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Joint Committee on Atomic Energy  
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# AGREEMENT FOR COOPERATION WITH ITALY FOR MUTUAL DEFENSE PURPOSES

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## HEARING BEFORE THE JOINT COMMITTEE ON ATOMIC ENERGY CONGRESS OF THE UNITED STATES EIGHTY-SEVENTH CONGRESS FIRST SESSION

ON THE  
PROPOSED AGREEMENT FOR COOPERATION ON THE USES  
OF ATOMIC ENERGY FOR MUTUAL DEFENSE PURPOSES  
WITH THE GOVERNMENT OF ITALY

MARCH 9, 1961

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ITALY FOR MUTUAL DEFENSE PURPOSES  
AGREEMENT FOR COOPERATION WITH

HEARING

BEFORE THE

JOINT COMMITTEE ON ATOMIC ENERGY

CONGRESS OF THE UNITED STATES

SEVENTH CONGRESS

JOINT COMMITTEE ON ATOMIC ENERGY

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JOHN O. PASTORE, Rhode Island, *Vice Chairman*

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# PROPOSED AGREEMENT FOR COOPERATION ON THE USES OF ATOMIC ENERGY FOR MUTUAL DEFENSE PURPOSES WITH THE GOVERNMENT OF ITALY

THURSDAY, MARCH 9, 1961

CONGRESS OF THE UNITED STATES,  
JOINT COMMITTEE ON ATOMIC ENERGY,  
*Washington, D.C.*

The committee met, pursuant to notice, at 10 a.m., in room F-39, the Capitol, Hon. Chet Holifield (chairman) presiding.

Present: Representatives Holifield and Price; Senators Pastore, Gore, Hickenlooper, Dworshak, and Aiken.

Also present: James T. Ramey, executive director; John T. Conway, assistant director; and George F. Murphy, Jr., professional staff member.

Chairman HOLIFIELD. The committee will be in order. This is a public hearing of the Joint Committee on Atomic Energy to receive testimony concerning a proposed agreement for cooperation for mutual defense purposes between the United States and the Government of Italy. The proposed agreement before us was submitted to the Congress on January 17, 1961, by President Eisenhower and referred to the Joint Committee on Atomic Energy.

The submission of this proposed agreement to the Congress and its referral to the Joint Committee on Atomic Energy is in compliance with the Atomic Energy Act of 1954, as amended by Public Law 85-479.

Subsection 123d of the Atomic Energy Act of 1954 requires that the proposed agreement for cooperation together with the approval and determination of the President cannot become effective until it has been submitted to the Congress and referred to the Joint Committee and a period of 60 days has elapsed while Congress is in session. Subsection 123d also stipulates that such proposed agreement for cooperation shall not become effective if during this 60-day period the Congress passes a concurrent resolution stating in substance that it does not favor the proposed agreement for cooperation.

The Joint Committee on Atomic Energy, on March 1, 1961, held a hearing in executive session in which representatives of the Department of State, the Department of Defense, and the Atomic Energy Commission testified concerning this proposed agreement. The hearing was held in executive session in order that the committee might fully explore all details of the agreement, much of which included classified matters. The hearing this morning is being held in open session in order that the public may have knowledge of this matter. The Joint Committee has always recognized its important duty to the Congress and to the people of the United States to review

these proposed agreements very thoroughly before making recommendations and to bring before the public as much information as possible consistent with the need for protecting classified information.

I might mention that the Joint Committee normally would have held hearings on this matter much sooner except that through no fault of its members there was some delay in its organization at the beginning of the session. A hearing could not be held prior to the committee's organization in late February.

Senator Pastore, vice chairman of the Joint Committee, on March 7, 1961, inserted in the Congressional Record the text of the proposed agreement for those who may wish to read it in detail. We will also—if there is no objection—include it in the appendix of the printed record of our hearing today. If there is no objection, I would like to submit for the record at this point a copy of the following correspondence concerning this proposed agreement.

1. Message of January 17, 1961, to the Congress from President Dwight Eisenhower.
2. Memorandum of November 8, 1960, to the Secretary of Defense and the Chairman of the Atomic Energy Commission from President Dwight D. Eisenhower.
3. Letter of August 28, 1960, to the President from Secretary of Defense Thomas S. Gates and AEC Chairman John A. McCone.
4. Letter of December 31, 1960, to the President from the Acting Secretary of State, Livingston T. Merchant.

Also, if there is no objection, at this point I would like to submit for the record a copy of the joint statement by Senator Pastore and me on March 3, 1961, announcing the hearing today.

(The correspondence and statement referred to above follow:)

THE WHITE HOUSE,  
Washington, January 17, 1961.

*To the Congress of the United States:*

In December 1957 the heads of government of the nations members of the North Atlantic Treaty Organization reached agreement in principle on the desirability of achieving the most effective pattern of NATO military defensive strength, taking into account the most recent developments in weapons and techniques. In enunciating this agreement in principle the heads of government made it clear that this decision was the result of the fact that the Soviet leaders, while preventing a general disarmament agreement, had left no doubt that the most modern and destructive weapons of all kinds were being introduced into the Soviet armed forces. The introduction of modern weapons into NATO forces should be no cause for concern on the part of other countries, since NATO is purely a defensive alliance.

It is our conviction and the conviction of our NATO allies that the introduction into NATO defenses of the most modern weapons available is essential in maintaining the strength necessary to the alliance. Any alliance depends in the last analysis upon the sense of shared mutual interests among its members, and by sharing with our allies certain training information we are demonstrating concretely our sense of partnership in NATO's defensive planning. Failure on our part to contribute to the improvement of the state of operational readiness of the forces of other members of NATO will only encourage the Soviet Union to believe that it can eventually succeed in its goal of destroying NATO's effectiveness.

To facilitate the necessary cooperation on our part legislation amending the Atomic Energy Act of 1954 was enacted by the Congress in 1958. Pursuant to that legislation agreements for cooperation were concluded with four of our NATO partners in May and June 1959. A similar agreement was also recently concluded with our NATO ally, the Republic of Italy. All of these agreements are designed to implement in important respects the agreed NATO program.

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This agreement with the Government of Italy will enable the United States to cooperate effectively in mutual defense planning with Italy and in the training of Italian NATO forces in order that, if an attack on NATO should occur, Italian forces could, under the direction of the Supreme Allied Commander for Europe, effectively use nuclear weapons in their defense.

These agreements previously concluded and this Italian agreement represent only a portion of the work necessary for complete implementation of the decision taken by the North Atlantic Treaty Organization in December 1957. I anticipate the conclusion of similar agreements for cooperation with certain other NATO nations as the alliance's defensive planning continues.

Pursuant to the Atomic Energy Act of 1954, as amended, I am submitting to each House of the Congress an authoritative copy of the agreement with the Government of Italy. I am also transmitting a copy of the Secretary of State's letter accompanying an authoritative copy of the signed agreement, a copy of a joint letter from the Secretary of Defense and the Chairman of the Atomic Energy Commission recommending my approval of this document and a copy of my memorandum in reply thereto setting forth my approval.

DWIGHT D. EISENHOWER.

THE WHITE HOUSE,  
Washington, November 8, 1960.

Memorandum for the Secretary of Defense; the Chairman, Atomic Energy Commission.

In your joint letter to me of August 25, 1960, you recommended that I approve a proposed agreement between the Government of the United States of America and the Government of Italy for cooperation on the uses of atomic energy for mutual defense purposes.

Italy is participating with the United States in an international arrangement pursuant to which it is making substantial and material contributions to the mutual defense and security. The proposed agreement will permit cooperation necessary to improve the state of training and operational readiness of the armed forces of Italy, subject to provisions, conditions, guarantees, terms, and special determinations, which are most appropriate in this important area of mutual assistance, in accordance with the agreement in principle reached in December 1957.

Having considered your joint recommendations and the cooperation provided for in the agreement, including security safeguards and other terms and conditions of the agreement, I hereby—

(1) Approve the program for the transfer of nonnuclear parts of atomic weapon systems involving restricted data under the terms and conditions provided in your joint letter and the proposed agreement; however, types, quantities, and conditions of transfer of such parts are subject to my further approval;

(2) Determine that the performance of this agreement will promote and will not constitute an unreasonable risk to the common defense and security of the United States; and

(3) Approve the proposed agreement and authorize its execution for the Government of the United States in a manner designated by the Secretary of State.

DWIGHT D. EISENHOWER.

THE SECRETARY OF DEFENSE,  
Washington, August 25, 1960.

The PRESIDENT,  
The White House.

