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ARMS CONTROL AND DISARMAMENT

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HEARINGS BEFORE THE PREPAREDNESS INVESTIGATING SUBCOMMITTEE OF THE COMMITTEE ON ARMED SERVICES UNITED STATES SENATE

EIGHTY-SEVENTH CONGRESS
SECOND SESSION
ON
ARMS CONTROL AND DISARMAMENT

SEPTEMBER 17, 18, AND 19, 1962

Printed for the use of the Committee on Armed Services

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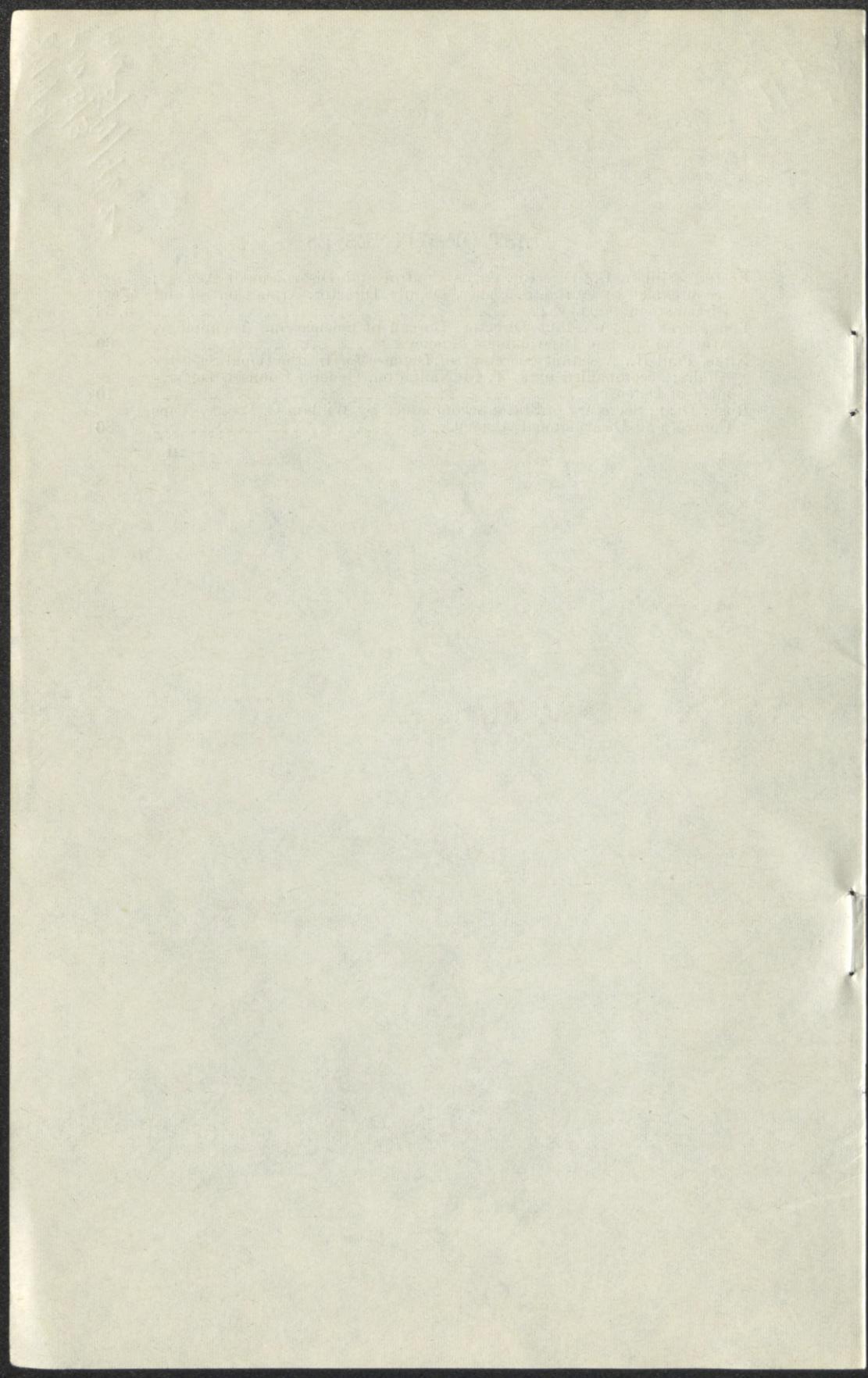
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LIST OF WITNESSES

Foster, William C., Director, Arms Control and Disarmament Agency; accompanied by Adrian S. Fisher, Deputy Director, Arms Control and Disarmament Agency -----	Page 4, 38
Long, Franklin, Assistant Director, Bureau of Science and Technology, Arms Control and Disarmament Agency -----	60
Nitze, Paul H., Assistant Secretary of Defense for International Security Affairs; accompanied by J. T. McNaughton, General Counsel, Department of Defense -----	10
Rusk, Dean, Secretary of State; accompanied by William C. Foster, Arms Control and Disarmament Agency -----	80



ARMS CONTROL AND DISARMAMENT

MONDAY, SEPTEMBER 17, 1962

U.S. SENATE,
PREPAREDNESS INVESTIGATING SUBCOMMITTEE,
COMMITTEE ON ARMED SERVICES,
Washington, D.C.

The subcommittee (composed of Senators Stennis (chairman), Symington, Bartlett, Jackson, Saltonstall, and Smith of Maine), met, pursuant to notice, at 2 p.m., in room 224, Old Senate Office Building, Senator John Stennis, presiding.

Present: Senators Stennis (presiding), Symington, Bartlett, and Jackson.

Also present: Senators Goldwater and Thurmond; Grover K. Coe, OSD (LA); David E. McGiffert, OSD (LA); Arthur Barber, OSD (ISA); Elmo R. Zumwalt, OSD (IJA), George Bunn, ACDA; F. A. Long, ACDA; J. T. McNaughton, DOD (GC); Dorothy Fosdick, of Senator Jackson's office; Stuart P. Franch, preparedness staff; Ben Gilleas, preparedness staff; D. F. McGillicuddy, preparedness staff; Robert M. Neal, preparedness staff; James T. Kendall, chief counsel, Preparedness Investigating Subcommittee.

Senator STENNIS. All right, members of the subcommittee, let us come to order, please.

CHAIRMAN'S OPENING STATEMENT

The chairman has a short opening statement, gentlemen. Then we will proceed in the regular way.

The Senate Committee on Armed Services has legislative responsibility for the common defense generally and for matters affecting the size, composition, and equipment of the Armed Forces. It has a direct and legitimate interest in any and all activities which affect or may affect the development and procurement of weapons and the size and quality of our fighting forces.

The Preparedness Investigating Subcommittee, as the representative of the Committee on Armed Services, is vitally concerned with proposals which have as their purpose the limitation, control, reduction, or elimination of armed forces and armaments. Our national security is inseparably entwined with all such proposals. We believe, therefore, that these proposals and policies underlying them should be subjected to scrutiny from a military point of view as well as from the standpoint of foreign policy. This is our main purpose in this inquiry.

In these hearings we will explore a number of basic and fundamental matters. Among these will be the broad field of arms control

and disarmament, including the current nuclear test ban negotiations. We want to know if our policies and positions in this field are based on realistic and practical considerations.

Since weapons development and testing go hand in hand, we will inquire into the status of our nuclear test activities with respect both to weapons development and weapons effects. Technical data now available on this question will be considered as well as information relating to our position in this field as compared with the progress of the Soviets.

Another field of inquiry of major importance is the area of control systems, with particular emphasis upon the question of whether technology has yet sufficiently advanced to insure rigid and foolproof enforcement of any international agreement which may be consummated. We cannot afford a reckless gamble with our national security and survival.

The hearings to be held this week are all that will be possible during this session of the Congress.

That statement is made on the assumption that we are near the end of the session and will be faced with many other matters. It does not absolutely preclude other hearings, but this is the most probable.

However, our study of this matter will be continued during the recess, and further hearings will be scheduled at an appropriate time.

We regret that security considerations require that the hearings be conducted behind closed doors. However, in order that as much unclassified information as possible is released publicly, the transcripts will be sanitized and printed with security information deleted.

Now, that means publication of the record after each interested witness or department, of course, has had full opportunity to take part in the sanitizing of the record.

We have with us today Mr. William C. Foster, Director of the newly created Arms Control and Disarmament Agency, and Mr. Paul H. Nitze, Assistant Secretary of Defense for International Security Affairs. Since Mr. Nitze has other commitments this week, Mr. Foster will first read his statement and then will step aside without being questioned. Mr. Nitze will then present his statement and will be subjected to questioning. Mr. Foster will return tomorrow for further testimony and appropriate questioning.

It was originally planned to have Mr. Foster testify first. We switched this because of Mr. Nitze's commitments.

Secretary of State Dean Rusk will probably appear before us on Wednesday.

Although I do not want to be in the position of precluding any question a member of the subcommittee may have, I would like to say that our major purpose this week will be to get into the record the functions of the Arms Control and Disarmament Agency, its accomplishments to date, its policies and positions on arms control and nuclear test ban matters, and the procedures by which these policies are developed and finalized. This information will serve as a background for our future hearings.

As I say, there is no final decision on what additional hearings we may have during this session. But I doubt that it is going to be practical to schedule any after this week.

LETTER FROM SECRETARY MC NAMARA

Next, I would like to read a very brief letter from Secretary McNamara, dated September 15. It is addressed to me.

Dear Senator Stennis: I should like you to know how much I regret not being able to represent the Department of Defense at the hearings your subcommittee is holding on arms control and disarmament policies.

As you know, Assistant Secretary of Defense Paul H. Nitze, who will represent the Department, has been one of the senior officials of the Department who has fully participated in all the substantive decisions concerning these matters.

Mr. Gilpatric and I regard arms control and disarmament as one of the most important subjects which concern the United States today. We have taken an active part in the development of Government policy in this area.

I look forward with great interest to the subcommittee's work.

Sincerely yours.

That is signed by Mr. McNamara.

Gentlemen, I want to say that other members who are not here are extremely regretful they cannot be here. That is true of Senator Saltonstall and Senator Smith. Senator Jackson is planning to come.

I sent out notices to all members of the full committee. Senator Russell wishes to express his very great regret that he cannot be here. He was definitely planning to be here. However, it was necessary that he attend the hearing being held this afternoon jointly by the Armed Services Committee and the Foreign Relations Committee. Secretary Rusk is the witness in that hearing, which has resumed about now.

Now, Mr. Foster, we are delighted to have you here, sir.

We have been in conference on this. You have expressed an interest in the hearing and a complete willingness to develop the entire picture. You also have expressed a desire that as much as possible of these hearings be made public. I think that is a fine attitude, sir.

With regret that we are going to have to shift about here some, but with a willingness to do so under the circumstances, we will be glad to have you proceed now in your own way.

SECURITY CLEARANCE OF PERSONS PRESENT

All staff members here are cleared for top secret?

Mr. KENDALL. All staff members are cleared for both top secret and restricted data.

Senator STENNIS. All right. What about the other gentlemen with you, Mr. Foster or Mr. Nitze?

Miss FOSDICK, are you cleared for top secret and so forth?

Miss FOSDICK. Yes, sir.

Senator STENNIS. You are on Senator Jackson's staff and have worked with us on this matter. We are glad to have you. I emphasize that.

FOSTER STATEMENT

All right, Mr. Foster, you may proceed, sir. We all have copies of your statement.

By agreement of the committee, we will proceed.

STATEMENT OF WILLIAM C. FOSTER, DIRECTOR OF THE ARMS CONTROL AND DISARMAMENT AGENCY; ACCOMPANIED BY ADRIAN S. FISHER, DEPUTY DIRECTOR

Mr. FOSTER. Thank you very much, Mr. Chairman. I do want to reiterate that we welcome the opportunity to appear before this committee. We will, in every way possible, attempt to have released as much of the testimony as is consistent with security regulation.

In the interest of Mr. Nitze's time, if you agree, instead of reading my whole statement, I would read simply some extracts from it that seem to highlight some of the key parts, and that might save the committee's time for today. Or I will read the whole thing, whichever you prefer.

Senator STENNIS. It appears now that we have more time than we had anticipated. It will give us a chance to get familiar with your statement. Mr. Nitze, are you particularly pressed for time?

Mr. NITZE. I have to leave at 5, Mr. Chairman. My plane leaves at 6 from Friendship Airport.

Senator STENNIS. Well, it has been agreed we are not going to have any questioning of Mr. Foster today.

You may proceed with your statement, Mr. Foster. It won't take long.

Mr. FOSTER. Very well, sir.

(NOTE.—This is a "sanitized" version of Mr. Foster's statement.)

Mr. Chairman, this statement has been prepared in response to the suggestions in your letter of September 8, 1962.

The Arms Control and Disarmament Agency—ACDA—was created by act of Congress on September 26, 1961. The Director serves as principal adviser to the President and the Secretary of State on arms control and disarmament matters. Under the direction of the Secretary, he has primary responsibility within the Government for arms control and disarmament matters.

The Agency's most important functions, as described in the Arms Control and Disarmament Act, are:

- (1) the conduct, support and coordination of research for arms control and disarmament policy formulation; and
- (2) the preparation for and management of U.S. participation in international negotiations in this field.

Because of its primary responsibility for research in the arms control and disarmament field, the Agency has, since its creation, reviewed the arms controls and disarmament research conducted by other agencies and instituted research in those areas where further effort was necessary. As it has acquired staff, its competence in this area has gradually increased. During this fiscal year, we hope to give the Government-wide research program in this field better direction and expanded scope.

During its year of existence, the Agency has prepared for and supported U.S. participation in the Geneva Conference on Disarmament, the arms control and disarmament discussions at the United Nations, and various bilateral discussions with other nations concerning arms control and disarmament. It supported these activities by supplying staff, and by preparing policy recommendations concerning the position the United States should take—positions which

are in the main subject to approval by the President after consultation with other agencies.

The Agency was primarily responsible, for example, for the "Outline of Basic Provisions of a Treaty on General and Complete Disarmament in a Peaceful World," submitted to the Geneva Conference on April 18, 1962, and for the draft treaty banning nuclear weapon tests in all environments and the draft treaty banning nuclear weapon tests in the atmosphere, outer space and underwater, both of which were submitted to the Conference on August 27, 1962.

I think the best way to advise the committee of the way in which the Arms Control and Disarmament Agency performs its function of policy formulation and coordination in the field of arms control and disarmament is to describe a specific instance, in this case the deliberations which led up to the submission at the Geneva Conference on August 27 of the two draft treaties dealing with nuclear weapons tests. When ACDA came into existence, one of its responsibilities was the management of the nuclear test ban negotiations which had been going on since the fall of 1958. These negotiations represented the considered judgment of two administrations that an effectively verified nuclear test ban treaty was in the national interest. The United States then had outstanding a proposal for a system of detection and inspection relying primarily on conclusions reached by the United States, the United Kingdom, and the Soviet Union scientists in 1958. Much of the data providing the technical underpinnings for the system came from studies made before 1958. The data at that time suggested that reliance should be placed on stations near the site of an event to detect that event. This meant that a fairly large number of detection stations were necessary, especially since we were then concerned with the ultimate erection of a worldwide system, focusing on the Southern Hemisphere as well as on the Northern Hemisphere. Although this proposed system was then determined to be in the best interests of the United States, it did have certain drawbacks. It was large and cumbersome, took a good deal of time to install, and was very expensive. There had also been considerable skepticism expressed as to whether or not an international organization could effectively recruit and train personnel necessary for such an elaborate system.

In the spring of 1962, ACDA began to consider whether changes in this system might be in the best interests of the United States. We had been following the progress of Project Vela which was begun by the Defense Department in 1959 in order to learn as much as possible about the detection and identification of nuclear explosions. About \$90 million has been spent on this project so far. In early June of this year ACDA asked the Defense Department for a re-assessment of the developments of the Vela program and of the monitoring system now operated by the Defense Department to detect and identify nuclear weapon tests. And here it should be noted that a vast amount of data has been accumulated since 1958 bearing on underground explosions. Our underground nuclear test series which began in September 1961, of course, proved to be a rich source of information.

The Defense Department review revealed two significant assessments of the technical situation. The first of these was the establish-

ment of a better capability for long-distance detection of earth tremors caused by nuclear explosions or earthquakes. This makes it possible to propose a simpler and more economical system of internationally supervised long-range detection stations. It is now possible to design a more realistic system which has fewer scientific detection stations—including fewer in the United States and the Soviet Union—which relies more on stations outside the United States and the Soviet Union to detect nuclear explosions in those countries, and which permits those stations to be manned with nationals of the country where they are located, nationals who would be under continuing international supervision by resident inspectors. Since we would place primary reliance on stations outside the Soviet Union to detect explosions in the Soviet Union, we need no longer be so concerned about Soviet nationals manning Soviet control posts.

The second key technical reassessment is that an earlier estimate of the number of tremors from earthquakes in the Soviet Union which might be confused with tremors from nuclear explosions has been shown by actual observations and research to be several times too large. Since there are fewer actual earthquakes which produce tremors similar to those of an explosion, the number of on-site inspections needed to identify the cause of any observed tremors is less.

These technical developments did not change the fact that in many cases it was not possible to determine on the basis of seismic data alone, whether a particular event was an underground nuclear explosion or an earthquake. Hence these developments did not eliminate the requirement for a system of effective, reliable, objective, on-site inspections of unidentified seismic events as an essential element of any system of verification. Moreover, other problems—for examples that of location of suspicious events—were revealed to be somewhat more complicated.

These developments, as well as the basic policy which the United States should adopt in the test ban negotiations, were given the most thorough consideration by ACDA and by the other interested agencies. The basic interagency group for this consideration was the Committee of Principals made up of the Secretary of State, the Secretary of Defense accompanied by the Chairman of the Joint Chiefs of Staff, the Chairman of the Atomic Energy Commission, the Director of the Central Intelligence Agency, the Administrator of the National Aeronautics and Space Administration, the Director of the U.S. Information Agency, the Special Assistant to the President on National Security Affairs, the Director of the Office of Science and Technology, and myself.

The meeting of the Committee of Principals was preceded by extensive interagency consultation at the staff level, and was followed by a series of meetings in which members of the Committee of Principals spent many hours over a number of days with both the President and the Vice President in considering the problem. In the later stage of this consideration, the President supplemented the group by recalling Ambassador Dean from Geneva and asking two members of the General Advisory Committee of the Arms Control and Disarmament Agency, Mr. John J. McCloy, the Chairman, and Mr. Robert Lovett, to participate in the deliberations. I might add that the Disarmament Subcommittee of the Senate Committee on Foreign Relations,

the Joint Committee on Atomic Energy and numerous Members of the House and Senate, including members of this subcommittee, were kept advised during the course of the deliberations.

In the course of considering this problem, consideration was given to all relevant aspects of national security, both as it might be affected on the one hand by a comprehensive test ban or a ban limited to outer space, the atmosphere and underwater, and as it might be affected on the other hand by no test ban. Various aspects of the problem were examined such as the effect on the United States-U.S.S.R. military balance, with and without a test ban; the possibility and extent of the diffusion of nuclear weapons, both with and without a nuclear testing agreement; an analysis of the possibility of maintaining readiness to test and an analysis of the possibility of Soviet clandestine underground testing.

As a result of these considerations, the decision was reached that a comprehensive test ban treaty involving internationally supervised national control posts of a somewhat lower number than previously discussed, and involving a possible reduction in the number of on-site inspections would be in the national interest. The decision was also reached that it was inadvisable to propose specific numbers either of stations or on-site inspections on the grounds that there was no point in suggesting or debating details or numbers until the Soviet Union accepted the principle of on-site inspection. At the same time, the decision was made that if the Soviet Union continued to indicate its unwillingness to accept obligatory on-site inspection the United States would be prepared to accept a treaty banning tests in the atmosphere, outer space or underwater—the environments in which a ban on tests could be effectively verified without the necessity of on-site inspections on Soviet soil.

Based on these considerations, I would like to summarize for you the reasons the United States continues to seek a test ban agreement.

Even though any test ban would entail some risk of cheating by the Soviet Union, we believe that risk is outweighed by the dangers to our security resulting from a continuation of unlimited testing. As Mr. Nitze will explain in greater detail, such series of weapon tests is apt to produce less of significance to our defense. At the same time, if the Soviet Union is now behind us in certain areas as we believe, unlimited testing will inevitably permit it to catch up.

A nuclear test ban would be a first step to turn down the nuclear arms race and a first step toward more comprehensive measures. It would end whatever dangers to future generations may exist from further radioactive fallout. Moreover, unlimited testing is a spur to countries which do not have the bomb to bend every effort to produce it. While a test ban agreement would not be sufficient in itself to prevent other countries from acquiring nuclear arms, with unlimited testing this seems almost impossible.

It has been estimated that over 10 additional countries can acquire at least a few nuclear weapons and a crude delivery capability during the next 10 years assuming no basic change in technology. The incentives to possess such weapons—prestige, coercive and deterrent value, and military utility—are probably more meaningful now to Communist China and perhaps Israel. If testing continues, China will probably have some nuclear devices within a year to 3 years.

Other countries in Asia, the Middle East and Europe could have them by the late 1960's or soon thereafter if they chose to do so.

These facts are what was behind the President's statement at his press conference of August 29 when he said:

Those who oppose an agreement should consider what our security will look like at the end of this decade if we do not have the agreement and we have the possibility of 10 or 15 countries having these weapons and when one goes off it may mean they all go off.

Both of our test ban proposals would serve to inhibit the spread of nuclear weapons to other countries in some degree. The atmospheric, outer space, and underwater test ban would not prohibit all testing and it would therefore have less of an effect in deterring additional countries from acquiring nuclear weapons than a ban on all tests. It would, however, have a significant effect to this end and it would result in a definite turndown of the nuclear arms race by preventing significant kinds of tests. Moreover, it would put an end to radioactive fallout.

By making this limited proposal we did not give up our insistence on adequate verification or inspection. We intend to rely on our own verification system rather than an international system for this purpose. For example, adequate assurance that the Soviet Union was not testing in the atmosphere would be provided by our existing monitoring system which can detect blast effects with long-range detection devices and can inspect the cloud produced by the blast after it has been blown out of the Soviet Union by the prevailing winds.

As you know, the Soviet Union has not accepted either of our recent test ban proposals. It continues to insist upon a ban on all nuclear tests without any obligatory on-site inspection. By seizing the initiative with these two proposals we have, however, given the Soviet Union a difficult choice. If it insists upon a ban on all tests, it must accept on-site inspections on Soviet soil. If, on the other hand it refuses such inspections, it appears wholly unreasonable in also refusing a ban on those tests which do not require on-site inspections on Soviet Union soil.

Let me conclude by describing briefly the status of the Disarmament Conference at Geneva.

The Conference began on March 14, 1962, after prolonged bilateral negotiations between the United States and the Soviet Union concerning the countries which should participate and the principles which should form the basis for negotiations. It now stands in recess until November 12, except for the test ban negotiations between the United States, the United Kingdom, and the Soviet Union which will continue during the recess period.

Up to now there has been no substantial progress toward agreement on any arms control or disarmament measure at the Conference. We did not, however, expect progress to come quickly—particularly on comprehensive disarmament—because the distrust on both sides is very deep indeed. But, there are various steps short of disarmament which may be negotiable in the foreseeable future. These include measures to prevent the transfer of nuclear weapons to other countries, to reduce the danger of war by accident and to ban nuclear weapon tests.

This Conference has provided the United States with an unusual opportunity to communicate its views to the other nations present, and

to demonstrate its own sincere desire for meaningful disarmament agreement. In United Nations debates and in speeches elsewhere, the Soviet Union has frequently used its oversimplified slogan "General and Complete Disarmament in 4 years" as a propaganda weapon against the United States. Because the time for debate was limited or the forum of debate not conducive to probing analysis, the Soviet approach was not always revealed in its true light.

In this Conference, however, adequate opportunity is provided for full analysis and lengthy debate. As a result the Soviet participation has often been revealed as superficial and propagandistic. For example, I think we have now convinced the non-Soviet bloc participants in the Conference that "General and Complete Disarmament in 4 Years" is wholly unrealistic and that we should instead attempt to negotiate more limited measures while, of course, retaining universal disarmament as an ultimate goal.

Thank you, Mr. Chairman. That is the end of my prepared statement.

Senator STENNIS. Mr. Foster, it is unfortunate that we do not have a chance to ask questions at this time while the matter is fresh on our minds. But we are limited by time today.

DECLASSIFICATION OF FOSTER STATEMENT

May I just ask one question for the committee with reference to your statement.

Except perhaps for some few statements, it seems to me that your whole statement could be declassified and released with relatively minor changes.

Mr. FOSTER. I think much of it can, Mr. Chairman.

We would be very glad to go over it with that end in view, if you like.

Senator STENNIS. Well, we are not insisting that it be released to the newspapers immediately. But since you are coming back tomorrow, could you bring with you a statement that could be released and from which classified matter has been deleted? Can you do that?

Mr. FOSTER. We probably could do it by the end of the afternoon.

Senator STENNIS. Well, if you can, that will be fine.

Mr. FOSTER. We will give it to you promptly, and not later than tomorrow morning, Mr. Chairman.

Senator SYMINGTON. Mr. Chairman—there might be points we would want to discuss.

Senator STENNIS. We would still have the classified statement on file.

Senator SYMINGTON. I am completely uninformed, but if you are going to mention some why not mention others?

Senator STENNIS. Well, if you want some discussion of it, we will not release anything this afternoon. After Mr. Foster has been examined, we can make the final decision.

All right.

The committee understands, as I explained in the beginning, that we are now going to hear Mr. Nitze.

Thank you very much, Mr. Foster. You will be back tomorrow.

We plan now for the committee to meet at 2 p.m. tomorrow, but this is tentative.

Mr. FOSTER. I will wait, in case you get through with Mr. Nitze—I will be available this afternoon, Mr. Chairman.

Senator STENNIS. Otherwise, it will probably be 2 o'clock tomorrow.

Mr. FOSTER. Very good, sir.

NITZE STATEMENT

Senator STENNIS. All right, let us proceed now, gentlemen.

Mr. Nitze, you have heard the preliminary statements. Are you ready to proceed?

Mr. NITZE. May I read my statement, Mr. Chairman?

Senator STENNIS. Yes, I think it would be helpful.

STATEMENT OF PAUL H. NITZE, ASSISTANT SECRETARY OF DEFENSE FOR INTERNATIONAL SECURITY AFFAIRS; ACCOMPANIED BY J. T. McNAUGHTON, GENERAL COUNSEL, DEPARTMENT OF DEFENSE

(Note: This is a "sanitized" version of Mr. Nitze's statement.)

Mr. NITZE. Our arms control and disarmament policy is an important aspect of national security policy and as such is determined by the President after consultation with the National Security Council, of which the Secretary of Defense is a statutory member. Mr. Foster has described the functions of the ACDA and the interdepartmental system of coordination in the arms control and disarmament field.

The Department of Defense and the Joint Chiefs of Staff participate actively in all aspects of the U.S. arms control activity. We view our intense efforts to increase our military capabilities, in the absence of effective arms control, and the activities of the U.S. Government in pursuit of effective arms control as being two sides of the same coin, the search for an improvement in our national security.

We have placed military officers into key assignments in the Arms Control and Disarmament Agency.

Individuals representing the Department of Defense, including representatives of the Joint Chiefs of Staff, participate in negotiations at Geneva and in the United Nations. We participate in all important arms control discussions within the executive branch of the Government. We analyze the reports coming in from Geneva and the instructions of the State Department going into the field. In cooperation with the Arms Control and Disarmament Agency, we initiate research studies both within the Department of Defense and with appropriate outside organizations to explore arms control questions in depth and to suggest the advantages and disadvantages to the United States of possible courses of action.

GENERAL AND COMPLETE DISARMAMENT

With respect to general and complete disarmament, I think it is fair to say that no one in the executive branch has been sanguine that the treaty outline tabled by the United States at Geneva in April 1962, or any treaty calling for complete disarmament will be achieved in the next few years. However, that does not mean that our efforts have been wasted. Both sides have had the opportunity to discuss concepts and definitions and to evaluate the strategic balances that

might evolve under various plans for changes in force levels, base structure, weapons systems, production limitations, and inspection plans. Each side has learned more about the fundamental concerns of the other. Public opinion has been focused on the dangers inherent in the present course of world affairs. An important result of the work has been a wider realization of the fact that even the first stage of complete disarmament can take place only in a world environment in which certain of the fundamental tensions of the cold war have been alleviated.

