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in a host of fields including administrative law, admiralty and maritime law, air law, radio law, bankruptcy, criminal law, insurance law, judicial procedure, judicial selection and tenure, mineral law, patent, trademark, and copyright law, public utility law, constitutional law and rights of citizens, and taxation.

Since 1936, the association has expanded its committee system and intensified its educational activities. Among its many standing committees today are those on the Bill of Rights, Federal legislation, legal assistance for servicemen, and peace and law through the United Nations. Special committees include atomic energy law, civil rights and racial unrest, code of Federal administrative procedure, committee to cooperate with Cuban lawyers in exile, association program for lawyers in Government, and a special committee to cooperate with the Kefauver investigation of interstate crime in 1950-51. Reports and recommendations have dealt with such subjects as procedures sometimes employed by congressional committees in derogation of the rights of individuals, the evacuation of American citizens of Japanese ancestry from military areas, effectual exercise of the right to the writ of habeas corpus, rights of the mentally ill, and amendment of the Federal rules of procedure.

The association has sponsored or supported such landmark proposals as the Administrative Procedure Act, the Self-Employed Individuals Tax Retirement Act, and the constitutional amendment relating to presidential inability and vice-presidential vacancy. It has participated vigorously in support of a public defender act, legislation clarifying accession to public information, conflict of interest amendments, and relief of court congestion through enlarging the Federal judicial system.

The association's lobbying activities, however, extend far beyond professional evaluation of Federal legislative proposals. In many respects it is an educational organization encouraging and promoting creative developments in the law. Two of its offshoots are the loci of such efforts. One such is the National Conference of Commissioners on Uniform State Laws which drafts statutes designed to eliminate chaotic divergencies among State laws. The second is the American Law Institute concerned with restatements of law designed to produce order in judge-made law by criticism and collection of the water of conflicting decisions across the Nation.

Perhaps the most important educational function of the association, at least as respects the public at large, is its continuous program of production of materials and information about the Constitution and the meaning and place of law in our system. Law day which is now celebrated throughout the Nation, for instance, is the brainchild of one of the association's past presidents, Mr. Charles S. Rhyne.

Truly, the American Bar Association is one of the country's outstanding lobbying organizations. In working on its committees and participating in its activities, attorneys can assume a role of influence in the highest meaning of the term.

The law and lobbying are naturally correlative activities. Despite some of the abuses that have been heaped upon it, the lobbying process is an essential component of American Government. It works successfully on many occasions for numerous reasons not least of all being the fact that those most fully engaged in it are lawyers.

The legislative process as we practice it could not function without lawyers, for they, more than any other group in our society, fully understand the democratic legislative process and the many requirements incident to the preparation and passage of legislation. Our society is almost totally dependent upon attorneys for the procedural, administrative,

constitutional, and technical guidelines within which statutory law functions.

The range of subjects and the variety of organizations on which lawyers are called upon to lobby is legion. They represent commercial and labor interests forcefully and honorably. They appear on behalf of volunteer citizen organizations seeking the passage of a worthwhile bill. They represent individual clients with claims on society's compassion. They speak for their bar associations in attempts to remedy defects in laws revealed by experience or decisions, or to press for some reform with which the legal profession is deeply concerned.

Lobbying is a challenging and rewarding function of the lawyer. It demands a full panoply of skills and talents associated in large part with his experience and training. It involves him in direct participation in the workings of the democratic legislative process. It reaches the heights of satisfaction when a statute, enacted through his efforts, benefits not only his client, but the people of the Nation as well.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to consider executive business, for the purpose of considering Executive Calendar No. 11, Executive D, 88th Congress.

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

Consensus

CONSULAR CONVENTION BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE UNION OF SOVIET SOCIALIST REPUBLICS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Executive D, 88th Congress, and that it be laid before the Senate, so that it may become the pending business.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of Executive D, 88th Congress on the executive calendar.

The Senate, as in Committee of the Whole, proceeded to consider Executive D, 88th Congress, the Consular Convention with the U.S.S.R., which was read the second time, as follows:

CONSULAR CONVENTION BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE UNION OF SOVIET SOCIALIST REPUBLICS

The Government of the United States of America and the Government of the Union of Soviet Socialist Republics,

Desiring to cooperate in strengthening friendly relations and to regulate consular relations between both states,

Have decided to conclude a consular convention and for this purpose have agreed on the following:

DEFINITIONS

Article 1

For the purpose of the present Convention, the terms introduced hereunder have the following meaning:

- (1) "Consular establishment"—means any consulate general, consulate, vice consulate or consular agency;
- (2) "Consular district"—means the area assigned to a consular establishment for the exercise of consular functions;
- (3) "Head of consular establishment"—means a consul general, consul, vice consul, or consular agent directing the consular establishment;

(4) "Consular officer"—means any person, including the head of the consular establishment, entrusted with the exercise of consular functions. Also included in the definition of "consular officer" are persons assigned to the consular establishment for training in the consular service.

(5) "Employee of the consular establishment"—means any person performing administrative, technical, or service functions in a consular establishment.

OPENING OF CONSULAR ESTABLISHMENTS, APPOINTMENT OF CONSULAR OFFICERS AND EMPLOYEES

Article 2

1. A consular establishment may be opened in the territory of the receiving state only with that state's consent.

2. The location of a consular establishment and the limits of its consular district will be determined by agreement between the sending and receiving states.

3. Prior to the appointment of a head of a consular establishment, the sending state shall obtain the approval of the receiving state to such an appointment through diplomatic channels.

4. The diplomatic mission of the sending state shall transmit to the foreign affairs ministry of the receiving state a consular commission which shall contain the full name of the head of the consular establishment, his citizenship, his class, the consular district assigned to him, and the seat of the consular establishment.

5. A head of a consular establishment may enter upon the exercise of his duties only after having been recognized in this capacity by the receiving state. Such recognition after the presentation of the commission shall be in the form of a exequatur or in another form and shall be free of charge.

6. The full name, function and class of all consular officers other than the head of a consular establishment, and the full name and function of employees of the consular establishment shall be notified in advance by the sending state to the receiving state.

The receiving state shall issue to each consular officer an appropriate document confirming his right to carry out consular functions in the territory of the receiving state.

7. The receiving state may at any time, and without having to explain its decision, notify the sending state through diplomatic channels that any consular officer is persona non grata or that any employee of the consular establishment is unacceptable. In such a case the sending state shall accordingly recall such officer or employee of the consular establishment. If the sending state refuses or fails within a reasonable time to carry out its obligations under the present paragraph, the receiving state may refuse to recognize the officer or employee concerned as a member of the consular establishment.

8. With the exception of members of the staff of the diplomatic mission of the sending state, as defined in paragraph (c) of Article 1 of the Vienna Convention on Diplomatic Relations, no national of the sending state already present in the receiving state or in transit thereto may be appointed as a consular officer or employee of the consular establishment.