DEAR MR. PRESIDENT: There is hereby submitted for your consideration and approval a proposed agreement between the Government of the United States of America and the Government of Italy for cooperation on the uses of atomic energy for mutual defense purposes.

The proposed agreement will permit, under the authority of sections 91c and 144b of the Atomic Energy Act of 1954, as amended, the transfer of classified information and certain equipment necessary for the purposes of improving the state of training and operational readiness of the Armed forces of Italy. The December

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1957 NATO heads of government meeting established the concept of a stockpile of arms for the strengthening of NATO's defenses, and this present agreement is an important part of the implementation of this concept. The carrying out of this agreement should do much to advance our mutual defense interest, including the vital cause of strengthening the NATO defensive alliance, and will thereby aid materially in the defense of the United States.

Article II of the agreement provides for the transfer of classified information, including "Restricted Data" and "Formerly Restricted Data," necessary to the development of defense plans; the training of personnel in the employment of and the defense against atomic weapons and other military applications of atomic energy; the evaluation of the capability of potential enemies in the employment of atomic weapons and other military applications of atomic energy; and the development of delivery systems capable of carrying atomic weapons.

Article III of the agreement provides that the United States will transfer non-nuclear parts of atomic weapons systems involving restricted data (other than nonnuclear parts of atomic weapons) for the purpose of improving the state of training and operational readiness of the armed forces of Italy. However, in view of section 91c of the Atomic Energy Act, the applicability of which is reflected in article IV of the agreement, no transfer can be made if it would contribute significantly to the recipient nation's atomic weapon design, development, or fabrication capability. It is not possible to determine at this time the types, quantities, and conditions of transfer, whether by sale, lease, or loan, of those parts which it will become necessary to transfer for our mutual defense during the period of the agreement. Accordingly, under the terms and conditions of the agreement, it will be necessary to determine from time to time the types, quantities, and conditions of transfer and such determination shall be submitted for your approval.

The agreement would remain in force until terminated by agreement of both parties, thus assuring continued protection for the information and equipment transferred in accordance with the provision of the agreement. However, cooperation for the transfer of information and equipment under articles II and III of the agreement may be discontinued by either party in the event of the termination of the North Atlantic Treaty.

In accordance with the provisions of sections 91c and 144b of the Atomic Energy Act of 1954, the agreement specifically provides in article I that all cooperation under the agreement will be undertaken only when the communicating or transferring party determines that such cooperation will promote and will not constitute an unreasonable risk to its defense and security. Article I of the agreement also provides, in accordance with the act, that all cooperation under the agreement will be undertaken only while the United States and Italy are participating in an international arrangement for their mutual defense and security and making substantial and material contributions thereto. Cooperation under articles II and III of the agreement would be undertaken only when these conditions prevail.

Article IV of the agreement stipulates that the cooperation under the agreement will be carried out by each of the parties in accordance with its applicable laws. Article IV also makes clear that there will be no transfer under the agreement of atomic weapons, nonnuclear parts of atomic weapons or special nuclear material.

In addition to the foregoing provisions on the terms, conditions, duration, nature, and scope of cooperation, the agreement provides that the parties will maintain agreed security safeguards and standards. The agreement also contains particular commitments that the recipient of any equipment or information that is obtained pursuant to the agreement will not transfer it to unauthorized persons and will not transfer it beyond the jurisdiction of the recipient party, except in limited circumstances specifically provided in the agreement.

Italy is now participating with the United States in an international arrangement pursuant to which Italy is making substantial and material contributions to the mutual defense and security. It is the view of the Department of Defense and the Atomic Energy Commission that this agreement is entirely in accord with the provisions of the Atomic Energy Act of 1954, as amended. It is the considered opinion of the Department of Defense and the Atomic Energy Commission that the performance of the proposed agreement will promote and will not constitute an unreasonable risk to the common defense and security of the United States.

Accordingly, it is recommended that you—

- (a) approve the program for the transfer of nonnuclear parts of atomic weapon systems involving restricted data under the terms and conditions provided in this letter and the proposed agreement; however, types, quantities, and conditions of transfer of such parts are subject to your later approval;

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(b) determine that the performance of this agreement will promote and will not constitute an unreasonable risk to the common defense and security of the United States; and

(c) approve the proposed agreement and authorize its execution for the Government of the United States in a manner specified by the Secretary of State.

The Secretary of State concurs in the foregoing recommendations.

With great respect, we are,

Faithfully yours,

THOMAS S. GATES,  
*Secretary of Defense.*

JOHN A. McCONE,  
*Chairman, Atomic Energy Commission.*

DECEMBER 31, 1960.

The PRESIDENT,  
*The White House.*

DEAR MR. PRESIDENT: The undersigned, the Acting Secretary of State, has the honor to lay before the President with a view to its transmission to the Congress, pursuant to the Atomic Energy Act of 1954, as amended, an authoritative copy of an agreement for cooperation on the uses of atomic energy for mutual defense purposes between the Government of the United States and the Government of Italy, signed at Rome on December 3, 1960.

This agreement was signed on behalf of the United States pursuant to the authorization granted in the President's memorandum of November 8, 1960, to the Secretary of Defense and the Chairman of the Atomic Energy Commission. A copy of this memorandum was received by the Secretary of State from the President.

Faithfully yours,

/s/ LIVINGSTON T. MERCHANT,  
*Acting Secretary.*

No. 304  
For immediate release  
March 3, 1961

From the office of the  
Joint Committee on Atomic Energy

The Joint Committee on Atomic Energy will hold open hearings on a proposed agreement for cooperation on the uses of atomic energy for mutual defense purposes with the Government of Italy, Thursday, March 9, 1961, at 10 a.m. in room F-39, the Capitol, it was announced today by Congressman Chet Holifield and Senator John O. Pastore, respective chairman and vice chairman of the Joint Committee.

The proposed agreement which is similar to agreements entered into in 1959 with Greece, Turkey, West Germany, and the Netherlands would authorize the AEC and Defense Department to transfer to Italy nonnuclear parts of atomic weapon systems and to exchange classified atomic energy information necessary to—

- (1) the development of defense plans;
- (2) the training of personnel in the employment of and defense against atomic weapons and other military applications of atomic energy;
- (3) the evaluation of the capabilities of potential enemies in the employment of atomic weapons and other military applications of atomic energy; and
- (4) the development of compatible delivery systems for atomic weapons.

By law, the transfer of the material and the communication of the information will occur whenever the President determines that it will promote and will not constitute an unreasonable risk to the common defense and security.

Chairman HOLIFIELD. We will begin our hearing this morning with Mr. Foy D. Kohler, Assistant Secretary of State for European Affairs. Mr. Kohler, if you are ready, you may proceed.

## STATEMENT OF FOY D. KOHLER, ASSISTANT SECRETARY OF STATE FOR EUROPEAN AFFAIRS

Mr. KOHLER. Mr. Chairman, I welcome this opportunity to appear before the committee. I wish to speak in support of the proposed agreement for cooperation on the uses of atomic energy for mutual defense purposes between the United States and Italy. The proposed agreement with Italy, which we are discussing today, is one step in the phased evolution of the necessary NATO atomic posture. We believe delay in the activation of the agreement would retard growth in Italian military capabilities to carry out NATO defense plans and could raise doubts in NATO countries as to our attitude toward the alliance.

The proposed agreement for atomic cooperation with Italy is designed to serve the same objectives of improving the defense capabilities of the NATO alliance for which the United States has entered into atomic cooperation agreements with other NATO countries. In character, the agreement parallels agreements the United States has concluded with Germany, Greece, the Netherlands, and Turkey which were previously discussed before this committee in 1959.

The need for expanded cooperation on uses of atomic energy for mutual defense between the United States and Italy, and between the United States and other NATO countries, stems from the problems recognized by the NATO heads of government at their meeting in Paris in December 1957. The communique issued at the close of that meeting stated:

The Soviet leaders, while preventing a general disarmament agreement, have made it clear that the most modern and destructive weapons, including missiles of all kinds, are being introduced in the Soviet armed forces. In the Soviet view, all European nations except the U.S.S.R. should, without waiting for general disarmament, renounce nuclear weapons and missiles and rely on arms of the preatomic age.

As long as the Soviet Union persists in this attitude, we have no alternative but to remain vigilant and to look to our defenses. We are therefore resolved to achieve the most effective pattern of NATO military defensive strength, taking into account the most recent developments in weapons and techniques.

To this end, NATO has decided to establish stocks of nuclear warheads, which will be readily available for the defense of the alliance in case of need. In view of the present Soviet policies in the field of new weapons, the Council has also decided that intermediate range ballistic missiles will have to be put at the disposal of the supreme allied commander, Europe.

Senator GORE. Will have to be put at what?

