the distance. We must judge effects on the present before we commit ourselves entirely to the hopes of the future.

THE WAR AND RUSSIA'S INTEREST

Some Senators speak of the possibility of talks involving the United States, Moscow, Hanoi, and possibly Peking, as a means of bringing peace to Vietnam.

What evidence is there from any reliable source that the Communist world is less than delighted to have the United States bogged down in a bloody and costly land war in Asia?

Despite its clear reluctance to risk an Armageddon with the United States, there is no question that to most of the Communist world, the United States is the "main enemy," the largest single obstacle between the Communist world and its massive expansion.

Why, then, would the Soviet Union take pity on the United States and honestly seek an end to the war? What would Russia possibly gain by pulling America's chestnuts out of the fires of southeast Asia?

Unless we were to cave in at the conference table and hand South Vietnam over to Hanoi, no future peace would serve communism's interests so well as the present war.

The Soviet Union may be in the process of changing, but today as we discuss this treaty she is still an enemy who has sworn to bury us. Change is far in the future although, as I have said, I think it is coming.

From Russia's standpoint, nothing so good as Vietnam has existed since Korea. No Russians, if we may believe reports, have died in Vietnam.

With a contribution that is but a fraction of America's commitment of men, money, and machines, the Soviet Union is keeping a half-million American troops pinned down in Asia.

With a modest logistics commitment, she is driving a second-rate Asian dictator to naked aggression across the boundaries of a nation that has had

March 16, 1967

CONGRESSIONAL RECORD — SENATE

S 3925

sovereignty longer than 43 of the members of the United Nations.

The Soviet Union is fighting a war by proxy against the United States and South Vietnam. In an earlier age, we would have responded in kind. Today we make treaty talk. We ought to remember the admonition of Carl Schurz:

Nothing that is wrong in principle can be right in practice.

The preamble to the consular convention speaks of the signators as seeking to strengthen friendly relations. It is a denial of reality to presume that this treaty will strengthen friendly relations while American boys are being killed with Russian weapons in a war that Russia could stop.

None of us believes that the Soviet Union will stop being Communist for the sake of a treaty with the United States. But there are different brands of communism, not all of which seek actively to control other nations or actively underwrite wars of aggression.

If the people of the Soviet Union wish to live in a Communist society, that is their business. But when they seek to export communism through the use of terror, subversion, sabotage, and open war, then it becomes the legitimate concern of all nations.

CHARGES PRO AND CON

Mr. President, a number of statements and allegations with respect to specific provisions of the treaty have been made on the Senate floor and in the letters that have come to my office. These, I feel, compel a reply.

In my own research on the convention, I have turned to the public record, the Library of Congress, various diplomatic histories of the United States and the Department of State. Despite what research I have done, I am not attempting to represent myself as a foreign policy expert. I am far from it. But I have made a sincere effort to develop a few points which I think are pertinent to our debate. Some of these points would seem to militate for, others against, ratification of the Consular Convention.

It has been alleged on the Senate floor that we are attempting establishment of consulates and the attendant protective covenants for our citizens by treaty rather than by Executive order because the Soviets would need the weight of treaty law in changing their domestic law to allow for early access to incarcerated Americans.

This allegation, I believe, is at variance with the facts.

I cite as reference both the State Department and the Library of Congress, which say, in essence, that Soviet criminal law, as spelled out in the Basic Principles of Criminal Procedure, allows for up to 9 months' isolation of persons under investigation. This is an allowable maximum. It is designed to give Soviet authorities maximum latitude in isolating the investigated party. But not all of this latitude need be consumed. The Soviet authorities may, at their discretion, grant access at any time, to any person being held in pretrial custody. Access to detained foreigners is less a matter of Soviet law than of Soviet will-

ingness to grant to others the same courtesies, civilities and standards of humane conduct which Soviet nationals can enjoy in almost every Western country.

I might add parenthetically that this comes as a rather interesting commentary on the often-discussed question of legislating morality.

As the State Department pointed out in a letter to me under date of March 9, 1967:

Since this convention was signed in 1964, we have been granted access to each American who has been held more than a few days.

This small, but significant concession by the Soviet Union comes, I might point out, prior to ratification and the effectuation of the Convention which we here discuss.

It has been alleged that a new treaty is not necessary because of covenants agreed to in 1933 by President Roosevelt and Soviet Foreign Minister Litvinov. I believe that this assertion is at variance with facts, which make the premise tenuous on at least two points.

As I understand the issue, Soviet Foreign Minister Litvinov, in a letter dated November 16, 1933, told President Roosevelt that the Soviet Union was prepared to negotiate a consular convention containing provisions for access to American citizens detained in Russia. The consular convention of that era was to come immediately after establishment of diplomatic relations between the two countries and was to contain provisions analogous to a German-Russia treaty in force at that time. This was fine as far as it went, except that the consular treaty was never negotiated in accord with the Roosevelt-Litvinov agreement.

But even had the agreement of 1933 been consummated, it would have been a moot point. In the German-Russian treaty the access provisions became effective upon the termination of the investigation. According to the State Department, both the Soviet Union and Germany accepted this interpretation of the agreement. The Germans saw their people after they had been investigated, which could take up to 9 months.

The treaty before us specifies that U.S. officials will be notified immediately; that is, within 1 to 3 days, when an American citizen is arrested or detained by the U.S.S.R. It stipulates that these officials will have rights of visitation without delay, within 2 to 4 days, and on a continuing basis thereafter.

It has been alleged that this convention will, or could, compromise the rightful position of the United States in opposition to recognition of the forced incorporation of the Baltic States into the Soviet Union. Much as I sympathize with the plight of the brave people of Latvia, Lithuania, and Estonia, I do not believe that their fears in this area are justified.

The Department of State has assured me in a letter, which I shall ask to have printed in its entirety, that—

As a practical matter, if the Soviet Union were divided into two or more consulate districts, the Soviets would regard the Baltic States as belonging in one of the districts. We would not wish to try to exclude the Baltic States from a consular district, for

we would wish to continue to attempt to protect Americans who might be arrested there, as we do now through the Soviet Ministry of Foreign Affairs. In any case, this or any other arrangement we might contemplate, would have no bearing on our policy of nonrecognition of the forcible annexation of the Baltic States by the Soviet Government. We have no plans to establish any consulates in the Baltic States.

I have been given other oral assurances that the U.S. Government has absolutely no intention of altering its position of nonrecognition of the enslavement of the Baltic States. Nothing in the consular convention would change this policy, although as a practical matter, the American Government might make efforts to represent American citizens incarcerated by Soviet authorities in the Baltic States.

It has been alleged that provisions of the treaty favor the Soviet Union over the United States, particularly with respect to immunity from arrest, which would be enjoyed by consular officials. This again, as I am sure no Senator would disagree, is at variance with the facts. All provisions of the treaty are reciprocal. As a practical matter, however, the United States will stand to gain more than the Soviet Union through the provisions of access to its citizens.

It has been alleged that the United States would be in a position of having to grant immunity upon request to consular officials from any country having a most favored nation clause in a treaty with the United States. Again, I quote the Department of State:

Countries having most favored nations clauses in treaties with the United States would be able to request immunities with consular offices only if they are willing to grant us reciprocal rights. Therefore, any step in this direction would be on the basis of mutual agreement. Further, if for some reason, we were unwilling to grant these immunities, we would insist on renegotiation of the treaty with the country concerned or if necessary we could abrogate the most favored nations clause in this treaty.