The Department of Defense supports the April 18 treaty outline. It was drafted with the benefit of Department of Defense and Joint Chiefs of Staff views. Its basic theme is that reductions in armament should be by percentages across the board. That is, the U.S. position is that nations should shrink their military establishments with everything—nuclear delivery vehicles and nonnuclear arms—affected in the same proportion.

MEASURES TO REDUCE THE RISK OF WAR

While carrying on the broader dialog seeking to identify areas of mutual interest which might help to initiate the first stage of general and complete disarmament, we have also sought to explore those measures which might be put into effect in the present world situation—to reduce the risks of the bilateral nuclear relationship of the U.S.S.R. and the United States. We are studying the military implications of these measures and exploring the interest of the other side in their adoption.

NUCLEAR TEST BAN

Of the key issues of arms control, the world has been most preoccupied with that of a treaty banning nuclear weapons tests. This is perhaps not the most important step to take in the arms control field. But it is one to which the major powers have devoted a large share of their attention in recent years. The emphasis given to this aspect of arms control, and the degree of policy level attention devoted to it, makes it, perhaps, a good illustration to discuss in more detail before this committee.

The approach to this problem area was on an interagency basis with all those concerned contributing to the studies required by the President in making his decisions. With regard to these studies, Mr. Foster's statement has described the problem of potential nuclear diffusion and has discussed developments in seismic detection.

At this time I should like to comment on the test ban picture by tracing briefly the military significance of the problem of diffusion and the prospects, with and without testing, for changes in the bilateral relationships of the United States and the Soviet Union. The statements I will make in this regard involve value judgments made by the U.S. Government after long and careful consideration of the many interrelated factors. These judgments involve both political and military aspects. During the next 10 years several nations could achieve this capability although possibly only a few will follow through to do so. Unfortunately, one of the nations likely to do so is Communist China. The political instability this competence will initiate is twofold. Communist China could be even less restrained

in her military policies than she has been in the past. Other Asian countries might then find themselves impelled to enter the nuclear race. An even more forbidding prospect is that Communist China's possession of nuclear weapons might, in combination with other factors, induce some nations of the Asian rimlands, to shift their political orientation. This prospect could result in a major alteration in the power relationships of the world. Acquisition of nuclear weapons by Middle Eastern nations could increase the instability in that area also.

Beyond 10 years the prospect gives even more cause for concern. A sizable number of nations could attain a nuclear capability in that time frame. Reduction of costs might make it possible for small industrialized nations to develop weapons systems with which to inflict major damage one way or another on larger nations. The concern of certain major powers over the possible dilution of their capabilities by such attacks might increase their predilection for preemptive attacks. The careful working out of stabilizing arrangements could become immensely more difficult than at present.

It is in our national interest to prevent or slow the rate of diffusion of nuclear weapons. A comprehensive test ban treaty should be a useful condition. In addition, other pressures and inducements might have to be brought to bear to deter some nations from seeking to achieve nuclear weapons, with or without testing. These measures may or may not succeed in all cases. However, it is our judgment that the rate of and motivation for diffusion would be dampened considerably by a comprehensive test ban treaty.

Next, we should consider the prospect for changes in the bilateral relationship of the United States and the U.S.S.R. which varies depending upon the existence or lack of a test ban treaty. I shall mention three situations—continued testing, an atmospheric ban, a comprehensive ban.

If testing continues by both sides, there would be further increases in efficiency of the higher yield warheads. The U.S. advantage in small weight—high yield weapons will undoubtedly diminish. However, it is also true that Soviet and United States decisions on the composition and character of strategic and defensive forces will have a greater impact on the strategic balance than will improvements in warhead efficiency from this continued testing. Further testing will lead to increased knowledge of weapons effects for both sides. Overall, the trend, with unlimited testing, will be toward equality in major nuclear forces between the United States and the U.S.S.R. In the field of tactical forces, continued testing would permit the Soviet Union, in time, to match the more diversified, and presently more numerous U.S. nuclear arsenal. More importantly, both sides might develop the pure fusion weapon which could be very much cheaper in nuclear material than present weapons and would free the U.S.S.R. from her dependence on fissionable material for weapons.

With a test ban treaty of a noncomprehensive nature, in which testing underground were permitted, many weapons design improvements of importance could still be carried out; there would remain some important uncertainties—probably on both sides—with respect to weapons effects. In essence, nuclear weapons development would continue with both sides likely to increase their capability. Public

fear of radiation effects would diminish and some evidence of good faith might be demonstrable.

If a comprehensive test ban treaty were achieved, there would be a considerable slowing in the rate of increase of yield-to-weight ratios. Toward the lower end of the yield spectrum, the U.S. advantage would persist over a longer time than would be the case with testing. Certain weapons effects phenomena would remain unsettled or undiscovered by both sides. The development of antimissile systems by both sides would be slowed somewhat but would not be prevented. The U.S. superiority in tactical weapons would persist for a longer period than if testing continued. In summary, the present U.S. strategic advantages would be likely to dissipate more slowly under a comprehensive treaty. Furthermore, the appropriate detection and verification system, including on-site inspections, which we consider necessary for such a treaty, might serve to "open" the Soviet Union to some extent and thus help to diminish her fear that effective control is another name for espionage. The foregoing comments make it apparent that both the rate of diffusion of nuclear weapons and the bilateral military relationship of the United States and U.S.S.R. are affected and we believe to our advantage by an effective comprehensive treaty.

In coming to a final reckoning regarding the wisdom of seeking this treaty, however, it is necessary to balance these advantages against the risks to the United States should the Soviets cheat under a comprehensive treaty and successfully avoid detection. If no preparations for testing were maintained by the United States, we could be in a position after a few years in which a surprise abrogation by the Soviets would leave us perhaps 18 months behind them in readiness to test. Compliance with the ban by the United States would restrict our scientific developments in the nuclear weapons field. This would make more difficult the job of keeping the best scientists on the job and our laboratories hot, and would cause a degradation in our capabilities to devise really advanced weapons and to continue vigorous weapons development programs, both of which are needed to have a meaningful test series. Moreover, most of the important scientific principles can be effectively studied below 3 kilotons including what, if anything, might be done about all fusion weapons; and development of improved weapons of greater efficiency and lowered cost are attainable under this 3-kiloton threshold. For a nation desiring to violate the treaty, this is important because the seismic system proposed under the April 18, 1961, and the August 27, 1962, draft treaties are capable, with present technologies, of detecting tests only down to 7 kilotons and 10 to 20 kilotons, respectively, if the shots were in alluvium, thus permitting clandestine shots up to 2 or 3 kilotons with some confidence that they will not be detected by seismic means. As we know, artificial decoupling (the so-called big hole), though difficult and expensive to employ, would allow yields well in excess of 10 kilotons to take place below the detection threshold.

However, these risks are somewhat lessened by several factors. This Government intends to make it a matter of policy to maintain a readiness to test and to provide the funds necessary to maintain the system in readiness and the incentive programs necessary to keep adequate scientific talent available. Moreover, the Soviet Union might well have an incentive not to cheat or abrogate. It is possible that, if the U.S.S.R. is able to prevent, through this treaty

and other maneuvers, a nuclear weapons capability by Communist China, she may well consider her national interests to be served. Moreover, it is not unreasonable to assume that improvements in detection techniques or random detection of physical phenomena (which sometimes exceed the normal), or intelligence indications, during a test series long enough to provide real benefits to the U.S.S.R., will give evidence of cheating.

Considering all factors, we concluded that the risks of undetected cheating by the Soviets were outweighed by the risks of proliferation and of an unrestricted nuclear weapons race. The President's decision to seek a comprehensive test ban treaty, under the safeguards outlined by Mr. Foster, appeared justified in consideration of the military alternatives. The Department of Defense concurred in his decision.

Corollary to that decision, it was agreed to table also a draft treaty banning nuclear weapons tests in the atmosphere, outer space, and underwater. The successful negotiation of this treaty would not dampen, to the same degree as the comprehensive treaty, nuclear proliferation or the technological aspects of the nuclear weapons race, because underground testing would continue. But it would permit a cessation of tests in media where we can rely on national detection systems to detect cheating. It would permit both sides to establish an indication of good faith by their observance of the treaty.

FRAME OF REFERENCE

In conclusion, the successful negotiation of a treaty—for example, in the case of the comprehensive test-ban treaty—is not an end in itself. It would be merely the recording by the powers concerned of a first approach toward mutual cooperation. It should not be construed as an indication of relaxed tensions per se. We would not therewith relax our guard, disperse our laboratories, or relax our readiness to test. The treaty would merely signify that we were prepared, warily and with ample caution, to enter into a period of a trial relationship with the Soviet Union. Taken in that light, the test-ban treaty or any other interim arms control measure, can be viewed as an exploratory operation endeavoring to arrest dangerous present-day trends.

Senator STENNIS. Thank you very much, Mr. Secretary. We will proceed right along in view of your time problem.

STATUS OF NEGOTIATIONS WITH SOVIETS

I am going to yield quickly to my fellow Members but I do have a few questions. How far have the Soviets gone in any way with reference to reaching an agreement? What have they said on the affirmative side in all these negotiations? Have they ever given any indication or encouragement that they would be willing to enter into an agreement with adequate control and inspection provisions that would be satisfactory to us?

Mr. NITZE. No. Their present position is that there should be a complete ban on all testing, but without any on-site inspection, and with merely national stations.

LOCATION OF DETECTION STATIONS

Senator STENNIS. It would be up to each nation, then, to do its own inspecting with its own instruments outside of the nation being inspected; is that right?

Mr. NITZE. Well, each nation would still have its seismic stations outside of other nations.

Senator STENNIS. Yes. But none at all inside?

Mr. NITZE. None at all in. We would still have our own unilateral detection systems, but none within the U.S.S.R. on which any reliance could be placed.

TREATY NECESSARY TO LIMIT PROLIFERATION

Senator STENNIS. Yes.

Now, turning to the top of page 7 of your statement, you say:

A comprehensive test-ban treaty should be a useful condition toward keeping the number of nuclear nations small.

I think I understand what you mean; that is, it would keep the number of nations possessing nuclear weapons to a minimum.

But just what is your particular point there?

Mr. NITZE. Our point here is that we consider a test-ban treaty to be a necessary condition, but not a sufficient condition, to reduce proliferation.

If the U.S.S.R. and the United States are continuing unlimited testing themselves, we think it would then be very difficult to persuade other countries not to test. But if—even if there is a test-ban treaty, it is our view that other measures, beyond the test-ban treaty, would be necessary in order to really nail down that they would not themselves try to build a nuclear capability.

NO UNILATERAL CESSATION OF TESTING

Senator STENNIS. Yes.

Well, I have here a copy of a couple of paragraphs from the President's statement at his press conference on August 29 in which he said: "In order to end testing we must have workable international agreements. Gentlemen's agreements and moratoriums do not provide the types of guarantees that are necessary." Then he says: "That is why we must have a definite agreement, with reasonable and adequate assurances."

Now, that means, I am sure, that this nails down and guarantees that neither the President, the Secretary of State, the Secretary of Defense, nor any agency so far as you know is going to make any move or announcement or take any other action that would commit us to a unilateral cessation or voluntary foregoing of either atmospheric or other testing; is that right?

Mr. NITZE. That is correct, Mr. Chairman.

Senator STENNIS. There is no question about that?

Mr. NITZE. No question about that, Mr. Chairman.

ARTICLE ABOUT BETHE'S CHANGED STAND

Senator STENNIS. I have one other matter on which I made a note. Then I am going to pass on to others.

Now, we hear and read a great deal about these matters. You cannot answer for the man in question, perhaps, but there was an article in the Washington Post yesterday that had this headline—"A Test Foe, Mr. Bethe, Shifts Stand to Urge New Type of Pact."

Now, one of the things I want to say to you, Mr. Nitze, and to Mr. Foster, also, is that the Congress needs to know more about this matter. I am not asking you to comment on Mr. Bethe. However, the Congress needs to know more about this matter, and the people need to know more about these opinions and these decisions. We learn by changing our minds and I am not critical of Mr. Bethe for changing his. But to help us clear it up in our own thinking, as well as for the benefit of the people of the country, more information is needed. This is one thing we hope to do here in this hearing.

Now, I do not know Mr. Bethe myself. Perhaps I should know more of the facts. Has he been in on the conferences and discussions that have gone into these considerations at any time that you know of?

Mr. NITZE. Mr. Chairman, I think he was expressing his individual views.

Senator STENNIS. Yes.

Mr. NITZE. And he was not reflecting any Government views, as I understand it, in his statement.

Senator STENNIS. His statement does not complicate your situation any?

Mr. NITZE. He is not a Government official. He has been a consultant on certain matters to the U.S. Government. But he is not a Government official.

Senator STENNIS. Well, perhaps others who know more of the background will go further into that. I have heard his name and I wanted to bring this matter up now and call it to the attention of Mr. Foster. Of course, I am not asking you gentlemen to pass judgment on him.

ACTIVITY OF JOINT CHIEFS OF STAFF IN ARMS CONTROL

Senator Goldwater, do you have any questions?

Senator GOLDWATER. I have a few questions, Mr. Chairman, that occurred to me during the testimony.

On page 1 of your statement, you state that:

The Department of Defense and the Joint Chiefs of Staff participate actively in all aspects of the U.S. arms control activity.

Now, I do not want to get into the details of how active the Joint Chiefs of Staff might be on this issue. However, as an example, how much did they have to say about the approval of the program—you called it program for general and complete disarmament in a peaceful world—that was presented by the President to the United Nations on September 25 last year?

Mr. NITZE. The drafts of those papers, as they were developed, were submitted to the Joint Chiefs for their views. In the meetings of the Committee of Principals, which discussed these matters, General Lemnitzer or, in his absence, another representative of the Joint Chiefs was present. In the meetings at the White House with the President, General Lemnitzer, or another representative of the Joint Chiefs, was present.

So that their views were continuously available to the interdepartmental and presidential machinery which finally decided upon that proposal.

Senator GOLDWATER. Well, then, actually only the Chairman of the Joint Chiefs of Staff participates; is that correct?

Mr. NITZE. It depends upon the level. At the lower level, when the basic papers are being considered, those papers are submitted to the joint staff, and the joint staff works on them. And then their papers go up to the Joint Chiefs and Joint Chiefs' session.

When the matters are discussed at the level of the Committee of Principals, or at the White House, it is generally merely the Chairman. Sometimes others of the Chiefs have been present at those meetings, but generally it is the Chairman who is present.

Senator GOLDWATER. Well, I am wondering whether the Chief of Staff of the Air Force was consulted with respect to stage 1, paragraph (d), of the agreement which provides for the reduction of strategic nuclear weapons delivery systems?

Mr. NITZE. I believe he was, sir. I think the discussion as to the percentage reduction in stage 1, whether that should be across the board, including nuclear weapons and nonnuclear weapons in the same percentage, was not only discussed with the Chief of the Air Force, but I believe he supported the view that it should be by the same percentage in various weapons systems.

QUESTION OF CONCURRENCE OF JOINT CHIEFS

Senator GOLDWATER. Then, all the Chiefs of Staff were consulted on that particular paragraph?

Mr. NITZE. I believe all the Chiefs were consulted. When I say consulted, I do not mean that they all necessarily concurred.

Senator GOLDWATER. That is my next question.

Can you recall if any of them agreed to this?

Mr. NITZE. I would have to—we would have to look into that. I would not want to say positively. I believe they did.

Senator GOLDWATER. Mr. Chairman, for my own information and for the information of the committee—it certainly need not be released publicly—I would like to know the extent to which these men, charged with the delivery of these weapons, agreed to abolish or diminish their ability to deliver them.

Senator STENNIS. Senator, I think that is correct. But I think also that we ought to get the information without making it an issue in the examination of this witness.

Senator GOLDWATER. All right.

Senator STENNIS. We will try to get it.

Senator GOLDWATER. We are told that they participate actively. If they do not participate actively, I think we should know the degree of their participation and the extent of their concurrence.

Senator STENNIS. I think so, too.

Senator GOLDWATER. I have questions on this whole program, but they do not apply to Mr. Nitze.

Senator STENNIS. I think your question is relevant. We can get into it. Did you nail that down to one particular conference?

Senator GOLDWATER. Well, if the chairman does not want to pursue it, it is all right.

Senator STENNIS. No; I say I think we ought to know.

Senator GOLDWATER. I would like to know—and this can be off the record.

Senator STENNIS. Off the record.

(Discussion off the record.)

Senator STENNIS. I think the Senator's time is about up.

Do you have another question or two to ask?

Senator GOLDWATER. I have many more.

Senator STENNIS. I mean relevant to this area.

MILITARY OFFICERS IN ACDA ASSIGNMENTS

Senator GOLDWATER. Just one. It will not take long. Again, on the first page of your statement, you say:

We have placed military officers into key assignments in the Arms Control and Disarmament Agency. Individuals representing the Department of Defense, including representatives of the Joint Chiefs of Staff, participate in negotiations at Geneva and in the United Nations.

Can you recall offhand who represents the Joint Chiefs of Staff?

Mr. NITZE. I said we have representatives of the Joint Chiefs of Staff at Geneva and the U.N. Admiral Parker is the Director of one of the important divisions of the Arms Control and Disarmament Agency. And, in addition to Admiral Parker, I think there are nine assigned officers. They are not, however, direct representatives of the Joint Chiefs of Staff or the Department of Defense.

Senator GOLDWATER. What military rank do these officers hold?

Mr. FOSTER. We can supply this for the record, Mr. Chairman. There are a number of military officers assigned to the Agency. There are several officers in Geneva at the conference.

Senator GOLDWATER. I think it would be interesting to know the ratio of military officers to civilian officials in this Agency.

(NOTE.—The proportion of military officers to civilian officials in the Arms Control and Disarmament Agency is 14 percent. More detailed personnel figures for the Agency are shown on p. 57.)

Senator STENNIS. All right.

Senator Symington?

DECLASSIFICATION OF NITZE STATEMENT

Senator SYMINGTON. Thank you, Mr. Chairman.

Mr. Secretary, I will ask the question about your paper the chairman asked Mr. Foster. Could that paper be declassified?

Mr. NITZE. I think we would like to review it, to see whether there are some matters which it would be more appropriate to take out. But we will do that promptly.

Senator SYMINGTON. In other words, we—

Mr. NITZE. Basically, I think it can easily be declassified.

Senator SYMINGTON. You agree that anything that can be declassified should be?

Mr. NITZE. Yes, sir.

Senator SYMINGTON. In that way the people will understand more about this subject.

OPERATION OF CONTROL CENTERS

Am I to understand that the Department of Defense agrees with this concept of control centers operated by Soviet nationals, even though supervised by international people from various countries? Does Defense go for that control center concept?

Mr. NITZE. We believe that the capabilities of the detection system could be further improved if the control centers in the U.S.S.R did in fact produce valid information.

We think that the prospect of those centers within the U.S.S.R. producing valid information is better if there is supervision by the International Commission, and if it is not wholly the Soviet Union.

TESTING IN ALLUVIUM ; DECOUPLING

Senator SYMINGTON. You mentioned alluvium. Is it not true that the improvements made from the standpoint of additional knowledge of testing in tuff to a point where we now consider we need many less stations, is partially, if not entirely, neutralized by advantages that would accrue to a possible cheater who tested in alluvium, as well as the deep hole decoupling concept? Doesn't one, in effect, balance off the other?

And, if so, why this tremendous emphasis now on what we can do with respect to on-site inspection?

Mr. NITZE. The problem of the big hole, the decoupling principle, is a problem that has been with us for a long time—even at the time when the original treaty was being considered.

In the case of tests in alluvium, they do produce, or are apt to produce, a cavity on the surface of the ground which could be seen.

Senator SYMINGTON. Experts say that, as a result of improvements in detection, when considered in alluvium now, as against tuff, advantages are largely eliminated. This "balancing off" that I am speaking of would be prior to any expensive effort to cheat, characteristic of decoupling in a large cavity.

Has this been given full consideration by the Department of Defense?

Mr. NITZE. It has been given very close consideration. There are arguments on both sides of this. But I think the net judgment has been that some reduction in the number of detection stations is feasible to produce comparable results to those which otherwise would have been feasible under the old system, and that some reduction in the number of on-site inspections would give you comparable competence in on-site inspections to the number which had previously been considered for the old system.

EFFECTIVENESS OF AGREEMENT WITHOUT RED CHINA

Senator SYMINGTON. Thank you, Mr. Secretary.

Do you believe that any arms control or disarmament agreement between this country and Russia would be meaningful unless there was some provision with respect to possible future nuclear dangers from Red China?

Mr. NITZE. We think this is a very important consideration, that Red China and its role in this be carefully taken account of.

RED CHINA CLOSER TO U.S.S.R. THAN UNITED STATES

Senator SYMINGTON. Would you consider the Red Chinese Government is closer to the Soviet Union or closer to the United States?

Mr. NITZE. I would consider them to be much closer to the leaders of the Soviet Union. But I would not draw from that the necessary conclusion that the Soviet Union is desirous of seeing Red China have a nuclear capability.

RUSSIAN TEST ACTIVITIES DURING MORATORIUM

Senator SYMINGTON. I didn't say that.

Do you believe the Russians have ever stopped testing, in spite of the presumed 3-year moratorium?

Mr. NITZE. I don't believe there is any way of knowing for sure. My own personal belief is that they did.

Senator SYMINGTON. Did they stop their planning?

Mr. NITZE. They did not stop their planning—they worked as hard as they could in their laboratories, and they initiated preparations for testing ahead of the time that they announced that they were going to resume testing.

Senator SYMINGTON. Let me rephrase my question, then. Am I correct in believing that you think they went right ahead with their planning and their programing at the same time we stopped for 3 years?

U.S. ACTIVITIES DURING MORATORIUM

Mr. NITZE. Our difficulty was that some of the enthusiasm and energy went out of our laboratories because our scientists did not foresee the possibility of testing. I think the Russians have a smaller problem in that regard. They don't permit their scientists to debate this kind of an issue.

Senator SYMINGTON. As I understand it, it took about 18 months to get in a position where we could operate the hydrogen Pacific tests. Then those scientists went back to their respective universities and the team, you might say, was broken up, was it not?

Mr. NITZE. I don't believe it was broken up. I believe the team became much more effective and productive the moment they foresaw the possibility of testing. Then the developments that they were working on were not merely developments, paper schemes, but had a real possibility of being tested out.

And I think the productivity of the laboratories increased a great deal when the decision was made that we would renew testing.

EFFECT OF TEST BAN TREATY ON OTHER NATIONS

Senator SYMINGTON. Thank you, Mr. Secretary.

You say, on page 7, in the center of the page: "It is our judgment that the rate and motivation for diffusion would be dampened considerably by a comprehensive test ban treaty." I can't follow that, in all honesty, because it would seem that Chinese Communists seeing that we were quitting testing, with the Russians and China being in no way controlled, would feel that China, by continuing testing and going ahead with the obtaining of nuclear weapons, would be short-cutting and catching up with positions of greater strength.

If we have a treaty between this country and Russia, why would that dampen the efforts of other countries, like Communist China to get their own nuclear weapons?

Mr. NITZE. As I said earlier, the main point is that if the U.S.S.R. and the United States are continuing unlimited testing, then it seems to me to be highly improbable that other countries wouldn't also test. If we are not testing, the United States and the U.S.S.R., and further, and obviously much more so, if other countries adhere to a comprehensive test ban treaty, then the chances of their not testing I should think increased a great deal.

I further went on to say, however, that I did not think that the test ban treaties by themselves would be a sufficient condition to eliminate proliferation—that there are other things that one would have to do, such as, perhaps, getting their adherence to an agreement not to develop, not to seek to develop, not to seek the information necessary to develop nuclear capabilities themselves.

Senator SYMINGTON. Mr. Chairman, my time is drawing to a close. I would ask one other question, if I might.

Senator STENNIS. Certainly. We are not enforcing the rule strictly. We are using it as a guideline.

DEPARTMENT OF DEFENSE FAVORS TEST BAN AGREEMENT

Senator SYMINGTON. Let me assure the Secretary that I am only trying to understand this vital subject. This is in no sense a criticism on my part.

The premise, as I understood it, in Mr. Foster's statement, perhaps also in yours, is that we are ahead in most categories; therefore, to stop now would be to our advantage. There are people who feel that in some vitally important categories the Russians are ahead.

In 1958 I asked Dr. Bethe, whose name has come up, what would happen if we stopped testing, and the Soviets said they would, but didn't? He said if that happened they would overtake us and they would pass us, but we would be able to detect any violation of any agreement.

But the Soviets got to a point where, as they shifted from persuasion to intimidation, they obviously didn't care whether we found out about it or not. I think they were glad to explode a 58-megaton bomb, and glad everybody knew of this new capability on their part.

Does the Department of Defense agree it would be better to stop because we are ahead in the categories that count?

Mr. NITZE. The Department of Defense does agree that it would be better to have these two treaties—one or the other of these two treaties, than to have a continuation of unlimited testing.

I don't think that judgment, though, springs entirely from the fact that we are ahead or believe ourselves to be ahead in certain categories. We don't claim that we are ahead in all categories.

EFFECT OF SUPREMACY IN ANTIMISSILE FIELD

Senator SYMINGTON. One final question: If the Soviets were definitely ahead, say, superior to the point of supremacy in the antimissile field, that would have a major effect on our deterrence capability, would it not?

Mr. NITZE. If this were a practical thing, to have an effective anti-missile deterrent, which would be effective in numbers, so that you could really not conduct a coordinated, sophisticated attack in numbers, this would be a very important thing indeed.

We do not believe, however, that that is in the cards for them, nor do we believe that it is in the cards for us within presently foreseeable technology.

Senator SYMINGTON. But if we agreed to stop testing, and stopped, and they agreed to stop, as they implied they had—and we now know they hadn't—but didn't, ultimately, they would arrive at a position ahead of us, would they not?

Mr. NITZE. I think the questions in developing that kind of an antimissile capability are more in the field of the weapons, the delivery systems, and the related electronics, things of that kind, than they are in the further development of nuclear explosives.

Senator SYMINGTON. An antimissile missile could be both an offensive weapon and a defensive weapon. But in either case, if it was effective, it would seriously affect our deterrent capability, would it not?

Mr. NITZE. Yes, sir; it would.

Senator SYMINGTON. Thank you.

Senator STENNIS. Senator Jackson?

ARMS CONTROL A VITAL PART OF NATIONAL SECURITY

Senator JACKSON. Mr. Nitze, do you feel that the problems of arms control are a vital part of our national security, and the presentation of proposals in that regard?

Mr. NITZE. Yes; we do think this is an important part of our national security.

DANGER OF AGREEMENT THAT IS NOT FOOLPROOF

Senator JACKSON. Well, it is almost vital, isn't it—if you propose certain things that could—if in error, could give the enemy a balance that would be tilted in their favor?

Mr. NITZE. Any agreement that we entered into in the field of arms control must meet the correct standards, or it could do us vital damage.

Senator JACKSON. Well, supposing that we agreed to an arms control proposal that wasn't reasonably foolproof, whereby they could get a clear military advantage over us. This is a proposal and they accepted it. Obviously, when you deal with arms control you do get yourself in a situation where you could make a proposal that would change the relative balance of power, could you not?

Mr. NITZE. That is correct.

PARTICIPATION OF DEPARTMENT OF DEFENSE IN ARMS CONTROL PROPOSALS

Senator JACKSON. I am talking about the preparation and the work that goes into the proposals. I want to get the position of the Department of Defense—whether they look upon their role in this operation as important, reasonably unimportant, or just how important is it?

Mr. NITZE. We look upon this as being of the utmost importance.

Senator JACKSON. Now, does the Department participate vigorously with the other related agencies in debating and discussing the proposals before they are presented to the President?

Mr. NITZE. Yes; this occupies a very considerable proportion of Mr. McNamara's and Mr. Gilpatric's time, and a great deal of my time.