Mr. KOHLER. Would have to be put at the disposal of the supreme allied commander, Europe.

The deployment of these stocks and missiles and arrangements for their use will accordingly be decided in conformity with NATO defense plans and in agreement with the states directly concerned.

Since the Soviet Union was already in 1957 introducing nuclear-capable weapons into their own armed forces, the NATO allies have found it imperative to develop within the framework of the alliance nuclear capabilities adequate to assure their effective mutual defense.

In accordance with the decisions at the December 1957 NATO meeting, forces of our NATO allies have acquired nuclear-capable weapons delivery systems, as distinguished from the weapons. These systems have been obtained either by direct purchase of Allied governments or through the military assistance program. Also in accord

with December 1957 decisions, the United States has been establishing stocks of nuclear weapons, readily available for the defense of the alliance in case of need. We have been keeping this committee informed of U.S. measures to assist the development of nuclear capabilities required in allied forces to maintain our common defense.

Under this proposed agreement with Italy the United States will be able, in accordance with section 144b of the Atomic Energy Act, to exchange information with Italy which is jointly determined to be necessary to the development of defense plans, the training of personnel in the employment of and defense against atomic weapons and in other military applications of atomic energy, the evaluation of the capabilities of potential enemies in the employment of atomic weapons, and the development of delivery systems compatible with the atomic weapons they carry. The United States will also be able, in accordance with section 91c of the act, to transfer to Italy nonnuclear parts of atomic weapons systems (as opposed to parts of atomic weapons) as jointly determined to be necessary for the purpose of improving the state of training and operational readiness of Italian armed forces.

I want to emphasize at this point that the agreement does not provide for exchange of information for the design, development, or fabrication of atomic weapons. The agreement expressly states that there will be no transfer under it of atomic weapons, parts of atomic weapons, or special nuclear materials.

Cooperative arrangements, such as this proposed agreement, assure that, if an attack on NATO should occur, Italian forces could, under the direction of the supreme allied commander, Europe, effectively operate in conjunction with other NATO forces in the use of nuclear weapons if required. Cooperation under this agreement will enhance the ability of these forces to maintain a high state of readiness. It will enable Italy to contribute to cooperative arrangements for production of weapons delivery systems for the use by NATO forces.

This proposed agreement is based on the principle of mutual interest which forms the foundation of NATO. Within NATO we see extensive evidence of how mutual interest has been translated into shared effort and shared responsibility. Through our cooperation in the field of atomic energy we make available some of our special capabilities in this field to the benefit of our trusted NATO allies. For their part, Italy and other alliance members are assuming their share of the responsibilities for providing forces, equipment, and facilities required to implement the agreed NATO strategy which provides for our common defense.

Italy has consistently demonstrated staunch support for NATO. The Italian Government and public are fully aware of the necessity for maintaining a strong defense posture in NATO. There has been a continuing increase in the Italian defense budget at the same time that Italy is applying increased resources to economic development needs. Italy has been exemplary in its efforts toward meeting its NATO requirements. These tangible efforts reflect a firm Italian political commitment to NATO. Similar concrete actions on our part, such as implementation of this proposed agreement, will continue to build cohesion in the alliance by indicating our equally sincere political commitment to NATO purposes.

This proposed agreement with Italy is designed to develop capabilities within Italian armed forces required to fulfill NATO-agreed

plans for mutual defense. Cooperation contemplated under the agreement will assure that the Italian armed forces keep pace with the phased evolution in overall NATO military capabilities. The effective deterrent to aggression against the NATO area which has been maintained to date by NATO military posture cannot be expected to prevail if NATO military capabilities suffer from hesitant or interrupted implementation of NATO plans.

The success of NATO military strategy to date should make clear the need to maintain our guard while continuing our efforts to negotiate resolutions of political differences which give rise to the need for strong military defenses. In the recent past we have experienced developments which warned us against relaxing our military readiness during negotiations with the Soviet bloc. Determination in maintaining our defense is an essential precondition to negotiations which offer some hope of reaching agreements compatible with our security.

The communique issued by the North Atlantic Council after its meetings in Paris in December 1960 clearly expressed our current task:

In order that the Atlantic alliance may pursue its constructive purposes in peace and without fear, confronted as it is by the menace of growing Communist military strength, the North Atlantic nations must be able to respond to any attack with whatever force might be appropriate.

The Department of State fully concurs in the opinion of the Department of Defense and the Atomic Energy Commission that the proposed agreement will promote and will not constitute an unreasonable risk to the common defense and security of the United States. I strongly urge your favorable consideration of the proposed agreement.

Chairman HOLIFIELD. Thank you, Mr. Kohler.

Did you have a prepared statement, Mr. Farley?

Mr. FARLEY. I have no statement.

Chairman HOLIFIELD. Are there any questions of Mr. Kohler at this time?

Senator AIKEN. Mr. Chairman, if nobody else has a question, I might ask how much notice is required for a nation to withdraw from NATO?

Mr. KOHLER. There is no provision for withdrawal from NATO. The NATO agreement was an agreement for a 20-year period at which time there would be a review, as I recall the agreement. I can't cite it.

Senator AIKEN. I was just wondering how long the term that this agreement with the NATO countries might run.

Mr. KOHLER. May I read the duration article:

After the treaty has been in force for 20 years, any party may cease to be a party 1 year after its notice of denunciation has been given to the Government of the United States of America, which will inform the governments of the other parties of the deposit of such notice of denunciation.

Senator AIKEN. That is 1 year.

Mr. KOHLER. After 20 years, notice may be given to take effect 1 year later.

Senator AIKEN. In the meantime the agreement made with Italy or any other NATO country regarding the disposition of nuclear arms in those countries remains in effect—"will remain in force until terminated by agreement with both parties and either party may

terminate under articles 2 and 3 of the North Atlantic Treaty." That means if you make a deal you are in it for a long time.

Mr. KOHLER. Yes, sir.

Senator AIKEN. Regardless of whether the government of the other contracting country may change or not.

Mr. KOHLER. That is right. The government could change, sir.

Senator AIKEN. It might even change the nature of the government, but we would still be under the agreement.

Mr. KOHLER. I think, Senator, my comment from the political point of view on that would be that we do not regard this as likely in the case of Italy. Italy has had a number of changes of government, but they are always based and have been based for many years now on the plurality position of the Christian Democrats in Italy, which have 273 seats out of the 569 in the Italian Parliament. This complex in the Italian political picture seems likely to prevail. The reasons that you have shifts of government usually reconstituted with very much the same people is that the 273 is not a majority and in itself sufficient to enable the Christian Democrats to form the Government by themselves. So they are always making alliances slightly to one side or the other of themselves with smaller parties, and this does shift. But the basic complex of the Italian Government has been very constant and we consider that it will remain constant.

Senator AIKEN. This is the same type of contract as contemplated with other NATO countries, too?

Mr. KOHLER. Yes, sir. These agreements are the same.

Senator AIKEN. How many other countries have we reached these agreements with?

Mr. KOHLER. We have them with four, sir. As I mentioned in my statement, Germany, Greece, Netherlands and Turkey.

Senator AIKEN. Belgium?

Mr. KOHLER. Not yet.

Senator AIKEN. And France not yet?

Mr. KOHLER. No, sir.

Senator PASTORE. Will the Senator yield at this point?

Senator AIKEN. I yield at this point. I have had my questions answered.

Senator PASTORE. Just so the record will be clear, this is a bilateral agreement between the United States Government and the Government of Italy, which is not a self-executing contract. This is to be implemented. To come back to the question that was raised by Mr. Aiken, should there be a situation either vis-a-vis with Italy or any of these governments with which we are executing these bilateral agreements, we could unilaterally bring to a stop any passage of information that might be contemplated by this contract?

Mr. KOHLER. Yes, sir.

Senator PASTORE. In other words, the point I am meaning to make is that this is not an agreement to pass any nuclear arms. This is merely an agreement to pass some nonnuclear parts plus information that has to do with atomic energy which has to be implemented as the U.S. Government feels that it should be implemented consistent with our own security and protection.

Mr. KOHLER. Yes, sir.

Senator PASTORE. I think the record ought to be clear on that, that any change of government would imperil the position of America, not

with Italy or any other country with whom we are negotiating these bilateral agreements. Am I right in that statement?

Mr. KOHLER. Senator, I thank you very much for making the point I should have made myself in response to Senator Aiken, because these agreements are permissive. They are subject in implementation as you go along to determinations constantly as to the information that needs to be passed or whether any needs to be passed.

Senator AIKEN. Do I understand these agreements do not require the approval of the Senate?