The letter from which I quoted goes on to make the point that Yugoslavia is the only communist country which has consulates here and with which we have a treaty containing the most favored nation clause. Yugoslavia has 13 consular officials in the United States and there is no indication that the Yugoslavs would be at all interested in entering into a mutual immunity arrangement. But even if they did, their consular people are known and identified by the FBI. They would be only a part of nearly 10,000 diplomatic people in the United States already enjoying full immunity.

For the record, Mr. President, I ask unanimous consent in this context that there be printed at the conclusion of my remarks, a paper listing the nations with which we have most-favored-nation agreements, their total consular personnel, and other data.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. HANSEN. Mr. President, it has been alleged, particularly in a cleverly executed, but misleading comic strip distributed by Liberty Lobby, that the con-

sular convention "clearly provides for the opening of consulates." The article cited as the authority for this statement is article II, but if the gentlemen of Liberty Lobby would again read the treaty they would find that this article contains no such provision. Nor does any other in the treaty. To quote the State Department again:

The convention does not authorize, propose, suggest, provide for or require the opening of a single consulate in the USSR or a single Soviet Consulate in the US. It does not permit the Soviets to send a single extra person to this country, nor does it let us send anyone to the USSR.

Consulates, if and when there are any, will be the subject of separate negotiation.

It has been alleged, particularly in correspondence, that there is something immoral about American citizens wishing to travel to the Soviet Union. Implicit in this allegation is that the travelers are either less patriotic than those who stay at home, that they are insipid enough to be seduced by the Soviet system, or that they are pink enough to defect. This is unvarnished nonsense.

I have lived in the pleasant company of American citizens for 54 years, and I have a high regard for their patriotism, their motivation, and above all, their intellectual curiosity. I also regard them as the finest sales people in the world, not only in the context of the economic system which is emulated in every free country, but as salesmen of their ideas and their beliefs; in selling their God and their ideals; and in selling Americanism.

I do not fear the effects that will flow from American travel to the Soviet Union, in terms of ideas or exposure.

And, conversely, Mr. President, I do not fear the effect travel in the United States will have on the Soviet tourist. I have confidence in America's ability to proselytize "by osmosis"—and by that, I mean to impress positively and constructively those from other lands who visit her shores.

Americans cannot fully appreciate the spiritual experience of an Eastern European who stands for the first time on American soil. To be able, for the first time in his life, to say that he thinks, without fear of imprisonment; to be able to take any job he is capable of performing and to leave that job at his option; to enjoy the right of privacy in thought and opinion.

This is what freedom—by American definition—means. I am not fearful in the least of its wondrous effect upon the traveler who first experiences it on American soil.

It has been alleged on the Senate floor that the convention is a license to spy, favoring the Soviet Union. I think this hyperbole is certainly unfair to our own intelligence people. It casts doubt upon the loyalty and integrity of those in government who, rightly or wrongly, as history may determine, see in this treaty an effort toward giving us a world in which we may live in peace and freedom.

It also disregards the obvious fact that overt espionage is a double-edged sword. I think it fair to assume that our consular officials could learn much about life in that broad expanse of Russia beyond the environs of Moscow. They are a full match for the Russians.

Consider that our open society, believing that truth and information is our best protection, prints more of its vital information than most nations secure under lock and key.

I am informed by those who have had some experience in the intelligence business that deep agents, which Russia certainly has here, and which I hope we have over there, do not work out of embassies or consulates.

The point has been made in Senate discussion that the immunity from arrest provisions of the consular treaty go too far. First, if we were to accept the premise—which I do not—that ratification at this time is in our national interest, it would follow that we do not wish to subject those staffing our consulates to the threat of unwarranted seizure, or incarceration. I would want them to have all possible protection.

Second, as has been pointed out also, both the British and Japanese Governments have negotiated consular conventions with the Soviet Union, with immunity provisions going beyond those in the United States-U.S.S.R. Consular Convention. The provisions of the United States-U.S.S.R. agreement are no longer entirely unique.

HAD HOPED TO SUPPORT TREATY

At one point, Mr. President, I had hoped to be able to support this convention. There are strong and convincing arguments for it. But for the war in Vietnam, I believe I would have supported it.

I find little in the language or provisions of this convention to which I can object. But to bring this convention before the Senate and the American people at what must be the most inopportune time in our history defies logic and reason. Beyond the unfortunate choice of timing, my objections to this treaty stem from the effect that it could have on trade between our two countries, and the effect that this trade could have on Russia's ability to wage war in Vietnam.

In this context, I have written Secretary of State Rusk to ask that he reject the proposed loan of American dollars for construction of an automobile plant in the Soviet Union. This loan for some \$50 million would provide sophisticated machine tools that could be used in making cars—or military vehicle components. I intend to have more to say on this matter at a later date. But for the time being, I ask unanimous consent that my letter to Secretary Rusk and his reply be printed in the Record at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibits 2 and 3.)

Mr. HANSEN. Mr. President, it is also worth considering that coming in war-

time, this convention will deal a powerful psychological blow to our fighting men and allies in Vietnam. It will indicate to the so-called third world, whose leaders have not shown the capacity for sophisticated comprehension of big power diplomacy, that the United States regards itself as being at peace and at war with the same power at the same time. This is an anomaly the delicacy of which will be understood in few capitals.

Were our confrontation with the current pact-setter of international communism confined to the rhetorical, commercial, and theoretical arena. I could see definite advantages to the consular convention. But the area today is neither theoretical nor tranquil. It is bloody, costly war, and Russia has the ability to stop the war—if she genuinely desired the friendly relations alluded to in the preamble to this convention.

As I asserted on the Senate floor on March 13:

I appreciate the importance of better understanding among the nations of the world. I think that were it not for the fact that we are today involved in this conflict, there is every argument and every reason, and there should be every desire on our part, to enter into this sort of arrangement; but this is not the time. The priorities are set by the situation in Southeast Asia.

Mr. President, the great international question is not one of "better understanding" between ourselves and Russia. They understand us only too well.

The questions which divide the Soviet Union and the United States are crucial as any in history. The issues are not just aid and trade; or economic competition; they are the most fundamental questions of peace and war; of aggression and containment. They are questions of the importance of the human being; of the relationship of the government to the governed; of freedom and captivity; and of the existence of a Supreme Being in our universe.

These differences have built an unbridgeable chasm of action and philosophy between international communism and American democracy. No consular convention can, or should be able to, erase these differences to bridge this chasm.