Senator JACKSON. How much discussion and vigorous debate occurred on this last proposal for a nuclear test ban in underwater, atmospheric, and outer space—not only civilian discussion, but among the military as well?

Mr. NITZE. I don't quite know how to define the amount of time.

This had been—this proposition of an atmospheric, underwater, outer space test ban has been under discussion for years, as to whether or not this is something that was desirable, that we could live with, or whether it was not in that category.

Senator JACKSON. It had not been proposed, though, before.

Mr. NITZE. It had not been proposed before because it has been our view that we would prefer to have a comprehensive ban including on-site inspection. And this was the way it was put forward this time—was that our first option was for the comprehensive test ban, provided it gave us the system that we wanted and an appropriate number of on-site inspections.

But if the Russians won't do this, we would be prepared to accept the outer space, underwater, atmospheric.

EXTENT OF DISCUSSIONS ON ACDA PROPOSALS

Senator JACKSON. But how vigorously was this discussed within the Department of Defense and before the President so that he could at least get the proponents and the opponents before him?

Mr. NITZE. It was discussed—I have a hard time defining how vigorously.

Senator JACKSON. Wasn't this pretty much decided toward the end of the Geneva conferences, that we were to go ahead on this second proposal?

Mr. NITZE. Well, it had been discussed numerous times at the deputies' level, and my recollection was that it was discussed at the White House on three occasions.

Senator JACKSON. Well, what about within the Department of Defense with the appropriate military people?

Mr. NITZE. Well, they attended the meetings with the ACDA, and the principals' meetings, and, as I said, General Lemnitzer was present at the White House meetings.

Now, we do have a problem sometimes with respect to the amount of time that we have in the Defense Department to go over some of these papers.

Senator JACKSON. Well, that is just it. I just wonder how vigorously this particular item, which is now our last proposal that we have made, was debated, discussed, among the people professionally qualified at all levels, and up to the top, before it was decided to make this offer by the President.

If you want to supply a statement later for the record on that, it would be all right.

But I think this is very pertinent, Mr. Chairman. It does seem to me that we don't have time here today to get into the substantive issues that are involved in arms control.

But I am more concerned, and I think the committee is—I gather from the chairman's position—with the procedure and the role of the Department of Defense in the recommendations that ultimately end up as a proposal offered by our Government in the arms control field.

Senator STENNIS. You are correct. Mr. Nitze is here for only a limited time today. You are not seeking to find out just what was said when they talked to the President.

Senator JACKSON. I am not asking for confidential information.

Senator STENNIS. You want to know how vigorously was this matter presented, or whether it was disposed of hurriedly, as I understand you.

JACKSON OUTLINES SUBCOMMITTEE'S CONCERN

Senator JACKSON. I am trying to establish the indivisibility of arms control problems from national security issues generally, and the important part they play in the overall national security field.

I want to know, not the pro forma moves that are made, but I want to know the in fact occurrences that give us some indication whether these things are properly debated and discussed.

Now, it makes a lot of difference who participates in them. I would be interested in knowing whether we have a real devil's advocate in this operation that asks a hard, tough, and even mean question. I don't like to have around me people who all say yes, yes, to everything. That is no way to get wise policy.

I think this is what the committee is concerned about. And at least I am concerned very much about.

And I do think that this is what the Congress expects before any decision is made. Not that we have asked you to come up here and say we have acquiescence on the basis of unanimity. That would be a bit questionable. I would have real reservations about any kind of an operation like that.

The Soviets always have unanimous votes. I am not interested in that.

I am interested in who participated, the vigor, and so on, before a decision is reached. And I think we would all feel a lot better if we had that information. And that is something that you don't need to respond to at this time. But I would like to have a statement for the record later on it, so that we will have a better picture, Mr. Chairman.

(Mr. Nitze subsequently supplied the following information:)

HEARING HELD BEFORE PREPAREDNESS INVESTIGATING SUBCOMMITTEE OF THE COMMITTEE ON ARMED SERVICES, "ARMS CONTROL AND DISARMAMENT," MONDAY, SEPTEMBER 17, 1962

Page 55, Senator Jackson:

Question. "I am interested in who participated, the vigor, and so on, before a decision is reached. And I think we would all feel a lot better if we had that information. And that is something that you don't need to respond to at this time. But I would like to have a statement for the record later on it, so that we will have a better picture, Mr. Chairman."

Answer. In connection with the test ban proposals, there was an ad hoc inter-agency committee formed, sponsored by ACDA and chaired by Dr. Long or Mr.

Fisher. The usual participants included representatives from DOD (including JCS), AEC, State, White House, CIA, and ACDA.

The first of these meetings was held in the latter part of April and further meetings were held periodically during the following 2 months with the last regular meeting being held on July 3. At these meetings various possible treaty drafts were discussed and all participants expressed and explained their views.

Following the July 3 meeting, preliminary draft treaties of both a limited and comprehensive nature were sent to the agencies which had been represented in the working committee for formal comment.

On July 20, 1962, the members of the Committee of Deputies (to the principals) met to discuss the drafts and other disarmament items. Following the July 20 meeting, two more drafts of each treaty were circulated for comment by the interested agencies in preparation for the Committee of Principals' meeting held on July 26.

The July 26 meeting of principals was followed by three successive meetings of the principals with the President on July 27, 30, and August 1. The Chairman of the Joint Chiefs of Staff accompanied the DOD representatives at each of these meetings of principals.

On August 8 another limited test ban treaty draft was circulated for comment, followed by an August 14 draft of a comprehensive ban.

On August 16 a special working group meeting was held to discuss the "Peaceful Uses" article of the treaties. On August 17 a limited treaty draft was circulated for comment.

The foregoing interagency coordination culminated in the two proposed treaties tabled in Geneva August 27, 1962.

Senator JACKSON. I just want to make a couple of comments.

POSSIBILITY OF RED CHINA TESTING DESPITE AGREEMENT

Do you think it really follows that if we reached an accord with the Soviets on a test ban in the atmosphere and underwater and in outer space, that the Communist Chinese won't test?

Senator STENNIS. The Chinese won't what?

Senator JACKSON. Would not test.

Mr. NITZE. I think this depends on two things. One of them is what the Russians want—if the Russians don't want the Chinese to test, this would be important. The second is the degree of control that the Soviet Union has over Communist China.

Senator JACKSON. Well, I have a feeling, you see—this is just one man's opinion—that even if we reached an agreement with the Soviets, the Chinese will test in the atmosphere. And I think the argument of proliferation has merit, when you leave China out of the picture.

I don't think it follows at all that because we reach an accord with the Soviets, the Chinese will not take advantage of an opportunity they will have of testing. I can't agree with a premise that that is true.

That is all.

Senator STENNIS. If I might interrupt, just to agree with that thinking, I believe that it would affect these smaller nations.

Senator JACKSON. They would stop.

Senator STENNIS. They would stop. My idea is that it would be a green light for Communist China to go ahead with more fury and emphasis.

Senator JACKSON. I don't think the Russians would have any more chance of stopping the Chinese Communists from testing than we have of preventing De Gaulle from testing. I am willing to bet on that one.

TREATY WOULD BE DENOUNCED BY UNITED STATES IF RED CHINA TESTED

Mr. NITZE. Our sanction, in the case the Russians did test in the atmosphere, would be to denounce the treaty—

Senator JACKSON. You mean the Chinese.

Mr. NITZE. I mean if the Chinese tested in the atmosphere, we would be free to denounce the treaty and resume all our testing ourselves.

Senator JACKSON. Well, I realize that. But I just wanted to state for the record that in my judgment, for whatever it is worth, I think we would be kidding ourselves, and especially if we told the American people, that if we get an agreement with the Soviets on a test ban, the Chinese won't test. I think our faces would be pretty red when the Chinese make their first nuclear test.

Nuclear weapons have become for some a part of the evidence of sovereignty. And a country the size of China seems to find it necessary to have nuclear weapons. And nothing is going to stop them from achieving them. I don't think the Soviets will be able to do it—from all the information we have. We know they allegedly have withdrawn technicians, and so on.

But I think the Chinese have the competence of achieving a nuclear capability.

True, this will be very small to start with. But it can grow into something.

PROGRESS OF ART OF CONCEALMENT VERSUS ART OF DETECTION

Another comment that I wanted to make—would you agree that, generally speaking, based on available scientific information, the art of concealment proceeds forward much faster than the art of detection—referring now to underground clandestine tests?

Mr. NITZE. It certainly proceeds forward. Whether it proceeds faster is a game of seekers finders. Sometimes it moves faster in one element, sometimes in another element.

Senator JACKSON. Well, you know we got fooled once.

Dr. Bethe came up and got into a big argument with Dr. Teller. I sat in the committee—I think it was 1957 or 1958. And it turned out that Dr. Bethe was just 180 degrees off course. Dr. Teller's position was at that time that the data that had been submitted by Dr. Bethe was not accurate, and that the ability to conceal through decoupling and other devices was such that the standards that we had set, seismically, would not stand up.

It was only a few months after that, and to our embarrassment at Geneva, we found that the standards we had agreed to were not reassuring at all.

I mention this because I think we seem to have this assumption, in connection with our efforts to try to reach an agreement with the Soviets, that in one way or another science can solve Soviet ideological obstructionism.

I am confident, Mr. Chairman, there are a lot of people who feel that the scientists somehow will overcome the difficulties that we have, that are inherent in the Soviet system of refusing to open their borders to inspection; that somehow the scientists are going to solve that for us. And I think this is one of the real dangers in trying to reach an agreement based on current scientific information.

This thing changes so fast. And while it is true we would provide in our treaties for a corresponding right to renounce the treaties under given circumstances, we try to work out a detailed agreement based on the then available scientific information, only to find in a matter of months that the premise on which we have reached an agreement no longer exists.

I know it is confusing to the American people. It is confusing to me, why we keep changing the number of stations that we need, and so on.

Well, you explain this that the scientists have done so and so. I am sure the average person will ask—well, what if on the other side of the picture they have been able to counter all that—where do we stand?

I only mention this as a note of warning.

NO MEANS OF DETECTING OUTER SPACE EXPLOSIONS

We know that we have no means of detecting in outer space now; is that not correct?

Mr. NITZE. We have a very limited and unevaluated capability of detecting nuclear explosions in outer space. We have a program in being to further develop this capability.

Senator JACKSON. We do not have a means of detecting whether or not the Soviets are testing in outer space?

Mr. NITZE. When one talks about outer space of great distances, that is correct.

SOVIET TEST IN SPACE

Senator JACKSON. What about this announcement that was in the paper recently that the Soviets had—it was not announced by any responsible official in the Government, but there was a story I saw some place—that there had been a test on the part of the Soviets in outer space. Did anyone see that?

I don't have the article.

Mr. NITZE. I remember seeing a statement that they had had a test in the upper atmosphere. But I didn't see one on outer space. Similar to our Kingfish experiment.

Senator JACKSON. Well, is that true? I haven't checked the latest—

Mr. FOSTER. Yes, we have some testimony on this, Mr. Chairman. If you would like—

Senator JACKSON. What altitude was that?

Mr. FOSTER. The highest altitude, Senator Jackson, that we have recorded is—— nautical miles.

Senator JACKSON. How many?

Mr. FOSTER. —— nautical miles.

Senator JACKSON. Of course that would be by a rocket.

Mr. FOSTER. Yes.

LACK OF PUBLICITY OF SOVIET SPACE TEST

Senator JACKSON. Why haven't we exploited this, when we are catching all the devil for our high altitude tests?

Mr. FOSTER. We have, sir; it hasn't gotten the same publicity, but we have mentioned it at Geneva very actively, and mentioned it in New York last week in the outer space discussions.

Senator JACKSON. Why didn't we come out with a substantial story on this at the time?

Mr. FOSTER. The President mentioned it at one of his press conferences.

Senator JACKSON. Well, I must say, I follow these things fairly closely. And I think the average person who tries to follow these matters gets the impression that we are the only one that is policing the outer atmosphere, and we are even making it difficult for Commander Schirra to make his next flight, that we are responsible for it. I merely mention this. I think we ought to rectify that sort of situation.

Senator STENNIS. Gentlemen, if I may interrupt at this time, it seems to me that with Mr. Nitze going overseas in a few hours, we ought not to keep him here until beyond, say, about 4 o'clock.

I want to mention two or three things, though, that have already come up.

MAJOR MATTERS DISCUSSED BY CHAIRMAN

Gentlemen, there have been two major matters which have arisen today which emphasize our concern and the attitude of those of us that live with our military program all the year.

Senator Goldwater's questions about the participation of military chiefs, the ones who carry the primary responsibility from a professional military man's standpoint. While we are not trying to embarrass anyone it is pertinent for us to know just what they did and did not agree to.

You see, we want to get the details. I think if you could give the situation in a memorandum, Mr. Nitze, we could get the facts. I don't mean for you to do it in the next few minutes. You can file it later on and then we would like to go into it.

Senator Jackson raised the point about not going into privileged or confidential discussions and relations with the President. But, after all, how well informed is the President on these details? Senator Jackson used the term "devil's advocate," I believe, which is very expressive.

We want to know how well these things are explained and contested, you might say, for the President's consideration.

I think we ought to develop that further.

Mr. Nitze, we are going to welcome you back some other time.

TREATY TO BE SUBMITTED FOR SENATE RATIFICATION

I want to ask, also, whether, when you use the term "treaty," each of you gentlemen has been talking about a treaty of the type that is mentioned in the Constitution, which must come before the Senate for ratification. That is correct, is it not?

Mr. FOSTER. Yes, sir.

SOVIET REJECTION OF OUR LATEST PROPOSALS

Senator STENNIS. Now, let me ask you this:

These last proposals you made were promptly rejected by the Soviets, as I remember.

Mr. NITZE. That is correct.

Senator STENNIS. Is there any proposal of ours now pending?

Mr. NITZE. We continue to support the two proposals we did make.

Senator STENNIS. There are no proposals pending other than these two draft treaties? We have submitted nothing new?

Mr. NITZE. Nothing new.

Senator STENNIS. There are no new counterproposals before you of any kind from the Russians?

Mr. NITZE. They have just come back with their position of a total ban, without—

Senator GOLDWATER. Will the chairman yield at that point?

Senator STENNIS. Yes, I will. I want to give counsel a chance. I thought we would let Mr. Nitze go about 4.

DISCUSSION OF STATUS OF GENERAL DISARMAMENT TREATY

Senator GOLDWATER. I just want to clarify his answer.

Do you include in your answer the treaty that was offered at Geneva based on the President's program for general and complete disarmament?

Mr. NITZE. The draft treaty for general and complete disarmament is still subject to negotiation at Geneva.

Senator GOLDWATER. It is still before the Geneva Conference?

Mr. NITZE. The spring one.

Senator GOLDWATER. I have not seen that one. All I have seen is the copy of the original.

I don't imagine you changed it too much. Possibly, you changed the formula; however, it is still before Geneva?

Mr. NITZE. It has been spelled out and made much more precise in the spring version, as opposed to the September statement of principles.

Senator GOLDWATER. It is still before the Geneva Conference?

Mr. NITZE. That is still before the Geneva Conference.

Senator STENNIS. Gentlemen, our chief counsel has worked on this matter. I want to give him a chance to ask some questions. I will ask him, though, to be brief under the circumstances.

PURPOSE AND FUNCTION OF COMMITTEE OF PRINCIPALS

Mr. KENDALL. I will be very brief, Mr. Chairman.

Mr. Secretary, what is the purpose and function of the Committee of Principals?

Mr. NITZE. It is to review policy recommendations to the President at the level of the Secretary of State, the Secretary of Defense, and Mr. Foster's level, so that these matters will have been thoroughly worked out, the issues made precise—so that the issues can be brought before the President for his decision.

Mr. KENDALL. Since the creation of the Arms Control Agency on September 26, 1961, on how many occasions has the Committee of Principals met in formal session?

Mr. NITZE. May I supply an answer to that?

(The information requested follows:)

Thirteen times as follows:	<i>Subject</i>
Oct. 10, 1961-----	Nuclear test.
Nov. 22, 1961-----	Do.
Mar. 1, 1962-----	GCD (General and Complete Disarmament).
Mar. 6, 1962, with President-----	GCD.
Mar. 9, 1962, with President-----	GCD.
Apr. 5, 1962-----	GCD.
Apr. 11, 1962-----	GCD.
Apr. 12, 1962, with President-----	GCD.
May 31, 1962-----	GCD.
July 26, 1962-----	Nuclear test ban treaties (Aug. 27).
July 27, 1962, with President-----	Nuclear test ban treaties.
July 30, 1962, with President-----	Do.
Aug. 1, 1962, with President-----	Do.

NITZE'S ROLE RELATIVE TO ACDA

Mr. KENDALL. As Assistant Secretary of Defense for International Security Affairs, what particular role or function do you have with respect to the policies and programs of the Arms Control Agency?

Mr. NITZE. My particular function is to do, or to supervise the back-stopping and staff work for the Secretary of Defense in his relations to the arms control problem. I also supervise the unit that works with, or as part of that function, I supervise the unit that works with Mr. Foster's organization, and with the State Department and the White House at the lower levels on this matter.

And we do make requests for research in the field, we send requests to the Joint Staff—the Joint Chiefs of Staff—for their views on these matters as they come up.

ATTENDANCE AT MEETINGS OF PRINCIPALS

Mr. KENDALL. Do you attend the meetings of the Committee of Principals?

Mr. NITZE. I attend with Mr. McNamara.

APPROVAL OF ACDA PROPOSALS PRIOR TO MEETING

Mr. KENDALL. When the Arms Control Agency makes a recommendation or proposal to the Committee of Principals, what prior approval has that received?

Mr. NITZE. It generally has been discussed at length in the Committee of Deputies, which is at a lower level than the Committee of Principals. And this has generally resulted in a document or paper of some kind, which we, in turn, have sent to the Joint Staff for—or to the Joint Chiefs for the Joint Chiefs' views after it has been worked on by the Joint Staff.

Mr. KENDALL. Has it been approved by the Secretary of State?

Mr. NITZE. It would not be approved by the Secretary of State until—until it has come up to his level, until it had come up to the Committee of Principals level.

Mr. KENDALL. Would it have been presented at the Presidential level prior to that time?

Mr. NITZE. No—it might have been discussed with the President, but not brought before him for decision prior to that.

DISCUSSION OF EXECUTIVE ORDER OF AUGUST 20, 1962

Mr. KENDALL. Now, Mr. Secretary, you are familiar with the Executive order of August 20, 1962, relative to interagency coordination of arms control and disarmament matters, are you not?

Mr. NITZE. Generally, yes.

Mr. KENDALL. And this was the first Executive order that the President issued on this subject, I believe.

Mr. NITZE. Yes.

Mr. KENDALL. Now, were the procedures that had been adopted to insure cooperation, consultation, and exchange of information, the same before the issuance of this Executive order as they were afterward?

Mr. NITZE. I believe they were not wholly the same before as they were afterward. Let me ask Mr. McNaughton.

Mr. McNAUGHTON. Mr. Chairman, the procedures spelled out in the Executive order were descriptive of the procedures that evolved. They have continued to evolve over time. Any change of procedure was not caused by the Executive order.

Mr. KENDALL. So the Executive order itself did not result in any change in the immediately prior existing procedures?

Mr. McNAUGHTON. That is correct.

JACKSON QUESTIONS EXECUTIVE ORDER

Senator JACKSON. Well, just a minute.

For a point of clarification, I have the impression—of course, we had quite a debate on this—that an arms control operation be directly under the Secretary of State. When we passed it—at least this is the way I had understood it—this matter was debated considerably on the floor. That, in case of any disputes, the Secretary of State would make the decision. I think you will find that the Executive—Mr. Foster is shaking his head.

Mr. FOSTER. No, sir, that is not correct. The Director is responsible to the Secretary of State and to the President. In the case of a question as between agencies, the Director of the Agency has the right to put this directly before the President, which is the way the Executive order reads.

Senator JACKSON. Was that the understanding before the Executive order? Then why did you need the Executive order?

Mr. FOSTER. Simply for clarification and detail, and plus a number of other things in the Executive order.

JACKSON FEARS THAT ACDA HAS BECOME INDEPENDENT

Senator JACKSON. Of course I think what is really happening here, Mr. Chairman, the committee should know, is that Congress intended that the Agency be under the Secretary of State, and I think the Secretary of State is the principal adviser to the President on national security matters, and the Agency is becoming independent—let's face it—under the Executive order. And they can go directly to the President without the Secretary of State having made his recommendation.

ACDA REPORTS BOTH TO PRESIDENT AND TO SECRETARY OF STATE

Senator STENNIS. Before we leave that point, and for the record right here, Mr. Foster, do you say the law provides that the Director shall be responsible to and report to the Secretary of State and the President, or just what is the situation?

Mr. FOSTER. May I read from the statute?

Senator STENNIS. Yes, please.

Mr. FOSTER. Section 22:

The Agency shall be headed by a Director who shall serve as the principal adviser to the Secretary of State and the President on arms control and disarmament matters. Carrying out his duties under this Act, the Director shall, under the direction of the Secretary of State, have primary responsibility within the Government for arms control and disarmament matters as defined in this Act.

That is the pertinent part.

JACKSON STATES CONGRESSIONAL INTENT

Senator JACKSON. The point is, though—"under the direction of the Secretary of State."

Do you recall, Mr. Foster—maybe this is before your appointment—but many of us felt the way it was first proposed, as an independent separate agency, was a mistake. We debated this. This is somewhat in between.

But the point and the intention of the Congress was clear. And that is that you were to be under the Secretary of State.

Now, the critical language is what you last read:

Carrying out his duties under this Act, the Director shall, under the direction of the Secretary of State, have primary responsibility within the Government for arms control and disarmament matters as defined in this Act.

"Under the direction." That is the key language.

And the whole argument in the Senate, the change that was made, revolved around this question of whether or not the agency was going to be under State.

And, as first proposed, it was not under State.

And what is happening now, by the Executive order, is that it is out from under the Secretary of State on critical matters. And I think this is a poor way to run a railroad.

Mr. FOSTER. Mr. Chairman—

Senator STENNIS. All right, Mr. Foster.

FISHER EXPLAINS LEGISLATIVE HISTORY

Mr. FOSTER. Mr. Fisher was the one that carried this suggestion on the legislation last year. I was not in that at the time. If I may, I would like to call on him. He is the Deputy Director of the Agency.

Senator STENNIS. Well, could you be brief, Mr. Fisher, on this point? We will have you gentlemen tomorrow.

Mr. FISHER. Briefly, I think that the bill, as reported came through the Senate, had this as an integral part of the Department of State.

The bill as passed the House had it basically an independent agency.

The bill as it came from the conference had this compromise.

The Director reporting to both the President and the Secretary of State, in his capacity as principal adviser, subject to the direction of the Secretary of State, but not part of the Department of State.

Senator JACKSON. But "under the direction of the Secretary of State"—either the Secretary directs him or he doesn't.

Mr. FISHER. I think if you read the conference committee report, you will see with respect to the dealing with other agencies, with respect to dealing with other agencies in the Government, was the primary reason for the Director having direct access to the President, with the requirement that he advise the Secretary.

SYMINGTON SUPPORTS JACKSON'S VIEW

Senator SYMINGTON. Will the chairman yield?

Senator STENNIS. I yield.

Senator SYMINGTON. In my opinion Senator Jackson is exactly right.

There were many of us who felt that it would be inadvisable to further attenuate the responsibility and authority of the State Department with respect to a matter of this character; and also, in effect, further attenuate the responsibility and authority of the Secretary of Defense in a matter relating to arms control agreements.

For a long time, some of us were unsuccessful in getting the word "arms control" as part of the title of this new agency. As you well remember, Mr. Fisher, everybody agreed you can't have a meaningful disarmament agreement unless you also have an arms control agreement.

In the act that set up the Department of Defense, the Secretaries had the right to go to the President in case of disagreement with the new Secretary of Defense—that was the law in the beginning, or shortly thereafter—either the 1947 act or the first amendments in 1949.

The same thing is true here.

There was no question, in the legislative history of this setup, in my opinion, that the Arms Control and Disarmament Director was functioning under the Secretary of State—although he has the right to go to the President in case he disagreed with the Secretary of State.

So I think Senator Jackson's point is well taken.

Mr. FISHER. I would like to submit a memorandum on this, Mr. Chairman.

Senator STENNIS. Well, I wish you would. You may submit a memorandum. In addition, I think that we can have a little legislative research work done here that would bring out the legislative record on it.

At this point, Mr. Reporter, let's put a copy of the Executive order in the record.

(The Executive order referred to is as follows:)

THE WHITE HOUSE—EXECUTIVE ORDER

INTERAGENCY COORDINATION OF ARMS CONTROL AND DISARMAMENT MATTERS

Whereas there has been established by law the United States Arms Control and Disarmament Agency; and

Whereas the Arms Control and Disarmament Act provides that the Director of that Agency shall be the principal adviser to the Secretary of State and the President on arms control and disarmament matters and requires the Director to assume primary responsibility within the Government for such matters under the direction of the Secretary of State; and

Whereas the Act authorizes and directs the said Director to coordinate significant aspects of the United States arms control and disarmament policy and related matters; and

Whereas it is desirable that the President establish procedures for coordination, and for the resolution of differences of opinion between the United States Arms Control and Disarmament Agency and other affected Government agencies, concerning all significant aspects of arms control and disarmament policy and related matters;

Now, therefore, by virtue of the authority vested in me by the Arms Control and Disarmament Act (75 Stat. 631; 50 U.S.C. 1501 et seq.), and as President of the United States, it is hereby ordered as follows:

Section 1. *Definitions.*—As used hereinafter:

(a) The word "Director" means the Director of the United States Arms Control and Disarmament Agency.

(b) The term "affected agencies" shall include the Department of Defense, the Atomic Energy Commission, the Central Intelligence Agency, the National Aeronautics and Space Administration, and, when not inappropriate in the context, the United States Arms Control and Disarmament Agency, shall include also such other agencies as the Director may designate hereunder.

(c) The terms "arms control" and "disarmament" shall be defined as they are defined in section 3(a) of the Arms Control and Disarmament Act.

(d) The term "related matters" shall include those matters which are necessary to, desirable for, or otherwise directly connected with the functions described in sections 3 and 4 of this order.

Section 2. *Cooperation.*—The Director and the heads of affected agencies shall keep each other fully and currently informed on all significant aspects of United States arms control and disarmament policy and related matters, including current and prospective policies, plans and programs. Differences of opinion concerning arms control and disarmament policy and related matters arising between the United States Arms Control and Disarmament Agency and other affected agencies with respect to such subjects which involve major matters of policy and cannot be resolved through consultation shall be promptly referred to the President for decision. In such instances the head of an agency presenting recommendations with respect to such differences to the President shall give the heads of affected agencies notice of the occasion for and substance of his recommendations.

Section 3. *Policy coordination.*—(a) The Director shall establish procedures consistent with this order and the Arms Control and Disarmament Act to assure coordination of:

(1) his recommendations to the Secretary of State and the President and to the heads of affected agencies relating to United States arms control and disarmament policy;

(2) Government planning for the conduct and support of research for arms control and disarmament policy formulations, including the comprehensive and balanced plan provided for in Section 4 of this order;

(3) Government planning for the dissemination of public information concerning arms control and disarmament;

(4) the preparation for and management of United States participation in international negotiations in the arms control and disarmament field; and

(5) the preparation for, operation of or, as appropriate, direction of United States participation in such control systems as may become part of United States arms control and disarmament activities.

(b) The Director shall exercise leadership in assuring that differences of opinion concerning arms control and disarmament policy and related matters are resolved expeditiously and shall take such steps as may be appropriate in order to produce common or harmonious action among the agencies concerned.

Section 4. *Research.*—With the advice and assistance of affected agencies, the Director shall develop and keep current a comprehensive and balanced program of research, development and other studies needed to be conducted by or for the Government for arms control and disarmament policy formulation. The Director shall maintain a continuing inventory of Federal activities related to the planned program and advise the affected agencies as to their respective participations in the planned program in order to produce harmonious action and prevent duplication of effort. The Director shall periodically submit to the Director of the Bureau of the Budget a consolidated schedule of such activities with assessments of their respective programs by the responsible agencies, together with his evaluations regarding these activities.