Mr. KOHLER. Yes, sir; that is right. After the 60-day period they come into effect unless there is an act of disapproval.

Senator AIKEN. Unless they are disapproved. Sixty days goes pretty fast.

Chairman HOLIFIELD. Senator Aiken, as you know, there are several ways of having international agreements. The treaty I guess we would call the highest form of international agreement. That does require the consent of the Senate, as you know. Under the Atomic Energy Act these agreements would authorize, but Congress as a whole is given a chance to act within 60 days. It has been the custom to introduce the texts of the agreements in the Congressional Record and to hold hearings on them within the 60-day period in order to give Congress a chance to scrutinize them and have an opportunity to report them if the Congress so elects. Is that not right, Senator Pastore?

Senator PASTORE. Yes, sir.

Chairman HOLIFIELD. Although the law does not require us to introduce a resolution, if we are in favor of it, we have to introduce a resolution against it if we are not in favor of it. Nevertheless, the committee has always thought that it was fair and the wise thing to do to not allow these agreements to go into effect, you might say, by inaction, but to hold hearings and then issue a report to give the Congress a chance to know how to act upon them. I assume that this same course will be followed in this agreement.

Senator PASTORE. Yes. But the point which was made by Mr. Aiken, which was a very good point, and inasmuch as this is a public hearing the record should be very clear on the subject, that inasmuch as these contracts are of long duration because of the very provision in the charter of NATO and plus the fact that after a period of 20 years it still takes a year after denunciation notice is given, that we were committing ourselves, that if there were a change in government that might be prejudicial to the security of the world, that we would be tied down to having imparted nuclear weapons, which is not the case. Nor that we would be compelled to give strategic information beyond that period. While I am trying to make the record clear, it is that this is an agreement that has to be implemented. We can stop implementation any time. We will be prejudiced to whatever we released up to that moment.

Senator AIKEN. Implemented in what way?

Senator PASTORE. The information that we are to give. We are to determine what information we will give to the Italian Government. They can't compel us to give them any information. This is merely an agreement that we can do this.

Senator AIKEN. It does not have to be implemented by the Congress.

Senator PASTORE. No, not by the U.S. Congress.

Senator AIKEN. The people who negotiated the treaty.

Senator PASTORE. The President of the United States.

Chairman HOLIFIELD. The law says that any time there is transfer of restricted data the President shall make a determination. This is not just one determination at the beginning of this agreement, but any time that there is a substantial or important transfer of restricted data, the President must make that determination in each and every instance. So we do have, as Senator Pastore so clearly explained, continuous control over the transfer of classified information. It is true that if a government would change, let us say, from a friendly government to an unfriendly government, at that point the President could control the transfer of any other restricted data, as the Senator pointed out. However, we would be prejudiced to the extent of the restricted data which had already been transferred if it got into the hands of the new and unfriendly government.

Senator AIKEN. This agreement does not contemplate the physical transfer of atomic weapons and their parts?

Chairman HOLIFIELD. No. The Senator again pointed out that this contemplates the transfer of nonnuclear parts of weapons systems.

For instance, the transfer of an airplane to carry a nuclear weapon might be part of the system. It is nonnuclear parts. This does not contemplate the transfer of nuclear parts.

Senator AIKEN. It contemplates training the Italians in the use of nuclear weapons?

Senator PASTORE. That is right.

Chairman HOLIFIELD. Yes, training, and it also contemplates explaining to them the effects of nuclear weapons if used against them, or if used on behalf of NATO, so that they would be able to protect themselves to the best of their ability from the effects of nuclear weapons in the hands of the enemy.

Senator AIKEN. We would transfer the weapon with the exception of the nuclear warhead.

Mr. CONWAY. No.

Senator AIKEN. Very well. I think that answers the question.

Chairman HOLIFIELD. Mr. Gore.

Senator GORE. Mr. Secretary, you say on page 2 that since the Soviet Union was already in 1957 introducing nuclear capable weapons into their armed forces—would you enlighten us further on that?

Mr. KOHLER. I think that the Soviets have been at some pains to make it clear to us that they have developed missiles and atomic weapons and have even gone beyond that time and again indicating a willingness to use them in certain situations. This has been repeatedly stated.

Senator GORE. I am aware of that. I will be more specific. What interested me was that in 1957 they were already introducing them into their armed forces. Having ICBM's is one thing. I wanted to inquire about another. To what extent has the Soviet Union introduced nuclear capable or nuclear weapons—nuclear capability into their ground forces in Eastern Europe?

Mr. KOHLER. Senator, that is a technical question that perhaps General Loper could go into further than I can. To my knowledge, and the intelligence that we have, they not only have missiles in their own territory, but have them with their forces in Eastern Europe.

Senator GORE. Are there nuclear weapons with the Soviet forces or East German forces in East Germany?

Mr. KOHLER. It is my understanding that there are nuclear capable weapons systems with the Soviet forces in East Germany. Soviet forces, sir.

Senator GORE. Would you mind interrupting your testimony to let General Loper say what he can say of an unclassified nature on this subject?

Mr. KOHLER. None whatsoever.

General LOPER. The extent to which they have actually introduced their weapons into various elements of their armed forces is not completely known, certainly to me. We do know from the general order of intelligence that they have stated a capability of utilizing nuclear weapons throughout their armed forces. Physically where they may be located is something that I don't know.

Senator GORE. Obviously somebody within this Government—whether they want to say so, I don't know—knows whether or not there is nuclear capacity now stationed in East Germany. Do you say you do or do not know?

General LOPER. No, I don't know that, Senator.

Senator GORE. Do you know, Mr. Secretary?

Mr. KOHLER. It is my understanding that the Soviet forces in East Germany have nuclear capable delivery systems.

Senator GORE. Then why wouldn't you know that, General?

General LOPER. The question asked whether they had a nuclear capability in East Germany, not a delivery system. They may not have their weapons with them. This is the point I wanted to make. I don't know whether their weapons are actually stocked with these delivery systems in East Germany.

Senator GORE. But you are aware that the delivery systems are present in the Armed Forces in East Germany?

General LOPER. That is right.

Senator GORE. You say this was being done as early as 1957, Mr. Secretary.

Mr. KOHLER. Yes, sir.

Senator GORE. So the development of nuclear capability by NATO forces was undertaken by the United States and by our NATO allies in response to and only in response to such an undertaking by the Soviet forces. Do you imply that or do you say that? What is the situation?

Mr. KOHLER. I think the increasing intelligence—and I may say that at all the NATO meetings there is an intelligence review of the Soviet capability in all weapons fields—

Senator GORE. I wonder why the United States is 2 years late in reaching such an agreement with Italy than with Greece, Turkey, West Germany, and the Netherlands?

Mr. KOHLER. Senator, the answer to that is simply, I think, that we went ahead in the first instance early in 1959 with the four countries that were most immediately ready and where the military requirement had been developed. So that we started negotiations in early 1959 with them and concluded in about May 1959, with these four countries that I have mentioned, at which time we undertook in June 1959 the Italian negotiations. The Italians were then ready. These negotiations, I think, proceeded very normally, but they were delayed

beyond what the others had been by the fact that we had a change in the Italian Government meanwhile, and a new team to restart the negotiations with, which always creates a certain delay. However, these negotiations were then concluded in August of 1960, but just before the Congress was adjourning last year, and so the agreement could not be submitted until the resumed session in January. There was nothing abnormal about the negotiations, sir.

Senator GORE. From press accounts it would appear that the administration is reexamining the Nation's whole policy on nuclear weapons—the role of nuclear weapons and the Nation's defense forces, the degree of readiness for use and deployment, and weapons tests and weapons development. Does this treaty or this agreement with Italy prejudice in any way the possible conclusions of this reexamination?

Mr. KOHLER. In no way whatsoever. The examination now being undertaken—there are several types of examinations, and they range farther than just an examination of nuclear weapons as such, but of the whole balance of weapons—with the advice of Mr. Dean Acheson, the specific range of NATO military and political and other programs are also being examined. I think that both the President and the Secretary of State have made clear that we contemplate, while perhaps a change in the balance of forces, that the nuclear deterrent continues important, as does the buildup of conventional forces under that. But in any event, this training agreement with the Italians certainly would not prejudice any changes that might come out of such exercise.

Senator GORE. I will not pursue in public session the degree of provocation created by cocked nuclear guns in Eastern Europe, nor will I proceed to examine the advisability of creating such provocation either by us or the Russians or the danger it brings. For one, I welcome a thorough reexamination, but not a weakening of the U.S. forces. Quite to the contrary, I want to see a stronger, a more flexible and yet, if possible, a less provocative stance.

Thank you, Mr. Chairman.

