

SITUATION IN CUBA

SEPTEMBER 19, 1962.—Ordered to be printed

Mr. SPARKMAN, from the Committee on Foreign Relations and the Committee on Armed Services, submitted the following

REPORT

[To accompany S.J. Res. 230]

The Committee on Foreign Relations and the Committee on Armed Services, hereinafter referred to as the "joint committee," having had under consideration sundry resolutions relating to the situation in Cuba, report an original joint resolution, Senate Joint Resolution 230, to express the determination of the United States with regard to that situation, and recommend that it do pass.

I. PURPOSE AND PROVISIONS OF THE RESOLUTION

The purpose of the resolution is to provide a means of expressing national unity regarding U.S. policies toward Cuba. To this end, the resolution declares the determination of the United States—

(a) to prevent by whatever means may be necessary, including the use of arms, the Marxist-Leninist regime in Cuba from extending, by force or the threat of force, its aggressive or subversive activities to any part of this hemisphere;

(b) to prevent in Cuba the creation or use of an externally supported military capability endangering the security of the United States; and

(c) to work with the Organization of American States and with freedom-loving Cubans to support the aspirations of the Cuban people for self-determination.

The joint committee recommends that this statement be passed in the form of a joint resolution which would require the signature of the President. Thus the determination expressed in the resolution would be joined in not only by the Congress but also by the President, who is the constitutional officer of the Government primarily responsi-

ble for the conduct of foreign affairs. The force of the declaration would accordingly be strengthened.

Furthermore, the use of a joint resolution makes it possible to avoid constitutional arguments over the relative powers of the President and the Congress respecting the use of American Armed Forces. These arguments have their place in American public life; but it is important in the current instance that they not obscure what the joint committee is convinced is the essential unity of purpose, not only of the Congress, but of the President and the American people as well.

II. BACKGROUND AND COMMITTEE ACTION

This matter came before the Committee on Armed Services and the Committee on Foreign Relations, sitting jointly, by order of the Senate agreed to by unanimous consent September 13.

The resolutions which the two committees had before them were Senate Resolution 388, Senate Concurrent Resolution 92 by Mr. Mansfield, Senate Resolution 389 by Mr. Javits, Senate Resolution 390 by Mr. Bush and Mr. Keating, Senate Joint Resolution 226 by Mr. Miller, and Senate Joint Resolution 227 by Mr. Prouty.

On September 17, the two committees heard testimony from Senators Keating, Prouty, Smathers, and Miller, Secretary of State Dean Rusk, State Department Legal Adviser Abram L. Chayes, and Deputy Assistant Secretary of Defense William Bundy. Because of the delicacy of some of the matters discussed, the hearings were held in executive session; but the transcript has been edited for the deletion of classified information and has been printed for the information of the Senate and the public at large.

The two committees met again in executive session September 19 at which time they agreed by a vote of 34 to 0 to report an original joint resolution.

III. REASONS FOR THE RESOLUTION

The intrusion of international communism into Cuba is well-known and need not be reviewed here in detail. The most recent authoritative statement of the situation there, and of U.S. policies regarding it, was made by the President September 13 and is as follows:

There has been a great deal of talk on the situation in Cuba in recent days, both in the Communist camp and in our own, and I would like to take this opportunity to set the matter in perspective.

In the first place it is Mr. Castro and his supporters who are in trouble. In the last year his regime has been increasingly isolated from this hemisphere. His name no longer inspires the same fear or following in other Latin American countries.

He has been condemned by the OAS (Organization of American States), excluded from the Inter-American Defense Board, and kept out of the Free Trade Association. By his own monumental economic mismanagement, supplemented by our refusal to trade with him, his economy has crumbled and his pledges for economic progress have been discarded.

Along with his pledges for political freedom his industries are stagnating, his harvests are declining, his own followers

are beginning to see that their revolution has been betrayed. So it is not surprising that in a frantic effort to bolster his regime he should try to arouse the Cuban people by charges of an imminent American invasion and commit himself still further to a Soviet takeover in the hope of preventing his own collapse.

Ever since communism moved into Cuba in 1958, Soviet technical and military personnel have moved steadily onto the island in increasing numbers at the invitation of the Cuban Government.

Now that movement has been increased. It is under our most careful surveillance.

But I will repeat the conclusion that I reported last week: that these new shipments do not constitute a serious threat to any other part of this hemisphere.

If the United States ever should find it necessary to take military action against communism in Cuba, all of Castro's Communist-supplied weapons and technicians will not change the result or significantly extend the time required to achieve that result.

However, unilateral military intervention on the part of the United States cannot currently be either required or justified, and it is regrettable that loose talk about such action in this country might serve to give a thin color of legitimacy to the Communist pretense that such a threat exists.