Article 3

Consular officers may be nationals only of the sending state.

Article 4

The receiving state shall take the necessary measures in order that a consular officer may carry out his duties and enjoy the rights, privileges, and immunities provided for in the present Convention and by the laws of the receiving state.

Article 5

1. The receiving state shall either facilitate the acquisition on its territory, in accordance with its laws and regulations, by the sending state of premises necessary for

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its consular establishment or assist the latter in obtaining accommodation in some other way.

2. It shall also, where necessary, assist the sending state in obtaining suitable accommodation for the personnel of its consular establishment.

Article 6

1. If the head of the consular establishment cannot carry out his functions or if the position of head of a consular establishment is vacant, the sending state may empower a consular officer of the same or another consular establishment, or one of the members of the diplomatic staff of its diplomatic mission in the receiving state, to act temporarily as head of the consular establishment. The full name of this person must be transmitted in advance to the foreign affairs ministry of the receiving state.

2. A person empowered to act as temporary head of the consular establishment shall enjoy the rights, privileges, and immunities of the head of the consular establishment.

3. When, in accordance with the provisions of paragraph 1 of the present Article, a member of the diplomatic staff of the diplomatic mission of the sending state in the receiving state is designated by the sending state as an acting head of the consular establishment, he shall continue to enjoy diplomatic privileges and immunities.

CONSULAR FUNCTIONS

Article 7

A consular officer shall be entitled within his consular district to perform the following functions, and for this purpose may apply orally or in writing to the competent authorities of the consular district:

(1) To protect the rights and interests of the sending state and its nationals, both individuals and bodies corporate;

(2) To further the development of commercial, economic, cultural and scientific relations between the sending state and the receiving state and otherwise promote the development of friendly relations between them;

(3) To register nationals of the sending state, to issue or amend passports and other certificates of identity, and also to issue entry, exit, and transit visas;

(4) To draw up and record certificates of birth and death of citizens of the sending state taking place in the receiving state, to record marriages and divorces, if both persons entering into marriage or divorce are citizens of the sending state, and also to receive such declarations pertaining to family relationships of a national of the sending state as may be required under the law of the sending state, unless prohibited by the laws of the receiving state;

(5) To draw up, certify, attest, authenticate, legalize and take other actions which might be necessary to validate any act or document of a legal character, as well as copies thereof, including commercial documents, declarations, registrations, testamentary dispositions, and contracts, upon the application of a national of the sending state, when such document is intended for use outside the territory of the receiving state, and also for any person, when such document is intended for use in the territory of the sending state;

(6) To translate any acts and documents into the English and Russian languages and to certify to the accuracy of the translations;

(7) To perform other official consular functions entrusted to him by the sending state if they are not contrary to the laws of the receiving state.

Article 8

1. The acts and documents specified in paragraph 5 of Article 7 of the present Convention which are drawn up or certified by the consular officer with his official seal affixed, as well as copies, extracts, and translations of such acts and documents certified

by him with his official seal affixed, shall be receivable in evidence in the receiving state as official or officially certified acts, documents, copies, translations, or extracts, and shall have the same force and effect as though they were drawn up or certified by the competent authorities or officials of the receiving state; provided that such documents shall have been drawn and executed in conformity with the laws and regulations of the country where they are designed to take effect.

2. The acts, documents, copies, translations, or extracts, enumerated in paragraph 1 of the present Article shall be authenticated if required by the laws of the receiving state when they are presented to the authorities of the receiving state.

Article 9

If the relevant information is available to the competent authorities of the receiving state, such authorities shall inform the consular establishment of the death of a national of the sending state.

Article 10

1. In the case of the death of a national of the sending state in the territory of the receiving state, without leaving in the territory of his decease any known heir or testamentary executor, the appropriate local authorities of the receiving state shall as promptly as possible inform a consular officer of the sending state.

2. A consular officer of the sending state may, within the discretion of the appropriate judicial authorities and if permissible under then existing applicable local law in the receiving state:

(a) take provisional custody of the personal property left by a deceased national of the sending state, provided that the decedent shall have left in the receiving state no heir or testamentary executor appointed by the decedent to take care of his personal estate; provided that such provisional custody shall be relinquished to a duly appointed administrator;

(b) administer the estate of a deceased national of the sending state who is not a resident of the receiving state at the time of his death, who leaves no testamentary executor, and who leaves in the receiving state no heir, provided that if authorized to administer the estate, the consular officer shall relinquish such administration upon the appointment of another administrator;

(c) represent the interests of a national of the sending state in an estate in the receiving state, provided that such national is not a resident of the receiving state, unless or until such national is otherwise represented; provided, however, that nothing herein shall authorize a consular officer to act as an attorney at law.

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.

4. Whenever a consular officer shall perform the functions referred to in paragraphs 2 and 3 of this Article, he shall be subject, with respect to the exercise of such func-

tions, to the laws of the receiving state and to the civil jurisdiction of the judicial and administrative authorities of the receiving state in the same manner and to the same extent as a national of the receiving state.

Article 11

A consular officer may recommend to the courts or to other competent authorities of the receiving state appropriate persons to act in the capacity of guardians or trustees for citizens of the sending state or for the property of such citizens when this property is left without supervision.

In the event that the court or competent authorities consider that the recommended candidate is for some reason unacceptable, the consular officer may propose a new candidate.

Article 12

1. A consular officer shall have the right within his district to meet with, communicate with, assist, and advise any national of the sending state and, where necessary, arrange for legal assistance for him. The receiving state shall in no way restrict the access of nationals of the sending state to its consular establishments.

2. The appropriate authorities of the receiving state shall immediately inform a consular officer of the sending state about the arrest or detention in other form of a national of the sending state.

3. A consular officer of the sending state shall have the right without delay to visit and communicate with a national of the sending state who is under arrest or otherwise detained in custody or is serving a sentence of imprisonment. The rights referred to in this paragraph shall be exercised in conformity with the laws and regulations of the receiving state, subject to the proviso, however, that the said laws and regulations must not nullify these rights.

Article 13

1. A consular officer may provide aid and assistance to vessels sailing under the flag of the sending state which have entered a port in his consular district.

2. Without prejudice to the powers of the receiving state, a consular officer may conduct investigations into any incidents which occurred during the voyage on vessels sailing under the flag of the sending state, and may settle disputes of any kind between the master, the officers and the seamen insofar as this may be authorized by the laws of the sending state. A consular officer may request the assistance of the competent authorities of the receiving state in the performance of such duties.

3. In the event that the courts or other competent authorities of the receiving state intend to take any coercive action on vessels sailing under the flag of the sending state while they are located in the waters of the receiving state, the competent authorities of the receiving state shall, unless it is impractical to do so in view of the urgency of the matter, inform a consular officer of the sending state prior to initiating such actions so that the consular officer may be present when the action is taken. Whenever it is impractical to notify a consular officer in advance, the competent authorities of the receiving state shall inform him as soon as possible thereafter of the action taken.