Section 5. *Force and armament levels.*—The Secretary of Defense shall keep the Director informed with respect to the planning of armed forces levels and armaments and, for consideration in connection with such planning, the Director shall furnish the Secretary of Defense statements of existing and projected arms control and disarmament policies.

JOHN F. KENNEDY.

The WHITE HOUSE, August 20, 1962.

Senator STENNIS. Now, I feel that we should excuse Mr. Nitze with our special thanks.

Senator THURMOND, do you have a brief question that you want to ask?

Senator THURMOND. Mr. Chairman, the time is so short today, I will wait.

Senator STENNIS. We thank you very much.

DISCUSSION OF McCLOY'S FOREIGN AFFAIRS ARTICLE

Senator SYMINGTON. I would ask one question, if I may.

I have great respect for Mr. Nitze and his opinions in these matters.

In "Foreign Affairs," of last April, Mr. McCloy wrote an article, in which he gave the four major reasons why the Soviet Communists should want to reach quickly with us a fair and equitable nuclear test cessation agreement.

But they do not and apparently will not make any such agreement, according to the record. I thought Mr. McCloy's position was solid and sound as to why the Soviets should be anxious to reach a test cessation agreement. One person present in a recent private meeting was a high military official. He and others felt that the reason the Soviets don't want to make an agreement is that, as we go further in our concessions, they figure the advantages, as against the danger that is growing all the time from the Chinese Communists. As they analyze both—they have had the 3-year moratorium, and, to the best of my knowledge, nobody can prove that they ever stopped 1 minute at any time, in their planning and programing and testing—it would appear that they feel that they are doing better under the present developments than they would if they agreed to a test agreement—balancing this off as against the growing danger from the Chinese Communists.

Has this been considered at top level in the Defense Department—the answer to the McCloy article of April, in "Foreign Affairs"?

Mr. NITZE. I don't believe the question has been considered in quite the same way in which you have put it, as to why is it the Soviet Union has not acted in conformity with what was anticipated in Mr. McCloy's article. There has been a good deal of discussion, a great deal of discussion as to why they have taken the positions they have taken, and what they might do in the future. This has been discussed.

And, furthermore, there has been a great deal of discussion—

WHY U.S.S.R. REFUSES TO SIGN TEST BAN AGREEMENT

Senator SYMINGTON. Could we have the benefit, before you leave, of your own personal opinion as to why they consistently, despite the tremendous advantage obvious for them, if they make a test agreement—a real meaningful test cessation agreement—could we have your opinion as to why they don't do it?

Mr. NITZE. I think in the first place the question of on-site inspection has become, to them, even more important than it was before. I think almost irrationally so. Some years ago they agreed to the principle of on-site inspection.

Since that time, however, they have become even more sensitive to inspections on their territory. I think this may come from the fact that they are concerned by the amount that we do know about the U.S.S.R., and they are worried that we might learn more.

So that this is today, I think, a more important consideration in their minds than it was 2 or 3 years ago.

Secondly, I think they feel that they are not in such—well, they have gained a great deal of information from their current test series. They have exploited the technological work of their laboratories over a period of years, and have done the testing, which is commensurate with that technological base. So that they don't see a need for testing in the near future.

On the other hand, there can well come a period of time when they don't test, so that—they think maybe the same thing has happened in the United States—that we have exploited a new area of technology, and have tested it out, and it may be some time before we will have to test again.

So that they have a period of time in which neither side may test.

And during that time they might hope to work out a series of agreements which might go further in the direction of controlling China and meeting these other problems which would be, perhaps, more satisfactory from their standpoint.

Now, whether insofar as it really does control the smaller countries and China, there, I think, we have got a potential common interest. Insofar as any such arrangement would operate differentially in their favor, in the bilateral arrangement, we have to fear it very much.

So that the question here is how you weigh the continuing possibility of a series of arrangements which would meet the area where there may be a common interest, to control this proliferation, and the dangers to us of their gaining some degree of advantage over us in the bilateral relationships between the U.S.S.R. and ourselves.

Senator SYMINGTON. Thank you, Mr. Chairman.

NITZE EXCUSED

Senator STENNIS. Thank you.

Gentlemen, if there is nothing else, I am going to ask that we excuse Mr. Nitze now, with the special thanks of the subcommittee.

We certainly hope you have a good trip. We will be further into this by the time you get back. We will keep in touch with you, and doubtless will want you to come back.

Mr. NITZE. Thank you very much for your consideration.

Senator STENNIS. We thank you and your associates very much.

Gentlemen, just another word now. It is 4:10. Mr. Foster, could you be back tomorrow morning at 10:30?

Mr. FOSTER. Any time you say, sir.

Senator STENNIS. Is it agreeable to meet in the morning, say, at 10:30?

All right. That will be very fine.

(Whereupon, at 4:10 p.m., the subcommittee recessed, to reconvene at 10:30 a.m., Tuesday, September 18, 1962.)

ARMS CONTROL AND DISARMAMENT

TUESDAY, SEPTEMBER 18, 1962

U.S. SENATE,
PREPAREDNESS INVESTIGATING SUBCOMMITTEE
OF THE COMMITTEE ON ARMED SERVICES,
Washington, D.C.

The subcommittee, composed of Senators Stennis (chairman), Symington, Bartlett, Jackson, Saltonstall, and Smith of Maine, met, pursuant to recess, at 10:30 a.m., in room 224, Old Senate Office Building, Senator John Stennis, presiding.

Present: Senators Stennis (presiding), Symington, and Jackson.

Also present: Senators Goldwater and Beall.

Dorothy Fosdick, of Senator Jackson's office; F. L. Wright, Jr., OSD (Legislative Affairs); Mason Willirch, ACDA; George Bunn, ACDA; F. A. Long, ACDA; John T. McNaughton, DOD (GC).

Stuart P. French, Ben Gilleas, D. F. McGillicuddy, and Robert M. Neal, preparedness staff.

James T. Kendall, chief counsel, Preparedness Investigating Subcommittee.

CHAIRMAN'S STATEMENT

Senator STENNIS. All right, Mr. Foster, come up please—you and Mr. Fisher.

Gentlemen, we will proceed with the hearing we recessed yesterday after hearing Mr. Foster read his prepared statement, and then hearing and examining Mr. Nitze. We deferred the examination of Mr. Foster until this morning, Senator Beall, in order to question Mr. Nitze, who was leaving.

We introduced into the record yesterday—I believe you were here, Senator Goldwater—the Executive order of August 20.

Senator GOLDWATER. Yes.

Senator STENNIS. The Executive order which was introduced yesterday and which we now have before us is dated August 20, 1962, and is entitled "Interagency Coordination on Arms Control and Disarmament Matters."

At the time we adjourned Mr. Foster had been asked some questions about his responsibility under the act, his relation with the Secretary of State, and also, of course, with the President.

So if it is the pleasure of the committee, I will ask a few questions and we will proceed then in our regular way.

FOSTER CONSIDERS ACDA "AUTONOMOUS" AGENCY

Mr. Foster, yesterday we had before us and discussed the Executive order of August 20, and the status of the Arms Control and Disarmament Agency.

As I understood you then, it is your position that the Arms Control Agency is an autonomous agency, and that you, as Director, may report directly either to the President or to the Secretary of State.

STATEMENT OF WILLIAM C. FOSTER, DIRECTOR OF THE ARMS CONTROL AND DISARMAMENT AGENCY; ACCOMPANIED BY ADRIAN S. FISHER, DEPUTY DIRECTOR

Mr. FOSTER. That is essentially correct, Mr. Chairman.

In view of the question on this relationship, we have prepared a detailed memorandum which quotes from the conference report, as well as from the act, which bears on the questions you have just asked.

AGENCY UNDER DIRECTION OF PRESIDENT AND SECRETARY OF STATE

Now, essentially, however, this is an independent agency. The Director is under the direction of the Secretary of State and the President. He has access to the President in those instances where there are differences between agencies. He always, of course, keeps the Secretary of State informed. In research, he has the primary job of coordinating research in the arms control and disarmament policy field directly under the President. So that this is—

Senator STENNIS. Pardon, what is that you said now? Directly under the President?

Mr. FOSTER. Directly under the President, in the coordination of research programs throughout the Government, as well, of course, under the statute he must initiate within the Agency its number of direct research projects.

Now, this is covered in some detail in a piece of paper which has not yet arrived, but will be here in the course of the next 10 or 15 minutes.

Senator STENNIS. Do you wish to put that in the record?

Mr. FOSTER. I think it would be appropriate.

SENATOR SPARKMAN QUOTED

Senator STENNIS. All right. I am sure it will be appropriate. We will do that.

Just to bring matters in focus, let me mention some of the debates on this bill; and, as you know, this matter was rather well debated, and evoked considerable interest.

Quoting from Senator Sparkman's remarks on the floor of the Senate, when he presented the conference report on H.R. 9118, he said:

Although it is no longer specified that the Agency shall be established with the Department of State, the Secretary of State is given direction over the activities of the Agency. Section 22 states that the Agency shall be headed by a Director who shall serve as the principal adviser to the Secretary of State and the President on arms control and disarmament matters. The Secretary of State is mentioned deliberately ahead of the President to establish the line of authority which is intended to run through and not around the Secretary of State to the President.

Now, is that a correct interpretation, Mr. Foster?

Mr. FOSTER. Yes, sir.

I now have this piece of paper which we will be very happy to distribute, if you would like to have it distributed, and also would like to present for the record.

There was a further paragraph in Senator Sparkman's report to the Senate. I am not sure whether you quoted all of this or not, sir.

Senator STENNIS. Well, that was a stopping point here. He does go on further to discuss another part of the section. Let's just finish this, and we then will get to your memorandum.

My question was whether his interpretation was correct? And you said that essentially it was.

Mr. FOSTER. That is right, Mr. Chairman.

Senator STENNIS. Senator Sparkman also said that—

The next sentence in that section reads, "in carrying out his duties on this act, the Director shall, under the direction of the Secretary of State, have primary responsibility within the Government for arms control and disarmament matters as defined in the act."

Then Senator Sparkman said—

The managers on the part of the Senate attach great weight to the phrase "under the direction of the Secretary of State." These words are meant to insure against any usurpation of the powers and responsibilities of the Secretary of State in the field of arms control and disarmament.

Now, is that all substantially correct, as you see it?

Mr. FOSTER. Yes, sir.

Senator STENNIS. All right.

SECRETARY OF STATE INTIMATELY CONNECTED WITH ACDA AFFAIRS

Mr. FOSTER. I should also state that it has been the policy and practice to keep the Secretary of State intimately connected with these affairs and I am sure that you can inquire of him whether this has been done to his satisfaction.

Senator STENNIS. While we are on that point, your position is, though, that under the law, the Secretary of State cannot overrule you, but you can just shift over to the President automatically, under the law.

Mr. FOSTER. I have the right of access to the President.

Senator STENNIS. That is what I mean, you have access to the President.

FOSTER QUOTES SPARKMAN

Mr. FOSTER. May I read one paragraph?

Senator STENNIS. Yes. I am going to ask you to put all of your memorandum in the record.

Mr. FOSTER. Since it is particularly pertinent to your question, Mr. Chairman, perhaps I should read one paragraph of this at this point in the record.

Senator STENNIS. Yes.

Mr. FOSTER. This is again quoting from Senator Sparkman's report.

We did not retain the Agency completely within the Department of State as the Senate had it, nor did we retain it as a completely independent Agency as the House had it. We did give it autonomy and a high degree of independence. We gave the Director the right to report directly to the President, and made him the principal adviser to the President on arms control and disarmament

matters, but likewise, placed the Agency under the direction and supervision of the Secretary of State because of its implications in foreign policy.

I think that is consistent with what you had outlined.

ACDA MEMORANDUM PLACED IN RECORD

Senator STENNIS. Well, do you have the memorandum now that you wish to put in the record, and also distribute?

All right, Mr. Fisher, suppose you distribute it, please, to the Senators.

(The document referred to follows:)

MEMORANDUM CONCERNING THE RELATIONSHIP OF THE ARMS CONTROL AND DISARMAMENT AGENCY TO THE SECRETARY OF STATE AND THE DEPARTMENT OF STATE

This memorandum is directed to the relationship which the Congress created between the Arms Control and Disarmament Agency and the Secretary of State, the Department of State, and other Government agencies. It is prompted by the suggestion that Executive Order No. 11044, issued on August 20, 1962, dealing with interagency coordination on arms control and disarmament matters, is inconsistent with Public Law 87-297, the Arms Control and Disarmament Act, because of the role which it provides for the Arms Control and Disarmament Agency. It is submitted that the Executive order is consistent with both the letter and spirit of the act. The issuance of such an order is expressly authorized by section 35 of the act. The role assigned to the Director and the Agency in Executive Order No. 11044 is also in compliance with the act.

Section 22 of the Arms Control and Disarmament Act provides:

"The Agency shall be headed by a Director, who shall serve as the principal adviser to the Secretary of State and the President on arms control and disarmament matters. In carrying out his duties under this Act the Director shall, under the direction of the Secretary of State, have primary responsibility within the Government for arms control and disarmament matters, as defined in this Act."

The legislative history indicates clearly that the Congress intended the Agency to be separate from the Department of State although the Director would serve under the direction of the Secretary of State. This history also indicates that, in his capacity as adviser to the President on arms control and disarmament matters, the Director was intended to have direct access to the President necessary for him to act effectively in this capacity.

As passed by the Senate, the bill which became Public Law 87-297 provided for the establishment of a new Agency "within the Department of State" to be headed by "an Under Secretary of State for Arms Control and Disarmament, who shall serve as the principal adviser to the Secretary of State and the President on arms control and disarmament matters" (S. 2180 as passed by the Senate on Sept. 8, 1961). The equivalent bill passed by the House did not contain the language "within the Department of State" as did the Senate bill. It provided, instead, for the establishment of an Agency headed by a Director who was to serve as "the principal adviser to the President on arms control matters." The House bill also provided that—

"Under the direction of the President and the Secretary of State, the Director shall be primarily responsible within the Government for arms control matters."

The conference committee, after considerable discussion, agreed to the language which now appears in the act. That language does not contain the phrase "within the Department of State" nor is the head of the Agency an Under Secretary of State. It does provide that the Director is the "principal adviser to the Secretary of State and the President" in this field, and that, "under the direction of the Secretary of State," he shall have primary responsibility within the Government for such matters. The conference report states:

"In accepting this language, the managers on the part of the House believe that they have retained the essential aspects of the House bill that the Director of the Agency be assured of direct access to the President when necessary and that he have sufficient authority and independence to deal directly with other agencies, such as the Department of Defense and the Atomic Energy Commission,

on matters not falling within the competence of the Department of State" (H. Rept. No. 1263, 87th Cong., 1st sess., p. 12, Sept. 23, 1961).

In describing the conference agreement on the floor of the House, Chairman Morgan, of the House Foreign Affairs Committee, said:

"The managers on the part of the House were able to retain the basic concepts contained in the House bill with respect to keeping the new Agency outside the Department of State and giving its Director direct access to the President when necessary. Certain revisions of language were agreed to to clarify the relationship of the Director of the Agency to the Secretary of State and to the President, but the bill which we bring back from conference does not make the Agency a part of the State Department nor does it provide a Director who is an Under Secretary of State" (107 Congressional Record 10637, Sept. 23, 1961, daily ed.).

Senator Sparkman, who submitted the conference report to the Senate, described the final language as follows:

"The Secretary of State is mentioned deliberately ahead of the President to establish the line of authority which is intended to run through, and not around, the Secretary of State to the President.

* * * * *

"We did not retain the Agency completely within the Department of State, as the Senate had it; nor did we retain it as a completely independent agency, as the House had it. We did give it autonomy and a high degree of independence. We gave the Director the right to report directly to the President and made him the principal adviser to the President on arms control and disarmament matters; but, likewise, placed the Agency under the direction and supervision of the Secretary of State, because of its implications in foreign policy" (107 Congressional Record 10778, 19779, Sept. 23, 1961, daily ed.).

The role assigned the Arms Control and Disarmament Agency under Executive Order No. 11044 is completely consistent with this legislative history. It contains an express recognition of the fact that the Director is to carry out his responsibilities "under the direction of the Secretary of State." Its provisions for coordination with such agencies as the Department of Defense and the Atomic Energy Commission on a direct basis, rather than through the machinery of the Department of State, is consistent with the provisions of the conference report that the Agency, and its Director, should be able to deal directly with other agencies.

This Executive order is also consistent with the language of section 35 of the act which authorizes the President to establish procedures for cooperation, consultation, exchange of information, and the resolution of differences "between the Agency, the Department of Defense, the Atomic Energy Commission, the National Aeronautics and Space Administration, and other affected Government agencies." This section also recognizes that the Director must have direct access to the President because it provides for the presentation "to the President of recommendations of the Director" when differences on major matters of policy develop after consultation between the Agency and other agencies.

Finally, by its recognition in section 3(a)(1) that the recommendations on matters of policy should be to the Secretary of State, as well as to the President and the heads of affected agencies, the Executive order recognizes the responsibility of the Secretary of State for foreign policy which both Houses of Congress considered important in passing the Arms Control and Disarmament Act.

SEPARATE APPROPRIATION FOR ACDA

Senator GOLDWATER. Mr. Chairman, you are on the Appropriations Committee, I believe.

Senator STENNIS. Correct.

Senator GOLDWATER. How are the appropriations handled for this Agency—as a separate bureau, or is it handled under the Department of State?

Senator STENNIS. Frankly, I don't have knowledge of that. I don't remember it coming up this year. Perhaps it is in the independent agencies appropriation.

Mr. FOSTER. It is handled under the same committee that handles the State and Justice, but is handled as a separate appropriation.

Senator GOLDWATER. Has it come to the floor in both Houses of Congress as a separate item, or did it come under the Department of State appropriation?

Mr. FOSTER. It is handled as a separate item and has passed the House. It has not been heard by the Senate Appropriations Committee. Those hearings are scheduled this week.

Senator GOLDWATER. You say you are going to be heard before the Senate this week?

Mr. FOSTER. Yes, sir.

Senator STENNIS. Those hearings just started yesterday.

Do you want to speak further now from your memorandum, or point anything special in it?

Mr. FOSTER. I simply say in answer—

Senator STENNIS. I have some other questions.

FOSTER STATEMENT SANITIZED

Mr. FOSTER. Well, just one brief comment, in answer to your discussion of yesterday. We have sanitized my statement of yesterday, so that it can be released in your discretion, sir.

Senator STENNIS. All right. You can leave it with us and we will take care of it at the end of the session.

I want you to have a chance, of course, to speak to your memorandum whenever you wish. However, unless you wish to do that now, I will ask a few questions, and then pass on to the other Senators. I always try to give them a chance to ask questions.

Mr. FOSTER. Very good, sir.

FOSTER REPORTS BOTH TO PRESIDENT AND SECRETARY OF STATE

Senator STENNIS. Well, this matter is not directly in controversy, but it is in our minds, and we want to know more about it. Regardless of the wording of the statute, and regardless of the interpretations on the floor and elsewhere, as a matter of practice, do you go through the Secretary of State, or do you report directly to the President?

Mr. FOSTER. I do both, sir. I always keep the Secretary of State informed. There are many matters that I would get in touch with the White House, and in almost every instance, the Secretary of State has an interest in it, and he either approves of what I propose to present or accompanies me in such presentation.

Senator STENNIS. I can assure you that no one is trying to discredit your work, your department, or any of your staff, or attack any policy. However, this is such a sensitive matter, and it is so important in the whole picture, and the entire arms control program, that we think it ought to be cleared up.

SECRETARY OF STATE IS KEPT INFORMED

Now, the Secretary of State hasn't made any complaint to me about the matter. But it is so clear that the Senate was very insistent, at the time this was acted upon, about wanting to have your agency

operate entirely within the Department of State, that I think we ought to follow up on that.

With respect to your reports directly to the President, do you know that the Secretary of State always has knowledge that you are going to report those matters to the President?

Mr. FOSTER. I am sure he has always at least been informed simultaneously, which is the direction that he has given me in connection with this kind of thing.

The Secretary of State and I have worked together personally for many years, and in our relations, he has in many instances said "as long as I am informed, you have my complete support." I go further than that, because I want to make sure he is informed, and I have, in practically every instance that I can think of, discussed it with him before making a recommendation to the President.

FOSTER AND RUSK DO NOT ALWAYS AGREE

I must say that in not every instance have we completely agreed. But I think the purpose of this office is to bring to the President, if there are differing viewpoints, because of a differing background—to make sure that the President has the opportunity to decide as between those differing viewpoints.

I must say that in most instances the President has accepted the Secretary of State's view as against mine. But that is a matter of—he had the opportunity to hear mine, at least.

Senator STENNIS. This is the season when they are totaling up the batting averages, so you are giving yours now, I presume.

NO POSITION REPORTED TO PRESIDENT OVER RUSK'S OBJECTION

One pointed question like this, now: Have you ever gone on and reported and maintained a position to the President over the objections of the Secretary of State?

Mr. FOSTER. No sir.

Senator STENNIS. You never did go on and do it when he was asking you to further consider the matter, or had asked for more time.

Mr. FOSTER. No sir.

REASON FOR ISSUANCE OF EXECUTIVE ORDER

Senator STENNIS. All right.

Now, what was the occasion for having the Executive order issued?

I have been here long enough to know that a Senator can't have personal knowledge of all the things he must deal with. That must be compounded many, many times with the President. An Executive order as long as this has to be prepared by someone else, and the President wouldn't have very many minutes to give attention to it.

Why have the Executive order if it just summarizes what was going on before, and who prepared it?

Mr. FOSTER. The Executive order was discussed within the executive branch for, I think, approximately 6 months. And I will again quote from the memorandum.

It is consistent with the language of section 35 of the act, which authorizes the President to establish procedures for cooperation, con-

sultation, exchange of information, and the resolution of differences between the agency, the Department of Defense, the Atomic Energy Commission, the National Aeronautics and Space Administration, and other affected Government agencies. Section 35 also recognizes that the Director must have direct access to the President, because it provides for presentation to the President of recommendations of the Director when differences on major matters of policy develop after consultation between the Agency and other agencies.

This was an attempt to clarify the procedures by which you carried out the intent of the act.

Senator STENNIS. Well, your answer, as I understand it, is that after you got started, and had some experience, and established some guidelines, based on your experience, this Executive order was drawn up to incorporate the guidelines, and also to clarify your relations with other agencies, is that right?

Mr. FOSTER. Help the Agency to do its job better, Mr. Chairman.

Senator STENNIS. And also to help the other agencies with which you are dealing?

Mr. FOSTER. To be clear as to what the relationships were between their agencies and ours.

Senator STENNIS. In case of doubt, they now have something in writing to refer to, is that right?

Mr. FOSTER. That is right.

ACDA RESEARCH ACTIVITIES DISCUSSED

Senator STENNIS. On the proposition here of your research, activities, I haven't had an opportunity to talk to Senator Russell about this. He is not a complaining man. But he was interested in this question last year and still is.

I notice that the Executive order covers your research activities, and you have said that you had an overall position of coordinating the research activities.

Do you have the power to adopt or reject a research project that is submitted, say, in the Air Force?

Mr. FOSTER. The words are coordinate to make sure that the minimum amount of duplication in matters having to bear on arms reduction and disarmament is achieved. There are many agencies which let research contracts. We have no power to stop them as such. But we must be clear as to what is taking place in this field, so as to, to the greatest possible extent, make sure two or three agencies are not spending a lot of money for the same thing to, perhaps, not the best advantage of the Government. And this, too, is a very clear instruction in the act, and our activities have been to the extent possible consistent with this. We are a very small agency. We are dealing with some very large agencies.

Senator STENNIS. Yes. Well, I know it is one of the problems we face on the Appropriations Committee as Senator Goldwater has mentioned. We have large items year after year, in the military construction bill, as well as in the other appropriation bills, relating to laboratories, and undertakings of various kinds of basic research. We are concerned about the duplication. There is an agency in the

Department of Defense that is supposed to coordinate all those activities.

I don't see how you could get into research very much, with your limited staff.

Mr. FOSTER. We are instructed to utilize other available facilities throughout the Government to the greatest possible extent, and this coordinating authority is to make sure that we do so use those other facilities.

Senator STENNIS. All right. I have used enough time, I think.

Mr. FOSTER. May I just add one sentence.

Senator STENNIS. Yes, sir.

Mr. FOSTER. I want to make it perfectly clear that this coordination has only to do with those subjects bearing on arms control and disarmament matters.

Senator STENNIS. Well, let me just conclude it this way.

You say you have no power to reject any item of research in the arms program, is that correct?

Mr. FOSTER. If the other agency were to disagree.

Senator STENNIS. Well, has your counsel been followed, or have you had any sharp disagreements that resulted in projects in research being carried on contrary to your position?

Mr. FOSTER. We have the finest of cooperation with the agencies with whom we deal.

AGENCIES AND PERSONS DEALT WITH IN RESEARCH MATTERS

Senator STENNIS. Well, with whom do you deal in this matter, Mr. Foster?

Mr. FOSTER. Defense Department—

Senator STENNIS. I know but I mean what individuals. Dr. Brown?

Mr. FOSTER. We deal with Dr. Brown. We deal through Mr. Nitze's office, and through Mr. Arthur Barber, who is now the Deputy Assistant Secretary for Disarmament Matters in that office. We have dealt most pleasantly with Mr. John McNaughton, who is presently the General Counsel of the Department. We deal on many occasions with Mr. McNamara—I deal with Mr. McNamara, or Mr. Gilpatric. So that our Agency deals at all levels on a daily basis, and we have, as I indicated, a great many military officers with us who are familiar with the channels which are appropriate for particular subjects. In addition, the AEC, NASA, the CIA. Those are the primary ones having research projects in these fields.

Senator STENNIS. Thank you. I am going to call on Senator Symington now.

Senator SYMINGTON. Mr. Chairman, I would yield to Senator Goldwater, if I may.

Senator STENNIS. Well, I think we more or less missed you yesterday. Proceed if that is all right.

Senator GOLDWATER. I will defer my questions.

Senator STENNIS. Senator Symington, I think you were ready to ask additional questions when we recessed. We will call on you now.

Senator SYMINGTON. All right.

First, Mr. Foster, let me emphasize that my interest in the streamlined organization was in no sense a criticism of your leadership of this Agency. I have the highest respect for the splendid public service you are doing and have done for your country.

Mr. FOSTER. Thank you.

Senator SYMINGTON. As you know, I have always been one who believes in consolidation of authority in departments, including the Defense Department. It was in terms of good business management structure that I was interested in this case.

Another point is of importance. Senator Jackson brought it out yesterday.

If it goes into State as final authority, especially because of the National Security Council setup, it automatically reaches into the Defense Department. The National Security Council would be the place where it would be discussed. I am anxious to find out, in my own mind, what is the military position of both the Secretary of Defense and the Joint Chiefs of Staff; and what it is in case the Russians accept one of the treaties we have proposed. It seems to me that, unless the State Department does have a more authoritative position, under the President, you would have three bases to coordinate when it came to the details of what a treaty should or should not include.

I have recent letters from you, Mr. Foster, about some of these points.

The idea of control station requirements in Russia being lessened in number as a result of improved detection, I understand from people who know this field far better than I do, is largely neutralized if plans are made to test in alluvium, or major expense is undertaken to test in large cavities, carrying the decoupling theory to its conclusion.

IMPORTANCE OF CONTROL CENTERS WITHIN U.S.S.R.

I asked that question yesterday, and am not sure whether you or Mr. Nitze said the importance of the control center, the relative importance of the control center on Soviet territory was lessened by the additional significance now of stations outside of the Soviet Union—the ability to detect better from stations outside.

Is that correct?

Mr. FOSTER. You questioned Mr. Nitze, but I agree with his response.

Senator SYMINGTON. Was that about what he said?

Mr. FOSTER. Yes.

PERMANENCE OF SEISMIC STATIONS IN OTHER COUNTRIES

Senator SYMINGTON. We are not sure that we can maintain a sympathetic relationship with all countries where we have seismic stations, based on relative positions in the future. Would that not be true?