EXHIBIT 1

List of States having Most-Favored-Nation Provisions in Agreements with the United States:

Argentina	Latvia
Austria	Liberia
Belgium	Mexico
Bolivia	Morocco
Colombia	Nepal
Costa Rica	Norway
Cuba	Paraguay
Denmark	Philippines
Estonia	Rumania
Ethiopia	Saudi Arabia
Finland	Spain
France	Sweden
Germany	Switzerland
Greece	Thailand
Honduras	Yemen
Iran	Yugoslavia
Ireland	Zanzibar
Italy	

March 16, 1967

CONGRESSIONAL RECORD — SENATE

S 3927

Possible most-favored-nation coverage of States with consular establishments in the United States

Country	Total consular personnel	Possible most-favored nation coverage based upon American Embassy estimates
Argentina.....	18	-----
Austria.....	3	3
Belgium.....	15	15
Bolivia.....	3	-----
Colombia.....	33	-----
Costa Rica.....	9	9
Denmark.....	16	-----
Ethiopia.....	0	-----
Finland.....	7	-----
France.....	44	-----
Germany.....	41	-----
Greece.....	9	-----
Honduras.....	10	10
Iraq.....	15	15
Ireland.....	30	30
Italy.....	151	151
Liberia.....	5	5
Mexico.....	58	-----
Norway.....	17	-----
Paraguay.....	2	2
Philippines.....	28	28
Rumania.....	0	-----
Spain.....	14	-----
Sweden.....	15	-----
Switzerland.....	22	22
Thailand.....	0	-----
Yugoslavia.....	13	-----
Total.....	577	290

EXHIBIT 2
MARCH 7, 1967.

Hon. DEAN RUSK,
Secretary of State,
Washington, D.C.

DEAR Mr. SECRETARY: The purpose of this letter is to request that you review, reconsider and reject the proposed U.S. government loan to the Institute Mobiliare Italiano, which would underwrite, through the Export-Import Bank, the sale of some \$50 million in machine tools to the Soviet Union.

I appreciate that the Administration wishes to aid Communist countries in moving their economies away from the military sphere and toward a more consumer-oriented and peaceful emphasis; however, I think the United States is picking a rather poor time in history in which to strengthen the economy of a nation that is the chief supplier of another Communist nation with which we are at war.

In view of the massive Soviet aid being poured into North Vietnam—aid which is the backbone of Hanoi's ability to continue a bloody and costly war—I find it impossible to justify, politically or otherwise, the commitment of American tax dollars to helping the Soviet Union; particularly when one cause of the USSR's inability to produce motor vehicles for its own use is the large numbers of trucks it is manufacturing and shipping to North Vietnam. As you know, the Soviet Union is supplying the trucks and troop carriers which our airmen are being called upon daily to destroy, often at great personal risk. How, in a time of war, can aid to an enemy be justified or rationalized?

I think I speak not only for myself, but for a good many Americans when I venture the opinion that American subsidization of a nation which we are fighting by proxy in Vietnam is somewhat analogous to aiding Nazi Germany during World War II—the main difference being that Hitler fought the United States openly and directly. The Soviet Union today has others engaged in combat in her behalf.

Even assuming that the automobile plant to be built in the Soviet Union by the Fiat Company of Italy would be primarily for the production of peaceful goods, it is true that by strengthening the Soviet economy, we would still be contributing to her capac-

ity to supply the Communist regime of North Vietnam.

I am not opposed to the concept of building bridges between East and West, so long as those bridges are built in a time of peace for purposes of peace, and are not bridges across which the materiel of war flows from the warehouse of our enemy to his battlefield.

I urge the proposed loan through the Export-Import Bank be reconsidered so that the United States will not be put in the unconscionable position of subsidizing the economy of a nation which is contributing directly to the continuation of a terribly costly war in Southeast Asia.

Sincerely yours,

CLIFFORD P. HANSEN,
U.S. Senator.

EXHIBIT 3
DEPARTMENT OF STATE,
Washington, March 9, 1967.

Hon. CLIFFORD P. HANSEN,
U.S. Senate,
Washington, D.C.

DEAR SENATOR HANSEN: Thank you for your letter of February 28, 1967, to Ambassador MacArthur concerning the US-USSR Consular Convention. The questions which you raise go to the heart of several important issues.

First you asked whether Soviet law specifically forbids access to an arrested person until the conclusion of the preliminary investigation or whether Soviet authorities have discretion in this matter. Soviet criminal law does not deal with the question of access to arrested persons in general terms. There are no guarantees that arrested persons can see or talk to anyone while the preliminary investigation of the alleged crime is in course, and in practice Soviet citizens are held incommunicado during this period which may extend as long as nine months. Under Article 47 of the Code of Criminal Procedure of the Russian Soviet Federated Socialist Republic, which is the model procedural code for the other republics of the USSR, defense counsel is permitted to participate in a case "from the moment the accused is informed of the completion of the preliminary investigation."

Soviet practice in dealing with American citizens has varied. We were never permitted access to Professor Barghoorn prior to his expulsion from the Soviet Union. Likewise we were never granted access to Gary Powers in the 21 months he was held in jail or to Lieutenants McKone and Olmstead after their RB-47 was shot down over international waters. On the other hand, since this Convention was signed in 1964 we have been granted access to each American who has been held more than a few days. Thus Soviet practice appears to have improved since the Consular Convention was negotiated, but in none of these cases has the notification or access been as prompt and as frequent as the treaty provides.

As you point out in your letter the President has the power to exchange consulates with the USSR without a treaty. But simple establishment of consulates would not have any effect on our rights to notification and access to American citizens in the Soviet Union. For this reason we believe that a consular treaty is required. The existence of such a bilateral undertaking, containing specific assurances on access and notification, would prevent the Soviets from saying to us, as they have in the past, that their own law or procedure prevents their granting prompt notification and access rights.

The second question you ask concerns the amount of money spent per capita by the 18,000 Americans who travel to the Soviet Union each year and the 900 Soviet citizens who visit this country. We have no reliable figures for either category of traveler. I

would estimate that the typical American traveler to the Soviet Union would spend 4 to 5 days in Moscow and Leningrad and about \$300 exclusive of transportation to and from the USSR. Most Soviet citizens going abroad are permitted by the Soviet Government to obtain only about \$100 in foreign exchange. Therefore, no Soviet visitor to this country could legally bring more than \$100 here. The rest of their expenses would presumably be paid by relatives in the US. Arrangements for covering the expenses of Soviet exchange visitors in the US vary. In some cases their living expenses here are paid by American sponsors and the living expenses of corresponding American exchange visitors in the Soviet Union are handled by Soviet sponsors. In other cases, the sending state covers all the expenses of its exchange visitors, which of course are usually considerably in excess of \$100.

Third, you ask what our position is regarding the reciprocal establishment of consulates with the USSR while the war in Vietnam continues. There are no formal proposals or plans pending for the opening of a US consulate in the USSR or a Soviet consulate in the US. The ratification of this treaty would not automatically lead to the separate negotiations for the reciprocal opening of consulates. Secretary Rusk has undertaken to consult the Senate Foreign Relations Committee and other interested Senators before proposing any such negotiations to the Soviet Government. Obviously, one of the major factors which Secretary Rusk—and, presumably, the Senators consulted—would take into account in considering the exchange of consulates would be the international environment, including the situation in Vietnam.

Fourth, you ask whether the US would accept the demarcation of a consular district which include any or all the Baltic states and whether we plan to establish American consulates in these countries. As a practical matter if the Soviet Union were divided into two or more consular districts, the Soviets would regard the Baltic states as belonging in one of the districts. We would not wish to try to exclude the Baltic states from a consular district for we would wish to continue to attempt to protect Americans who might be arrested there, as we do now through the Soviet Ministry of Foreign Affairs. In any case, this or any other arrangement we might contemplate would have no bearing on our policy of non-recognition of the forcible annexation of the Baltic states by the Soviet Government. As for the question of establishing consulates, the most which we can foresee would be the establishment of one American consulate, probably in Leningrad. We have no plans to establish any consulates in the Baltic states.