Chairman HOLIFIELD. Thank you, Senator. I think it is pertinent at this point to announce that last November and December an ad hoc committee composed of Senator Bennett, of Utah, and Congressmen Westland, Hosmer, Aspinall, and the present occupant of the chair visited our military bases and our NATO countries in Europe, and we had accompanying us on that trip Commissioner Graham and part of the trip the former AEC Chairman, Mr. John McCone.

Upon the return from that trip we worked out a very comprehensive report in which we analyzed the NATO nuclear weapon situation in many ways. We transmitted to the President and the Secretary of State and the Secretary of Defense and other interested parties copies of these classified reports. I am very happy to say that this report has been receiving the closest attention by the people in the highest positions of the Government. The President has read the complete report. The Secretary of Defense and the Secretary of State have read the complete report. We made many suggestions in there along the line of the Senator's remarks just made. We have criticized some of the arrangements. We offered constructive suggestions. They are being considered, and there is a complete reevaluation of the whole NATO concept being undertaken by the respective executive branches of Government that are involved in the NATO procedures.

We feel that as a result of the committee's study of this matter that we are going to have a complete look at the NATO setup and constructive approach to some of the problems which we found there.

Senator GORE. I have read the report. I think it is one of the finest pieces of work that I have seen performed by a subcommittee. I understand the report was made unanimously.

Chairman HOLIFIELD. That is right.

Senator GORE. It was entirely bipartisan in makeup.

Chairman HOLIFIELD. Not only as far as the Congress was concerned but as far as the Commission and the committee were concerned.

Mr. KOHLER. Mr. Chairman, if I may be permitted, I would just like to confirm that we regard this as a very important contribution which is indeed being very carefully studied and reviewed.

Chairman HOLIFIELD. Getting back for a moment to this particular agreement, Senator Pastore brought out the fact that we have similar agreements with Turkey, Greece, West Germany, and the Netherlands. While there are some minor details which have to do with peculiarities of the different countries involved, in substance this agreement, we might say, is practically the same.

Mr. KOHLER. Practically identical.

Chairman HOLIFIELD. There is no real substantial difference. The text of the agreement has already been put into the Congressional Record by Senator Pastore so that it is available for the public.

On page 4 of your prepared statement, you state:

Italy has been exemplary in its efforts toward meeting its NATO requirements, and that there has been a continuing increase in the Italian budget.

Do you have the figures on how much the Italian Government is spending per year for defense purposes in relation to their NATO budget?

Mr. KOHLER. I do, Mr. Chairman. I would be glad to develop further this statement. The Italian defense expenditures at the present time in 1960 were approximately \$1.1 billion. The Italian Government has laid on a forward plan to increase its defense budget by at least 4 percent annually over a period of 5 years which would give a 20 percent increase. In 1960 actual expenditures indeed were about 5.5 percent over the previous year. In addition to this, the Italians are participating to the extent of about 50 billion lira in a NATO-wide production program of F-104 Starfighters.

Chairman HOLIFIELD. Could you translate that into a rough equivalent of dollars?

Mr. KOHLER. It runs about \$90 million. We will check the figure, Mr. Chairman.

Italy, as you know, still has some development problems of its own and a rather low per capita income of \$565 per annum. But despite this, the Italian defense budget runs approximately 4 percent of gross national product.

Chairman HOLIFIELD. Has the Italian Government supplied its full quota of manpower and equipment for NATO?

Mr. KOHLER. The Italians make to NATO one of the major contributions of manpower numerically. There are still, as of course in practically all the NATO countries, some deficiencies. There is some failure to meet the full force goals established by NATO. This is true throughout the alliance. It is not a serious lag in the case of

Italy. The details of that I believe would have to be discussed in executive session. But the general answer to the question is favorable. They have made a real effort and they are supplying the manpower and resources required for NATO purposes.

Chairman HOLIFIELD. Under this proposed agreement in the event that there are nonnuclear parts of weapons systems transferred to Italy, who would pay for those?

Mr. KOHLER. That could be either by purchase or loan, Mr. Chairman.

Chairman HOLIFIELD. Has it been mostly through military assistance up to date, or have they paid for part of these pieces of equipment?

Mr. KOHLER. I believe most of the advance material to Italy has been through military assistance.

Chairman HOLIFIELD. I am speaking of regular military equipment. I am not speaking of the nonnuclear parts of weapons systems. I am speaking of the regular equipment.

Mr. KOHLER. They do a lot of their own production to start with, but insofar as advanced items have been necessary that are beyond their own production capacity, I think there has been a substantial amount of MSP program. I believe for details I would have to refer you to the Defense witnesses, Mr. Chairman.

Chairman HOLIFIELD. At the top of page 3, you say, "We have been keeping this committee informed of U.S. assistance to the development of nuclear capabilities to allow our allied forces to maintain our common defense." That "we", I suppose, refers to the State Department?

Mr. KOHLER. I think we are speaking collectively there, Mr. Chairman. The State Department, certainly, on the negotiating side. We have worked very closely and you have had direct reports to the committee.

Chairman HOLIFIELD. I am not going into detail at this time. It has been a subject of discussion in executive hearings. I do want to say this: As one member of this committee, I am not satisfied with the rate at which information has been made available to us in the past, nor have I been satisfied with the request for certain documents which had to do with this NATO setup. These requests are belatedly being met, I am happy to say, at this time. Some of the documents which we have asked for in the past will be supplied to us, as I understand. I feel that under the Atomic Energy Act that there is a clear mandate to the agencies and the departments of the executive branch to cooperate with this committee in keeping us fully and currently informed on matters pertaining to nuclear weapons and nuclear matters. I just want to say at this time and have it on the record that I have not been satisfied in the past with the cooperation that we have received, and I am very hopeful that I won't have to make the same statement a year from now.

Mr. KOHLER. Mr. Chairman, let me assure you that it is our intent to have a close cooperative relationship with the committee, and to make you satisfied that indeed we are supplying you with the information that is essential to the performance of your duties, too.

Chairman HOLIFIELD. Are there any further questions on the part of members or the staff? If not, are there any further witnesses, Mr. Kohler?

Mr. KOHLER. Not from the State Department, sir. General Loper is here from the Department of Defense.

Chairman HOLIFIELD. General Loper, do you have a prepared statement?

**STATEMENT OF HON. HERBERT B. LOPER, ASSISTANT TO THE  
SECRETARY OF DEFENSE (ATOMIC ENERGY)**

General LOPER. I do.

Chairman HOLIFIELD. Will you please come forward?

General LOPER. Yes, sir.

Mr. Chairman, members of the committee, I am appearing before you on behalf of the Department of Defense in support of the agreement between the United States and the Government of Italy in accordance with the provisions of section 91c and 144b of the Atomic Energy Act of 1954. This agreement is essentially the same as the agreements for cooperation our Government entered into with the Netherlands, Turkey, Greece, and the Federal Republic of Germany in the summer of 1959.

The implementation of the NATO stockpile concept other than the actual stockpiling of the weapons requires three steps to insure the attainment of a satisfactory atomic capability for the allied forces.

The first is the exchange of atomic information with NATO planners. This has in general been met by the atomic agreement with NATO authorized by the Atomic Energy Act of 1954. This agreement was ratified by each of the member countries and came into force in March 1956. It has permitted the NATO planners to develop theater defense plans and the essential force goals to support these plans.

The second is the identification of the force goals with the individual member countries. This identification is contained in the current NATO plans which give the overall force goals for the countries. Those forces of all the countries which are earmarked for NATO are integrated into the overall plans of SACEUR and SACLANT for the defense of the alliance.

Now, the third step is the equipping and training of the non-U.S. NATO country with the specific atomic delivery units. In the case of Italy, the proposed atomic delivery units included in the Italian goals are systems for land, air, and naval forces. A number of these systems have been delivered under the military assistance program; however, in the near future it is expected that Italy may build an aircraft system of her own which may become capable of atomic delivery.

The training requirement of this third step leads us to the agreement before the committee today. The Italian forces can conduct basic training on the atomic weapons systems proposed and have done so with those systems now in their hands. However, the final training to insure that the Italian forces are capable of performing a satisfactory atomic mission with the aircraft delivery system, for example, cannot be completed until we are authorized to transmit information on loading, appropriate testing, including the post load test, inflight monitoring and possibly information on ground handling.

Of course, the Italian military staff other than those assigned to major NATO commands need the kind of information permitted in

the agreement in the development of their defense plans, training of personnel, and the evaluation of the atomic capability of a potential enemy. In this connection, the training of NATO earmarked forces continues to be a national responsibility.