Mr. FOSTER. Well, this is a possibility, of course, the presently suggested system would consist of a substantially reduced number of seismic stations, many of which would be under—directly under our control.

Now, there would be some that would not. And it is possible that, in a few of those, political changes might lead to the elimination of such a station.

LOSS OF STATION COULD RESULT IN ABOGATION OF TREATY

Senator SYMINGTON. We are in a classified hearing. We all know of the tremendous importance of sensitive information. If we should lose some of these seismic stations because the government of the country in which they may be located becomes reticent about letting us continue to utilize them, what effect would that have on a test ban treaty?

Mr. FOSTER. You recognize, Senator, these of course would be under the international system covered by treaty. And if we were to lose such stations, this would give us the right, if we decided it was desirable, to abrogate the treaty on that basis.

Senator SYMINGTON. In other words, are you saying that if we made a treaty with Russia to terminate nuclear testing, and then there was a revolution in [deleted] which the Russians claimed they had nothing to do with, we could break our test agreement treaty with Russia, if we lost our station in [deleted].

Mr. FOSTER. The treaty would be based on an international commission and an international system of detection stations—and if we lose an important station, we could abrogate the treaty.

Senator SYMINGTON. You feel confident of that?

Mr. FOSTER. No question of it.

DIFFICULTIES INVOLVED IN ON-SITE INSPECTION

Senator SYMINGTON. Then we get into the tactical aspects of on-site inspection, which you were kind enough to write me a letter about. Siberia, for example, is a big place. We know that most of Soviet testing now is in the Arctic.

How would we, say in winter, send a team which would be escorted by Russians, into the wilds of Siberia, where roads are limited, where there could be camouflage in case of our desire to inspect by air, where it might be very difficult to get a precise fix, from what I understand from people who have studied the subject, as to what we wanted to look at, and where.

Obviously the Russians would do everything they could to prevent us finding out if they had cheated. You would agree to that, would you not?

Mr. FOSTER. I would agree to that. I would like to point out there are two kinds of tests we are talking about of course. And the ones most apt to be cheated on are the underground tests.

The underground tests would present the Soviet Union with the same difficulties of preparing the tests in this rugged country as would the finding of them. With the use of modern transportation—helicopters, aircraft, and so forth, which would be part of the treaty provisions—it is our belief that we could readily detect, even in those inaccessible—I will withdraw the word “readily”—we could detect in those inaccessible areas evidences of major work that would accompany any series of tests. Although we have no illusions that there might not be some individual small tests that would escape detection.

But we do, as you know, from your own experience, sir, have very useful installations in Arctic countries for defense purposes. So that the methods of transportation have been developed by our people in a way that we believe could contribute to our ability to find these same—well, these evidences of attempted evasion on the part of the enemy—of the opponent.

Senator SYMINGTON. Maybe you would want to change “inaccessible” areas. The premise is the area would be accessible—else you have made my point.

Mr. FOSTER. Relatively accessible areas—if I may.

DANGERS FROM RADIOACTIVE FALLOUT

Senator SYMINGTON. I am only being the devil’s advocate, because there is so much difference of opinion and misinformation on these vitally important subjects.

For example, we have had a steady barrage about the fallout, and the dangers of fallout disseminated to the American people. One of the great experts in this field says that damage from all the fallout to date, to human beings would be less than if a family took a vacation in the high Rockies of Colorado.

Now, if that is true—and it either is true or isn’t true—I don’t know. But I think it is the type and character of matter which should be clarified before the American people.

SYMINGTON READS EXPERT’S LETTER ON DETECTION AND IDENTIFICATION PROBLEM

In that connection, Mr. Chairman, Mr. Foster wrote me a letter—and I must say he has been most kind and cooperative in trying to educate me in this field. One of the sentences in his letter was—

however, the new technical development indicate that detection at greater distance now is possible, and therefore greater reliance can be placed on stations outside such a country to detect suspicious events in that country.

Comments I have had on that from people who I think are experts include the following remarks:

It is true that we had overestimated the number of earthquakes of a given magnitude by possibly a factor of 5. Therefore, the nuclear events which we intend to detect will have to be picked out from only 100 or 150 suspicious events a year, rather than several hundred. It is also true that we have now clearer evidence that signals vary greatly from station to station, and with sufficiently many stations outside of the Soviet Union, there is a greater chance that at least some station will record a suspicious event. In the absence of an explanation of this phenomenon, the advantage is a little more doubtful. But there is at least some substance to it. On the other hand, I believe I have to register at least two objections to the procedure which we have adopted, and which the disarmament agency is defending. First, it was also found, during the same period, that by detonating nuclear explosives in alluvium, the signal strength can be decreased by a factor of 5. This is not as strong a decoupling as could be achieved in a big hole, but it happens to be a decoupling mechanism which one can employ practically free of charge.

The second objection is that the research which led to the improvements to which Mr. Foster referred, and which I have acknowledged, has been performed for the purpose of transforming a system which was actually deficient in detection capability into one which hopefully should make it possible to catch a violator and to prove that one has caught him. The system as it existed was grossly deficient, due to the great number of natural events and considerably disconnected with carrying out actual inspection. As long as we plan to have

detection stations inside the Soviet Union, there existed the hope that with developing knowledge these closeby stations will detect some characteristics by which nuclear explosions can be distinguished from natural events. At least one could hope that the number of natural events which becloud the issue could be substantially reduced.

According to our present proposals of carrying out observations only at long distances, we have to forgo much of the possibility of differentiating between natural events and artificial ones. It is a most worrisome indication of the trend of our policies that as soon as any improvement in detection is seen, this is turned into an opportunity to retreat further from our position, rather than working out a system which actually has a chance for effective control. The ultimate limitation of the threshold below which nuclear explosives can be reliably detected probably remains at 20 kilotons, and is not affected by any of the above discussion. The reason is that for explosions less than 20 kilotons, one can establish cavities big enough to decouple by a factor of at least 100. This certainly is sufficient for hiding nuclear explosions much above the 20-kiloton limit. The expense of using such a cavity becomes high.

The upshot of all this is the following.

A year ago we had proposals which were insufficient at the time that they were made, but there was hope that further research might turn them into somewhat acceptable proposals. Even with further improvements, our present proposals commit us to the acceptance of a system whereby cheating under 20 kilotons would be possible at some expense, and where cheating under 2 kilotons will be certainly easy and simple.

The paramount worries about missile defense, space testing, and our inability to prepare for testing during a moratorium continue to remain with us. There are accumulating signs that we may enter into a moratorium within the near future.

As I mentioned, this man is an expert in this field.

I am worried about Dr. Bethe's shift in position, and about the fact some say you can get just about all the information you want from 20-kiloton explosions. I read those observations into the record, and I wish you would examine them and supply for the record a reply.

I am not in a position to say whether this is accurate or not. But I do think it is a matter that should be clarified. As I remember, when we had breakfast with you all several weeks ago, you felt that anything done in this field would require a treaty. I would like, Mr. Chairman, to read again:

Our present proposals commit us to the acceptance of a system whereby cheating under 20 kilotons would be possible at some expense, and where cheating under 2 kilotons would be certainly easy and simple.

If you would comment on that and the rest of it, I would appreciate it; and I would ask this question.

Senator STENNIS. Pardon me. You asked him to answer it.

Senator SYMINGTON. Is there any comment you would like to make on it now?

FOSTER TO PREPARE REPLY FOR RECORD

Mr. FOSTER. Well, obviously it is a very detailed letter, and I would like to prepare a detailed reply for the record.

There are many points in it with which we disagree, although there are a good many which he is quite correct on.

(The detailed reply submitted for the record is as follows:)

STATEMENT OF U.S. ARMS CONTROL AND DISARMAMENT AGENCY

RISKS FROM UNDETECTED UNDERGROUND NUCLEAR TESTS CONDUCTED DURING A COMPREHENSIVE TEST BAN AGREEMENT

In the discussions of a comprehensive test ban with the Senate Preparedness Subcommittee on Tuesday, September 18, 1962, Senator Symington asked several

questions about risks to the United States from a test ban and read from a letter which discussed these risks. Following this, there were questions by Senator Symington with replies from Mr. Foster, who asked and was given permission to supply supplemental information. This memorandum is a consequence of this request.

In any consideration of a disarmament or arms control agreement, there clearly must be the most careful assessment of relative risks. In the case of a comprehensive nuclear test ban treaty, an important consideration is the risk of continuing along the present path with, among other things, the strong likelihood that other nations will commence testing and nuclear capabilities will spread among the countries of the world. The risks from this path must be compared with those from possible evasions by some party to a treaty who has agreed not to perform any tests.

The letter from which Senator Symington read addressed itself only to problems concerned with risks from evasion and in this sense presents an essentially one-sided picture of the U.S. problem. ACDA agrees that risks of evasion will exist under any test ban agreement. In making a decision that a comprehensive test ban treaty was in the national interest, these risks of evasion were carefully considered and assessed. The decision to seek a comprehensive treaty with appropriate controls and opportunities for inspection reflects a belief within the executive branch of the U.S. Government that these risks of evasion are considerably less than the risks which will result by continuing the present course of unlimited testing.

Moreover, the letter read by Senator Symington is based on what we believe to be a mistaken assumption—that the test ban proposals presented in 1961 were deficient at the time they were made. The author concludes that the advancements in the art since then—which he recognizes—should have been used to bolster the 1961 proposals rather than to make new ones.

We are satisfied that the 1961 proposals were firmly based on scientific fact when they were made. We believe that the advancements since that time should be put to good use if we still believe a test ban treaty is in our national interest, and we do. We have used them to devise a control system which would cost less to construct and run, would be simpler to manage, could begin operation sooner, and is estimated to have a detection threshold comparable to that estimated in 1961 for the more elaborate system detailed at that time.

The actual capability of a system of the type now proposed would depend in part upon the number of detection stations and the number of seismic instruments in the arrays at each station. These matters have not yet been detailed at Geneva because, as long as the Soviet Union remained adamantly opposed to obligatory on-site inspections, there seemed little purpose in doing so.

We agree that cheating is probably possible under certain circumstances as Secretary Nitze's testimony pointed out. It is also true that explosions in alluvium usually produce smaller earth tremors by several fold than explosions of the same size in media like Nevada tuff. However, an evader testing in alluvium, a relatively soft substance, would probably have little assurance that the cavity produced by the explosion would not collapse, leading to a large visible surface crater. Moreover, due to the variability in signal size which the letter noted, an evader could not count on evading even seismic detection at low yields by testing in alluvium. A seismic station in Canada with only one seismometer (rather than the arrays usually proposed for sensitive detection) detected several nuclear explosions of the order of 5 kilotons in Nevada alluvium at distances of 2,700 miles. While similar stations at comparable or smaller distances did not detect these same tests, no potential evader could have much assurance that he could evade detection by a number of the stations in a world-wide network of stations.

"Big-hole decoupling" is also a possible method of evasion. But construction of such holes is both time consuming and extremely expensive. Preparation for such a test might itself be detected during the construction phase. Moreover, since this form of decoupling has never been tried on any practical scale so far as we know, a potential evader would again be unsure that he could escape detection.

It is implicit in the letter read by Senator Symington that its author was assessing the possibility of an evader successfully concealing a single test. However, a very significant question is the possibility of a potential evader successfully concealing a series of underground tests since such a series is the probable way in which an evader would go. The likelihood of accomplishing a test series without detection is, of course, far less than of accomplishing a single concealed test.

In sum, we agree that there are possibilities for cheating. But these possibilities—when weighed against the dangers of unlimited testing described in the testimony of Secretary Rusk, Mr. Foster, and Assistant Secretary Nitze—seem of lesser consequence.

The concerns expressed in the last paragraph of the letter read by Senator Symington relate primarily to subjects which were discussed elsewhere in the record of these hearings.

POSSIBILITY OF UNDETECTED TESTS IN ALLUVIUM AND CAVITIES

Mr. FOSTER. There is always the possibility of a threshold under which detection would be difficult, certainly on any isolated single test. One must always have in mind that it is unlikely that any single test will make any substantial difference in the strategic balance.

It is also unlikely that any series of tests will fail of detection with modern methods which we believe are dependable.

Senator SYMINGTON. Would you run that down to below 2 kilotons?

Mr. FOSTER. In alluvium, certainly a 2-kiloton shot could not be detected on most seismic recorders. But there is another evidence, of course, which you do observe in connection with shots in alluvium. There develops a tremendous depression which is visible from the surface quite readily.

Senator SYMINGTON. This expert says, in effect, you could cheat in alluvium for almost nothing. Then he points out that if you wanted to utilize a major cavity, for example, spending a few million dollars in a salt mine, with decoupling, if there was some chance of detecting in alluvium, there would be no chance whatever of detection in a large cavity with decoupling. Isn't that a fair statement?

Mr. FOSTER. Well, you must recognize there are a great many economic factors in this. I believe the theory is correct, that a large hole explosion would be very difficult to detect through seismic means. It is also true that the preparation and the actual event is an extremely expensive activity, as is evidenced by the fact that we have been trying for 3 years to get one to prove the theory.

Now, I think that you might have a few of these, but you are not going to have a large series without a tremendous change in economic relationships.

The alluvium thing, I think, is a much more likely medium in which to take perhaps 2- to 3-kiloton shots with a modest chance of being caught.

I think the other—the salt is a very good conductor. You will get a recording of a normal salt mine, unless you excavate a large hole. You will get very good evidence on your seismic recorders.

But those shots—

Senator SYMINGTON. Let's take another type hole then. I don't want to confine it to a salt mine.

Mr. FOSTER. Any hole is difficult to prepare and expensive to prepare, and we have never done it, in spite of this theory advanced in 1959. We are preparing it during this year.

SYMINGTON RECOMMENDS INFORMING THE PUBLIC

Senator SYMINGTON. Can all we have just discussed be made a matter of public record?

Mr. FOSTER. A great deal of it can; yes, sir. And I would think our response to that letter could be made a matter of public record.

Senator SYMINGTON. I am glad of that, because it seems to me that what the American people want really to know, more than anything else, is the nature and degree of risk involved in our latest offers to the Soviets.

If we say we know there is a risk, but that risk we should accept, because of possible greater risks, I can see where that can be discussed.

But where you have deep technical differences of opinion as to the degree of the risk, and great scientists disagree about the technicalities in considering the risk, and who say we are not giving all the truth to the people, then, I think it is something you all ought to seriously consider from the standpoint of disseminating maximum information.

INFORMATION FROM 1961 SOVIET TESTS

I must say that the reversal in the field of Dr. Bethe, which has been about three reversals in the last 6 months—you would know more about that than I do—but he certainly has changed around a great deal, although he sticks to some of his major premises. I think the reason he has changed was because of the amount of information we got from the analysis of the Soviet tests, of the fall of 1961; isn't that correct?

Mr. FOSTER. I think essentially, yes.

Senator SYMINGTON. Didn't we find out they were much further advanced, especially in certain fields, than we thought they were before?

Mr. FOSTER. In certain fields, yes.

Senator SYMINGTON. Isn't it true there is a dangerous implication in this orbiting of two people, possibly a rendezvous, from a defense standpoint?

Isn't it true, if they did concentrate on certain basic efforts, say, the antimissile missiles, and were successfully ahead of us, that that could be serious from the standpoint of the theory and philosophy of deterrence?

Mr. FOSTER. Yes, sir. I don't quite know how to answer that whole question in one simple answer. But obviously progress in the field of antimissile missiles would be something which we should be very much concerned with, because it would threaten our retaliatory capacity on which we depend.

FOSTER DOES NOT THINK THERE HAVE BEEN "CONCESSIONS"

I would, Senator, if I may, on this question of concessions and risk, simply for the record like to say that we do not consider that these are concessions.

The basic thing is what is the relative risk of one course as versus another. We believe that the relative risk of continued testing on both sides, and proliferation, is a tremendous risk to the security of the United States. We believe the risk of undetected cheating has been substantially reduced by some of the items that you referred to in your letter—namely, a great many fewer events against which one must distinguish a possible nuclear explosion, and I think an unchallenged improvement really in long-range detection, in spite of the somewhat ambiguous comments that that letter made on that subject. Now, these have been evaluated, the relative risk, by the group of people to

whom I referred in illustrating the method by which we reach decisions in the U.S. Government—the Secretary of Defense, the Chairman of the Joint Chiefs, the President, the Vice President, the Chairman of the AEC, the Director of the CIA, the Director of USIA, for information purposes, the President's director—scientific adviser, the security assistant to the President, and myself, and all the staffs, and many many groups that we have brought together evaluating the developments.

We have depended to a great extent on the military. In fact, they are the ones that provide the records, the statistics, and through them has been spent some \$90 million so far appropriated and obligated to improve this equipment, and to improve the system.

Senator SYMINGTON. Talking about Vela?

Mr. FOSTER. Talking about Vela.

NATIONALLY OPERATED CONTROL STATIONS "NOT A CONCESSION"

Senator SYMINGTON. Are you saying the decision to let the Russians run their own control stations on Russian soil, instead of our running them, letting them run them subject to "international supervision" is not a concession?

Mr. FOSTER. No, I think not. We do not depend on the records from those stations to detect a suspicious event. And there is a great distinction here—I liken it sometimes to the three processes with which you gentlemen are familiar—authorization, appropriation, and obligation.

There is detection, which means that you know something went off. There is identification—you find out that it was a nuclear explosion. And third, you locate it so that you pin it on the party who was guilty of the activity.

DETECTION CAPABILITY HAS IMPROVED SUBSTANTIALLY

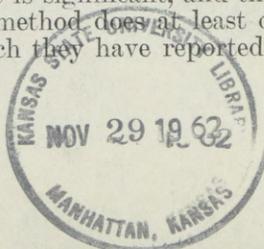
Now, detection is what has improved substantially. And a nationally manned station on Soviet soil under international supervision and with resident observers from the international staff on that station make a contribution to the ability to detect, because they give data on travel time, which avoids some of the anomalies which were referred to in that letter you read.

So that over a period, you have a record of earthquakes which indicates the sources, because you have a number of outside stations that detect the same event. And you find out whether those reports are consistent with the other reports. So you have a correlation of this data, which gives you a gradually improving system.

Now, we know this is the fact. This is the way we do it unilaterally today.

It is true that if those stations could be completely operated by ourselves, they would be even more dependable and might make a somewhat greater contribution to it.

But actually, the contribution they make is significant, and therefore they should be maintained, and this method does at least contribute to the significance of the data which they have reported.



IDENTIFICATION REQUIRES ON-SITE INSPECTION

Now, the identification. This is the point on which we have continued to insist that we must have on-site inspection, because there is no final way to determine without observing it—

Senator SYMINGTON. I understand about on-site inspection.

Mr. FOSTER. I didn't want to make a speech, sir, but I think it is important to get that in the record.

Senator STENNIS. If you will yield on that, may I ask a question? When do we contemplate that the on-site inspection would be done?

You referred to the on-site inspection. You say you have always insisted upon it.

The question is: When would the on-site inspection be carried out?

Mr. FOSTER. This, under the terms—

Senator STENNIS. Sometime later, and, if so, how much later?

Mr. FOSTER. It would have to be later. But this would be part of the treaty agreement, sir, that the on-site inspection must be available practically immediately in order to obtain evidence of the radioactivity which persists.

Senator STENNIS. That means that when we demanded it, it would be permitted?

Mr. FOSTER. We have suggested that there be on-site inspections of a limited number with relationship to the number of suspicious events. The purpose is not to look at every suspicious event. The purpose is to deter, because the other side would not know when you were going to inspect, by sufficient on-site inspections to provide an adequate deterrent.

But the inspection would take place promptly.

Senator STENNIS. Promptly?

Mr. FOSTER. Promptly.

Senator STENNIS. And that means as soon as someone could get there?

Mr. FOSTER. As soon as someone could get there.

Senator STENNIS. Thank you, Senator, for yielding.

Mr. FOSTER. Mr. Chairman, I don't know whether the committee is interested, but there are some pictures here, taken of our own shots in alluvium, which give you an indication.

Senator STENNIS. We will come back to that. I feel we ought to go to the next member as soon as we can.

SIGNIFICANCE OF CONTROL STATIONS WITHIN U.S.S.R.

Senator SYMINGTON. Do you think control stations are significant and important factors of the defection system?

Mr. FOSTER. The ones on Soviet soil? Yes; we do.

Senator SYMINGTON. You are downgrading the control station on Russian soil and upgrading the on-site inspection rights; is that correct?

Mr. FOSTER. Well, again I must point to the distinction between detection and identification. For identification, the control stations have not as much value on Soviet soil. They do contribute to the ability to detect.

RESULTS OF ANALYSIS OF 1961 SOVIET TESTS

Senator SYMINGTON. Now, my final question—and I thank the committee for being gracious with the time.

Could you tell us what surprised us or what we discovered the Russians were further ahead on than we knew, as a result of our analysis of the tests they made a year ago?

Mr. FOSTER. [Deleted.]

Senator SYMINGTON. Mr. Chairman, that generates many thoughts in my mind. But my time is up.

Senator STENNIS. I know. I think your examination and the responses have been very, very helpful indeed.

Senator Goldwater, may I call on you now.

NECESSITY FOR FURTHER TESTS IN WEAPONS DEVELOPMENT

Senator GOLDWATER. I have just a few questions, Mr. Chairman.

I would like to continue on this subject for just a moment. I think the United States and the Soviet Union would have to admit that both of us have developed strategic weapons to a rather remarkable degree. Probably we are nearing the point where we won't have to test this present family of strategic weapons any further. Is that a safe assumption?

Mr. FOSTER. Well, certainly we have very tremendous capabilities, Senator Goldwater, and they have, too.

Senator GOLDWATER. The point that I would like to raise is this: Is detectable testing required to develop the type of tactical weapon in which some of us believe we are still deficient and in which the Soviet Union is also believed to be deficient?

Mr. FOSTER. There can be some developments in that type of weapon, presumably below the threshold of detection. Whether this is adequate to, in a sense, distort the tactical balance, I don't know. The military decision has been—the military advice is that in weighing that risk against the risk of continued testing, it is in the national interest to attempt to get a comprehensive test ban which would terminate presumably tests in all environments and at all levels.

LOW YIELD TESTS POSSIBLE WITHOUT DETECTION

Senator GOLDWATER. I can appreciate that. But knowing the nature of the enemy, I don't think we can have much faith in their stopping testing at any level at which they think they need further development. I can believe that they might agree to stopping the testing of large yield weapons. They might even agree to stop testing at all levels. But they could continue with the testing of weapons of a strength that we could not detect.

I am talking now of the yield of weapons that will measure in pounds and small tonnages, not kilotons or megatons.

That could be done.

Mr. FOSTER. I think this could be continued without detection, presumably. And I think it is probable that much of this work could be done in laboratories without testing. So that I presume we would continue to attempt to pursue the scientific developments leading to this same end.

ACDA PROPOSALS USUALLY DISCUSSED WITH CONGRESS

Senator GOLDWATER. Now, relative to your Agency, are the proposals that you have developed discussed with any of the committees of the Congress during their development, or even after their development?

Mr. FOSTER. In most cases, the alternative proposals have been discussed with committees of Congress. Now, this does not include all of the ideas which come to us, because I can assure you they are numerous. But the serious proposals, in which there is at least a likelihood of further consideration, and further recommendation, in every case, I believe, before they have been put before outside countries or conferences, these have been discussed with congressional committees.

Senator GOLDWATER. That would be true of the proposal contained in this pamphlet "The Blue-Print for the Peace Race," which I understand is a revision of the proposals made by the President on September 25 of last year; is that correct?

Mr. FOSTER. Well, I rather don't like the word "revision."

Senator GOLDWATER. Updating, whatever you want to call it.

Mr. FOSTER. Well, there were some very substantial amendments to it as well, which developed really out of the work of this Agency after it had begun to acquire staff, and after it had many, many consultations with other agencies of Government.

It is based, however, Senator, on the September 25 program.

FOSTER SAYS PUBLIC SHOULD BE INFORMED

Senator GOLDWATER. Do you feel that your work would be easier if you made these proposals more understandable to the public?

Mr. FOSTER. Well, I am sure it would, sir, and I know that we have been unable to really inform the public as to all of the things that are included in those proposals. And I wish that we could do it more broadly, because I believe that the public must have and should have the basic information we use.

Within the resources we have available we use all the means with which I am familiar to so promulgate those ideas. But I must confess they have been inadequate to a considerable degree.

GOLDWATER RECOMMENDS IMPROVEMENT IN INFORMING PUBLIC

Senator GOLDWATER. Well, I think they are inadequate. I don't know whether that is the fault of your Agency or the fault of the press. But I recall when this was laid before the Geneva Conference the first time, there was very sketchy, skimpy information on it that caused a great deal of confusion. In fact, you and I carried on some correspondence about it. And then I saw nothing at all about the proposal of last April 18 in any of the press. I don't even recall seeing it in such a complete digest as the New York Times.

I would suggest that you give consideration to studying your weaknesses, and where they exist, of getting this information out to the public. There is nothing classified in it. There is nothing the public should not know.

Now, do you feel, in this same way, that the once a year report to Congress required by the law is enough?

MORE FREQUENT REPORTS TO CONGRESS DESIRABLE

Mr. FOSTER. No. I think that there might be some benefit in a more frequent formal report. We do report informally quite frequently to the committees of Congress. And I have attempted individually to keep individual Senators informed by personal correspondence or by personal meetings with a good many of the things we are attempting to do. Again, I confess this is not as comprehensive as it should be.

ACDA'S LACK OF FUNDS FOR PUBLIC INFORMATION

I am not using this for an appropriation hearing. But I must point out that we have—we were denied the Office of Public Affairs. We do have a public affairs official on our staff. We have two assistants for him. We have \$6,000 for the purpose of publications in this field for fiscal 1962. And the House has allowed us \$12,000 for fiscal 1963.

Now, this, sir, I submit, is a little difficult to put out all of the printed matter we would like to put out, or any substantial part of it. So we depend on personal appearances, on the generosity of our friends in agencies and institutions interested in this subject. But we are thoroughly conscious of this lack and are working as hard as we know how to improve it.

PERSONNEL OF ACDA

Senator GOLDWATER. Because you have mentioned money, and people—how many people do you have now in the Agency?

Mr. FOSTER. We have—the exact number, I think, is about 135, of which there are some 86 officers; 138 total at the moment. We have 12 military personnel, 86 total officer personnel, including—by officer I mean senior experts—and since this was asked for the record yesterday by you, I think, sir, Vice Adm. E. N. Parker is the ranking military officer and the military complement includes five full colonels in the Air Force and Army and two naval captains.

Senator GOLDWATER. Could you submit that to the reporter?

Mr. FOSTER. Yes; we will submit that to the reporter.

(The document referred to follows:)

Military personnel assigned to ACDA

Total military officers assigned to ACDA.....	12
Total officer personnel of ACDA (including military officers).....	86
Proportion of military officers (12) to total officers (86).....percent.....	14
Total ACDA employees (including military officer).....	138

Vice Adm. E. N. Parker is the ranking military officer in ACDA. The military complement includes five full colonels in the Air Force and Army and two Navy captains.

Senator GOLDWATER. Well, I want to compliment you in keeping an agency that small in 1 year. That is quite contrary to the history here. I expected you to come out with a figure of about 5,000.

Mr. FOSTER. We are a catalytic agent, sir, and we work—this Executive order actually makes it possible for us, as a catalyst, to do, we hope, a lot with very few.

NO FORMAL INVOCATION OF SECTION 35

Senator GOLDWATER. Have you had any occasion to invoke section 35 in resolving differences of opinion between yourself and other agencies?

Mr. FOSTER. Not in those specific terms.

We have gone to the President with the Committee of Principals, at times, with differences of opinion as to specific parts of recommendations to him. But I would not classify that as being a formal application of section 35 authority.

SOME DIFFERENCES NOT "CONCLUSIVELY RESOLVED"

Senator GOLDWATER. Have you had any differences that have not been readily resolved, using this method?

Mr. FOSTER. Well, I think there are probably differences which have not been conclusively resolved. Perhaps it was unnecessary to resolve them within a specified time. Many of these are referred back for further study and discussion and enlightenment—illumination, if you will—and I think there are certain areas where we may differ with another agency as to what should ultimately be done.