Fifth, you asked whether the United States would have to grant immunity unilaterally to consular officers from countries having most favored nation clauses in consular treaties with the US on their request. Specifically you ask about the case of Yugoslavia. Countries having most favored nation clauses in treaties with the United States would be able to request immunities for their consular officers only if they are willing to grant us reciprocal rights. Therefore any step in this direction would be on the basis of mutual agreement. Further, if for some reason we were unwilling to grant these immunities we could insist on renegotiation of the treaty with the country concerned, or if necessary we could abrogate the most favored nation clause in this treaty. As a practical matter we would not contemplate such action.

Yugoslavia is the only communist country which has consulates in this country and with which we have a consular treaty containing a most favored nation clause. We have asked our Embassy in Belgrade whether

or not they believe that the Yugoslavs would be interested in seeking immunities for their consular officers through the operations of the most favored nation clauses. The Embassy estimates that Yugoslavia would not be interested in such action as they would be unwilling to grant similar provisions to employees of our consulate in Yugoslavia. The Yugoslav Government has not been consulted on this matter.

Finally, you ask about the Department's policy with respect to the punishment of nationals of communist countries who do not possess diplomatic immunity. Such cases, of course, are within the jurisdiction of State or Federal law enforcement agencies, depending upon the nature of the crime in question. In the relatively few cases which have involved some aspect of foreign policy or international relations, the Department of State customarily consults with the other agencies involved and we have sought to provide advice which would advance the national interest. This has been true whether the foreign national involved comes from a communist country or a non-communist country.

Please let me know if I can provide you with further information on any of these points. I hope you will be able to support this important treaty.

Sincerely,

WILLIAM B. MACOMBER, Jr.

Assistant Secretary for Congressional Relations.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum, with the time to be taken out on this side.

The PRESIDING OFFICER. Without objection, it is so ordered; and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I yield 20 minutes to the distinguished minority leader, the Senator from Illinois [Mr. DIRKSEN].

The PRESIDING OFFICER. The Senator from Illinois is recognized for 20 minutes.

Mr. DIRKSEN. Mr. President, from the day I reached Washington, 34 years ago this month, I have manifested an interest in Soviet affairs and activities.

It was in November of that year that Franklin D. Roosevelt brought about the recognition of the Soviet Union and a resumption of diplomatic relations with that country.

The ink on that document was scarcely dry before infiltration and subversion began. Nor have my suspicions or doubts concerning Soviet purposes and objectives been appreciably allayed.

Through the years, I have done my full share in assailing Soviet efforts to undermine and weaken our free enterprise system.

However, in a third of a century, there have been changes and developments. Both nations have grown toward a population of 200 million. Both nations have moved forward in science, in technology, in military strength, in modern weaponry, in diplomatic skill, in the use of nuclear power, and in industrial might.

Both nations are members of the United Nations. Both nations hold per-

manent membership on the Security Council.

One has pioneered the North Atlantic Treaty Organization and the other the Warsaw Pact.

Both participated in World War II. Both sat at the peace table when the peace treaties with Austria and Germany were signed.

Since that time, there have been 21 years of friction, suspicion, and retaliation.

Suppose that in this nuclear age, friction generates fire and conflict ensues? Both would be armed with missiles, high-speed fighters and bombers, and the most lethal weapons their scientists and technicians could devise.

The end result would be ghastly. Neither would win. Neither could win. Only the Four Horsemen of the Apocalypse can win—especially the Horseman on the pale horse, for he is the Horseman of Death.

What, then, is the most sacred of the two most powerful nations on earth?

What is their reciprocal duty—theirs and ours? Surely, we have a duty, when an opportunity presents itself, to do what can be honorably done to dissipate the frictions which have plagued the relations of these two nations and to pursue a viable pattern of conduct which may prove, not only mutually beneficial to both, but to the peoples of the entire world.

Before committing myself to advise and consent to the pending treaty without amendment or reservation, I went back to examine the documents of 1933 which became the basis for our recognition of the Soviet Union.

I reexamined the reports of the House Committee on Un-American Activities, even to the days when it was best known as the Dies committee, and when Martin Dies of Texas fashioned for himself a national reputation as its chairman.

I reexamined the testimony of J. Edgar Hoover before the House Appropriations Committee.

I reexamined all of the Hoover letters, including the last one, of February 8, 1967.

I carried on a steady flow of correspondence with the State Department to secure clarification on a number of matters.

I had the Senate Legislative Counsel prepare an extensive memorandum on amendments and reservations and their effect.

I reread the House report issued in the 82d Congress, second session, Report No. 1229, released on December 30, 1951, and styled "The Shameful Years—30 Years of Soviet Espionage in the United States," a 70-page summation of what happened in that period.

I went back to reread J. Edgar Hoover's book, "Masters of Deceit."

I reexamined the staff study made by the Internal Security Subcommittee of the Senate Committee on the Judiciary in the second session of the 88th Congress, at a time when I was a member of the Internal Security Subcommittee, and I am still a member of that subcommittee.

And, finally, I endeavored to read

every current article or column on the Consular Treaty which came to my attention.

In all this, I was not unaware of the campaign being carried on to defeat the treaty. It recalled earlier baptisms of fire which showered the Congress. The first was in the days prior to our entry into World War II, when the beleaguered Allies sought weapons and ships from us. The cry went up, "Cash and carry"—"Cash on the barrelhead." One counted those post cards and letters not in the thousands, but in the hundreds of thousands.

I remember when, under the foreign aid program, we earmarked 375 training planes for Tito. On that issue I was excoriated, hanged, drawn, and quartered because I took up the cudgels for President Eisenhower.

These misguided baptisms are not new; they are a test of one's perspective.

One of the tragic things about this treaty is the misconceptions that have developed.

It was alleged that the Soviet Union was pushing for this treaty. If anything, we were, and we are, the pushers. In 1959, Vice President Nixon suggested it to Deputy Prime Minister Koslov in Moscow, and the Secretary of State, the late, lamented Christian Herter, was urging it on Gromyko.

It was, and is, alleged that it can be done without a treaty. That is only partially true. The President, without resort to Congress, can negotiate consular conventions, but not when they contain an immunity clause.

It is alleged that the Soviet Union will scatter consulates all over the United States. It cannot do so without our permission. The treaty does not even authorize consulates. It only provides the ground rules under which consulates can be established, and they have to be negotiated later.

It is said that it will flood the United States with spies. In his letter to the President on February 8 J. Edgar Hoover anticipates no difficulty in keeping them under surveillance, and then adds, "even without additional appropriations."

And somehow it is forgotten that we can denounce the treaty in 6 months if there should be violations and abuses.

It is said also that similar immunities must be extended to 33 nations under the most-favored-nation clause. That is true, and it is also true that these nations have already been canvassed. Eleven of the thirty-three expressed some interest. Nine of them are in Latin America. Only two are Iron Curtain countries.

Mr. President, I ask, if consulates were so effective as spy nests, why did the Soviet Union abandon its consulates prior to 1948—one in San Francisco, one in Los Angeles, and one in New York City?