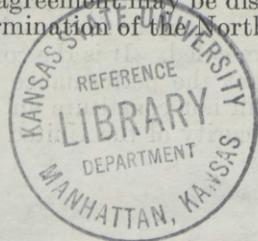
In addition, the basic weapon system as furnished by the military assistance program may not in all cases include certain nonnuclear parts of the system which are those necessary accessories for handling the weapons, for attaching weapons to delivery vehicles, and for monitoring and checkout of a weapon to insure that it is safe and in proper operating condition prior to the mission. Nonnuclear parts of a system may include the control mechanisms, which are parts of aircraft or missile-launching devices associated with the bomb or warhead, lugs, pylons, and other devices for attaching the bomb to its carrier and the like. Of course, these do not include any part of the bomb or warhead itself, but may include training shapes or simulators to assist in the attainment of an effective delivery capability. Since these items are components of the delivery system rather than of the warhead or bomb, it is desirable that arrangements be made for their transfer by sale under the military assistance program, thus making it unnecessary for Italy to establish special production facilities for the limited quantities involved. No such transfers are envisaged at this time but may be appropriate in future systems.

I would like to go over in some detail the agreement itself. The agreement will permit under the authority of sections 91c and 144b of the Atomic Energy Act of 1954, as amended, the transfer of classified information and certain equipment necessary for the purpose of improving the state of training and operational readiness of the Armed Forces in Italy in the context which I have described above.

Article II of the agreement provides for the transfer of classified information, including restricted data and formerly restricted data, necessary to the development of defense plans; the training of personnel in the employment of and the defense against atomic weapons and other military applications of atomic energy; the evaluation of the capability of potential enemies in the employment of atomic weapons and other military applications of atomic energy; and the development of delivery systems capable of carrying atomic weapons.

Article III of the agreement provides that the United States will transfer nonnuclear parts of atomic weapons systems involving restricted data (other than nonnuclear parts of atomic weapons) for the purpose of improving the state of training and operational readiness of the Armed Forces in Italy. However, in view of section 91c of the Atomic Energy Act, the applicability of which is reflected in article IV of the agreement, no transfer can be made if it would contribute significantly to the recipient nation's atomic weapon design, development, or fabrication capability.

The agreement would remain in force until terminated by agreement of both parties, thus assuring continued protection for the information and equipment transferred in accordance with the provision of the agreement. However, cooperation for the transfer of information and equipment under articles II and III of the agreement may be discontinued by either party in the event of the termination of the North Atlantic Treaty.



In accordance with the provisions of sections 91c and 144b of the Atomic Energy Act of 1954, the agreement specifically provides in article I that all cooperation under the agreement will be undertaken only when the communicating or transferring party determines that such cooperation will promote and will not constitute an unreasonable risk to its defense and security. Article I of the agreement also provides, in accordance with the act, that all cooperation under the agreement will be undertaken only while the United States and Italy are participating in an international arrangement for their mutual defense and security and making substantial and material contributions thereto. Cooperation under articles II and III of the agreement would be undertaken only when these conditions prevail.

Article IV of the agreement stipulates that the cooperation under the agreement will be carried out by each of the parties in accordance with its applicable laws. Article IV also makes clear that there will be no transfer under the agreement of atomic weapons, nonnuclear parts of atomic weapons or special nuclear material.

In addition to the foregoing provisions on the terms, conditions, duration, nature, and scope of cooperation, the agreement provides that the parties will maintain agreed security safeguards and standards. Because of previously established relationships with Italy in the area of mutual defense, it has been possible to develop these mutually agreed security standards and practices. There are additional safeguards built into this 144b agreement with the Italians and stringent controls are placed on information and materials made available under the agreement. Specifically, these include personnel clearances, physical security of atomic information, special controls on atomic information, the requirements for written security assurances on personnel participating in visits and conferences, and the provision for continuing review of the security system of Italy. It is the considered opinion of the Department of Defense that the criteria, standards, practices, and procedures provided assure security protection of the information governed by the agreement in the responsible and comprehensive manner which is dictated by considerations of our own common defense and security.

The agreement also contains particular commitments that the recipient of any equipment or information that is obtained pursuant to the agreement will not transfer it to unauthorized persons and will not transfer it beyond the jurisdiction of the recipient party, except in limited circumstances specifically provided in the agreement. I want to make it clear that the agreement *does not* provide for—

- (a) The transfer of special nuclear material;
- (b) The transfer of nonnuclear parts of atomic weapons;
- (c) The transmission of any information that would assist

Italy in the design, development, or fabrication of atomic weapons.

Italy is now participating with the United States in an international arrangement pursuant to which Italy is making substantial and material contributions to the mutual defense and security. It is the view of the Department of Defense that this agreement is entirely in accord with the provisions of the Atomic Energy Act of 1954, as amended. It is the considered opinion of the Department of Defense that the performance of the proposed agreement will promote and will not constitute an unreasonable risk to the common defense and security of the United States. That ends my formal statement.

Chairman HOLIFIELD. General Loper, this is a very frank and comprehensive statement on your part. There may be some questions which the members want to ask from the standpoint of emphasizing certain points.

Senator PASTORE. I think that the statement itself is explicit enough and clear enough and succinct enough without any further comment on my part.

Chairman HOLIFIELD. In order to emphasize one or two points which are covered in your statement, where you point out the limits of the agreement, and in order that there be no misinterpretation, I ask you, is it true that this agreement does not permit the communication of classified information that would assist the Italian Government in the design, development, and manufacture of nuclear weapons?

General LOPER. I think this is a firm statement, sir.

Chairman HOLIFIELD. This agreement also does not permit the transfer of fissionable material.

General LOPER. That is right.

Chairman HOLIFIELD. On page 5 of your prepared statement, you mentioned that the agreement would remain in force and would not be terminated unless by agreement of both parties. Does this mean that if the United States wishes to terminate the agreement and the Italian Government wishes to continue, the agreement remains in force?

General LOPER. I believe it does.

Chairman HOLIFIELD. In the event both parties agree to its termination, or in the alternative, if NATO disbands, what procedure would there be for the reclamation of the material and information previously furnished by the United States?

General LOPER. Any material which previously was furnished by sale naturally would belong to the Italians. I would see no way of recovering that. Information is likewise unrecoverable. As has been pointed out before, one discontinues the operation of the agreement, but has no basis for recovering that which has gone before.

Chairman HOLIFIELD. However, during the 20-year period of NATO or any extension thereof, under the terms of this agreement the United States has full control currently and continuously over the release of restricted data.

General LOPER. That is correct.

Chairman HOLIFIELD. This agreement is permissive in nature only, and the President by Executive order can at any time prohibit or control the extent of the cooperation under this agreement.

General LOPER. Yes, sir.

Chairman HOLIFIELD. So the problem that was brought up by Senator Aiken this morning of a change in government in any of these countries—I address my remarks specifically to this agreement because it is before us—at any time there should be a change in government which would not be deemed to be friendly and helpful to the security of the United States, the transmission of restricted data to Italy then could be terminated.

General LOPER. That is correct.

Chairman HOLIFIELD. And further cooperation under the agreement terminated.

General LOPER. That is correct, sir.

Chairman HOLIFIELD. By Presidential order.

General LOPER. Yes, sir. I might add in connection with a continuation of an agreement which we ourselves decided we would not want to continue, the Italian Government would be still fully responsible for protecting the information it already received in the manner prescribed by the agreement, because the agreement would still be in force and they would hold that responsibility.

Chairman HOLIFIELD. Of course, that would pertain then if the government in power accepted the responsibilities of the prior government.

General LOPER. That is right.

Chairman HOLIFIELD. But it would not obtain if the government did go completely against the free world.

General LOPER. That is correct, sir.

Chairman HOLIFIELD. General Loper, I just have one further thing to say. You are aware of the dissatisfaction of the Chair and some of the members of the committee with the way which information has been furnished us on some of these arrangements. We have discussed this in some detail in executive session. I don't care to go into it in any full detail now. But I want to say to you the same as I said to the representative of the State Department, that this committee is zealous of its responsibilities and its duties. Under the statute under which we operate we expect to guard those responsibilities and to fulfill those duties fully. It is my hope that information will be given to us more promptly and more completely in the future than it has in the past. It will not be necessary for the committee to engage in controversy or extensive correspondence in order to obtain information which we believe we are entitled to under the statute.

General LOPER. I fully appreciate that, Mr. Chairman. I think, as we have frequently discussed this matter, there is a tremendous volume of information relating to this subject and I am sure the committee does not want all of it. You would have no way of handling it. We would have no way of getting it to you. Somewhere in the chain we must have a means of assuring that we select and give you automatically and promptly that information which you can use and not burden you down with the great volume of information which you can't use.