4. Paragraph 3 of this Article shall not apply to customs, passport, and sanitary inspections, or to action taken at the request or with the approval of the master of the vessel.

5. The term "vessel", as used in the present Convention, does not include warships.

Article 14

If a vessel sailing under the flag of the sending state suffers shipwreck, runs aground, is swept ashore, or suffers any other accident whatever within the territorial limits of the receiving state, the competent authorities of the receiving state shall immedi-

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ately inform a consular officer and advise him of the measures which they have taken to rescue persons, vessel, and cargo.

The consular officer may provide all kinds of assistance to such a vessel, the members of its crew, and its passengers, as well as take measures in connection with the preservation of the cargo and repair of the ship, or he may request the authorities of the receiving state to take such measures.

The competent authorities of the receiving state shall render the necessary assistance to the consular officer in measures taken by him in connection with the accident to the vessel.

No customs duties shall be levied against a wrecked vessel, its cargo or stores, in the territory of the receiving state, unless they are delivered for use in that state.

If the owner or anyone authorized to act for him is unable to make necessary arrangements in connection with the vessel or its cargo, the consular officer may make such arrangements. The consular officer may under similar circumstances make arrangements in connection with cargo owned by the sending state or any of its nationals and found or brought into port from a wrecked vessel sailing under the flag of any state except a vessel of the receiving state.

Article 15

Articles 13 and 14, respectively, shall also apply to aircraft.

RIGHTS, PRIVILEGES AND IMMUNITIES

Article 16

The national flag, of the sending state and the consular flag may be flown at the consular establishment, at the residence of the head of the consular establishment, and on his means of transport used by him in the performance of his official duties. The shield with the national coat-of-arms of the sending state and the name of the establishment may also be affixed on the building in which the consular establishment is located.

Article 17

The consular archives shall be inviolable at all times and wherever they may be. Unofficial papers shall not be kept in the consular archives.

The buildings or parts of buildings and the land ancillary thereto, used for the purposes of the consular establishment and the residence of the head of the consular establishment, shall be inviolable.

The police and other authorities of the receiving state may not enter the building or that part of the building which is used for the purposes of the consular establishment or the residence of the head of the consular establishment without the consent of the head thereof, persons appointed by him, or the head of the diplomatic mission of the sending state.

Article 18

1. The consular establishment shall have the right to communicate with its Government, with the diplomatic mission and the consular establishments of the sending state in the receiving state, or with other diplomatic missions and consular establishments of the sending state, making use of all ordinary means of communication. In such communications, the consular establishment shall have the right to use code, diplomatic couriers, and the diplomatic pouch. The same fees shall apply to consular establishments in the use of ordinary means of communication as apply to the diplomatic mission of the sending state.

2. The official correspondence of a consular establishment, regardless of what means of communication are used, and the sealed diplomatic pouch bearing visible external marks of its official character, shall be inviolable and not subject to examination or detention by the authorities of the receiving state.

Article 19

1. Consular officers shall not be subject to the jurisdiction of the receiving state in matters relating to their official activity. The same applies to employees of the consular establishment, if they are nationals of the sending state.

2. Consular officers and employees of the consular establishment who are nationals of the sending state shall enjoy immunity from the criminal jurisdiction of the receiving state.

3. This immunity from the criminal jurisdiction of the receiving state of consular officers and employees of the consular establishment of the sending state may be waived by the sending state. Waiver must always be express.

Article 20

1. Consular officers and employees of the consular establishment, on the invitation of a court of the receiving state, shall appear in court for witness testimony. Taking measures to compel a consular officer or an employee of the consular establishment who is a national of the sending state to appear in court as a witness and to give witness testimony is not permissible.

2. If a consular officer or an employee of the consular establishment who is a national of the sending state for official reasons or for reasons considered valid according to the laws of the receiving state cannot appear in court, he shall inform the court thereof and give witness testimony on the premises of the consular establishment or in his own abode.

3. Whenever under the laws of the receiving state an oath is required to be taken in court by consular officers and employees of the consular establishment, an affirmation shall be accepted in lieu thereof.

4. Consular officers and employees of the consular establishment may refuse to give witness testimony on facts relating to their official activity.

5. The provisions of paragraphs 1, 2, 3, and 4 shall also apply to the proceedings conducted by administrative authorities.

Article 21

1. Immovable property, situated in the territory of the receiving state, of which the sending state or one or more persons acting in its behalf is the owner or lessee and which is used for diplomatic or consular purposes, including residences for personnel attached to the diplomatic and consular establishments, shall be exempt from taxation of any kind imposed by the receiving state or any of its states or local governments other than such as represent payments for specific services rendered.

2. The exemption from taxation referred to in paragraph 1 of this Article shall not apply to such charges, duties, and taxes if, under the law of the receiving state, they are payable by the person who contracted with the sending state or with the person acting on its behalf.

Article 22

A consular officer or employee of a consular establishment, who is not a national of the receiving state and who does not have the status in the receiving state of an alien lawfully admitted for permanent residence, shall be exempt from the payment of all taxes or similar charges of any kind imposed by the receiving state or any of its states or local governments on official emoluments, salaries, wages, or allowances received by such officer or employee from the sending state in connection with the discharge of his official functions.

Article 23

1. A consular officer or employee of a consular establishment who is not a national of the receiving state and who does not have the status in the receiving state of an alien law-

fully admitted for permanent residence, shall, except as provided in paragraph 2 of this Article, be exempt from the payment of all taxes or similar charges of any kind imposed by the receiving state or any of its states or local governments, for the payment of which the officer or employee of the consular establishment would otherwise be legally liable.

2. The exemption from taxes or charges provided in paragraph 1 of this Article does not apply in respect to taxes or charges upon:

(a) The acquisition or possession of private immovable property located in the receiving state if the persons referred to in paragraph 1 of this Article do not own or lease this property on the behalf of the sending state for the purposes of the consular establishment;

(b) Income received from sources in the receiving state other than as described in Article 22 of the present Convention;

(c) The transfer by gift of property in the receiving state;

(d) The transfer at death, including by inheritance, of property in the receiving state.

3. However, the exemption from taxes or similar charges provided in paragraph 1 of this Article, applies in respect to movable inherited property left after the death of a consular officer or employee of the consular establishment or a member of his family residing with him if they are not nationals of the receiving state or aliens lawfully admitted for permanent residence, and if the property was located in the receiving state exclusively in connection with the sojourn in this state of the deceased as a consular officer or employee of the consular establishment or member of his family residing with him.

Article 24

A consular officer or employee of a consular establishment and members of his family residing with him who are not nationals of the receiving state and who do not have the status in the receiving state of aliens lawfully admitted for permanent residence, shall be exempt in the receiving state from service in the armed forces and from all other types of compulsory service.