It is said that American nationals, if arrested in the Soviet Union, already have access to an Embassy, and that a consulate established by Presidential order would suffice. On November 16, 1933, Maxim Litvinov did, unilaterally, offer this protection, since it was con-

March 16, 1967

CONGRESSIONAL RECORD — SENATE

S 3929

tained in a treaty with Germany negotiated on October 12, 1925. When World War II came, diplomatic relations were severed. New treaties were negotiated with Germany in 1953, which contained no provision for access to our nationals. Nor are there any U.S.S.R.-U.S. treaties now in effect to which the so-called access provision could attach.

While the Litvinov offer has never been formally abrogated, the offer, according to Litvinov's letter, was linked to the expectation that the United States and the U.S.S.R. would "immediately" negotiate a consular convention on this subject. Frankly, this was never done. One of the purposes of this treaty is to establish ground rules for just such a negotiation when American nationals are arrested or imprisoned in the Soviet Union. In the absence of such a provision, American nationals get the same treatment which is accorded to Soviet citizens.

Much is made of the espionage issue. Is there any major nation on earth, be it the U.S.S.R., the United States, Great Britain, France, Japan, Germany, or China, which does not carry on intelligence activities of some kind? I state parenthetically that after World War I came to an end, I found myself suddenly assigned to the second division of the General Staff of the U.S. Army. It was formally known as G2-B, and its work was intelligence. I did that intelligence duty in Germany, sometimes in uniform and sometimes in plain clothes. I have some concept of what intelligence activities are, not only as they pertain to our country, but to other countries, as well. These are but some of the misconceptions which have victimized the thinking of many people.

But, Mr. President, there is one more aspect of the whole matter to be considered, and I deem it to be quite overriding. Every 365 days, about 2 million young Americans march up the slope of time and become 18 years of age. Under the proposed changes in the Draft Act, they must register. Farther down on that slope are other millions of American youths who are also marching to the crest of the hill, to become the custodians of this land in their time. But they first march through that period of military vulnerability, if qualified, to become our security protection.

Suppose the frictions between the two great world powers continue and end in confrontation. What can we say that we really did to diminish this danger? What little thing can we say we accomplished to promote better understanding?

Every year, more and more Americans will journey to the Soviet Union. Last year the number reached about 18,000. Whenever one is arrested and held for an unreasonable period without benefit of the counsel of his own countrymen, there develops an emotional binge which can only widen the chasm of misunderstanding, and generate malice and hate. How long does this fractious ferment continue? To be sure, a consular treaty is such a small step toward ameliorating this condition, but it is at least a step. An ancient Japanese proverb says:

A journey of 1,000 miles begins with a single step.

Speaking for myself, I would want to leave some little step on the record to show that my vision was not entirely obscured by the sins, excesses, and outrages of the past. I prefer to face a future where an iridescent sun is just rising, not setting, and where there is a hope of better understanding.

I remember always, Mr. President, Solomon's entreaty to the Lord. He asked for only one thing. He said:

Give thy servant an understanding heart.

Fifty years ago, I was marching up time's slope, only to be whisked to a foreign land in uniform, on the western front in World War I. Twenty-five, or nearly 25 years ago, a son-in-law, who is a Member of this body today, came up that same slope, to journey to the un-stilled waters of the Pacific in a PT squadron. Five years hence, Mr. President, a grandson who is now marching up the slope will be registering under the new concept of selective service. If I am still here, what can I say I actually did to dissipate the ferment, to dispel the friction, and to promote better understanding?

This treaty, Mr. President, may never materialize our hopes, but it could be a first step in the right direction; and for that reason, when the roll is intoned, I propose to advise and consent to this treaty.

The PRESIDING OFFICER. Who yields time?

Mr. MUNDT. Mr. President, I do not see on the floor at the moment either of two Senators who indicated that they might or might not want some time in the concluding minutes of this debate. I suppose the best that I can do is to suggest the absence of a quorum temporarily, and take it out of my time; and then, if we have any time remaining, if they wish to say something, it can be done.

Mr. MANSFIELD. Mr. President, does the Senator wish to make further comments himself?

Mr. MUNDT. Not if any other Senator wishes to speak.

Mr. MANSFIELD. If he does, I would like to proceed for 2 minutes, and then yield the lost 2 minutes to him, and then proceed to a vote.

Mr. MUNDT. All right; we can check, if the Senator cares to do that. The Senator is entitled to finish the debate, but if he wishes to do that, I can make a telephone call while he is speaking. I do feel obligated to check with the offices of the two Senators who have indicated they may wish to speak.

Mr. MANSFIELD. Mr. President, how many minutes do I have remaining?

The PRESIDING OFFICER. There are 7 minutes remaining on each side.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum, the time to come out of both sides.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Who yields time?

Mr. MUNDT. Mr. President, I yield myself 2 minutes. I do not believe there will be any further requests for time on this side. If not, at the end of 2 minutes I shall be happy to yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from South Dakota is recognized.

Mr. MUNDT. Mr. President, the time for debating the issues of this monumental decision is now over, and each of us must face up to his responsibilities according to the dictates of his own conscience. All I ask and hope is that each Senator, after prayerful consideration, will vote his convictions, not on the basis of any pressures or coercions, but rather on the basis of the dictates of his individual conscience. I certainly respect the right and the judgment of any Senator to vote in any way on an issue upon which we are called to legislate.

I hope, too, that our vote will be cast in each case after a serious analysis of all the available information, of all the facts in this lengthy Record, and of all the attendant wartime circumstances, and that it will be based on the result of that analysis, and not on any second-hand secrets or vague promises which Senators may have heard during the course of the discussion.

Mr. President, those of us opposed to the ratification of this treaty are prepared to rest our case in the hope that whatever verdict the Senate now writes into the pages of history will be in the best interests of the United States.

Mr. MANSFIELD. Mr. President, I yield myself 2 minutes.

The PRESIDING OFFICER. The Senator from Montana is recognized for 2 minutes.

Mr. MANSFIELD. Mr. President, there is very little that could be added to what the distinguished minority leader has had to say in his analysis of the convention now pending before this body.

Relative to the debate, while emotions have been aroused from time to time, I would say that the debate has been held on a good level. Side issues have been brought in, and great amounts of mail have been received by those for and against the convention.

All of the letters from the Secretary of State have been read to the Senate. All of the arguments pro and con have been made in this body. All of the amendments, reservations, and understandings have been considered, voted on, and a decision has been reached.

Now, in the idiom of our time, the "crunch" has come, and each Senator must, as we say in my part of the country, "Call them as he sees them."

Now it is up to us to vote as our conscience dictates, to use our own best judgment, and to exercise our responsibilities as Senators of the United States.

I will vote for this treaty because it is an aboveboard proposal made initially by a great President and carried forward by his successors.

I will vote for this treaty because it is, I repeat, in the best interests of the

S3930

CONGRESSIONAL RECORD — SENATE

March 16, 1967

United States, and it is in the best interest of the U.S. citizens who travel in the Soviet Union.

Our country and our people are entitled to this consideration in this day and these times.

I urge the Senate to do this by ratifying the convention now before us.

Mr. DIRKSEN. Mr. President, before we proceed to vote, I would like to direct the attention of the Senate to the fact that today is the natal anniversary of the distinguished majority leader.