But we believe that by discussion, meeting, illumination, that perhaps both of use can reach an acceptable conclusion, where these differences are broad.

If there were to be an urgent requirement to settle a difference, then I think it would be quite appropriate to use the section 35 authority. That has not arisen so far.

POSSIBLE AMENDMENT OF LAW RE SECURITY CLEARANCES

Senator GOLDWATER. One final question.

Is there anything that you need, or that you feel you may need, after a year's operation, that you don't find in the law?

Mr. FOSTER. The law is a very good one, in our opinion. Actually, I think that the only possible amendment that we will come to the Congress with next session, aside from the fact that we have got to ask for a greater authorization in money, because the original authorization was only \$10 million, and we will run out of that during the ensuing year—the possible amendment will go to a question of perhaps easing the ability to obtain adequate security clearances for those employees of outside contractors who work on our research contracts. We presently have perhaps the most restrictive security regulation in the Government, and this applies not only to our own employees, and I hope will continue to apply to our own employees, and consultants, but now as interpreted also applies to any contractor personnel who works on our research contracts. This means that when we let a contract, it sometimes takes as much as 6 months before we are able to utilize the personnel that we would like to utilize on it, even though they presently have the highest Defense Department clearances. And we think this, perhaps, should be amended.

Otherwise, I think our legislation is satisfactory to us.

LIST OF CONTRACTORS TO BE SUPPLIED

Senator GOLDWATER. In connection with that, would it be proper to ask that a list of the contractors be supplied for the record?

Mr. FOSTER. We would be very happy to submit that, sir.
(The material referred to follows:)

U.S. ARMS CONTROL AND DISARMAMENT AGENCY

Contracts and grants for research studies in the field of arms control and disarmament (as of June 30, 1962)

	Contractor	Date	Amount
CONTRACTS (FISCAL YEAR 1962)			
Techniques of monitoring production of strategic delivery vehicles.	Bendix Systems Division...	Feb. 6, 1962	\$150,000
Progressive zonal inspection.....	Raytheon.....	Mar. 26, 1962	125,000
Methods of peaceful settlement of disputes among Communist nations.	Mr. K. Grzybowski.....	Apr. 11, 1962	3,000
Statistical techniques for use in inspection of arms control measures.	Mathematica.....	June 13, 1962	47,461
Problems related to inspection systems.....	Institute for Defense Analyses.	June 13, 1962	120,000
Problems of indirect aggression and subversion and peaceful change.	Mr. Richard L. Falk.....	June 20, 1962	3,500
Verification requirements for inspection systems.	Bendix Systems Division...	June 26, 1962	95,000
GRANTS (FISCAL YEAR 1962)			
Political control of an international police force.	Peace Research Institute....	June 19, 1962	20,000
Sociopolitical implications of disarmament process.	American Academy of Arts and Sciences.	June 21, 1962	15,000
Examination of differing East-West views regarding information, secrecy, inspection and consequent assurances.	Institute for Defense Analyses.	June 27, 1962	10,000
Total fiscal year 1962 ACDA contract program.....			588,961

Senator GOLDWATER. Thank you very much, Mr. Foster.
Senator SYMINGTON. Senator Jackson?

ABILITY TO DETECT AND VERIFY IN OUTER SPACE

Senator JACKSON. Mr. Foster, I am sorry that I could not be here earlier, but there was another committee meeting going, and I had to be on the floor of the Senate.

In your statement, on page—starting on page 9, the last sentence—at the same time a decision was made that if the Soviet Union continued to indicate its willingness to accept obligatory on-site inspection, the United States would be prepared to accept a treaty banning tests in the atmosphere, outer space, or underwater, the environments in which a ban on tests could be effectively verified without the necessity of on-site inspections on Soviet soil.

Isn't there some qualification with reference to outer space at this time?

Mr. FOSTER. The ability to inspect in outer space is presently based on theoretical considerations. As Mr. Nitze said yesterday—actually we have no present capacity for that, nor has there been any evidence of any tests of that character.

Senator JACKSON. Yes, but you have "could be effectively verified." Now, this is something we really don't know about, outer space, I submit. I have talked to a number of distinguished people in this field. There has been previous testimony, as you know, before the Joint Committee on Atomic Energy.

It just occurs to me, perhaps for the record you might want to qualify that.

Mr. FOSTER. May I ask Dr. Long, Senator, who has better knowledge of this particular field than I have, if he would comment on that?

**STATEMENT OF DR. FRANKLIN LONG, ASSISTANT DIRECTOR,
BUREAU OF SCIENCE AND TECHNOLOGY**

Dr. LONG. I think the Senator's point is basically correct; namely, that if you have a test in far outer space, the type of verification that for near-in tests we think of as adequate, is not accessible to you—the thing is very far away. The phenomena one can calculate quite well, one believes, and sort of understands the character of the X-ray generation, the light flash and so on.

But you do not get positive verification in the sense that you can never know for sure that some natural phenomena might have produced the same signal. So that in a kind of sense, verification of an outer space test is difficult.

Now, really difficult, for this reason.

There are two different points to make. One is, of course, that that difficulty persists whether you have an international treaty or you are doing it unilaterally.

Senator JACKSON. It is a technical problem.

Dr. LONG. It is a technical problem. The other one is that there is some hope that your confidence, that you really understand what caused the particular outer space event gets somewhat increased if you have data from several techniques, which is not verification in the narrow sense but which is heightening of suspicion, perhaps.

Mr. FOSTER. Would it be useful if we submitted a rather detailed memorandum on this?

Senator JACKSON. Yes. I just thought you wouldn't want that statement to stand in the same category—in other words, putting outer space in the same category as being as effectively verifiable as atmosphere.

I did not think you would want the statement to stand.

ABILITY TO DETECT AND IDENTIFY UNDERWATER TESTS

Maybe Dr. Long can mention, too, about the underwater tests, the degree to which we can detect and not detect.

Would you like to comment on that?

Is that all right, Mr. Foster?

Mr. FOSTER. Yes, surely.

Dr. LONG. Well, underwater detection of seismic explosions—and I will now for the moment limit myself just to detection—is in principle reasonably easy for the reason that the energy coupling between an explosion and the containing water is quite good. So that the size of signal that you get from an underwater test tends to be pretty high.

I don't think there is any doubt but what the best scheme for detecting and also locating underwater tests would be to install hydrophones. And if you were to do it, you would probably do it worldwide.

Now, the U.S. unilateral system does not at the moment have a hydrophone system. Some assessment of a likelihood of tests, plus cost of the system, has led them to make a decision not to install it.

They are, of course, available for them to do at any time if they begin to get worried.

You do, however, get respectable detection of underwater tests by the seismic system, which is primarily there to look at underground tests.

Now, our unilateral seismic system is focused on the Northern Hemisphere—pretty much focused on U.S.S.R. and China. So that it has a pretty good capability to detect underwater tests in the oceans around the borders of U.S.S.R. and China, going out to, very roughly, a thousand miles.

Because this system does not focus particularly on the Southern Hemisphere, there are regions down in the Southern Hemisphere—and, parenthetically, this applies to underground tests, too—where our particular unilateral system has little or no detection capability.

This is a matter, again, of choice. If you wanted to put the stations in, you could.

As to identification of underwater tests, I think the best way to put it is that the situation here is uncertain.

You have two possibilities. You have the possibility of when the test is a relatively shallow one, and it bursts through the surface, you put a modest, in fact, relatively small amount of radioactivity into the air.

Now, this doesn't persist very long. It is a few days' sort of phenomenon, and it isn't a very good thing for detection purposes. You have to get there quickly if you are going to find it.

You also produce in the water a very large amount of radioactivity, inside the water. This persists for many days and weeks, and it slowly drifts around with the ocean currents.

Now, the question is, Can you get in and pick off a sample of this high radioactivity under the water?

Well, there have been followings made of the underwater radioactivity, of some of our own underwater shots. But we really don't have any chance of trying it on a shot by some other country. In other words, we have done the following when we knew when and where the test was. So, as a country, we simply don't have very much experience following these underwater streams of radioactivity.

FREQUENCY OF UNDERWATER EARTHQUAKE

Senator JACKSON. Quite a large number of underwater earthquakes occur, do they not?

Dr. LONG. There are quite a large number of underwater earthquakes. Almost every time you see a region of high earthquake probability, as, for example, the Russian Kamchatka Peninsula, then there are a lot of earthquakes whose epicenters are in the water adjacent to the land.

Senator JACKSON. Thank you very much.

I just wanted to clarify that point, Mr. Chairman.

Mr. FOSTER. We will submit a detailed memorandum covering both these points in response to Senator Jackson's request, Mr. Chairman. (The requested information follows:)

STATEMENT OF U.S. ARMS CONTROL AND DISARMAMENT AGENCY

VERIFICATION OF A TREATY BANNING NUCLEAR WEAPONS TESTS IN THE ATMOSPHERE,
IN THE OCEANS AND IN OUTER SPACE

The joint statement of President Kennedy and Prime Minister Macmillan dated August 27, 1962, stated that a treaty banning nuclear weapon tests in the atmosphere, in the oceans, and in outer space can be "effectively verified" without on-site inspections on the territory of any of the parties to the treaty. Similar language appears in the testimony of Mr. Foster.

Senator Jackson raised questions as to whether the verification capability for outer space and ocean tests was effective. This statement supports the conclusion that we have a capability of constructing a system to verify a ban on tests in the oceans and in outer space, in which on-site inspections in the territory of other parties plays no role, sufficient to make such a treaty in the national interest. This statement contains no discussion of the verification capability to detect atmospheric tests because no question on that score was raised. The statement is supplemented by a classified appendix.

The consideration of whether a capability is sufficient is of course not made in a vacuum. It is made by evaluating the risks of clandestine testing of a type prohibited by the proposed treaty against the risks of continued unlimited testing with no treaty.

The risks of continued unlimited testing were described in the testimony of Secretary Rusk, Mr. Foster, and Mr. Nitze. The joint statement of President Kennedy and Prime Minister Macmillan sets forth the advantages to be gained by a limited ban as follows:

"Such a treaty would result in a definite downward turn in the arms race as it is represented by testing to develop weapons technology. It would make it easier to prevent the spread of nuclear weapons to countries not now possessing them. It would free mankind from the dangers and fear of radioactive fallout. Furthermore, agreement on such a treaty might be a first step toward an agreement banning testing in all environments."

These advantages and the risks to our national security of continued unlimited testing must be weighed against the risks of clandestine testing which are indicated below.

I. Detection of nuclear explosions in the oceans

There is a good energy coupling with the containing water for nuclear explosions carried out underwater. As a consequence, large pressure waves are generated in the ocean and are transmitted through water for long distances. The preferred type of system for detecting and locating underwater explosions is a hydrophone network. The behavior of hydrophones in water is well understood and it is known that hydrophone networks, if appropriately installed worldwide, would permit detection of ocean explosions of sizes well below 1 kiloton except if the explosion occurred in a bay or other enclosed body of water. Hydrophone networks also permit good capability to locate the epicenter of an underwater explosion.

Since underwater explosions also generate the typical seismic waves which are detected by ordinary seismometers, a network designed to monitor underground nuclear explosions will also have a good capability to detect underwater explosions in the high seas near the continents on which the seismic system focuses. As an example, a seismic detection network focused on the Northern Hemisphere, i.e., designed to detect nuclear explosions in Europe, Asia, and North America, would have a good capability of detecting and locating nuclear explosions in the high seas of the Northern Hemisphere except possibly for tests in the central Pacific. The system sensitivity for the areas covered would be somewhat better for underwater explosions than for underground explosions. While seismic and hydroacoustic methods are useful for detection purposes, these methods would not give sufficient information by themselves to prove positively that an underwater nuclear explosion had occurred.

Positive identification of a detected underwater explosion in the high seas is possible if some of the radioactive debris which is generated can be captured. If the underwater explosion breaks through the surface of the ocean, radioactivity will be given out to the atmosphere. Since the amount will probably be small, this atmospheric radioactivity must be located and sampled within a day or two if it is to be useful for identification purposes.

Much larger amounts of radioactivity will be generated in the water itself and sampling of this radioactivity will constitute identification of the event as a nuclear explosion. The underwater "cloud" of radioactivity should persist for many weeks under favorable circumstances and should drift slowly with the ocean currents. Location and sampling of this underwater cloud appears possible during a rather sizable period of time.

II. Nuclear explosions in outer space

This section will consider tests at altitudes such that atmospheric sampling to obtain radioactive debris is difficult or impossible. A minimum of 10 kilometers in altitude seems reasonable in view of aircraft capabilities. However, it is possible to sample the atmosphere at much higher altitudes by using rocket-launched samplers. In particular, the trapping of ionized debris by the earth's magnetic field and its subsequent entrapment in the sensible atmosphere may make this rocket sampling technique quite useful for debris collection.

A. *Stratosphere tests (10 to 100 kilometers).*—For moderate altitudes, 10 to 100 kilometers, nuclear explosions generate both acoustic signals and electromagnetic signals. There is a good probability of detecting explosions in these altitudes in the yield range of 1 to 5 kilotons. Location can be estimated to perhaps plus or minus 200 to 500 kilometers. Since there will often not be any collection of radioactive debris, other information may well be relied upon for identification of the event as a nuclear explosion. A characteristic set of electromagnetic and acoustic signals should suffice to label an event of this kind as such an explosion with a fair degree of probability.

B. *Tests in high altitudes (100 to 1,000 kilometers).*—Since there have been very few tests in this altitude range, our knowledge is based in part upon experience at lower altitudes and the known characteristics of the environment at high altitudes. Tests in this range do interfere with the ionosphere and hence give a number of characteristic and detectable effects. The tests will generate electromagnetic signals but acoustic signals from tests at these altitudes will be absent or sharply degraded. Based upon experience to date and a consideration of the additional detection modes available, we believe there is a good probability of detecting explosions of from 1 to 5 kilotons up at these altitudes. Since radioactive debris may not be collected, positive identification may not be made. However, the set of consequences of a nuclear test on the ionosphere is somewhat special and is of a character not to be expected from natural events. Consequently, a fairly good identification capability appears possible from the correlation of signals from various detection techniques.

C. *Tests in outer space (1,000 kilometers out).*—Tests in this altitude range generate two types of detectable effects. One is the direct radiations such as visible light and electromagnetic pulses. These can be observed by ground-based stations but the intensity of these effects decreases with the square of the distance of the explosion from the earth. The second type of effect is the indirect effects from gamma rays and X-rays on the ionosphere; these can be detected by several ground-based techniques, for example, optical fluorescence.

Utilizing the kinds of ground-based detection devices which have received detailed study, a good estimate is that it would be possible to detect tests with yields of from 1 kiloton up out to altitudes of perhaps 100,000 kilometers. Beyond this altitude, the detection threshold would increase steadily, approximately with the square of the altitude. The implication of this last statement is that even larger nuclear tests occurring in very far outer space would go undetected by ground-based detection systems.

Detection capabilities for nuclear tests in far outer space could be greatly increased by the installation of satellite detection systems. Systems orbiting around the earth and systems orbiting around the sun have both been studied and their capabilities assessed. Such systems can, of course, be installed unilaterally by any country that desires. Installation of such systems would be both expensive and time consuming. However, it should be noted that nuclear tests in far outer space would themselves be both expensive and time consuming.

In any event, while our lack of complete knowledge means that we could not be certain of detecting and identifying some outer space tests, neither could a would-be violator be certain that he would escape detection. The lack of knowledge thus works in both directions. Finally, assistance in determining the nature of suspicious outer space phenomena would be provided by our existing methods for monitoring missile and satellite flights.

III. CONCLUSION

This discussion shows that there are risks of cheating under a test ban treaty banning all but underground tests, just as there are under almost any other prohibition on activities in which humans can engage. Our knowledge as to the exact nature of possible cheating is not complete in many cases because there have been few or no tests conducted in some of the prohibited environments. This lack of knowledge, as already indicated, would create doubts in the minds of those who would be seeking to detect clandestine tests; but it would also create doubts in the minds of would-be violators and therefore add an element of deterrence.

One final and significant point should be made. Underground tests would be permitted under the type of treaty we have been discussing. For this reason, there would seem to be relatively little danger from cheating in prohibited environments by carrying out those types of tests which we would be free to carry out underground.

It was the unanimous decision of the President and his advisers in the national security area that the risks of cheating under a treaty banning all but underground tests are not as great as the risks of continued unlimited testing. A treaty of this kind could therefore be effectively verified commensurate with the risks involved.

JACKSON DOUBTS THAT SOVIETS WILL AGREE TO TEST BAN IF THEY ARE BEHIND

Senator JACKSON. Now, there is one other matter I wanted to mention.

There seems to be an assumption that it is to our advantage that we reach an agreement with the Soviets in testing, and implicit in that assumption, which is a part of the presentation here, is that the Soviets would agree to it.

Now, I just don't agree with the assumption.

The point is—and they have made it clear, time and again—that they are going to go on until they catch up with us. Science, of course, doesn't stand still—as Mr. Foster, who is an able chemist and a good scientist, knows.

Some of these assumptions, you see, I just don't agree with. It is like our discussion yesterday on China. We say constantly, and it has been in the newspapers, that the Soviets will agree even though they are behind.

I think they are going to go right on regardless, frankly, until they are certain at least they are equal or ahead of us in the areas that count.

I merely make that remark for the record, Mr. Chairman, because it is just an opinion. But, after all, we predicate our policymaking on certain assumptions.

I respect Mr. Foster's views. But I did want to throw in my conviction on this.

Mr. Khrushchev has made this clear.

In dealing with dictators, the most exceptional form of deception may be candor. If a person is completely candid with you, you are not likely to believe him. Hitler proved that.

But I just don't agree with that assumption.

Senator STENNIS. Which assumption, that they will agree?

Senator JACKSON. No. The assumption is that it is to be hoped that we can reach an agreement before the Soviets do catch up with us.

My point is that I don't think they will reach an agreement on a ban where they are behind us. Maybe that is an invalid assumption. But it is one that I entertain.

And I see no reason why they should agree.

And I think we delude ourselves in assuming that they are going to agree on that basis.

As catastrophic as the implications are—nuclear testing does go forward, and new devices are developed. And it is hard for us to see why this business has to continue on. But I do think we have to face reality.

There is just one other point, Mr. Chairman, that I wanted to make.

JACKSON'S POSITION ON STATUS OF ACDA

I haven't had a chance to go through, except hurriedly, the memorandum I believe Mr. Fisher prepared regarding the State Department relationship. I read the specific comment from Chairman Morgan of the House, and Senator Sparkman, on the Senate side. Senator Sparkman said, in his statement, and I quote:

We did not retain the Agency completely within the Department of State, as the Senate had it, nor did we retain it as a completely independent agency, as the House had it. We did give it autonomy and a high degree of independence. We gave the Director the right to report directly to the President and made him the principal adviser to the President on arms control and disarmament matters. But, likewise, placed the Agency under the direction and supervision of the Secretary of State because of its implications in foreign policy.

Now, that last line is the whole premise of my position.

I think it is to the obvious advantage and interest of the Director of the Arms Control Agency to make sure that whatever we do in this area is considered as a part of our foreign policy.

I repeat that last line of Senator Sparkman's statement:

But, likewise, place the Agency under the direction and supervision of the Secretary of State because of its implications in foreign policy.

ARMS CONTROL PROBLEMS INDIVISIBLE FROM COLD WAR

The problems, Mr. Chairman, relating to arms control are indivisible from the cold war. And the right hand must know what the left hand is doing, or there is going to be some amputation.

I can't make this point stronger than I have. And I must say that it is just a matter of wisdom and good sense, that this approach be followed.

If we don't we are going to pay dearly for it.

This idea that we can somehow separate the struggle that we are in into categories, to me, is not borne out by the kind of world that we are living in.

It is not that simple.

All of these things tie together. And unless there is a careful coordination between the work being undertaken by the Arms Control

Agency and the Secretary of State, we are going to find that we are going to be more and more in trouble.

Now, Mr. Foster, there is nothing personal in this.

This is the philosophy that I enunciated in connection with our subcommittee reports before the Agency was set up.

Mr. FOSTER. Well, Senator—

Senator JACKSON. I approach these things from that standpoint. I have some very strong convictions that the Secretary of State must be the orchestra leader in this whole realm of national security. And unless that philosophy is adhered to we are going to find a lot of trouble.

Mr. FOSTER. I have no disagreement with that, sir. I think my earlier testimony on this subject tends to bear out, and I think should help to meet your concern.

Senator JACKSON. Well, that is all I have to say, Mr. Chairman.

Senator STENNIS. All right. Thank you, gentlemen.

Gentlemen, I have a few questions. I want to bring up just two points. I think we ought to give our counsel a chance to ask some questions.

I hope that we can conclude with Mr. Foster before too long.

But if there are other questions to be asked, we will come back this afternoon, of course, if necessary.

Mr. Kendall?

ABILITY TO IDENTIFY NOT INCREASED BY STATIONS WITHIN U.S.S.R.

Mr. KENDALL. Mr. Foster, let me make sure I understand your position on one or two questions that have already been discussed.

Do I understand that you are saying that we do not significantly increase our ability to detect or identify by having stations on Russian soil as opposed to not having them on Russian soil?

Mr. FOSTER. No. I said that we did not significantly increase our ability to identify. There is a significant increase in the ability to detect, and there is a contribution to the ability to locate.

Mr. KENDALL. It naturally follows that the closer a station is to an event, the more your ability to detect and locate it is enhanced, does it not?

Mr. FOSTER. Plus the ability to give some real contribution to knowledge of travel times in different parts of the Soviet geography.

NO SIGNIFICANT ADVANCE IN OUR ABILITY TO IDENTIFY

Mr. KENDALL. I was glad you made it clear, Mr. Foster, that it is important that we make a distinction between our ability to detect and our ability to identify whether an event is nuclear or nonnuclear. I believe you said, if I understood you correctly, that there had been no significant breakthrough or advancement of our ability to identify. Is that correct?

Mr. FOSTER. That is correct.

ACDA'S RESPONSIBILITIES IN PREPARATION OF DRAFT TREATIES

Mr. KENDALL. Now, in your prepared statement, Mr. Foster, you said that your agency was primarily responsible for the outline of the

basic provisions of the treaty on general and complete disarmament in a peaceful world, which was submitted to the Geneva Conference on April 18, 1962, and for the draft treaty banning nuclear weapons tests in all environments, and also for the draft treaty banning nuclear weapons tests in the atmosphere, outer space, and underwater, both of which were presented on August 27, I believe.

Mr. FOSTER. That is right.

Mr. KENDALL. What interpretation should we place upon the words "primarily responsible"? For example, what agencies had the opportunity to review and comment on those documents while they were still in the category of working papers and were not finalized?

REVIEW BY OTHER AGENCIES OF DRAFT PAPERS

Mr. FOSTER. Well, "primarily responsible" in our interpretation means the responsibility for initiating draft policies, draft papers for consideration of the other agencies.

The other agencies particularly concerned are those which, usually particularly concerned, are those which make up the committee of principals. That includes the Department of Defense, the Department of State, the Atomic Energy Commission, the Central Intelligence Agency, the U.S. Information—USIA.

On some items, the National Aeronautics and Space Administration. On some items, Commerce, the economic aspects of disarmament.

It includes, of course, the Office of Science and Technology, and, of course, the staff of the White House is almost inevitably included in the early consideration of proposals which we draft and submit.

I don't think I have omitted anyone.

Mr. KENDALL. As I understand it, you are saying that these agencies have the opportunity to review these documents while they are still working papers or drafts.

Mr. FOSTER. They are almost invariably presented to them as drafts. There are meetings of interested officers at all levels, moving up gradually to the Committee of Deputies, of the Committee of Principals, first, and finally to the Committee of Principals, and finally to the President either through the Committee of Principals, or through the National Security Council, whichever appears to be appropriate on the particular subject.

Mr. KENDALL. I believe you said they were almost invariably presented to them, which indicates there are some exceptions. Could you tell us what the exceptions were?

Mr. FOSTER. No. They are so infrequent that I have no knowledge of it.

I will be glad to search the record to see if there are such. But I can assure you that they are minor.

PRESIDENT'S RADIO-TV ADDRESS OF MARCH 2

Mr. KENDALL. I would appreciate it, sir, if you would do that.

Was your agency also primarily responsible for the text of the President's radio and television address of March 2, 1962?

Mr. FOSTER. We participated in the preparation of that address. I wouldn't say we were primarily responsible, because that was a group effort, including the staff of the White House and many other agencies.

PRESIDENT'S PRESS CONFERENCE OF AUGUST 29

Mr. KENDALL. What about the President's statement at his press conference of August 29, 1962?

Mr. FOSTER. Well, we participate almost invariably in the preparation of formal addresses which deal with arms control and disarmament matters.

But this is a process which is participated in by many people, including many members of the President's family, official family.

INFORMAL NOTE TO SOVIETS

Mr. KENDALL. What about the undated paper which is entitled "Informal note given privately to Soviet delegations by U.S. delegation: U.S. position on a treaty banning nuclear weapons tests"?

Mr. FOSTER. You will have to identify that paper a little better for me, Mr. Kendall.

Mr. KENDALL. Was your agency primarily responsible for that?

Mr. FOSTER. Yes, it was.

Mr. KENDALL. How was that staffed prior to its finalization?

Mr. FOSTER. Well, this was based on the other work which had been done in the preparation of a draft treaty covering a comprehensive test ban and was used as a tactic with which to approach the Soviet delegation at Geneva in advance of the presentation of the draft treaty, which was delayed for tactical reasons until what we thought was a more appropriate time.

That was prepared probably in early August. We can get you the date that it was submitted. It was submitted in a meeting between the cochairman of the Geneva Conference; namely, the head of our U.S. delegation, and the head of the Soviet delegation at Geneva, in an attempt to elicit an indication of the reaction of the Soviet to such a proposal, and in the hope, of course, of making some progress toward a negotiation in this field.

FOSTER INSTRUCTS AND DIRECTS AMBASSADOR DEAN

Mr. KENDALL. Is Ambassador Dean responsible to your agency, to the Secretary of State, or the President?

Mr. FOSTER. What was the question, sir?

Mr. KENDALL. Is Ambassador Dean responsible to you, your agency, the Secretary of State, or the President?

Mr. FOSTER. He is responsible to us in the carrying out of the negotiations at Geneva, since we are charged with the management of negotiations in the field of arms control and disarmament.

Mr. KENDALL. In other words, if I understand you, in the day-to-day negotiations and discussions at Geneva, he receives his recommendations and instructions from you, is that correct?

Mr. FOSTER. By cable, which cables, of course, are cleared throughout the U.S. Government with the agencies having a concern in the problem.

SYMINGTON INQUIRES AS TO DEAN'S STATUS

Senator SYMINGTON. Will counsel yield for a question in context? I would like to get this straight in my own mind.

If you drew an organization chart, to whom would Mr. Dean report?

Mr. FOSTER. Well, Mr. Dean has the personal rank of Ambassador, and, as such, he represents the President of the United States. In his active day-to-day operations, he gets his instructions from a cable signed by the Secretary of State. The agency, however, under the authority of the Secretary of State, has the right to originate cables bearing on this subject, and most of the cables are originated in that way.

Senator SYMINGTON. Does our Ambassador to Great Britain report to the Secretary of State or to the President?

Mr. FOSTER. He gets his instructions from the Secretary of State in the same way, by cable, by cables signed "Rusk, Secretary of State," or the Acting Secretary of State.

Senator SYMINGTON. Why does that Ambassador report to the President and not to the Secretary of State?

Mr. FOSTER. What was the question, sir?

Senator SYMINGTON. Why does this Ambassador report to the President and not to the Secretary of State?

Mr. FOSTER. Well, they all report to the President, and are the President's representatives. But the operating instructions come through the State Department as the agent of the President.

Senator SYMINGTON. I don't want to belabor it, but ambassadors tell us they report to the Secretary of State. Everybody, of course, reports to the President. But I was asking about it from the standpoint of an organization chart.

You say Ambassador Dean reports to the President.

Mr. FOSTER. No. I said he was the personal representative of the President, having the personal rank of ambassador. But he reports on an organization chart to this agency.

Senator SYMINGTON. Does he have a different position than any other ambassador with respect to his relationship with the President?