Article 25

A consular officer or employee of a consular establishment and members of his family residing with him who do not have the status in the receiving state of aliens lawfully admitted for permanent residence, shall be exempt from all obligations under the laws and regulations of the receiving state with regard to the registration of aliens, and obtaining permission to reside, and from compliance with other similar requirements applicable to aliens.

Article 26

1. The same full exemption from customs duties and internal revenue or other taxes imposed upon or by reason of importation shall apply in the receiving state to all articles, including motor vehicles, imported exclusively for the official use of a consular establishment, as applies to articles imported for the official use of the diplomatic mission of the sending state.

2. Consular officers, and employees of the consular establishment, and members of their families residing with them, who are not nationals of the receiving state, and who do not have the status in the receiving state of aliens lawfully admitted for permanent residence, shall be granted, on the basis of reciprocity, the same exemptions from customs duties and internal revenue or other taxes imposed upon or by reason of importation, as are granted to corresponding personnel of the diplomatic mission of the sending state.

3. For the purpose of paragraph 2 of this Article the term "corresponding personnel

of the diplomatic mission" refers to members of the diplomatic staff in the case of consular officers, and to members of the administrative and technical staff in the case of employees of a consular establishment.

Article 27

Subject to the laws and regulations of the receiving state concerning zones entry into which is prohibited or regulated for reasons of national security, a consular officer shall be permitted to travel freely within the limits of his consular district to carry out his official duties.

Article 28

Without prejudice to their privileges and immunities, it is the duty of all persons enjoying such privileges and immunities to respect the laws and regulations of the receiving state, including traffic regulations.

Article 29

1. The rights and obligations of consular officers provided for in the present Convention also apply to members of the diplomatic staff of the diplomatic mission of the Contracting Parties charged with the performance of consular functions in the diplomatic mission and who have been notified in a consular capacity to the foreign affairs ministry of the receiving state by the diplomatic mission.

2. Except as provided in paragraph 4 of Article 10 of the present Convention, the performance of consular functions by the persons referred to in paragraph 1 of this Article shall not affect the diplomatic privileges and immunities granted to them as members of the diplomatic mission.

FINAL PROVISIONS

Article 30

1. The present Convention shall be subject to ratification and shall enter into force on the thirtieth day following the exchange of instruments of ratification, which shall take place in Washington as soon as possible.

2. The Convention shall remain in force until six months from the date on which one of the Contracting Parties informs the other Contracting Party of its desire to terminate its validity.

In witness whereof the Plenipotentiaries of the two Contracting Parties have signed the present Convention and affixed their seals thereto.

Done in Moscow on June 1, 1964 in two copies, each in the English and the Russian language, both texts being equally authentic.

For the Government of the United States of America:

FOY D. KOHLER,

Ambassador of the United States of America to the U.S.S.R.

For the Government of the Union of Soviet Socialist Republics:

A. GROMYKO,

Minister for Foreign Affairs of the Union of Soviet Socialist Republics

PROTOCOL TO THE CONSULAR CONVENTION BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE UNION OF SOVIET SOCIALIST REPUBLICS

1. It is agreed between the Contracting Parties that the notification of a consular officer of the arrest or detention in other form of a national of the sending state specified in paragraph 2 of Article 12 of the Consular Convention between the Government of the United States of America and the Government of the Union of Soviet Socialist Republics of June 1, 1964, shall take place within one to three days from the time of arrest or detention depending on conditions of communication.

2. It is agreed between the Contracting Parties that the rights specified in paragraph 3 of Article 12 of the Consular Convention of a consular officer to visit and communicate with a national of the sending state who is under arrest or otherwise detained in custody shall be accorded within

two to four days of the arrest or detention of such national depending upon his location.

3. It is agreed between the Contracting Parties that the rights specified in paragraph 3 of Article 12 of the Consular Convention of a Consular officer to visit and communicate with a national of the sending state who is under arrest or otherwise detained in custody or is serving a sentence of imprisonment shall be accorded on a continuing basis.

The present Protocol constitutes an integral part of the Consular Convention between the Government of the United States of America and the Government of the Union of Soviet Socialist Republics of June 1, 1964.

Done at Moscow on June 1, 1964 in two copies, each in the English and the Russian language, both texts being equally authentic.

For the Government of the United States of America:

FOY D. KOHLER,

Ambassador of the United States of America to the U.S.S.R.

For the Government of the Union of Soviet Socialist Republics:

A. GROMYKO,

Minister for Foreign Affairs of the Union of Soviet Socialist Republics

Mr. PEARSON. Mr. President, whether or not the Senate should ratify the proposed Consular Convention between the United States and the Soviet Union is a most important and at the same time one of the most delicate, questions before the 90th Congress. It is also one of the most emotionally charged issues, as the constituent mail of each Senator dramatically illustrates; legitimate concerns have been magnified and distorted, while all too often very little light has been shed on the real issues.

The treaty simply provides a basic legal framework for the exchange of Consulates between the United States and the Soviet Union and details the rules and regulations governing the conduct of consular officials and their diplomatic status. This document, signed in 1964 and approved by the Senate Foreign Relations Committee in 1965 and again in February of this year, represents an attempt to formalize what is ordinarily a routine bilateral exchange of officials.

In this case, however, Mr. President, neither the provisions of the treaty nor the circumstances surrounding its ratification are routine. This is the first bilateral treaty we have ever made with the Soviet Union, our adversary in the costly and trying cold war of two long decades. And unfamiliarity not only breeds contempt, but caution.

In addition, we are engaged in a bloody war against communist aggression in southeast Asia. Secret agents menace the internal fabric of our society, while ideological invective poisons the international airwaves.

Thus one can understand the great concern and even alarm being expressed over this treaty's pending ratification. But emotion is the wind which blow out the lamp of reason. We must understand the former, but we must be guided by the latter.

Mr. President, many individuals have expressed genuine dismay over the treaty provision granting full diplomatic immunity from criminal prosecution to the consular staffs of both countries. They consider this proviso a dangerous Carte Blanche for Soviet espionage and cite the concern expressed by FBI Director

J. Edgar Hoover when he testified before the House Foreign Affairs Committee 2 years ago. Mr. Hoover noted that the treaty "will make our work more difficult," if it permits the Soviet Union to establish consulates "in many parts of the country."

The point is also made, Mr. President, that the United States has consular conventions with many other countries, none of which includes a provision granting full immunity from criminal prosecution to consular staffs. The question is then asked: "Why include such a provision in a treaty with the Soviet Union?"

Mr. President, what are the risks involved in granting Soviet consular officials diplomatic immunity? The question cannot be answered with exact preciseness, but a calm examination suggests that the risks are few.

As the treaty neither authorizes the opening of consulates nor specifies their number, Senate ratification will not automatically result in the establishment of a large number of Soviet consulates. The treaty merely provides the legal framework for their operation if and when they are established.

The number and location of consulates will be established by negotiation after the treaty is ratified. At present, no such negotiations are being conducted. When they are held, Congress will, of course, be kept fully informed. The administration has further stated that for the foreseeable future no more than the opening of one consulate in each country is envisioned.