Or the Old Sod on this day they would say: "Up the O'Mansfields." [Applause.]

Mr. MANSFIELD. Mr. President, I yield back the remainder of my time, and I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. MUNDT. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. The question is, will the Senate advise and consent to the resolution of ratification? On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SMATHERS (when his name was called). On this vote I have a pair with the distinguished junior Senator from Louisiana [Mr. LONG]. If he were present and voting, he would vote "nay." If I were permitted to vote, I would vote "yea." I therefore withhold my vote.

Mr. BYRD of West Virginia (when his name was called). On this vote I have a live pair with the Senator from Idaho [Mr. CHURCH] and the Senator from Maryland [Mr. BREWSTER]. If they were present and voting, they would vote "yea." Were I permitted to vote, I would vote "nay." I therefore withhold my vote.

Mr. MUNDT. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. MUNDT. I did not hear the names of the two Senators who paired with the Senator from Florida.

The VICE PRESIDENT. Will the Senator restate his inquiry?

Mr. MUNDT. Because of the confusion in the Chamber, I did not hear the names of the two Senators involved in the pair with the Senator from Florida. It takes two on one side and one on the other to effectuate pair in a treaty-making process. I am sure that both Senators were mentioned, but I did not hear their names mentioned for the Record.

The VICE PRESIDENT. The Senator from South Dakota has raised a valid point.

Under the precedent of the Senate, in a vote on a treaty, a pair requires two Senators for to one against. In that instance, the pair of the Senator from Florida with the Senator from Louisiana would not be valid.

Mr. SMATHERS. I did not understand the ruling of the Vice President.

The VICE PRESIDENT. The statement of the Vice President is not in the nature of a ruling, but a recitation of a precedent with respect to treaties, that where there are pairs, because the re-

quirement of the Constitution is a two-thirds majority of those present and voting, the pair in the affirmative must have two votes, compared with one for the negative.

Mr. SMATHERS. In that case, I vote "yea."

The VICE PRESIDENT. The Senator votes "yea."

The assistant legislative clerk concluded the call of the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Idaho [Mr. CHURCH] is absent on official business.

I also announce that the Senator from Maryland [Mr. BREWSTER], the Senator from Nevada [Mr. CANNON], and the Senator from Louisiana [Mr. LONG] are necessarily absent.

I further announce that, if present and voting, the Senator from Nevada [Mr. CANNON] and the Senator from Louisiana [Mr. LONG] would each vote "nay."

Mr. KUCHEL. I announce that the Senator from Massachusetts [Mr. BROOKE] is absent on official business and, if present and voting, would vote "yea."

The yeas and nays resulted—yeas 66, nays 28, as follows:

[No. 64 Ex.]

YEAS—66

Aiken	Hartke	Morton
Allott	Hatfield	Moss
Anderson	Hayden	Muskie
Baker	Hickenlooper	Nelson
Bartlett	Inouye	Pastore
Bayh	Jackson	Pearson
Bennett	Javits	Pell
Boggs	Jordan, N.C.	Percy
Burdick	Kennedy, Mass.	Prouty
Carlson	Kennedy, N.Y.	Proxmire
Case	Kuchel	Randolph
Clark	Long, Mo.	Ribicoff
Cooper	Magnuson	Scott
Dirksen	Mansfield	Smathers
Dominick	McCarthy	Smith
Ellender	McGee	Sparkman
Fong	McGovern	Spong
Fulbright	McIntyre	Symington
Gore	Metcalf	Tydings
Griffin	Mondale	Williams, N.J.
Harris	Monroney	Yarborough
Hart	Morse	Young, Ohio

NAYS—28

Bible	Hill	Murphy
Byrd, Va.	Holland	Russell
Cotton	Hollings	Stennis
Curtis	Hruska	Talmadge
Dodd	Jordan, Idaho	Thurmond
Eastland	Lausche	Tower
Ervin	McClellan	Williams, Del.
Fannin	Miller	Young, N. Dak.
Gruening	Montoya	
Hansen	Mundt	

NOT VOTING—6

Brewster	Byrd, W. Va.	Church
Brooke	Cannon	Long, La.

The VICE PRESIDENT. On this vote there are 66 yeas and 28 nays. Two-thirds of the Senators present and voting having voted in the affirmative the resolution of ratification is agreed to.

Mr. FULBRIGHT. I ask unanimous consent that the President be immediately notified of the action of the Senate.

The VICE PRESIDENT. Without objection, the President will be so notified.

Mr. MANSFIELD. Mr. President, in ratifying the Consular Convention with the Soviet Union, I believe the Senate has wisely discharged its constitutional duty both to "advise" and to "consent." While each of us who have voted for rati-

fication may differ in particular reasons for so voting, the fact remains that the Senate, by its vote, has said unequivocally that the benefits obtained in this treaty warrant its adoption, that the 18,000 or more Americans who visit the Soviet Union each year deserve the protections embodied in its provisions. I personally believe this is an outstanding achievement—an achievement that represents another step in the journey of a thousand miles—an achievement which distinguishes this entire body. Clearly, this was not a partisan issue. It never has been. Its acceptance by more than two-thirds of the Senate demonstrates beyond question its nonpartisan nature, its bipartisan appeal.

Many Members, however, should be singled out for particularly strong and effective efforts, although it is difficult—perhaps impossible—to list everyone deserving credit for an accomplishment of this magnitude. First and foremost, the chairman of the Committee on Foreign Relations, the Senator from Arkansas [Mr. FULBRIGHT], certainly deserves the highest credit, praise, and distinction for his efforts in shepherding this convention from its very beginning over 2 years ago to its final ratification today; his fairness of attitude permitted the fullest and fairest presentation of view and viewpoint. The ranking member, the distinguished senior Senator from Iowa [Mr. HICKENLOOPER], similarly is to be commended for joining to assure full and swift action both in committee and on the floor. And the other members of the committee, on both sides of the aisle, demonstrated a spirit of outstanding cooperation, assuring first, that the views of all on various aspects of the treaty were presented and then, joining to see that the measure was reported swiftly. But particularly, I wish also to thank the distinguished Senator from Alabama [Mr. SPARKMAN] for his highly able and astute talents in assuring the fullest presentation of argument in favor of ratification here on the floor.

The Senator from Kentucky [Mr. MORTON] deserves a great deal of credit for his tireless efforts—his indispensable efforts—to muster the support necessary for ratification. His role in defining the issues involved, in articulating the merits of the convention, were vital to its adoption. Equally strong and articulate was his colleague from Kentucky [Mr. COOPER] to whom we similarly are indebted for adding his immense wisdom and good judgment to assure ratification.

The vigorous endorsement by the senior Senator from Louisiana [Mr. ELLENDER], the carefully reasoned statement of the senior Senator from Colorado [Mr. ALLOTT], and the wise and articulate support of the senior Senator from Vermont [Mr. AIKEN]—the ranking Republican—all served to make ratification a certainty.

The entire Senate is indebted also to the splendid cooperative efforts of the senior Senator from Maine [Mrs. SMITH]. Her charm and grace during the consideration of this measure were combined with her typically generous and completely selfless cooperation.

The distinguished minority leader, the senior Senator from Illinois [Mr.