Mr. FOSTER. No, except that the President simply designates him by a letter saying "I authorize you to act as my personal representative at Geneva in this regard," whereas the other, of course, is nominated by the President and confirmed by this distinguished body.

FOSTER ACTS FOR RUSK IN INSTRUCTING DEAN

Senator SYMINGTON. Just what are the lines of responsibility and authority? I am not clear, based on your answer to counsel, just what position Ambassador Dean has.

Where do you come in the picture on this? Does Ambassador Dean report to you, or to the Secretary of State, or to the President, or, in effect, to all three of you? How would you express all this on an organization chart?

Mr. FOSTER. Well, in operating matters, sir, he reports to me, under the authority of the Secretary of State.

In other words, I am an agent of the Secretary of State, just as the Secretary of State is an agent of the President. And in day-to-

day operating matters, Ambassador Dean would get his instructions from my Agency. And presumably, from me.

Now, if there were to be—and there have been, of course—a requirement that Ambassador Dean be able to advise the President directly, the President will request that I recall Ambassador Dean so that he can consult directly with the President, which was done in the case of these particular later treaties.

This informal memo, to which counsel has referred, was based completely on things that had been worked out with the President in detail, and was simply an attempt to express informally, without commitment, the direction in which we knew we were going to proceed shortly, a direction which had been approved through this process to which I have referred, and which had been discussed, incidentally, in some detail with committees of Congress.

Senator SYMINGTON. Thank you.

(The statement on interagency coordination is as follows:)

STATEMENT OF U.S. ARMS CONTROL AND DISARMAMENT AGENCY

INTERAGENCY COORDINATION OF DISARMAMENT AND TEST BAN PROPOSALS

During the hearings on September 18, 1962, the chief counsel of the committee asked Mr. Foster a number of questions concerning the interagency coordination given to the outline of basic provisions of a treaty on general and complete disarmament in a peaceful world submitted to the Geneva Conference on April 18, 1962; the informal note on the U.S. position on a treaty banning nuclear weapon tests handed the Soviet representative to the Conference on August 6, 1962; and the draft treaty banning nuclear weapon tests in atmosphere, outer space and underwater, both of which were submitted to the Conference on August 27, 1962. In his replies, Mr. Foster agreed to search the files to determine whether there were any instances in which positions incorporated in these proposals were not submitted to the Committee of Principals before submission to the Geneva Conference, and whether there were any instances in which they were submitted to other agencies or the principals after they had already been endorsed by the President.

A search of the files reveals no instance of either kind. Set forth below is a summary of the interagency coordination which took place on the disarmament and test ban positions listed above:

1. *Disarmament*

ACDA was created on September 26, 1961. The then current U.S. position on disarmament was the U.S. program for general and complete disarmament in a peaceful world which had been proposed by President Kennedy to the United Nations on September 25, 1961. This had been the product of efforts by John J. McCloy, Adviser to the President on Disarmament, of the U.S. Disarmament Administration in the Department of State, and of other interested agencies.

As the result of extended bilateral negotiations between Mr. McCloy and Valerian Zorin, of the Soviet Union, general principles to guide future disarmament negotiations had been agreed upon between the Soviet Union and the United States. In anticipation of the commencement of a multilateral international conference on disarmament, ACDA began work to review the September 25 program and to amplify its general provisions where that seemed desirable.

In mid-October 1961, ACDA put a series of questions to the Department of Defense raising some of the fundamental questions which would underlay any position the United States would take on the subject of disarmament. The Department of Defense and the Joint Chiefs gave answers to those questions in December, January, and February.

During late 1961 and early 1962, draft background papers for our representatives to the Geneva Conference, position papers for the Conference, and papers describing measures which the United States might propose at the Conference were prepared by ACDA personnel. These were reviewed first by ACDA's staff (including the military officers assigned to ACDA), and then by representatives of the Department of Defense (including the Joint Chiefs), the Department of

State, the Atomic Energy Commission, the Central Intelligence Agency, and the White House staff.

After a considerable amount of work on these papers, ACDA prepared a memorandum for the Committee of Principals covering the significant positions the United States should take at the Geneva Conference. This was submitted on February 24, 1962, to the members of the Committee of Principals for a meeting to be held on March 1, 1962. This was followed by meetings with the principals and the President on March 6 and March 9, 1962. These meetings and papers produced the basic policy positions taken by the United States at the opening of the Geneva Conference on March 14, 1962.

Work on resolving issues of policy left open at the earlier meetings continued during March and April. Letters were addressed to the Secretary of Defense by ACDA describing a number of these issues and suggesting that an agreed U.S. position be reached on them. Late in March a decision was made to prepare a basic summary of the U.S. position in the form of an outline of the significant provisions of a draft treaty. Drafts of such an outline were prepared by ACDA. These were circulated to the Department of Defense (including the Joint Chiefs), The Department of State, the Atomic Energy Commission, the Central Intelligence Agency, and the White House staff in the latter part of March and the early part of April. Numerous interagency meetings were held to consider these drafts at staff level and at the level of the deputies to the Committee of Principals. Meetings on revised drafts were held by the Committee of Principals on April 5, April 11, and April 12, the last being with the President. The Joint Chiefs were represented at each of the meetings of the Committee of Principals which considered these drafts, and, indeed, at each meeting of the Committee of Principals since the creation of ACDA.

The outline of basic provisions of a treaty on general and complete disarmament in a peaceful world was approved at these meetings and presented to the Conference on April 18, 1962.

2. *Test ban*

In April of 1962, ACDA began a review of the positions the United States had taken on a nuclear test ban treaty. The first interagency meeting took place late in April of 1962 at the staff level and was followed by a number of similar meetings in May and June, the last regular meeting being held early in July. The usual participants were representatives of the Department of Defense (including the Joint Chiefs); the Department of State; the Central Intelligence Agency; the Atomic Energy Commission and the Office of the Special Assistant to the President for Science and Technology. Those meetings discussed treaty drafts and technical verification problems.

Following the last July meeting, preliminary draft treaties of both a limited and comprehensive nature were sent to the agencies which had been represented in the working committee for formal comment. On July 20, 1962, the members of the Committee of Deputies to the Principals met to discuss the drafts and other disarmament items. Following the July 20 meeting, two more drafts of each treaty were circulated for comment by the interested agencies in preparation for the Committee of Principals meeting held on July 26.

The July 26 meeting of principals was followed by three successive meetings of the principals with the President on July 27, 30, and August 1. The Chairman of the Joint Chiefs of Staff accompanied the Department of Defense representatives at each of these meetings of principals. During this period the President supplemented the group by recalling Ambassador Dean from Geneva and asking two members of the General Advisory Committee of the Arms Control and Disarmament Agency, Mr. John J. McCloy, the Chairman, and Mr. Robert Lovett, to participate in the deliberations.

The informal note handed the Soviet representative on August 6, 1962 was drafted in Geneva by ACDA personnel after Ambassador Dean had returned there. It was drawn from the position papers which had been submitted to the President and the principals; from the treaty drafts which had been circulated to all interested agencies; and from the instructions which were prepared after the meetings with the President and were concurred in by the White House, the Department of State, the Department of Defense, the Central Intelligence Agency, and the Atomic Energy Commission.

The draft treaties were revised somewhat during the month of August to reflect the meetings with the President, and circulated to interested agencies. A few interagency meetings were held at the staff level to clear up last minute details, and the treaties were submitted on August 27, 1962.

Senator STENNIS. Do you have something further, Counsel?

Mr. KENDALL. Two further questions.

Senator STENNIS. All right, let's go ahead.

INFORMAL NOTE DID NOT RECEIVE PRIOR REVIEW BY AGENCIES

Mr. KENDALL. Just following up on that, are you saying, Mr. Foster, that that particular piece of paper, that informal note, did not receive the prior review and approval of these other agencies that we previously discussed?

Mr. FOSTER. It did not, because it was completely consistent with what the other agencies had joined in recommending to the President and which he had approved.

Mr. KENDALL. But the document itself was not reviewed?

Mr. FOSTER. No, sir.

FOSTER'S RELATIONSHIP WITH DEAN

Mr. KENDALL. Now, with respect to Ambassador Dean again, do I understand that in your relationship with him that you are completely and entirely under the direction of the Secretary of State?

Mr. FOSTER. I have the authority to instruct Mr. Dean in these negotiations by virtue of a delegation of that authority to me by the Secretary of State.

Mr. KENDALL. So in that particular activity, you are acting for the Secretary of State?

Mr. FOSTER. That is correct.

Mr. KENDALL. And I believe you have said that it is through you, or from you, that Ambassador Dean gets his day-to-day instructions and directions with reference to negotiations and discussions at Geneva.

Mr. FOSTER. That is correct.

FOSTER'S PROPOSALS OR RECOMMENDATIONS TO COMMITTEE OF PRINCIPALS

Mr. KENDALL. Now, yesterday, Mr. Foster, Mr. Nitze was asked about the question of what prior approval your recommendations or proposals on matters of policy had received before they were presented to the Department of Defense or the Committee of Principals. Specifically, we asked whether or not those proposals had already been considered and acted upon by either the White House or the Secretary of State. He indicated, I believe, that there was a possibility of this, but that he really wasn't in a position to know.

What is your answer?

Mr. FOSTER. Normally they are worked out jointly, Mr. Kendall. We initiate a draft. We discuss it at the staff level, on many, many occasions, on a daily basis, and gradually is evolved and agreed a position, which then goes to the deputies of the Committee of Principals, then goes to the Committee of Principals, then goes to the President.

Now, there are certainly situations where we get an instruction from the President.

PRIOR ENDORSEMENT BY WHITE HOUSE WOULD CURTAIL FREE DEBATE

Mr. KENDALL. Well, the point is, of course, Mr. Foster, that if you went to the Department of Defense or any other agency, or called the Committee of Principals, and said here is a proposal that already has the endorsement of the White House, then the freedom of discussion and debate might be somewhat curtailed, might it not be?

Mr. FOSTER. I would think that would be entirely likely.

Mr. KENDALL. And has that happened? I don't want specifics on this.

Mr. FOSTER. I again would have to search the record, because I recall no such instance.

Mr. KENDALL. Will you do that, please, sir?

That is all I have, Mr. Chairman.

Senator STENNIS. Mr. Foster, I think we are going to have voting this afternoon. I know you have other matters, too. I think we can conclude here in just a few more minutes.

Senator Symington, my questions are going to be very brief. Do you have some more questions?

Senator SYMINGTON. Mr. Chairman, I would rather listen to yours.

Senator STENNIS. I just want to cover some things here for the record.

You had some pictures here that you wanted to show. I do not mean for you to show them this minute. We would be delighted to have them. They deal with underground explosions in alluvium, I believe.

Mr. FISHER. Yes, sir.

Senator STENNIS. Just leave those with us, and we will send them back to you.

The memorandum on legislative history that you have, we have admitted that to the record, haven't we?

Mr. FOSTER. Yes, sir.

Senator STENNIS. Now, the staff members will take note that we want the record to reflect the Senate's position in full, and Senator Sparkman's remarks, too. All of those may be included in your memorandum, Mr. Foster.

MEANING OF TERM "BIG HOLE"

By the way, when you use the term "big hole," what do you mean? I know what it means in baseball. I want to be sure I know what it means as you use it.

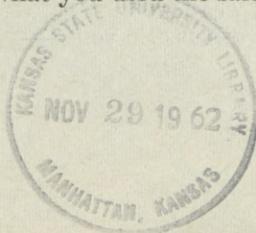
Mr. FOSTER. Well, there was—this theory was developed, that if you were able to excavate underground a very large vacant area, and you were to explode a nuclear device in that area, the space around the device would absorb much of the force that otherwise would give you seismic tremors, which would record on an instrument at a distance. The effect is a muffling, really, of the force of the explosion.

Senator STENNIS. Toning down, muffling?

Mr. FOSTER. That is right.

Senator STENNIS. Now, is that what you used the salt mine idea in connection with?

Mr. FOSTER. Yes, sir.



Senator STENNIS. By the way—

Mr. FOSTER. I might say that it is proposed that that will take place in the State of Mississippi.

Senator STENNIS. Well, I know it was considered at one time.

NO PLAN FOR UNILATERAL CESSATION OF TESTING

Yesterday, as you remember, Mr. Nitze was asked if there was any possibility that at the end of the present test series we would make any announcement or take any other action committing us unilaterally and voluntarily to forgo any further testing in the atmosphere. He replied in the negative, and I suppose your reply would be the same.

Mr. FOSTER. I know of no plan to do that, sir.

Senator STENNIS. On the question that was raised yesterday with Mr. Nitze concerning a reduction of conventional weapons and strategic weapons in connection with any limitation of nuclear weapons, would you consider any agreement banning or limiting nuclear weapons to be safe from our viewpoint which does not also ban or limit conventional weapons? What is your expression on that?

Mr. FOSTER. Well, if I—

Senator STENNIS. We are at the short end of the stick, you might say, with respect to conventional weapons.

Now, how do you meet that situation?

Mr. FOSTER. The present plan, sir, is to suggest a limitation on nuclear delivery systems, and on certain categories of conventional weapons, which are specified, or have been specified.

There is no U.S. proposal which attempts to ban nuclear delivery vehicles or nuclear weapons, failing an agreement to cut across the board to the extent of the designated major conventional weapons as well.

Senator STENNIS. There will be no attempt to ban nuclear weapons without also banning conventional weapons? Is that what you say?

Mr. FOSTER. We have not gotten to the point of banning them. We have suggested a progressive limitation thereof, and certainly there has been no unilateral suggestion of that sort made at any time by us.

Senator STENNIS. I didn't mean a total ban either, but a reduction.

REDUCTION IN NUCLEAR DELIVERY VEHICLES PROPOSED

Mr. FOSTER. We have proposed a reduction of the across-the-board nuclear delivery vehicles, so that the present balance will, in effect, be preserved at about the same level in these major weapons systems.

Now, there have been suggestions of a ban on the production of nuclear material, which would be both sides, and this has not been very welcome to the other side, because of the fact that there are certain inequalities in this, which are very much in our favor. But the progressive cutting back of weapons, as applied to nuclear delivery vehicles, including airplanes, missiles, tactical, strategic, to tanks, to warships, to personnel carriers, to large guns, to that kind of major conventional weapon.

Senator STENNIS. So you—

Mr. FOSTER. Now, there have been many other—there have been some suggestions of others than flat cuts percentagewise across the board.

There have been suggestions that, as one considered the situation there would be advantage in achieving U.S. aims in cutting certain kinds of strategic delivery vehicles perhaps proportionately to a greater extent than certain other weapons. And this is a military and other judgment which has been considered, and I can't say will not be considered in the future, but the present plan is a flat cut, 30 percent the first stage, 30 percent in the second, and moving toward the ultimate some years down the line, depending only on sufficient arms to maintain internal order. That is a long way away.

Senator STENNIS. Of course, going back to the original point, should we have a mutual reduction of the nuclear weapons, and just leave all the others as they are, we would soon find ourselves at a great disadvantage, would we not?

Mr. FOSTER. Well, it depends—this is a very complicated question. It depends on the percentages or the method of the cut. It depends on—

Senator STENNIS. But we would quickly lose any superiority we have, or any advantage, either, if we surrender our nuclear weapons and fall back on purely conventional warfare. For instance, taking into consideration the areas that we are committed to, where would we be with reference to defending, say, Western Europe?

Mr. FOSTER. Well, of course, Mr. Chairman, as you look down the years, it is entirely possible that at some point, with their efforts devoted to producing nuclear weapons only, they could catch up, and, if so, there might be a point at which it would be to our advantage to establish some limit so they didn't catch up.

This, one must take into consideration.

Senator STENNIS. Establish some limits on what? On nuclear weapons?

Mr. FOSTER. Yes, on nuclear delivery vehicles.

Senator SYMINGTON. Will the Chair yield for a question?

Senator STENNIS. Yes.

DISCUSSION OF ADVANTAGES IN NUCLEAR TEST BAN

Senator SYMINGTON. It is clear the Soviets have made major strides in their relative nuclear position against ours, because we observed the supposed moratorium and they did not. Your testimony already this morning is clear on that.

If they have the advantage in conventional weapons, how can it be to our advantage to stop nuclear testing?

Mr. FOSTER. This is a highly complicated equation. We are, presumably, ahead in areas. They have made progress in closing that gap.

It is entirely likely that, since being what it is, with unlimited testing, whatever gaps exist between us and them tend to shrink as time goes on. Therefore, if we can stop at this point it is entirely likely this is of benefit to us, and certainly of benefit to your grandchildren, as you have indicated.

Senator SYMINGTON. Bethe, himself, testified before the Senate in 1958 that if the Soviets didn't observe their agreement with us, and we

did observe our agreement with them, they would overtake us and would pass us.

Inasmuch as we have no evidence of any kind they have ever stopped their steady programing, planning, and testing, how do we feel it is to our advantage to stop testing unilaterally, especially as in the conventional posture, they are ahead of us?

This could nullify SAC to a great extent, nullify the Polaris development almost completely. I would do anything and everything to reach a proper agreement. McCloy gave us reasons why they should want to make an arrangement, because of the growth in the nuclear club, the growth in Red China's strength, and so forth; but they don't do it. It occurs to me the reason they don't is our willingness to make further concessions in a desperate effort to obtain some form of agreement.

This worries me perhaps more than any other situation.

EXTENT OF MILITARY ADVICE TO ACDA

Senator STENNIS. Well, you have stated the real crux of the matter. I want to ask one question here about the possible limitations of delivery vehicles and matters of that nature.

That is where you would lean very, very heavily indeed upon your military advisers; is that correct?

Enlarge on that, if you will. Just what assurances can you give us as to that matter?

I was out when Senator Goldwater asked you questions this morning. You might have covered it then. If you did, you can be very brief now.

Mr. FOSTER. Well, Mr. Chairman, in establishing the method of operating of the agency, in view of the close link of any policies which we developed with military problems, we established two functional bureaus which would contribute to our wisdom in those fields.

One was the Bureau of Weapons Evaluation and Control. That Bureau is headed by a vice admiral, Vice Admiral Parker, a distinguished combat officer, a distinguished technical man who has—his last job was Deputy Director of the Strategic Target Survey Group at SAC.

Senator STENNIS. I accept his qualifications.

Mr. FOSTER. He has surrounded himself with other military men of equivalent abilities, although somewhat lower rank. And through him we are able to bring to bear on this kind of problem their own military knowledge, and also their relationships to the Pentagon, to whom we refer the military questions of this sort.

Senator STENNIS. You mean to the Joint Chiefs and their staffs?

Mr. FOSTER. Well, we refer it, of course, to the Secretary of Defense, and it goes to the Joint Chiefs of Staff, and representatives of their staffs, and our people are in constant communication with each other on all of these problems.

So that the military aspects of all of these questions are before us.

Now, we do not always agree that the military aspects are necessarily overriding. This is part of the process of forming an opinion with many different viewpoints.

But it is always considered, both at the staff level and, of course, at the higher levels before the decisions are made.

CONSULTATION WITH JOINT CHIEFS

Senator STENNIS. Well, is it fair to ask you whether the proposals you have made have been worked out with and agreed to by the Joint Chiefs?

Mr. FOSTER. The Joint Chiefs have always been consulted on all of these and our response on military questions comes to us from the Secretary of Defense, not the Joint Chiefs. And I am sure that there are occasions when the Joint Chiefs may disagree with some decision that has been made by the civilian heads of the Department.

Senator STENNIS. You just do not have personal knowledge about that, is that correct?

Mr. FOSTER. I sometimes have personal knowledge of the items that are going into discussion, yes.

But this is completely unofficial, and officially I get my information about the Defense Department from the Secretary or the Deputy Secretary, just in the way that I did it when I was Deputy Secretary.

Senator STENNIS. We would not expect them to agree in every detail in every instance.

But we want to know the extent to which they agree. And I do not believe you can tell us that.

Mr. FOSTER. No, sir; I would have to refer that to the Department.

Senator STENNIS. Thank you, sir.

Are there any other questions?

Senator, do you have some questions?

Senator SYMINGTON. No, Mr. Chairman.

I thank Director Foster for his comments and courteous replies. This is a difficult subject. There are many different opinions. This is especially true in the technical field. So many people have different ideas about what are or are not, facts.

I think that, as a result of these hearings, if I may respectfully commend the chairman for starting them, we will be better informed; especially if we can get some of this information out to the people, we may be of greater service to you.

Senator STENNIS. The entire subcommittee has a deep interest in this matter and the Senator's counsel and advice was very, very influential in our decision to go into it.

I want to join in your statement, Senator, that if we can get some of this out to the public it will be very helpful.

Mr. FOSTER. We appreciate very much the opportunity, Mr. Chairman.

Senator STENNIS. I am impressed with your testimony, Mr. Foster. I am impressed with Senator Symington's questions. Others asked good questions, too.

Do you have any other questions now, Mr. Kendall?

Mr. KENDALL. No, sir.

Senator STENNIS. We might want to ask you something further about section 4 of the Executive order, with reference to research matters.

Will Mr. Kendall examine that more, and see if there are further questions. Perhaps they can be submitted by writing.

Mr. FOSTER. I plan to come up with the Secretary of State in the morning.

Senator STENNIS. All right.

We are going to have to go, gentlemen.

Thank you very much for your attendance. Sorry we kept you overtime, but it is better than coming back.

Mr. FOSTER. Thank you very much.

(Whereupon, at 12:50 p.m., the subcommittee recessed, to reconvene subject to the call of the Chair.)

ARMS CONTROL AND DISARMAMENT

WEDNESDAY, SEPTEMBER 19, 1962

U.S. SENATE,
PREPAREDNESS INVESTIGATING SUBCOMMITTEE
OF THE COMMITTEE ON ARMED SERVICES,
Washington, D.C.

The subcommittee, composed of Senators Stennis (chairman), Symington, Bartlett, Jackson, Saltonstall, and Smith of Maine, met pursuant to recess, at 2 p.m., in room 224, Old Senate Office Building, Senator John Stennis, presiding.

Present: Senators Stennis (presiding), Symington, Bartlett, Jackson, and Saltonstall.

Also present: Senators Thurmond, Goldwater, and Case of New Jersey.

Dorothy Fosdick of Senator Jackson's office; Charles H. Donnelly, Library of Congress, consultant to subcommittee; John S. Leahy, Jr., Department of State; George Bunn, ACDA; Adrian S. Fisher, ACDA; John T. McNaughton, DOD (GC); Grover R. Coe, OSD (LA); David E. M. Leffert, OSD (LA); and Frederick Dutton, Department of State.

Stuart P. French, Ben Gilleas, Robert M. Neal, and Ronald F. Friedenbergl, preparedness staff.

James T. Kendall, chief counsel, Preparedness Investigating Subcommittee.

Senator STENNIS. All right, gentlemen, the subcommittee will please come to order. I have told the photographer he might stay here while I read the opening statement. He wants to take some pictures of the group.

I have a brief opening statement, gentlemen, that I will read.

Today, the Preparedness Investigating Subcommittee continues its inquiry into arms control and disarmament matters. We have previously heard from Hon. William C. Foster, Director of the Arms Control and Disarmament Agency, and from Hon. Paul H. Nitze, Assistant Secretary of Defense for International Security Affairs. We have with us today the Secretary of State, Dean Rusk.

I should emphasize that the present hearings constitute only the commencement of our study and inquiry into this important field. We are primarily concerned at this preliminary stage in getting information about the functions of the Arms Control Agency, our broad policies and positions on arms control and disarmament matters, and the procedures by which these policies are developed and finalized.

We have in mind a continued and more detailed study of all aspects of this important subject after this initial phase of the hearing has

been completed. We plan to develop as fully as possible the status, purposes, and underlying policies and plans of arms control activities, and to explore in depth the problems which are involved and the potential impact of arms control proposals upon the composition of our Armed Forces and armaments. We hope to go into this matter just as thoroughly as we inquire on a regular basis into the state of the Nation's military preparedness.

As Mr. Nitze stated in his appearance before us—

We view our intense efforts to increase our military capabilities, in the absence of effective arms control, and the activities of the U.S. Government in pursuit of effective arms control as being two sides of the same coin, the search for an improvement in our national security.

We are all dedicated to the goal of protecting and improving our national security and, if any differences exist, they are honest differences of conviction as to the appropriate means of achieving this common goal.

Now, Mr. Secretary, we are pleased indeed to have you here, sir. When we deferred your appearance the other day, I am sure you understood then, as now, that it was not a matter of putting your appearance secondary to anything. It was the urgency of the Cuban resolution.

Secretary RUSK. Yes, sir.

Senator STENNIS. And happily, that resolution came out of those two committees, as you know, with a 33-to-0 vote. We are delighted to have you here with us to pursue further this inquiry.

Secretary RUSK. Thank you very much, Mr. Chairman.

Senator STENNIS. You may proceed in your own way, Mr. Secretary.

STATEMENT OF HON. DEAN RUSK, SECRETARY OF STATE; ACCOMPANIED BY WILLIAM C. FOSTER, DIRECTOR OF THE ARMS CONTROL AND DISARMAMENT AGENCY

(NOTE: The following is a "sanitized" version of Secretary Rusk's statement.)

Secretary RUSK. I am very happy indeed to be here to talk about this central and extremely important aspect of our national policy.

I would like to say a few words to show how our present efforts to achieve arms control and disarmament measures are designed to advance both our foreign policy goals and our national security, and indeed, national security is the central objective of foreign policy.

I was on the general staff in uniform at the time Hiroshima occurred. I remember vividly a comment a fellow officer made that morning: "War has turned upon itself and devoured itself, for no human purpose can be achieved by war under these conditions."

The United States made a massive contribution toward the effort to build a peaceful world free of arms after the war. It is no small thing that a country which had the power we had in 1945 should have turned aside from the exploitation of that power and committed itself to the purposes solemnly written into the Charter of the United Nations.

The tragedy of the arms race is that it has been forced upon the United States and many other nations which tried sincerely in 1945, in the words of the United Nations Charter, "to save succeeding generations from the scourge of war, which twice in our lifetime has brought untold sorrow to mankind."

We came out of World War II holding in our hands a monopoly of the weapons of greatest mass destruction. It was seen perfectly clearly that this monopoly would not last, because nature does not play favorites in yielding up its secrets.

We made a determined and sincere effort to put that monopoly under international control in order to avoid the kind of nuclear arms race in which we are now involved.

We also disarmed along with other free world allies, making cuts in our arms and Armed Forces to the point that in 1946 we did not have a division in the Army nor a group in the Air Force considered really ready for combat. One of the sobering questions we must bear in mind today is whether that action made its own contribution to the expansion of the Soviet appetite for power.

I think we have not yet fully realized the full impact of our sweeping demobilization after World War II.

You are all familiar with the Soviet Union's action since World War II. Given the nature of the world today, wise policy requires that we maintain a military force sufficient to deter or meet aggression. Yet, we must also continue our patient and sincere efforts to do everything possible to create conditions under which nations can reduce their armaments and thereby alleviate the dangers inherent in an uncontrolled arms race. We must provide authority for an increase in our reserve strength at the same time that we continue to seek a nuclear test ban treaty.

Military strength and disarmament must be pursued together. To pursue one to the exclusion of the other is to court disaster. But, taken together, they provide the most promising way by which we can insure our survival.

The Congress, I believe, Mr. Chairman, fully appreciates the need to pursue both these policies. Last year, when it was providing the executive branch with the wherewithal to increase the size of our Military Establishment at the height of renewed tensions over Berlin, it also established the Arms Control and Disarmament Agency. And, in the act establishing this Agency, it stated that an—

ultimate goal of the United States is a world which is free from the scourge of war and the dangers and burdens of armaments, in which the use of force has been subordinated to the rule of law; and in which international adjustments to a changing world are achieved peacefully.

I do not wish to suggest to you that the prospects for achieving a substantial measure of disarmament in the near future are good. In an arms control or disarmament proposal such as our nuclear test ban offer, we seek agreement on measures which would advance our national interests and be acceptable at the time to the Soviet Union.

Despite the lack of agreement so far, there are basic areas of mutual interest, objectively considered, between the United States and the Soviet Union which give us hope that agreed steps can be taken to slow down the nuclear arms race.