Chairman HOLIFIELD. I accept that.

General LOPER. We would like to cooperate.

Chairman HOLIFIELD. I accept that statement. I recognize that there is an area of judgment that you must exercise and we must exercise as to the important points of information. I believe through our discussions with you in the past that you know the areas of interest that we have, and you know that we are not referring to the voluminous detailed information. But we are referring to those areas where important policy is being suggested or implemented which pertains directly to the responsibilities of this committee in its surveillance of nuclear information and nuclear materials.

General LOPER. I appreciate that, and I hope we can improve 100 or 500 percent.

Chairman HOLIFIELD. Thank you. Are there any further questions? If not, thank you, General Loper.

Commissioner Graham, will you come forward, please?

**STATEMENT OF JOHN S. GRAHAM, COMMISSIONER, ATOMIC ENERGY COMMISSION**

Mr. GRAHAM. Thank you, Mr. Chairman.

Mr. Chairman, members of the committee, I have a statement today in support of the agreement for cooperation for mutual defense purposes with Italy which has recently been submitted to the Congress in accordance with section 123d of the Atomic Energy Act of 1954, as amended.

Representatives of the Departments of State and Defense here today have discussed with the committee the background, principal provisions, and contemplated cooperation envisioned under the mutual defense agreement with Italy. This agreement is similar in all of its major provisions with the agreements entered into in 1959 with the Netherlands, Germany, Greece, and Turkey, which were designed to strengthen NATO by making restricted data available for use with atomic capable weapons systems under the new authority provided in the 1958 amendments to sections 91, 144, and 123 of the Atomic Energy Act. This agreement covers the transmission of information relating to defense plans, training of personnel, and so forth, as provided for in section 144b of the Atomic Energy Act. It also covers the transfer of nonnuclear parts for atomic weapons systems necessary for improving the Italian state of training and operational readiness. It does not cover the deployment of atomic weapons.

As in the case of the agreements with the Netherlands, Germany, Greece, and Turkey, the Commission's role in the conclusion of the mutual defense agreement with Italy has been limited to assisting the Department of Defense since this Department has primary responsibility for agreements negotiated pursuant to section 144b of the Atomic Energy Act.

The Commission does, however, support this agreement and joined the Department of Defense in recommending to the President that its execution will promote and will not constitute an unreasonable risk to the common defense and security. Before joining in this recommendation, the Commission, together with the other agencies involved, satisfied itself that the security procedures of the Italian Government would be adequate to protect information of the kind to be transmitted under the agreement. Members of the Commission staff are present and would, of course, be happy to answer any questions the committee may have concerning the details of actions which the Commission has taken with respect to this agreement.

That is the end of the statement, Mr. Chairman.

Chairman HOLIFIELD. Thank you, Mr. Graham.

Are there any questions of Commissioner Graham?

Senator GORE. I note on the bottom of page 1, Mr. Commissioner, you say that the Atomic Energy Commission has recommended this program to the President, and that its execution will promote the defense and security of the country and will not constitute an unreasonable risk.

I wish to inquire about your use of the term "unreasonable risk." Do you refer by this to the risk of imparting secrets, or to some other type of risk?

Mr. GRAHAM. Sir, in this agreement we are talking primarily about the transmission of restricted data. We have analyzed the security system of the Italian Government, and we were satisfied that such a system would protect any restricted data which might be transferred subsequent to the execution of this—if I may use the term—"umbrella" agreement which is the particular matter under discussion today.

Senator GORE. I don't understand your use of the term "umbrella."

Mr. GRAHAM. I have used it in the sense that here you have a broad agreement for cooperation first, but as was explained by Senator Pastore and the chairman, there will be individual actions which will follow in order to implement the agreement and those would be dealt with on a case-by-case basis.

Senator GORE. Thank you, Mr. Graham.

Representative PRICE. Mr. Chairman.

Chairman HOLIFIELD. Mr. Price.

Representative PRICE. Mr. Graham, why would the Commission and the Defense Department want to recommend to the President the execution of an agreement that would promote an unreasonable risk? You want this corrected for the record?

Mr. GRAHAM. Yes, sir.<sup>1</sup>

Chairman HOLIFIELD. Mr. Graham, thank you for this statement. The Chair would like to say that for some time now we have had no complaint toward the Commission in furnishing us with information which we have requested and keeping us fully and currently informed. We are looking forward to this type of an association during the present term of Congress, and we hope in the future. We hope that under your new chairman that the policies which have obtained in the last few years will be continued of keeping this committee currently informed. We do not do this from the standpoint of idle curiosity, but a deep feeling of responsibility that the Congress has asked that this committee be the watchdog on this program, particularly in this military application and development, and we feel that we are entitled to this information, and we feel that we can do our job better if the information is furnished us as provided for in the statute, and that the relations between the committee and the Commission can be amicable and we can do constructive work together. Otherwise, it becomes laborious and tedious and controversial, and this does not lend itself toward efficiency of operation in either the executive or legislative branch.

Mr. GRAHAM. Thank you very much, Mr. Chairman. I am sure that Dr. Seaborg will want to continue the practice of trying to keep you currently and fully informed. Sometimes we are going to miss, but I think you know that it is not a matter of intent to try to impede the work of this committee. Sometimes we may fall over our own feet in following administrative practices. If I may make one personal observation, Mr. Chairman, you were very kind to note in answer to Senator Pastore that your committee had included me on the trip to Europe and that Mr. McCone was able to join us for part way. I previously expressed to you and am pleased to repeat

<sup>1</sup> The statute, sec. 144 of the Atomic Energy Act, as amended, requires that a determination be made that the arrangement "will promote and will not constitute an unreasonable risk to the common defense and security \* \* \*."

In my statement just concluded I have followed the wording of the act. We have always understood this to mean that we must find that the arrangement will promote the common defense and security of the United States and also find that it will not constitute an unreasonable risk to the common defense and security of the United States.

here that we both were honored to have been included. It was most helpful and instructive. As I have said before, we certainly compliment this committee on having arranged that the group was not delayed by the weather but for 2 hours, and that was on a Sunday afternoon. The committee deserves a high mark for all of their arrangements as well as their hard work.

Chairman HOLIFIELD. Thank you, sir.

We understand, of course, that the AEC has its statutory duties to protect classified data. We expect that the AEC would continue in these responsibilities with the Defense Department to assure the procedures that are adopted in this bilateral agreement between the United States and the Italian Government, that the procedures in both Governments will be such as to protect classified information which may be passed under this agreement.

Mr. GRAHAM. It will be our intention, sir, to continue the practice we have had of carrying out our statutory responsibilities.

Chairman HOLIFIELD. Thank you.

Mr. GRAHAM. Thank you, Mr. Chairman.

Chairman HOLIFIELD. I understand that there is no further request for witnesses. Therefore, this meeting will stand adjourned. The committee will meet again at 2 o'clock in executive session.

(The following letter was submitted for the record:)

PHYSICS DEPARTMENT,  
GEORGE WASHINGTON UNIVERSITY,  
Washington, D.C., March 9, 1961.

Hon. CHET HOLIFIELD,  
Chairman, Joint Committee on Atomic Energy, Washington, D.C.

DEAR MR. CHAIRMAN: May I comment on the proposed agreement for cooperation between the United States Government and the Government of Italy.

The transfer of "nuclear weapons systems" will mean the nuclearization of the respective NATO armies. Nuclearized armies are useless without the possession of nuclear warheads. The wholesale transfer of nuclear weapons systems will therefore soon put the United States into the predicament of being cornered into surrendering nuclear warheads to these foreign military establishments, or seeing them make an extra effort to produce weapons-grade plutonium themselves, or even seeing them obtain it on a nuclear black market.

The transfer agreements open the door to those who want to propagandize that the United States is not seriously trying to preserve peace as a great many more military establishments are given the chance to start World War III. In fact, the transfer agreements play thus into the hands of the most suspicious and irreconcilable men abroad.

These agreements actually amount to much more than a treaty. The fate of the United States and of the world hinges upon whether an international accord can be reached—under United Nations auspices and control—an accord which has the effect of curbing the spread to more and more countries of the possession of nuclear weapons. The present transfers achieve the opposite.

Some Members of Congress have argued that failure of the United States to enter such agreements would only enhance independent development of nuclear weapons by these countries, in which case the United States would have no control over such emerging nuclear powers. It seems that the cardinal issue of the nuclear age is the moral responsibility for the nuclear holocaust which threatens us all. Every country preparing nuclear weapons and, still more so, every country which spreads these weapons over the globe shares the responsibility for the eventual nuclear avalanche whose actual start will be more or less a matter of accident—technical or diplomatic or by communication default.