March 16, 1967

CONGRESSIONAL RECORD — SENATE

S 3931

DIRKSEN], has demonstrated again the statesmanship so characteristic of his public life. History will speak his praise better than I could attempt at this time. To be singled out also are the distinguished senior Senator from Pennsylvania [Mr. SCOTT], who with the senior Senator from Kentucky [Mr. MORROW], rallied the early support for this measure; the distinguished Senator from New York [Mr. JAVITS], and the distinguished senior Senator from Tennessee [Mr. GORE] added their articulate and eloquent support which is not only always welcome but wise and helpful.

The vote was not unanimous but the views of those opposing the convention were just as strong and just as sincere as those favoring the convention. In leading the opposition, the senior Senator from South Dakota [Mr. MUND], employed the same high degree of courtesy and cooperation that has characterized his many years of service in this body. Joining him, first to voice their own sincere positions and to cooperate fully in assuring efficient action, were the senior Senator from Nebraska [Mr. HRUSKA], and the senior Senator from New Hampshire [Mr. COTTON].

To the distinguished Senator from Nebraska [Mr. CURTIS], and the distinguished senior Senator from South Carolina [Mr. THURMOND], we owe our thanks for cooperating fully to dispose of the measure in orderly and efficient fashion.

Finally, to the Senate I say again, that the ratification of the consular convention has not only distinguished this body, it has demonstrated that the national interest is always a bipartisan business.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate turn to the consideration of Calendar No. 73, House Joint Resolution 627, which I understand will take a very short time.

Mr. HICKENLOOPER. Mr. President, I object to any unanimous consent until we can have order in the Chamber, so that we can hear what is being asked.

The VICE PRESIDENT. The Senate will be in order.

Without objection, the Senate will resume consideration of legislative business.

Mr. HICKENLOOPER. Mr. President, I do not wish to be understood as continuing an objection to the unanimous-consent request, but I could not hear what was being said. Until we can understand what is being said, I object.

Mr. MANSFIELD. Mr. President, the Senator is correct. We should have order.

The VICE PRESIDENT. The Senate will be in order. Attachés will please leave the Chamber so that the Senate can conduct its business.

Mr. HICKENLOOPER. Mr. President, I cannot hear what is going on. There is too much confusion in the Chamber. I object to further unanimous-consent proceedings until we have order.

The VICE PRESIDENT. The Chair will attempt to get order. The Senate will be in order.

AMENDMENT TO SENATE JOINT RESOLUTION 53

AMENDMENT NO. 130

Mr. MORSE. Mr. President, I wish to report a comedy of errors. Two days ago I introduced on behalf of the White House, Senate Joint Resolution 53, which is the resolution that sets forth the President's recommendation to the Congress for a policy to which he would have us give our advice and consent relating to the expansion of the Alliance for Progress program.

As the RECORD of March 13 will show, I arrived on the floor of the Senate following a speech that the majority leader had made commenting on the President's message on Latin America. I thought the majority leader had introduced a resolution supporting that message. I then made a speech.

Mr. HICKENLOOPER. Mr. President, I am interested in what the Senator is talking about. I cannot hear. I am not going to move over and sit beside him in order to hear him and I do not expect him to roar until the rafters ring. I wish we could have order.

The VICE PRESIDENT. The Chair will once again attempt to have order in the Chamber. I would appreciate the cooperation of Senators and those in the galleries.

Mr. MORSE. Mr. President, then, as the RECORD will show, I proceeded to make a speech joining the Senator from Montana in support of the President's message. I then left the Chamber.

I was thereafter phoned by Ambassador Linowitz, who said he understood that I had not introduced the resolution. I advised the Ambassador that it was not my understanding that I was to introduce the resolution; I thought the majority leader would introduce the resolution. However, I told the Ambassador that I would proceed immediately to the floor of the Senate and introduce the resolution.

I spoke with the majority leader about the matter and he said he had not introduced the resolution and that he wanted me to introduce it, and so, I stood near the majority leader and introduced the resolution. Then, I said, "Where is it?" He said, "On top of your desk."

I came over to my desk. Mr. President, I am telling this story because I think it is an interesting bit of history.

I found a resolution on the top of my desk. It was a Xerox copy. I thought the fact that it was Xerox copy would be of particular importance to the Ambassador. I took the Xerox resolution to the desk and handed it in. It seems, however, that during my absence someone had made some changes on the Xerox copy of the administration resolution. They apparently thought some modifications would be appropriate and they planned to discuss them with me before the resolution was introduced. I did not know about this offer of advice, and since I did not know about it the resolution was introduced with some modifications written in and certain language stricken.

Mr. President, I now make the following offer to the Senate: I submit an

amendment to Senate Joint Resolution 53, which strikes all after the resolving clause and insert the original language sent to me by the White House.

The VICE PRESIDENT. Without objection, the amendment will be received, appropriately referred, and printed in the RECORD.

The amendment (No. 130) was referred to the Committee on Foreign Relations, as follows:

Strike out all after the resolving clause and insert the following:

"That the Congress recommends, in support of the concept of a Latin American Common Market and after appropriate steps have been taken toward progressive establishment of such a market, that the United States furnish through the Inter-American Development Bank standby resources to be matched by Latin American countries to provide integration adjustment assistance to facilitate the transition to a fully functioning Latin American Common Market.

"The Congress further recommends that the United States join with the other members of the Inter-American Development Bank, in the provision of resources to that institution to be used for financing multinational projects which promote Latin American economic integration.

"That the Congress support individual and joint efforts of the member states of the Organization of American States to expand trade within the region and with other areas of the world and to mobilize public and private resources inside and outside the hemisphere to further the economic development of Latin America.

"Further, the Congress recommends that the United States provide an increase in assistance under the Alliance for Progress for programs of educational and agricultural modernization and improvement of health. The nature and amount of such assistance is to be dependent on demonstrated need and adequate self-help within the recipient countries.

"The Congress recommends that the United States be prepared to make available significant additional resources over a period of five years in support of the foregoing objectives and in relation to progress by the Latin American countries toward the goals of economic integration and in the mobilization of domestic efforts and resources to advance the purposes of the Alliance for Progress."

Mr. HICKENLOOPER. Mr. President, I wish to address a question to the Senator from Oregon. Is my name on that resolution?

Mr. MORSE. The name of the Senator from Iowa is on both of them.

Mr. President, I want the record to be perfectly clear that this substitute is introduced on behalf of the Senator from Iowa [Mr. HICKENLOOPER], the Senator from Montana [Mr. MANSFIELD], the Senator from New York [Mr. JAVITS], and the Senator from Florida [Mr. SMATHERS].

ADDRESS BY SENATOR PERCY BEFORE THE AMERICAN ASSOCIATION OF SCHOOL ADMINISTRATORS IN ATLANTIC CITY, N.J.

Mr. PROUTY. Mr. President, my good friend, the junior Senator from Illinois [Mr. PERCY] recently made some interesting observations in an address before a convention of the American Association of School Administrators in Atlantic City, N.J.

S 3932

CONGRESSIONAL RECORD — SENATE

March 16, 1967

This speech is a timely dissertation concerning the progress which Project Headstart has made in the field of education. I believe it important that this speech be brought to the attention of my colleagues, however, because it also discussed the future possibilities of the Headstart Program and suggests certain lines along which this program may be further developed.