Mr. President, that the Communists are most vigorous and adept at employing their diplomatic posts for espionage activities is beyond dispute. That they will attempt to utilize their consular offices in a like manner is also to be expected. However, when only 10 or 15 officials are added to the 452 Soviets with full diplomatic immunity now in the United States, the small scale of the threat is readily apparent. Indeed, as Mr. Hoover himself said on this point just a few weeks ago:

The F.B.I. can definitely handle any additional responsibilities brought about by approval of the treaty. . . . The (extra) expenditure in funds . . . could be absorbed within our current appropriation.

But even those who recognize the limited scope of the immediate problem are concerned about its portent for the future. Using this treaty as a precedent, will the 27 other countries with whom American has consular treaties press for similar provisions?

The answer, Mr. President, is not likely." The administration estimates at most only 11 would do so. Thus, just 290 employees, only a fraction of whom are Communist, would be added to the 9,400 persons with diplomatic immunity in the United States.

One must also bear in mind that it is often much easier to scrutinize the activities of political agents who enter the country as registered representatives of a foreign government than when they enter clandestinely.

In addition, the convention contains a number of safeguards against the danger of diplomatic subversion. For

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example, a state may expel consular officials for their misdeeds and may scrutinize in advance all consular appointments. As a final safeguard, the treaty may be terminated on 6 months' notice by either party if it does not function to their satisfaction.

Mr. President, we must also remember that the treaty provisions cut both ways. Given the closed character of Russian society, the United States stands to gain far more information from consular surveillance than does the Soviet Union. Our sources of information within Russia are limited and the more "windows" that can be opened to shed light on the convoluted operations of the Soviet Government the better.

Finally, and possibly most importantly, Mr. President, this speaker is of the view that we all too often inflate the threat of Soviet operatives, while minimizing the capacity of our people and our institutions to resist their intrigues. Is the fabric of this free and open society so delicate, so weak that it will be seriously endangered by the introduction of a few score of new Soviet citizens?

Mr. President, the potential for increased espionage is the most emotionally charged question, but by far the most important questions concern the broad implications this treaty has for United States-Soviet relations. In this respect, it is the timing of this treaty which generates honest disagreement among reasonable and informed men.

The point is made that the United States should refrain from making any conciliatory gestures toward the Soviets while the Vietnam war is in progress. The U.S.S.R. continues to oppose American aims in southeast Asia. It endeavors to mobilize world opinion against us and continues to send massive infusions of military aid to our enemies. Why should we add further respectability to a regime which labels us "world-wide public enemy No. 1" and supplies the guns and rockets which daily drain the blood of American youth?

The question is a valid one. For, while the Communists may be divided on ideological issues, they are united in varying degrees in their opposition to Western democracy. There is no indication that the ratification of this treaty will cause the Soviets to cease their ideological vilification of the United States or halt the flow of war material to North Vietnam.

However, Mr. President, Soviet differences with the United States do not mitigate against the ratification of this treaty. Rather, they impel it. This convention can become a symbol, albeit a rather minor one, of the willingness of the two countries to divorce emotion and ideological differences from basic compatible interests. For, the consular treaty is not so much a gesture of conciliation, as it is an agreement that the mutual interests of both parties will be furthered by the establishment of missions designed to serve nondiplomatic interests.

Make no mistake about it, it is the U.S. private citizen and businessman who would benefit most from the facilities offered by the consulates. The most

important proviso of the treaty, in my opinion, guarantees that a consulate will be notified within 1 to 3 days after a foreign national is arrested. Furthermore, consular officials will be guaranteed access to detained Americans within 2 to 4 days of their arrest, and this right of access will continue as long as they are held.

Mr. President, this all-important provision, representing an unprecedented concession by the Soviet Union, goes into effect once the treaty is ratified whether or not consular offices are ever established by later negotiation.

This concession appears all the more remarkable when one pauses to consider past Soviet behavior. In 1961, American student Marvin Makinen was held from July 21 to September 4 before the U.S. Embassy was even notified of his detention. In a more famous case, U-2 pilot Gary Powers was held incommunicado by the Soviets for 21 months.

Postwar history is replete with similar examples. The provisions for notification and access contained in this treaty will significantly improve the prospects for decent treatment of U.S. citizens arrested in the Soviet Union. Not only would such a development be welcome for humane reasons, but by subjecting detentions to closer American scrutiny, the ability of the Soviets to use them as instruments of international propaganda could be reduced.

In addition, consulates offer services which range from processing birth certificates to the translation of legal documents. These arrangements would greatly ease the lot of Americans trying to fend for themselves in a foreign land.

Thus, consular offices should not be considered as significant diplomatic concessions, but as devices for regularizing unofficial relations. In this particular case, Mr. President, if one country stands to benefit more than the other, it is the United States. We simply have far more tourists and businessmen to serve, and their number is growing each year. Approximately 18,000 Americans visit the Soviet Union for unofficial purposes as opposed to the 1,400 Russians who come to this country.

Mr. President, also in regard to the question of timing, some wise and careful men have urged that ratification be delayed while the interrelationship of this treaty to others which may soon be put before this body is thoroughly examined. In particular, the Treaty on the Peaceful Uses of Outer Space and the East-West trade bill are cited as examples of more ambitious efforts by the administration to significantly alter U.S. foreign policy.

Mr. President, this speaker does not advocate a rapid expansion of our trade with the Communist bloc, particularly when they are supplying our enemies in Vietnam. Neither would I support a relaxing of the safeguards so essential to the maintenance of our long-term security interests. However, Mr. President, this Senator is persuaded that the consular treaty does not presage such dangerous developments. The space and trade agreements, while affecting our overall relations with the Communist

bloc, treat completely different subjects.

The Consular Treaty will create no irresistible momentum leading to the hasty adoption of these other items. They will be carefully considered on their individual merits. Let us not forget that the amount of trade a consulate handles is not determined by the consulate, but by our Government. Thus, those who feel ratification will in itself lead to an expansion of trade are mistaken in my view.

It is wise to be cautious and a full examination of administration policy is the Senate's eternal duty; but as the poet Matthew Arnold said:

(Those) . . . who hesitate and falter life away . . . lose tomorrow the ground won today.

World powers, therefore, by definition have a variety of commitments and concerns. It would be futile and self-defeating to treat all foreign policy issues alike. The Communist camp today is torn by controversy. The opportunities for initiatives are many.

The Consular Convention is just one such opportunity. This treaty alone will not eliminate the differences which separate the Soviet Union and the United States, but it will bring more understanding to them. It will not eliminate the political harassment of U.S. citizens, but it will reduce it. Its passage represents a risk, but the risk is manageable.

In short, the treaty is neither a panacea nor an unconscionable gamble. It is simply a small step toward increased protection of American citizens abroad and the improvement of relations between the world's two superpowers.