We should see to it that the United States is not going to surrender in due time nuclear weapons to complete the weapons systems. So we may, for quite some time, be spared an irreversible conversion of NATO armies entirely dependent on nuclear weapons systems—plus nuclear weapons.

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It would be good if we would stop hanging our fate on straws of unrealistic policies of shortsighted expediency. Rather we should remember that the United States was founded by men whose conscience and concern for humanity gave new life to the Western world.

Sincerely,

HERBERT JEHL.

• (Thereupon at 11:25 a.m., Thursday, March 9, 1961, the meeting was concluded.)

## APPENDIX

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### AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF ITALY FOR COOPERATION ON THE USES OF ATOMIC ENERGY FOR MUTUAL DEFENSE PURPOSES

The Government of the United States of America and the Government of Italy, *Considering* that they have concluded a Mutual Defense Assistance Agreement pursuant to which each Government will make available to the other equipment materials, services, or other military assistance in accordance with such terms and conditions as may be agreed;

*Considering* that their mutual security and defense require that they be prepared to meet the contingencies of atomic warfare;

*Considering* that they are participating together in an international arrangement pursuant to which they are making substantial and material contributions to their mutual defense and security;

*Recognizing* that their common defense and security will be advanced by the exchange of information concerning atomic energy and by the transfer of certain types of equipment;

*Believing* that such exchange and transfer can be undertaken without risk to the defense and security of either country; and

*Taking into consideration* the United States Atomic Energy Act of 1954, as amended, and all the applicable Italian statutes;

Have agreed as follows:

#### ARTICLE I. GENERAL PROVISIONS

While the United States and Italy are participating in an international arrangement for their mutual defense and security and making substantial and material contributions thereto, each Party will communicate to and exchange with the other Party information and transfer non-nuclear parts of atomic weapons systems involving Restricted Data to the other Party in accordance with the provisions of this Agreement, provided that the communicating or transferring Party determines that such cooperation will promote and will not constitute an unreasonable risk to its defense and security.

#### ARTICLE II. EXCHANGE OF INFORMATION

Each Party will communicate to or exchange with the other Party such classified information as is jointly determined to be necessary to:

- A. the development of defense plans;
- B. the training of personnel in the employment of and defense against atomic weapons and other military applications of atomic energy;
- C. the evaluation of the capabilities of potential enemies in the employment of atomic weapons and other military applications of atomic energy; and
- D. the development of delivery systems compatible with the atomic weapons which they carry.

#### ARTICLE III. TRANSFER OF NON-NUCLEAR PARTS OF ATOMIC WEAPONS SYSTEMS

The Government of the United States will transfer to the Government of Italy, subject to terms and conditions to be agreed, non-nuclear parts of atomic weapons systems involving Restricted Data as such parts are jointly determined to be necessary for the purpose of improving Italy's state of training and operational readiness.

#### ARTICLE IV. CONDITIONS

A. Cooperation under this Agreement will be carried out by each of the Parties in accordance with its applicable laws.

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B. Under this Agreement there will be no transfer by either Party of atomic weapons, non-nuclear parts of atomic weapons, or special nuclear materials.

C. The information communicated or exchanged, and non-nuclear parts of atomic weapons systems transferred by either Party pursuant to this Agreement shall be used by the recipient Party exclusively for the preparation or implementation of defense plans in the mutual interests of the two countries.

D. Nothing in this Agreement shall preclude the communication or exchange of classified information which is transmissible under other arrangements between the Parties.

### ARTICLE V. GUARANTEES

A. Classified information and non-nuclear parts of atomic weapons systems communicated or transferred pursuant to this Agreement shall be accorded full security protection under applicable security arrangements between the Parties and applicable national legislation and regulations of the Parties. In no case shall either Party maintain security standards for safeguarding classified information, and non-nuclear parts of atomic weapons systems, made available pursuant to this Agreement less restrictive than those set forth in the applicable security arrangements in effect on the date this Agreement comes into force.

B. Classified information communicated or exchanged pursuant to this Agreement will be made available through channels existing or hereafter agreed for the communication or exchange of such information between the Parties.

C. Classified information, communicated or exchanged, and any non-nuclear parts of atomic weapons systems transferred pursuant to this Agreement shall not be communicated, exchanged or transferred by the recipient Party or persons under its jurisdiction to any unauthorized persons or, except as provided in Article VI of this Agreement, beyond the jurisdiction of that Party. Each Party may stipulate the degree to which any of the information and non-nuclear parts of atomic weapons systems communicated, exchanged or transferred by it or persons under its jurisdiction pursuant to this Agreement may be disseminated or distributed; may specify the categories of persons who may have access to such information or non-nuclear parts of atomic weapons systems; and may impose such other restrictions on the dissemination or distribution of such information or non-nuclear parts of atomic weapons systems as it deems necessary.

### ARTICLE VI. DISSEMINATION

Nothing in this Agreement shall be interpreted or operate as a bar or restriction to consultation or cooperation in any field of defense by either Party with other nations or international organizations. Neither Party, however, shall so communicate classified information or transfer or permit access to or use of non-nuclear parts of atomic weapons systems made available by the other Party pursuant to this Agreement unless:

A. It is notified by the originating Party that all appropriate provisions and requirements of the originating Party's applicable laws, including authorization by competent bodies of the originating Party, have been complied with which would be necessary to authorize the originating Party directly so to communicate to, transfer to, permit access to or use by such other nation or international organization; and further that the originating Party authorizes the recipient Party so to communicate to, transfer to, permit access to or use by such other nation or international organization; or

B. The originating Party has informed the recipient Party that the originating Party has so communicated to, transferred to, permitted access to or use by such other nation or international organization.

### ARTICLE VII. CLASSIFICATION POLICIES

Agreed classification policies shall be maintained with respect to all classified information and non-nuclear parts of atomic weapons systems communicated, exchanged or transferred under this Agreement.

### ARTICLE VIII. RESPONSIBILITY FOR USE OF INFORMATION AND NON-NUCLEAR PARTS OF ATOMIC WEAPONS SYSTEMS

The application or use of any information (including design drawings and specifications) or non-nuclear parts of atomic weapons systems communicated, exchanged or transferred under this Agreement shall be the responsibility of the Party receiving it, and the other Party does not provide any indemnity or warranty with respect to such application or use.

ARTICLE IX. PATENTS

The recipient Party shall use the classified information communicated, or revealed by equipment transferred hereunder, for the purposes specified herein only. Any inventions or discoveries resulting from possession of such information on the part of the recipient Party or persons under its jurisdiction shall be made available to the other Party for all purposes without charge in accordance with such arrangements as may be agreed and shall be safeguarded in accordance with the provisions of Article V of this Agreement.

ARTICLE X. DEFINITIONS

For the purposes of this Agreement:

A. "Atomic weapon" means any device utilizing atomic energy, exclusive of the means for transporting or propelling the device (where such means is a separable and divisible part of the device), the principal purpose of which is for use as, or for development of, a weapon, a weapon prototype, or a weapon test device.

B. "Classified information" means information, data, materials, services, or any other matter with the security designation of "Confidential" or higher applied under the legislation or regulations of either the United States or Italy, including that designated by the Government of the United States as "Restricted Data" and "Formerly Restricted Data" and that designated by the Government of Italy as "Atomic Restricted" and "Atomic Most Restricted".

C. "Non-nuclear parts of atomic weapons" means parts of atomic weapons which are specially designed for them and are not in general use in other end products and which are not made of, in whole or in part, special nuclear material; and "non-nuclear parts of atomic weapons systems involving Restricted Data" means parts of atomic weapons systems, other than non-nuclear parts of atomic weapons, which contain or reveal atomic information and which are not made of, in whole or in part, special nuclear material.

D. As used in this Agreement, the term "atomic information" means:

1. So far as concerns information provided by the Government of the United States, information which is designated "Restricted Data" and "Formerly Restricted Data".

2. So far as concerns information provided by the Government of Italy information which is designated "Atomic Restricted" and "Atomic Most Restricted".

ARTICLE XI. DURATION

This Agreement shall enter into force on the date on which each Government shall have received from the other Government written notification that it has complied with all legal requirements for the entry into force of this Agreement, and shall remain in force until terminated by agreement of both Parties except that either Party may terminate its cooperation under Articles II or III upon the expiration of the North Atlantic Treaty.

IN WITNESS WHEREOF, the undersigned, duly authorized, have signed this Agreement.

Done at Rome, in duplicate, in the English and Italian languages, both texts being equally authentic, this 3rd day of December, 1960.