This address, Mr. President, reflects the distinguished Senator's grave concern and deep compassion for the terrible disadvantages faced by the children of poverty in the field of education.

As the Senator so aptly points out, Headstart has already made a lasting contribution to American education in that it has dramatically cast the spotlight on the significance of early education and on the untapped potential of the early years.

Mr. President, it gives me great pleasure to request unanimous consent that this fine statement by the junior Senator from Illinois be printed in its entirety at this point in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

ADDRESS BY SENATOR CHARLES H. PERCY TO THE AMERICAN ASSOCIATION OF SCHOOL ADMINISTRATORS, ATLANTIC CITY, N.J., FEB. 12, 1967

As a nation, we have committed much to education, but we have not yet committed enough.

There is one area of education in which we have made important progress in the recent past, but in which we must move far more boldly in the near future.

I speak of early education.

The nation has lately embarked on a great experiment to prepare children from severely disadvantaged families for school. And it is evident already that this experiment—Project Head Start—is a success in terms of its limited scope. Certainly, it has been by far the most successful of all the war on poverty programs.

For a long time, it had been obvious that children of poverty came to school initially less well prepared than middle-class children, and fell further behind each year. They were thus subject to a vicious cycle of inadequate education, low occupational skill, low income, and renewed poverty.

Project Head Start was designed to help break this cycle at perhaps its most critical point, during a child's formative years. One of its chief aims is to meet what one expert calls "the chronic-failure syndrome—the giving up before you start." It is an effort to give children from severely limited home environments something of what other children take for granted.

A child who has never seen a book, never used a pencil, a child who confuses a toddy bear with a rat because a rat is the only animal he knows, a child who may not even know his own name—and there have been many such children in Head Start—a child who is a stranger to the simple words and concepts that are a part of his contemporaries' environment, such a child starts out at terrible disadvantage. And we can make our ideas of equal opportunity meaningful only if we do in fact equalize opportunity at this most critical of formative stages.

We court disaster when we neglect these children, for neglect will result in lives filled with resentment and frustration. By neglect, we invite another round, another lost generation, in that cycle of poverty and alienation.

But, given a little assist at this critical time, they can be well started toward lives as useful and productive citizens.

It will be some years before we know precisely how successful Head Start will be in achieving this long-range goal. But already we know that Head Start children have a jump on other disadvantaged children in significant ways:

A Head Start child's health has been attended to; he is used to a good deal of personal attention when he needs help; he receives more support for his school activities at home because of the direct parent-teacher contact that Head Start encourages. The Head Start child is better prepared for school, and frequently his readiness can be seen in terms of subsequent academic achievement.

Dramatic gains on standardized intelligence tests and in language ability have been found in several follow-up studies. These have been coupled with indirect evidence of greater motivation and interest in school.

These, then, have been some of the accomplishments of Head Start. Unfortunately, the coin has another side which is not so bright. Perhaps the words of one Head Start teacher can best describe part of the problem.

"It's not that the regular teachers push them back down," she says, "but, unless the teachers are better than average, they do cut off the gay, conquering spirit that these kids have been taught. In fact, there were teachers last year who complained that they had to have the Head Start kids be quiet while they brought the rest of the children up to their level."

What emerges here is the fact that most children have to adjust when they switch from Head Start to school because in many cases they are taking a step backwards. The result is that much too often, the educational head start is washed away for lack of an adequate followthrough.

For example, Baltimore's Head Start program was considered one of the nation's best, but follow-up studies showed that the children's gains declined as their first full year of school progressed.

The fact is that an eight-week summer program cannot fully compensate for four or five years of lost ground. And unless Head Start is followed through in the classroom, it can be next to meaningless.

In Chicago, I've been involved personally for the past two years in our own private Head Start-type program. This has been year-round. Sponsored jointly by the New Illinois Committee and the Cook County Republican Central Committee, we've been seeing what can be done by giving Head Start-type help to children on a continuing basis. The results have been highly promising.

Unless we find ways to fund more Head Start classes on a year-round basis, those early first steps will lead to nowhere.

In this regard, I was gratified to hear the President affirm in his State of the Union message that the Administration wished to strengthen the Head Start program. The following week again, in his Economic Message, he promised "an expanded Head Start program."

However, when I sat down one night to examine the budget, I discovered that Head Start is not being expanded. The same number of children will be served in the new fiscal year as in the last fiscal year. Last year there were 550,000 children in the summer program and 187,000 in the full academic year program or a total of 737,000 children. This year's budget calls for the same number, 737,000. Not only are we standing still as far as the number of children are concerned, but less money has been requested by the Administration to fund this year's program. President Johnson has actually requested 15

million dollars less this year than last to pay for the Head Start program.

I fall to understand how this is either "strengthening" or "expanding" the Head Start program; I only hope that the Congress will do better by Head Start than allow it to stand still.

Head Start must be broadened and improved, but already it has made one lasting contribution to American education: as nothing before it or since, it has dramatically cast the spotlight on the significance of early education and on the untapped potential of the early years. In only two years, this one new Federal program increased preschool enrollment by 17 per cent. Last summer, nearly one-half of the nation's more than 3,000 counties had at least one Head Start center. Already, Head Start has touched the lives of over a million underprivileged American children.

The impact of this has been great. For the nation is becoming increasingly aware of all that can be gained in a child's early years—and of all that is lost if we ignore those years.

The evidence offered in this area by such men as Chicago's Benjamin Bloom and J. McV. Hunt of the University of Illinois is persuasive: the evidence that an individual's achievement in life depends to a great extent on what he has been helped to learn before the age of four; the evidence that children's intellectual and emotional development is capable of greater strides during the years before age 6 than at any time thereafter; the evidence that these are the years of greatest susceptibility to environmental influences—the years when the roots of intellectual curiosity are laid.

Conversely, it is in the early years that deprivation is most disastrous in its effects. Many experts believe that millions of children are being irreparably damaged because they do not learn enough during this crucial period.

The lack of any planned intellectual training in the early years all too often results in preordained failure in school and in adult life. Head Start is trying to cope with this problem in our poverty communities.

But even for children who cannot be called disadvantaged, the lack of early intellectual training may result in a loss of natural gifts, a less interesting life, a diminished intellectual curiosity, a smaller contribution to society.

Pre-school education has long been available to the rich, who could afford private nursery schools and kindergartens; now we are making it available to the poor through Head Start. But what about the great numbers in the middle?

I think we must be careful lest middle America becomes the newly disadvantaged educationally. And that is why I was enormously excited last May when the Educational Policies Commission of the N.E.A. and the A.A.S.A. recommended that free public schooling at the age of four be made available to all children. I want you to know that you have a new voice in the Senate who will champion your cause there.

Five million children in the 4-to-5 age bracket are not now in school. We must do much better than that. We can't afford not to.

Does this mean an earlier start on the regular course curriculum? Not at all. It means that the program for 6-year olds would be altered to take into account the earlier schooling, not vice versa. It means a special environment tailored to the special needs of early childhood. It means staffing by early childhood specialists with the professional skills and personal abilities needed to prevent future school failure on the one hand, and to help pave the way toward future excellence on the other. It means encouraging the child to develop his innate