Mr. FULBRIGHT. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. FULBRIGHT. The pending business is in the Consular Treaty?

The PRESIDING OFFICER. The Senator is correct.

Mr. FULBRIGHT. Mr. President, I wish to say a few words about the treaty. I hope that tomorrow or the next day the Senate will adopt the treaty.

Last October, President Johnson spoke in New York on the subject of our relations with Europe. He defined America's task in its relations with the European Communist world as achieving "a reconciliation with the East," and he then said:

Americans are prepared to do their part. Under the last four Presidents our policy toward the Soviet Union has been the same. Where necessary, we shall defend freedom; where possible we shall work with the East to build a lasting peace.

We do not intend to let our differences on Viet Nam or elsewhere prevent us from exploring all opportunities. We want the Soviet Union and the nations of Eastern Europe to know that we and our allies shall go step by step with them as far as they are willing to advance.

I emphasize the words "step by step" with the Soviet Union "as far as they are willing to advance," for in considering whether to give our advice and consent to ratification of the consular convention we are considering whether to take a

step with the Soviet Union, a modest, cautious step, but a step in the direction of reconciliation and not away from it. Will we, as a result of our debate in the Senate, take this step? Or will we stand still and thus admit that we are unwilling or unable to affect the future course of our relations with the Soviet Union?

Now, consular conventions are not usually politically significant. We have consular conventions with over 30 countries, and treaties and other agreements containing consular provisions with over 30 other states. We have such conventions, treaties, and agreements with allies, with neutrals and with countries with whom our relations are not particularly good, with Communist countries and non-Communist countries of every existent variety.

This convention is different, however, not because its provisions are unique or significant but because it is an agreement with the other immensely powerful state in the world today, a state with whom our relations are most sensitive and difficult, a state with whom our relations are of transcendental importance.

I would have preferred to address my remarks today only to the broad issue of our relations with this other great power and not to deal with the narrow subject of the technical provisions of the convention we are considering. But because there has been a good deal of discussion in the country of these provisions, and because I believe that there is considerable misunderstanding about them, I will begin by attempting to clarify what the treaty does and what it does not do.

The consular convention does not provide for opening consulates. There have been Soviet consulates in the United States and American consulates in the Soviet Union before. Consulates could be established again any time without a treaty merely by agreement between the two Governments. Nor does the treaty provide for increasing trade with the Soviet Union or amend in any way the body of legislation designed to prohibit the export of strategic materials to the Communist world. The various laws dealing with this subject remain untouched.

All the treaty does is regulate consular relations between the United States and the Soviet Union. Consular relations are best regulated by treaty; for a treaty, as you know, becomes the supreme law of the land and supersedes inconsistent Federal and State laws. To regulate the myriad consular affairs between our country and another, it is necessary to supersede State laws with regard to various tax matters, in order to fulfill an obligation to notify a foreign government official when an arrest is made and to grant officials of other governments immunity from local laws.

I will not discuss the minor points in the convention, which are no different in this treaty than in the other consular conventions we have, but will concentrate on the two questions that have attracted attention: the provisions regarding notification and access and those pertaining to consular immunity.

The consular convention we are considering today provides that when an American citizen is arrested in the Soviet Union, the Soviets are obliged to notify an American consular officer of his detention within 1 to 3 days. The provisions in the convention regarding access oblige the Soviets to permit an American consular officer to have access to an arrested American citizen within 2 to 4 days. These provisions regarding notification and access, as all the other provisions in the convention, are of course reciprocal. They seem to me to be more beneficial to us than to the Soviets, however, for there are 20 times as many Americans visiting the Soviet Union as there are Soviets visiting the United States; and, furthermore, we already observe the standards of notification and access that this treaty will oblige the Soviets to observe. I should add that these notification and access provisions will become operative, and thus binding on the Soviets, as soon as the convention enters into force whether or not consulates are ever opened.

Those who are opposed to ratification of this convention argue that notification and access do not amount to freedom and that, these notifications and access provisions are of small benefit indeed. Perhaps these provisions do produce only minor benefits—although certainly an American arrested in the Soviet Union would not consider them to be so minor—but they oblige the Soviet Government to act in a way in which they have never been willing to agree to act before, and in a way that we consider desirable and advantageous to us.

By agreeing to these notification and access provisions, the Soviets have made a concession. Some belittle this concession, saying that the Soviets should go further and make more far-reaching changes in their trial procedures. But a consular convention is not a vehicle for effecting changes in a society. It is an agreement designed to regulate the consular affairs of the countries concerned, protect their citizens, and provide ground rules for their consular personnel. This convention goes further than any other modern convention in the protections afforded American citizens and American consular officers and employees. Are we going to refuse to accept these benefits—benefits we wanted, which led us to propose negotiations on the treaty in the first place, and benefits which represent a concession by the Soviets—because we disapprove of certain aspects of Soviet society? We have not applied this standard to other countries. It seems to me unreasonable and unproductive to attempt to do so in this case.

The other matter that has aroused a great deal of attention is the grant of unrestricted immunity from criminal jurisdiction to consular officers and employees. This provision is a new departure for the United States. In other consular conventions to which the United States is a party, such immunity has applied only to misdemeanors and not to felonies. On the other hand, so far as diplomatic immunity is concerned, nations observe an even broader immunity which extends not only to criminal

jurisdiction but to civil jurisdiction as well and also applies to the families of diplomatic officers. Our diplomats in the Soviet Union, and indeed all over the world, have such immunity, as do all foreign diplomats including Soviet diplomats here.

In other words, this convention brings the protection which those working in consulates enjoy more closely into line with the protection those working in embassies have, reflecting a universal erosion over the past few decades of the distinctions between diplomatic and consular officers. In our case, it seems to me particularly appropriate that we do not emphasize such distinctions, while others disavow them, because our diplomatic and consular services were combined over 35 years ago. As a result, an American Foreign Service officer may be assigned this year to an embassy and next year to a consulate. Why should he enjoy the protection of unrestricted immunity from the criminal jurisdiction of the Soviet Union while assigned to our embassy in Moscow but have only restricted immunity from criminal jurisdiction when assigned to a consulate outside the capital?

But those who are concerned about the immunity provision in this convention are not interested in the disappearing distinctions between diplomatic and consular immunities. Their interest in the immunity provision is a result of their fear of espionage. They see a danger in the immunity provision; because if a Soviet intelligence officer assigned to a Soviet consulate in the United States were to commit espionage, he could not be prosecuted, but, like any Soviet official assigned to the Soviet Embassy in Washington who committed espionage, only be expelled.

Now, it is a fact of life, an unpleasant fact, to be sure, that all of those assigned to foreign embassies and consulates in the United States and all of the Americans assigned to our embassies and consulates abroad are not what they appear to be. Some are not career diplomatic and consular personnel but intelligence officers. The Soviets use embassies and consulates for intelligence purposes as do other countries, including the United States. Perhaps in a gentler age this may not have been true, but it is the case in the world today. In this sense, there is a common interest involved, for I gather that both we and the Soviets would prefer to have our intelligence officers expelled rather than imprisoned.