But let me make this clear once again. If at any time the Communist buildup in Cuba were to endanger or interfere with out security in any way, including our base at Guantanamo, our passage to the Panama Canal, our missile and space activities in Cape Canaveral or the lives of American citizens in this country, or if Cuba should ever attempt to export its aggressive purposes by force or the threat of force against any nation in this hemisphere or become an offensive military base of significant capacity for the Soviet Union, then this country will do whatever must be done to protect its own security and that of its allies.

We shall be alert to and fully capable of dealing swiftly with any such development. As President and Commander in Chief, I have full authority now to take such action. And I have asked the Congress to authorize me to call up Reserve Forces should this, or any other crisis, make it necessary.

In the meantime, we intend to do everything within our power to prevent such a threat from coming into existence.

Our friends in Latin America must realize the consequences such developments hold out for their own peace and freedom, and we shall be making further proposals to them.

Our friends in NATO must realize the implications of their ships engaging in the Cuban trade. We shall continue to work with Cuban refugee leaders who are dedicated as we are to that nation's future return to freedom.

We shall continue to keep the American people and the Congress fully informed. We shall increase our surveillance of the whole Caribbean area. We shall neither initiate nor permit aggression in this hemisphere.

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With this in mind, while I recognize that rash talk is cheap, particularly on the part of those who do not have the responsibility, I would hope that the future record will show that the only people talking about a war or an invasion at this time are the Communist spokesmen in Moscow and Havana, and that the American people, defending as we do so much of the free world, will in this nuclear age, as they have in the past, keep both their nerve and their head.

The resolution proposed by the two committees is consistent with this statement and is designed to reinforce it so that there can be no doubt as to the fundamental policy of the United States and as to the determination of the American Government to pursue this policy. To this end, the joint committee has made the resolution as brief, clear, and simple as possible.

In executive session, the Secretary of State and officials of the Department of Defense gave the joint committee secret intelligence data on which the President's statement was based. The joint committee is persuaded that these data are reliable.

The situation in Cuba should be taken seriously, but not hysterically. The most dangerous aspect of the situation is the threat which the Cuban regime, strengthened by the recent Soviet arms buildup, poses against the nearby Latin American countries of the Caribbean.

Paragraph (a) of the resolution is designed to prevent this threat from materializing through force or the threat of force. This is in accordance, not only with the clear self-interest of the United States, but also with the obligation we have undertaken in the Rio Treaty where it is agreed that—

an armed attack by any state against an American state shall be considered as an attack against all the American states.

Existing military capabilities in Cuba do not endanger the security of the United States. Paragraph (b) of the resolution is designed to make sure that they do not in the future. It is of crucial importance that this point be clearly understood by the people of the United States and by the rulers of Havana and Moscow. If the Soviet Union attempts to install, or aids in the installation, in Cuba of military force capable of endangering the security of the United States, it will create a situation which the United States will not tolerate and which could have the gravest possible consequences. Paragraph (b) makes it clear that the United States will not flinch from these consequences. This determination of the United States having been made clear in advance, the onus of the situation, if it develops, will be on those who deliberately and knowingly created it.

Finally, in paragraph (c) the resolution affirms the determination of the United States—

to work with the Organization of American States and with freedom-loving Cubans to support the aspirations of the Cuban people for self-determination.

These aspirations are not only inherently legitimate in any people but the right to self-determination is embedded in the Charter of the OAS and in the principles of the inter-American system. At the Punta del Este Conference in January 1962, it was recognized that the Communist regime of Cuba was incompatible with these principles.

But just as clearly the OAS looks forward to the day when the people of Cuba can once again enjoy the rights of freedom with which all men are endowed by their Creator.

IV. CONCLUSION

The proposed resolution is solidly based on both the rights and the obligations of the United States under international law. It expresses the determination of the United States to meet its obligations under the Rio Treaty and other inter-American agreements toward the other free and sovereign Republics of the hemisphere. This will be done by isolating the Communist regime of Cuba and by supporting the right of self-determination.

The joint committee feels constrained to point out in this connection, however, that inter-American rights and obligations are reciprocal. The inter-American system is founded upon the principle of the juridical and sovereign equality of the member states. It is not a system in which all the obligations pertain to one party and all the rights pertain to the other parties. Nor can it survive if it is viewed in this light.

The resolution also asserts unassailable rights of the United States. The most elemental of these rights is that of self-defense, which comes into play whenever a situation presenting a clear and present danger to the security of the United States arises. Such a situation has not arisen, and it is one of the purposes of the resolution to keep it from arising.

In short, the resolution is firm but not threatening. It should have a salutary effect in removing any possible confusion about the policy of the United States, and the joint committee strongly recommends its overwhelming approval by the Senate without amendment.