It would be one thing if we were opening the floodgates to massive numbers of Soviet intelligence agents by ratifying this convention. But we are talking about only one Soviet consulate at this point, with 10 to 15 officers and employees, and one American consulate of an equal size in the Soviet Union. There are already in the United States 452 Soviet nationals with full diplomatic immunity, so that involved is an increase of 3 percent in the number of Soviet officials with full criminal immunity.

Because we have most-favored-nation clauses in consular agreements with 35 other countries, these countries will also be entitled to request a similar extension of consular immunity, provided they are

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willing to grant us such immunity in return. Of these 35 countries, 27 now have consular establishments in the United States, and these consular establishments have 577 consular officers and employees who would be qualified for such immunity. The fact is, however, that the Department of State has estimated that only 11 countries, with 290 officers and employees in the United States, will ask for such immunity. We will thus add perhaps some 300 persons to the 9,400 foreign diplomatic officers and employees now in the United States who already enjoy full criminal immunity—a total increase of about 3 percent.

Those who criticize this immunity provision point out that granting full criminal immunity to consular officers and employees was originally a Soviet suggestion. The implication, therefore, is that the immunity provision must work to the advantage of the Soviets and to the disadvantage of the United States. In fact, upon considering the Soviet proposal, the Department of State decided that the immunity provision suggested by the Soviets was desirable from the point of view of the United States. Presumably because the immunity provision was originally suggested by the Soviets, they considered this provision to be desirable from their point of view.

Yet, instead of being pleased to see a provision in the convention that each party apparently considers to be in its interest, some regard the immunity provision as suspect, not because of its substance but because this provision was first proposed by the Soviets. Such suspicions are not new, of course, but I think we should reflect on the words of Ambassador George F. Kennan, in his book "Russia, the Atom and the West":

... We must beware of rejecting ideas just because they happen to coincide with ones put forward on the other side. Moscow says many harmful and foolish things; but it would be wrong to assume that its utterances never happen to accord with the dictates of sobriety and good sense. The Russians are not always wrong, any more than we are always right. Our task, in any case, is to make up our minds independently.

If the Soviets had not been willing to make up their minds independently, there would have been no consular convention at all for we were the ones who first proposed negotiations on a consular convention and then pushed for them.

One more comment of Ambassador Kennan seems to me appropriate in concluding my remarks on the technical aspects of the convention. In an appearance before the committee on January 30 of this year he said about the treaty:

When I first went to the Soviet Union proper, which was at the time of our recognition of the Soviet Government in 1933, we would not have hesitated for a second to conclude an agreement of this sort, had the Russians been willing to do it. We at that time considered it highly wrong and regrettable that they were so afraid of contacts between people, so afraid of having foreign representatives in their country, that they put so jealous a control on foreign representatives, that they did not want our consuls around. We wanted to go in for the maximum amount of that sort of exchange.

I am somewhat surprised to find that now, 30 years later, we quail at an agreement of this sort * * *

I, too, am somewhat surprised at the opposition the treaty has aroused. It does not befit a great and powerful nation—in fact, it seems to call into question its greatness and its power—to believe so little in its own strength and security, and to fear so for its own vulnerability, that it must "quail" at the prospect of the arrival of 10 or 15 Soviet officials.

The arguments of the opponents to this convention on the substantive provisions of the treaty which I have been discussing are mere skirmishes, however. The main attack on the treaty has been on much more fundamental grounds: on the grounds that this is no time to reach agreements with the Soviets because they are sending supplies to North Vietnam and that an agreement on consular relations—or, for that matter, on any subject—will lead inexorably to other agreements, including an agreement on trade which would enable the Soviets to increase the flow of military equipment to North Vietnam and thus prolong the war. This treaty should also not be ratified, according to its opponents, because the act of ratifying an agreement with the Soviets will be regarded as a mark of confusion by our allies, as a confession of weakness by our enemies, and as both by our fighting men in Vietnam.

It is difficult for me to understand and accept the fact that there are some in the Senate who, given an opportunity to improve relations in some small way with the Soviet Union and of reducing the tensions that exist in our relations with that country, prefer that we not do so, but that instead we keep relations frozen and tensions highly charged. I would certainly understand this attitude if it were motivated by an opposition to appeasement—that is, if this convention, or any of the East-West measures that I have mentioned, represented a sacrifice to the Soviets designed to mollify them. But I cannot understand why any Senator would hesitate to seize an opportunity to voice his approval for an agreement with the Soviet Union which offers us certain benefits in protecting American citizens traveling in the Soviet Union which we sought in the first place. I do not see how ratifying such an agreement could be construed as a mark of confusion or a confession of weakness. On the contrary, if I were the leader of North Vietnam I would be concerned at any sign of a rapprochement between an ally on whom I depended heavily and my opponent, especially if my ally and my opponent were the two most powerful countries in the world. And if I were an ally of the United States it would worry me to see the United States spurn an opportunity to reduce the tensions which might, if they are not reduced, lead to a conflict in which I might become involved simply because I was an ally of one of the protagonists.

As for the argument that this treaty is merely an opening wedge designed to insure the automatic passage of an outer space agreement and an East-West

trade bill, I would not think that it would be necessary to make the point, although I will do so for the record, that such an argument insults the intelligence and integrity of this body by suggesting that we would not consider each of these measures on its merits.

But while this consular convention is not an opening wedge, it is certainly a test of the sentiment of the Senate, the sentiment of the Senate on the question of the general attitude the United States should adopt toward the European Communist world in general and the Soviet Union in particular. It seems to me that there are two general approaches to our relations with the Communist world. Those who object to the agreement before us because they object to any agreement with the Soviets can only mean that they believe that our disagreements with the Communist world will eventually be resolved, and can only be resolved, by a resort to force. That is the logical conclusion to which their argument leads, and it is a conclusion the consequences of which I do not like to contemplate. Those of us who are in favor of reaching agreements with the Soviet Union whenever possible—who believe, in fact, that it is in our national interest to seek such agreements—are convinced that the only possible way of resolving our differences with the Soviet Union is through peaceful means by mutual accommodation.

I hope that when the vote is taken on the consular convention most Members of the Senate will vote in favor of giving the Senate's advice and consent to ratification, not because I feel that it is of vital importance that we ratify this treaty to obtain the benefits it provides, but because we will be voting on a much more important question. We will be expressing an opinion in that vote on whether or not we believe in reaching agreements with the Soviet Union whenever it is possible to do so and whenever such agreements provide a net benefit to us. We will be voting on whether we wish to go, in President Johnson's words, "step by step" with the Soviets "as far as they are willing to advance" toward a reconciliation, or whether we prefer to follow another path—in this case, I believe, the only other path—which leads the United States and the Soviet Union not to a peaceful solution of our differences but to their resolution by force. These paths might well be called "mutual accommodation" and "mutual annihilation," for paths, like other avenues, often bear the names of their destinations.

Mr. President, I hope that the Senate will be able to move to dispose of this treaty as rapidly as possible. As everyone knows, this matter was before the Committee on Foreign Relations last year, and we reported it then; but for reasons which are understandable—last year was election year—the treaty was not voted on. However, the matter has been discussed at length, everyone is thoroughly familiar with it, and I hope that the Senate can proceed to a vote as soon as possible.

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

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Mr. FULBRIGHT. I yield.

Mr. MANSFIELD. Mr. President, I wish to commend the distinguished Senator from Arkansas, the chairman of the Committee on Foreign Relations, which reported the pending convention with the Soviet Union by a vote of 15 to 4.

As the Senator has stated, this convention is definitely in the interest of the United States, far more so than it is in the interest of the Soviet Union.

I wish to reinforce what the Senator from Arkansas has said by pointing out that this convention was undertaken during the Eisenhower administration, on the initiative of the United States. It has been pursued by President Eisenhower's successors—the late President Kennedy and President Lyndon B. Johnson.

At the present time, figures indicate that the number of Americans visiting the Soviet Union is in excess of 18,000 a year, whereas the number of Soviet citizens visiting the United States is under 1,000 a year.

If and when this consular convention is agreed to, it will mean that additional protection will be given to U.S. citizens, who now can be held up to 9 months in Soviet jails without having the right of access to any American official; whereas, in our own country, Soviet citizens are subject to American law and are given the same rights that any American would be given under the Constitution—including of course the right to access to counsel or representative. So that this proposal is very much in the interest of the United States.

I would hope that the encouragement and support given by three Presidents would be taken into consideration. I would hope that emotions would not be predominant in our discussion of this most important treaty, and I would hope that the Senate, in its wisdom, would see fit to follow the lead of the distinguished chairman of the Committee on Foreign Relations and vote "aye" overwhelmingly on this proposal.

Mr. FULBRIGHT. I thank the Senator from Montana. I agree with him that the facts presented are such that, due to the numbers of tourists involved, as he has indicated, and as I have stated in my remarks, the treaty would mean more to the United States than to the Soviet Union.

I hope, however, as we move into a more relaxed period in our relations, that there will be more Soviet tourists in this country and that this treaty will then mean something to the Soviets as well. I hope that they will themselves approve this treaty. I believe they will. The Senator is correct.

I hope that we can move to completion of action on the treaty in the very near future.

VOLUNTARY NATIONAL SERVICE

Mr. BREWSTER. Mr. President, the past 2 days have been most eventful for those of us who are interested in the problems of selective service.

On Sunday, the National Advisory Commission on Selective Service made a careful report, after a 7-month study.

Yesterday, President Johnson sent a message to the Congress dealing with the same topic.

I should like to praise both these documents, and also to take this opportunity to make a concrete proposal of my own on a related subject, voluntary national service.

It seems to me that most Americans, being interested in a strong national defense and a fair method of achieving that strength, will applaud the Commission's report and the President's proposals.

The concept of taking our youngest draft eligibles first, instead of the present system which takes the oldest first, makes a great deal of sense, as does the recommendation that criteria for induction be administered uniformly across the country. These reforms will insure equitable service, and permit young men to plan their lives without the uncertainty that plagues many of them today.

Likewise, I support completely impartial random selection, which, in practical terms, would mean instituting a lottery, such as the one that was first used in World War I.

I have serious reservations, however, about the Commission's proposal to abolish all student deferments. On this issue, I agree with the minority of the President's Commission, and support the resolution introduced by the senior Senator from Massachusetts—which I will cosponsor.

Judging from the message he sent up yesterday, I believe that the President also has reservations about abolishing student deferments. It is noteworthy that he has stated that he will end most graduate school deferments, but he will withhold judgment on the question of undergraduate deferments.

There are two problems that occur to me. First is the extremely important question of how strong is this country's commitment to encourage our youth to attend college? For, the recommendations of the President's Commission would, it seems to me, discourage many students from going on to college.

The Commission has overlooked the factor of educational momentum: A student finishes high school and continues right on to college. There is every encouragement to do so; there is none of the chance to "get away from the books," which all too often means that the student will never return.

To put it in simplest terms, who is more likely to go to college; a 19-year-old who has just finished high school, or a 22-year-old who has been away from school for 3 or 4 years, may be about to be married, and is very likely going to be looking for ways to assert his newly found independence?

A second difficulty explored by the Commission is the need of the Armed Forces for capable officers. For many years, the usual minimum requirement for officers has been a college education. Will the recommendations of the Commission provide an adequate number of college-trained men to fill officer positions? Frankly, I find it hard to believe that they will.

Proposals to change college-deferment regulations should receive long and careful consideration before any change is

made. It is clear that college deferments should not be allowed to become permanent exemptions, as frequently happens under the present system. After a maximum postponement of 4 years of college, the student should revert to the eligibility of a 19-year-old.

I urge the President to be most cautious in altering college-deferment policy, and I am confident that he will be.

One other aspect of the National Advisory Commission report was of particular interest to me. This is voluntary national service, and I am extremely pleased that both the President's message and the Commission report create a climate favorable to the introduction of a bill on national service.

The Commission concluded that a program of compulsory national nonmilitary service is not recommended. With this conclusion I am in agreement: Such a program is of doubtful constitutional validity.

But the Commission asked that more investigation be conducted into the possibility of a broad voluntary program of nonmilitary service.

The report states:

The spirit which motivates interest in national service is undeniably a part of our national experience today. Sensitive to that spirit, the Commission suggests that the research which must be accomplished proceed, together with private and public experimentation with pilot programs.

This was echoed in the message of the President, who said:

The spirit of volunteer service in socially useful enterprises will, we hope, continue to grow until that good day when all service will be voluntary, when all young people can and will choose the kind of service best fitted to their own needs and the Nation's . . . we will hasten it as we can.

It is the traditional spirit of American voluntarism that I seek to capture in the bill I introduce today. This bill would simply authorize the kind of detailed research on national service recommended by the National Advisory Commission.

Before explaining my proposal, I should like to define the somewhat vague term, "national service." The idea of nonmilitary service to the Nation has received considerable public attention in the last few years. This attention is due in part to the success of programs like VISTA and the Peace Corps, and in part to widespread concern over the Selective Service System. All too seldom is such "national service" defined or justified in terms of national needs and the potential of relatively untrained young people to meet them.

To me, national service means this: First, the young people of this country are capable of public service in many, many more areas than just the military. They have demonstrated that they are willing to perform such service.

Second, the service of young people is desperately needed in hundreds of nonmilitary activities. President Johnson has said:

The call for public service cannot be met by professionals alone.

Alongside today's increasing advances in technology and specialization, there runs a parallel growing need for people