First, the leaders of the Soviet Union know as we do that "victory" in a widespread nuclear war would mean the destruction on both sides of civilization as we know it. The prospect of a devastated Soviet Union must weigh heavily on their minds.

Second, it would clearly be advantageous to both countries to reduce the economic burden of the arms race. Although neither the

United States nor the Soviet Union is probably spending all that it could on the arms race, both are devoting a major share of their energies on military preparation with little or no prospect that that effort will bring increased long-term security.

Third, we have a common interest in preventing a war by accident or failure of communications. The thought that one side might sustain a major accident with its own nuclear weapons, or that it might precipitate an attack resulting from a mistake on the part of the other side as to its intentions, must concern them as it does us.

This is the reason why we have agreed to discuss at Geneva methods to prevent war by accident, or miscalculation. Certain of our proposals in this area have been accepted by the Soviets in principle.

These include measures to improve communications between heads of government and to exchange military missions between NATO and the Warsaw Pact organization.

Fourth, we have a mutual interest in preventing other countries from acquiring nuclear weapons and provoking a nuclear war. The Soviets might reasonably conclude that the acquisition of nuclear weapons by additional countries might deprive them of their opportunity to decide whether or not to engage in nuclear war.

This mutual interest has produced agreement in principle—as expressed in joint sponsorship of a U.N. resolution last year and in various discussions this year—in inhibiting the transfer of nuclear weapons into the control of nations not now possessing them.

It has also been a basic reason why we have continued to seek a test-ban agreement. As Mr. Foster and Mr. Nitze have told you, several nations including Communist China could achieve the capability to produce nuclear weapons within a relatively short period.

Communist China's achievement of such a capability might well make her even more irresponsible and expansionist minded than she is now.

Furthermore, other countries might then feel compelled themselves to produce nuclear weapons.

As Mr. Nitze pointed out, such developments might precipitate a change in the political orientation of a number of countries in that area and throughout the world.

We do not, of course, believe that a nuclear test ban agreement signed by the United States, the United Kingdom, and the Soviet Union would, in and of itself, prevent additional countries from securing nuclear weapons. But, continued unlimited testing will certainly stimulate other countries to try to do so.

Moreover, a test ban treaty combined with an agreement by the nuclear powers not to transfer nuclear weapons into the national control of nonnuclear powers would constitute a significant inhibition upon the spread of nuclear weapons to additional countries.

This would be linked to an agreement by nonnuclear powers to refrain from manufacturing, testing or seeking to acquire nuclear weapons. If such agreements become possible, their combined effect would be to substantially enhance the national security interests of the United States.

The common interests in agreement between the United States and the Soviet Union which I have described have not so far produced any significant measure of actual agreement.

However, I for one remain hopeful that we can yet serve the basic national security interests of both countries by first step measures in the area of common interest.

Our probing of the Soviet Union is by no means at an end. There are many areas which it is in U.S. interests to probe further. It is extremely useful to have the Arms Control and Disarmament Agency in existence to continue to seek and pursue areas where the mutual interests of the United States and U.S.S.R. will be sufficient to make agreement on arms control and disarmament measures possible.

Mr. Chairman, your letter to me of September 8 asked questions concerning the relationship of the Department of State to the Arms Control and Disarmament Agency. The Director of the Agency is my principal adviser on arms control and disarmament matters and works closely with me under my direction in preparing for and directing international negotiations on this subject.

The Agency cooperates with the relevant bureaus and offices of the Department so that our arms control and disarmament policy can be interwoven with our foreign policy as a whole. While ACDA is a separate Agency, my relationship to it is very close. I should be glad to go into this point in considerable detail.

Mr. Chairman, I have commented on it very briefly in order for the committee to take up the maximum questions that are of interest to it.

RUSK'S RELATIONS WITH ACDA

Senator STENNIS. All right, Mr. Secretary, on the last point you mention—and I am just speaking for myself on this—it seems to me that in the short span of a year since the passage of this act, with the best of motives, I know, on behalf of everyone, we have moved mighty fast in making proposals and propositions to our adversaries in the cold war.

That has raised a question in many minds, I think, and on the Hill particularly. After all, busy as you are with other matters, just how much are you in this picture? I say again that the speed of developments is one thing that has impressed me.

Mr. Foster made a very fine statement and was very candid. There is no personal criticism at all. As I understood him, he said that his position is that he can report either to you or to the President.

Do you consider that gives you the real control, so to speak, over this important Agency, to the extent of its being a part of the entire picture you are responsible for?

Secretary RUSK. Mr. Chairman, I would be very happy to comment on that.

Under our constitutional system, of course, the eventual control in executive branch would lie with the President.

Senator STENNIS. Go ahead.

Secretary RUSK. But let me just say a little bit about my own personal relationships to this Disarmament Agency.

I don't suppose there is any single Bureau of the Department with the possible exception of the Bureau of European Affairs during a heated period over Berlin, to which I give more personal time than I do to the Disarmament Agency itself.

One of the senior officers of that Agency is always present at my morning meetings. I suppose I meet with my colleagues in the Dis-

armament Agency on the average of about twice a week on matters in which they and I are both interested.

I suppose I would average at least a telephone call a day to Mr. Foster, to Mr. Fisher, or they to me.

I see all of their papers. On occasion, if because of time a paper goes from the Disarmament Agency to the White House it goes to us both at the same time.

I then sit in the Committee of Principals—the heads of the Departments of State, Defense, Atomic Energy Commission, the Disarmament Agency, and other space agencies and others as required.

In my dealings with the Secretary of Defense, I suppose that on any list of subjects to which we spend more time personally with each other, the work of the Disarmament Agency would be on any list of the top three items in terms of time spent because this is a field in which we are greatly interested, both Departments, for reasons already discussed.

In addition to that, from time to time, subjects come up which require me to bring into these discussions other parts of the Department. It might be the intelligence side, it might be the Bureau of Near Eastern Affairs when we are trying to find some ways to get some disarmament arrangements, possibly involved in the Near Eastern situation.

Our Bureau of European Affairs is very frequently involved even though we have in the Disarmament Agency itself one of our top experts in the relations with the Iron Curtain countries.

So I would say, Mr. Chairman, that I do give disarmament a very considerable amount of time, that I help to inform and instruct agency policy at earliest stages not just when it has been presented at the very top, that my considerations of their recommendations with the President, the Secretary of Defense, and his intimate advisers are on the basis of my own views, and it is not always that I am in agreement with the Disarmament Agency on a particular point of detail, and that the result has been, I think, a thorough canvassing of political security and national interest problems at the very highest levels of Government.

Senator SALTONSTALL. Will the Senator yield?

Senator STENNIS. Yes, I will be glad to yield.

RUSK'S AUTHORITY TO DIRECT ACDA

Senator SALTONSTALL. Mr. Rusk, in your answer to the Chairman, how do you construe section 22 under title 2 of the bill creating the Arms Control and Disarmament Agency? I ask that question because we have heard considerable criticism of its provisions.

Now, that section provides:

In carrying out its duties under this act, the director shall, under the direction of the Secretary of State, have primary responsibility within the Government for arms control and disarmament matters as defined in this act.

As I listened to your answer to the Chairman's question, it appears in practice that he is advising you rather than your exercising direction over him.

I mention that because in the Appropriations Committee there has been some discussion of how independent Mr. Foster's Agency should be of you, and your Department.

Secretary RUSK. Well, Senator Saltonstall, the Disarmament Agency does act and operate under my direction, and on particular points I have no doubt that I would have the authority to direct and instruct, and I frequently do on questions of negotiation, problems of that sort.

But I think also there lies upon me the corresponding duty in the formulation of national policy, to be sure that the real issues are adequately exposed and discussed at the top, and with the President, so that I would not want to, in every case, direct the Disarmament Agency not to put a point of view, even though in putting it they would know that they might meet another point of view from me in discussions at a higher level.

RUSK AND ACDA ALMOST ALWAYS AGREE

Senator SALTONSTALL. May I ask one more question? I don't mean to usurp your time.

Senator STENNIS. Certainly, go ahead.

Senator SALTONSTALL. Won't that make it more difficult for you, if Mr. Foster, for whom I have great respect and a warm friendship, should go to the President with one point of view and you, as Secretary of State, would have to say, "No, Mr. President, I don't agree with that point of view at all."

Secretary RUSK. Has not—

Senator SALTONSTALL. It makes your job a little more difficult, does it not?

Secretary RUSK. This has not risen on points of major policy; it has risen on points of detail, very few in number.

I work with the Disarmament Agency before it gets to that stage and the Disarmament Agency in its recommendations and I are almost always in agreement.

STENNIS QUESTIONS SOUNDNESS OF SECTION 22

Senator STENNIS. Mr. Secretary, I want to follow up just a little further on section 22. This points up a legislative mistake, I think. It was a compromise in conference.

Referring to the Director, the law says that he—

shall serve as the principal adviser to the Secretary of State and the President on arms control and disarmament matters.

And then it says—

In carrying out his duties the Director shall, under the direction of the Secretary of State, have primary responsibility.

Secretary RUSK. Right, sir.

Senator STENNIS. As a lawyer, I have interpreted that to mean he is the direct and principal adviser to the President of the United States on these matters; that your direction has to drop down to a lower level subordinate itself to the President.

My question is, Is this a sound arrangement? Do you think it is?

Secretary RUSK. I have not encountered any difficulty whatever in operations arising out of that point.

Senator STENNIS. Yes.

Secretary RUSK. Because as I indicated in my earlier remarks, there have been times when I was heavily involved and we wanted to get

papers to the principals concerned promptly. When the Disarmament Agency would send a paper with my full knowledge both to the President and to me, if I had already studied that paper and had given it approval, that would indicate that fact.

If I had not seen it that would also be indicated so it would mean that I would give my views on it later.

But these do not involve—they have not involved basic policy questions which are thoroughly discussed between me and the Agency, and on which I have opportunity from time to time to discuss with the President before the Department's position or the Agency's position is fully frozen.

RUSK FEELS THAT HE HAS DIRECT RESPONSIBILITY FOR
DISARMAMENT MATTERS

Senator STENNIS. May I put it this way: I feel that you, under this law, would not consider as one of your primary responsibilities the subject matter of this act. It says that Mr. Foster should be the principal adviser to the President.

Secretary RUSK. Under my direction.

Senator STENNIS. Yes.

Under your direction, yes, but he is also the principal adviser to you. So I feel you would hardly consider it as your primary responsibility. It would appear to me that it is Mr. Foster's. As I say, this is in this law. Therefore, if anyone is to be blamed, it is certainly Congress, not the Department of State.

Secretary RUSK. Mr. Chairman, I wonder if I could illustrate it in another way.

Senator STENNIS. Certainly; if you will enlarge on that, I would appreciate it.

Secretary RUSK. Let's take a case where there would be no question whatever about my statutory and other responsibilities for directing.

In the case of an Assistant Secretary of State in charge of one of the geographic bureaus, I could direct him but as a matter of carrying out my own duties I have a duty to insure that if there is a serious point of difference, that the President is informed there are these different points of view.

One of our problems in Government over the years as I have lived in it from time to time has been that the real issues tend to be hidden from the people at the top, and one of the obligations, it seems to me, is to be sure that differences are not simply compromised out into meaningless language down below, but that the differences are brought to the top for real discussion at the time the discussions are made.

In the case of an Assistant Secretary, I would; I have on occasion taken an Assistant Secretary's position along with mine for discussion with the President.

Senator STENNIS. Do you feel a direct and personal responsibility?

Secretary RUSK. Yes, sir; I do so.

Senator STENNIS. For what is said to the President about this?

Secretary RUSK. Yes, sir.

DIFFERING VIEWPOINTS ARE PRESENTED TO THE PRESIDENT

Senator STENNIS. Do you say, "Mr. President, I believe so-and-so"? I am not asking for exact words but, when you present it to the

President, do you present your views or do you in effect say, well, Mr. Foster thinks so-and-so and here it is.

Secretary RUSK. It might be a little difficult for me to go too far down this trail in detail, Mr. Chairman.

Senator STENNIS. I don't mean for you to disclose confidences.

Secretary RUSK. But again these might be an occasional point of detail and not a matter of major policy. I might point out that on this point the Disarmament Agency has made the following recommendation.

Defense, the Joint Chiefs, or the Atomic Energy Commission has this or the other point of view. My own views are the following, and we talk it out and come to a conclusion or decision.

Senator STENNIS. I don't want to take too much time. May I pass on to you now, Senator Saltonstall?

RUSK DOES NOT FAVOR AMENDMENT OF MC MAHON ACT

Senator SALTONSTALL. Thank you, Mr. Chairman.

Let me ask you this, Mr. Rusk. Do you approve of the limitations that the McMahon Act imposes on the transfer of nuclear energy or atomic energy to any other country. I would assume from reading your statement you would not want us to amend that act.

Secretary RUSK. Well, Senator, I do not see a situation at present in which I would want to urge an amendment of the act.

Senator SALTONSTALL. I am glad to hear you say that because I think—

INTEREST OF UNITED STATES IN STOPPING PROLIFERATION OF NUCLEAR WEAPONS

Secretary RUSK. I do feel it is in the interest of the United States to try to stop this proliferation of nuclear weapons just as soon as we possibly can, because as you look around at the number of countries who potentially could develop weapons of this sort, and the hazards of changes of governments, regimes, and that sort of thing, I think we are on very—we face a very uncertain future if these weapons become generally distributed.

Senator SALTONSTALL. In other words, you not only approve of our restricting the transfer of the knowledge that we have in these matters, but you also want to discourage, as far as you properly can, other countries independently proceeding with the development of nuclear weapons.

Secretary RUSK. That is correct, sir.

Senator SALTONSTALL. It is also a question of finances, too, to a great degree, apart from any scientific knowledge?

Secretary RUSK. Yes, sir, it is.

DISCUSSION OF SOVIET RELUCTANCE TO REACH AGREEMENT

Senator SALTONSTALL. If it is in the mutual interest of the United States and the Soviet Union to prevent, if possible, other countries from achieving a nuclear capability, why has the Soviet Union been so reluctant to agree on such a procedure?

Secretary RUSK. I think, sir, that standing aside objectively and looking at it, there could be little doubt that it ought to be considered

in the interests of both countries to stop this proliferation of nuclear weapons. I think there have been two or three things which have gotten into it from the point of view of the Soviet side.

Although our priorities may differ, we may be able in some way to get together on a general agreement if we could be utterly clear that such an agreement has to do with additional national nuclear capabilities, and does not get caught up in all of the possible complexities of multilateral arrangements or NATO consultation or things of that sort.

[Deleted.]

DISCUSSION OF RISKS INVOLVED IN TEST BAN

Senator SALTONSTALL. You are willing then, if we could reach an agreement with the Soviet Union, to assume some calculated risk, as I understand it, of undetected underground explosions and testing. If you could reach a general agreement, you are willing to take some risk of the Soviet Union cheating on the ban against testing in that environment which we could not detect.

Secretary RUSK. As Mr. Foster undoubtedly indicated, under the inspection system, which would become possible as a result of the improvements shown in the Vela tests, you could improve your inspection techniques but at the same time I think that you would always get to some certain levels or certain kinds of preparations that it would be difficult to obtain a hundred percent guarantee on.

Senator SALTONSTALL. And that is the risk which you believe we must take.

Secretary RUSK. That is a risk that I think is outweighed by the enormous risks of a wholly unlimited arms race indefinitely into the future.

Senator SALTONSTALL. I have one more question, if the chairman will permit.

Senator STENNIS. Certainly.

REASONS WHY UNITED STATES DOES NOT TERMINATE NEGOTIATIONS

Senator SALTONSTALL. I have never clearly understood why we would degrade ourselves in world opinion if we simply terminated the discussions at Geneva when the Soviet Union becomes so intransigent and rejects any suggestion we may offer or any treaty we may propose. We have obviously been going forward with new offers and proposals continuously while the Soviet Union, time after time, summarily rejects them.

They never propose anything new. They never offer anything that is feasibly possible. Yet we continue to move ahead. Why not just terminate the conference and bring our negotiators home?

Senator JACKSON. Would you modify your statement and say instead of continuing to move ahead we keep conceding and receding?

Senator SALTONSTALL. Keep receding.

I have read the newspapers, and while I have great respect for you, Mr. Foster, and Mr. Dean, along with his team of negotiators, I just don't understand why would we hurt ourselves if we should break off the talks and come home.

Secretary RUSK. Well, on the question of breaking off talks, you can always do that. But then where do you go? We think we ought to keep in contact on this question. We would like to—

Senator SALTONSTALL. Or as Mr. Jackson points out we keep receding.

RUSK CITES VALUE OF CONTINUING TO NEGOTIATE

Secretary RUSK. If I could comment on that in just a moment. I am not completely sure that I agree with the Senator on that, but let me take the question of negotiations first.

We do want a nuclear test ban if we can get it under conditions consistent with our security.

Now, the Soviets 2 or 3 years ago had accepted the principle of inspection, that is as far as what they said was concerned.

We never, of course, got any system of inspection into operation.

They junked that a little over a year ago. I don't think we have to assume that that is necessarily their final position on it just as we were quite surprised when almost overnight they came along a few years ago and said, "We are ready to sign an Austrian treaty."

They are capable of a reversal of position. They reversed it on the inspection point once before in the wrong direction from our point of view.

Secondly, if we are negotiating, or if we are in a place where negotiations can occur, it would be a little more difficult for the Soviets to try to sort of declare a moratorium, try to lure us into putting pressures on us to do it when we are sitting there and can actually sit down with them about a treaty or an agreement.

Third, and this is purely a tactical question, this is going to come up in the United Nations General Assembly.

Now, we don't believe that we can get into disarmament on a propaganda basis; that is, we feel we can only put forward those proposals that we would be prepared to live with if they were accepted and put into operation.

We believe that the right place to talk about this is over there at that table where you can talk realistically and specifically about how you get to this result.

QUESTIONS OF SECURITY NOT DECIDED ON PROPAGANDA BASIS

Senator SALTONSTALL. When I read the newspapers and note that you are, as Mr. Jackson says, receding from a stronger position, I have to say to myself, "Well now, it is wise to keep talking in Geneva because we are then able to say to the United Nations and those people who will make propaganda out of it, that we are talking in earnest over there and thereby refute such propaganda."

Secretary RUSK. If anybody wants to talk business about disarmament we are ready to talk business, but we don't want to deal with this as a propaganda matter, or as a sentimental matter.

Let me illustrate it another way, Senator. When we resumed nuclear testing, we knew there would be a considerable amount of adverse reaction around the world.

But that for us did not enter into the fundamental decision as to whether to resume or not. That is a national security matter. That did mean we had to take a considerable number of measures to try to limit the negative impact of that kind of opinion as it might have been expressed.

Now, these central questions of security are not really handled in any sense on a public opinion or world public opinion basis. They can't be. We have to take certain measures in the information field itself to try to protect ourselves against the worst aspects of it, and the committee might be interested to know that one of the things we did was to say, to a considerable number of these neutrals, we have to resume testing, that it is a reluctant decision but it is necessary.

IRRATIONALITY OF NUCLEAR WAR PROVIDES NO REAL PROTECTION

Senator SALTONSTALL. May I ask this one further question?

There has been some belief for the last 2 years that nuclear power today is really in the same category as poisonous gas was in World War II. Those of us who went through World War I were trained against gas attacks, and gas was used by both sides.

Now, in World War II, although both sides possessed it, neither side used it because it was so terrible. Is nuclear power approaching the stage where it is so devastating that no nation will use it? That is perhaps a theoretical question.

Secretary RUSK. Senator, I really think that at that point lies one of our great dangers.

Again, looked at objectively the very irrationality of nuclear war ought to mean that it can't happen. But if both sides, in a situation like Berlin, come to the table utterly convinced that under no circumstances would the other side fight a nuclear war because it is irrational, this is a very good way to have a nuclear war.

Senator SALTONSTALL. I have heard of that thesis.

Secretary RUSK. And one of the things that we are doing everything we possibly can to get across to Mr. Khrushchev is that we are in Berlin, we are going to stay, and with whatever it takes. I think it is dangerous to suppose that the irrationality of nuclear war itself provides any real protection.

Senator SALTONSTALL. I believe I have read a speech of yours on that subject.

Thank you.

Senator STENNIS. Thank you, Senator.

Senator Symington yields to Senator Jackson because of Senator Jackson's situation with reference to a forthcoming bill.

Senator JACKSON.

Senator JACKSON. Mr. Secretary, I want to direct my questions more to the procedural area. However, I have a couple of substantive comments.

Secretary RUSK. Right, sir.

JACKSON SAYS THAT DISCUSSIONS ARE PART OF COLD WAR

Senator JACKSON. I certainly agree that we ought to keep talking to the Soviets. You are an old infantry soldier and you know you always keep contact with the enemy, and certainly this is necessary. The thing that concerns me, however, is that we have to realize that talking to the Soviets is another weapon in the cold war.

Conferences and discussions are one great arena of combat and conflict. What does cause concern is that when we enter into this arena, the talkfest, we sometimes create the impression we are too anxious.

We are somehow no longer good Yankee traders: we have the attitude we must reach an agreement. I think we need to realize that maybe we are making great progress sometimes when we don't reach an agreement.

They keep talking, we keep talking, but we recede from one position to another, and the world gets the impression we are afraid.

Now, I am not being personally critical of anyone.

Secretary RUSK. Right, sir.

Senator JACKSON. I am just concerned about our conduct and attitude and I want to say this for what it is worth.

RUSK SAYS THAT "TALKING" DOES NOT NECESSARILY INVOLVE CONCESSIONS

Secretary RUSK. I wonder if I may just comment on that particular point, if I may.

Senator JACKSON. Yes.

Secretary RUSK. I think there is a very important difference between talking in the sense of maintaining contact, and the continual flow of concessions to another side. I think there is in the public mind the idea that negotiation itself or the very fact of talking necessarily means compromise. This is not so.

On the Berlin question, for example, we have been talking for a year. There have been no compromises, unfortunately none from the Soviet Union, certainly none from the point of view of the West on the Berlin question, because of those discussions.

So it is possible to talk without receding, but I think the public itself necessarily thinks that talking itself necessarily involves concession.

Senator JACKSON. I agree with you, I agree with your position on it. I merely want to make the statement and make it clear: I am not opposed to talking as long as we are not naive about it.

Secretary RUSK. Right.

Senator JACKSON. The Soviets respect us all the more when we are hard and tough and maintain a consistent position. I did want to make that observation.

TEST BAN TREATY AS AFFECTING NUCLEAR ACTIVITIES OF RED CHINA

The only other substantive comment I want to make is what I said the other day: I think there is a great fallacy going around in the form of the assumption that if we reach a test ban agreement that this, in itself, will stop the proliferation of nuclear weapons, especially to Red China. I have an underlying hunch that the Chinese are going to explode a bomb with or without a test ban agreement between the United States and the Soviet Union. Testing, the ability to achieve a nuclear capacity, is considered a basic part of sovereignty by many heads of states.

The problem we have is a manifestation of this state of mind. I merely want to reiterate what I said the other day. In our eagerness to reach an agreement, even with some concessions that I think might well go too far, we are indulging in assumptions that will not prevail.

Secretary RUSK. Senator, on that point, if the committee has not had a text of the People's Daily on this subject of about 10 days ago, we ought to furnish it to the committee, because Peiping has an-

nounced categorically that they are having no part of any nuclear test bans, or any agreements about proliferation of nuclear weapons.

We could not enter into a test ban treaty which did not have in it automatic termination if any other nations tested.

Senator JACKSON. I understand that is in the proposal.

Secretary RUSK. Yes.

Senator JACKSON. But I did want to stress this point because this is used as a public argument. I didn't know about the People's Daily statement but it is obvious to me that this would be their position. I can't believe that they would back down on that point.

(NOTE.—The article in the People's Daily is as follows:)

PEOPLE'S DAILY (PEIPING) ARTICLE OF SEPTEMBER 12, 1962, ON THE CHINESE COMMUNIST NUCLEAR PROGRAM AND THE U.S. EFFORTS AT THE GENEVA DISARMAMENT CONFERENCE

Peiping, NCNA in English to Asia and Europe, 0500 GMT, September 12, 1962-W.

PEIPING, September 12.—U.S. designs and tricks at the Geneva disarmament talks are shown up in a signed article published by the People's Daily today.

The article by Chi Liu says that the 17-nation disarmament conference which recessed recently failed to reach a substantial agreement on disarmament due to persistent U.S. obstruction, but for peace lovers the world over it has served a useful purpose in demonstrating clearly the ulterior motives and tricks of the United States on the disarmament question.

The United States revealed its intention of obstructing disarmament at the very beginning of the conference and stuck to it throughout. It insisted on the "program for general and complete disarmament in a peaceful world" which Kennedy submitted to the U.N. General Assembly last September, and objected to effective measures to eliminate the threat of war, such as the complete destruction of vehicles of nuclear weapons and the dismantling of military bases in other countries in the first stage of disarmament.

Proceeding from its desire to maintain military superiority, it insisted on the following four proposals: (1) A 30-percent reduction by the United States and the Soviet Union of their nuclear delivery vehicles. This proposal is aimed at lessening the superiority of the Soviet Union in guided missiles. (2) Contributions by the Soviet Union and the United States of fissionable materials for peaceful uses without destroying nuclear weapons—a proposal designed to reduce Soviet nuclear stocks. (3) The establishment of a system to prevent surprise attacks, to permit inspection and control of military activities on Soviet soil. (4) A ban on the use of space vehicles for military purposes—to limit Soviet superiority in space weapons. The purpose of the United States is to limit and weaken Soviet strength, obtain intelligence, and achieve its military superiority. It is by no means to realize general disarmament.

While doing everything possible to divert the conference from its main task of formulating an agreement on disarmament, the United States made every effort to drag it out by using the question of halting nuclear tests. Here, too, it revealed its ulterior motives. Some American politicians and bourgeois newspapers made no secret of the fact that from Washington's standpoint, a nuclear weapon test ban would be acceptable to the United States only if it would assure U.S. nuclear superiority.

Washington stubbornly insisted on on-site inspection as a prerequisite for the cessation of nuclear tests. In proposing the establishment of a network of international control, its aim continued to be military reconnaissance and espionage work in the Soviet Union. Obviously the intentions of the American ruling circles are: If the Soviet Union does not accept this unreasonable condition, the United States can go on with its nuclear tests. If the Soviet Union does, the United States can make use of the condition to collect Soviet military intelligence for its preparations of a nuclear war.

On the basis of this policy, at the recent disarmament conference the United States and the United Kingdom produced two draft treaties for the complete or limited banning of nuclear tests in order to appear sincere in the desire to reach agreement on the cessation of nuclear tests. Any sensible person can see, however, that the United States is playing the same old trick.

The United States-British plan for a complete nuclear test ban repeats the old tune of on-site inspection and contains nothing new. The proposal for a limited test ban is but "old wine in a new bottle." The United States would agree to the banning of nuclear tests in the atmosphere, outer space, and under water, but underground tests would not be banned. This would, in fact, legalize underground tests and enable the United States to continue its nuclear arms expansion. It would be more appropriate to call it a "treaty guaranteeing nuclear tests" rather than a limited nuclear test ban.

The draft treaty put forward by the United States has another obvious objective; that is, as the joint statement of the heads of the United States and British Governments declare, the treaty would make it easier to prevent the spread of nuclear weapons to countries not now possessing them. This means that while the United States can continue to develop its nuclear arms, others are not allowed to conduct nuclear tests. This fits in completely with the designs of the United States to maintain nuclear superiority.

The reason U.S. ruling circles are so interested in preventing what they call nuclear proliferation is no secret. The Western papers have recently more than once disclosed that Washington is anxious to "tie China's hands" in developing nuclear weapons, and have even openly stated that this is one of the objectives of the limited ban draft treaty recently put forward by the United States. In the eyes of the U.S. rulers, it would assure U.S. nuclear superiority and make it easier for Washington to use nuclear blackmail if it can prevent China and other Socialist countries from possessing nuclear weapons. The basis of U.S. disarmament and test ban policy is to assure U.S. nuclear superiority.

However, this is only U.S. wishful thinking. China's policy on disarmament is known to all. We have always advocated the cessation of the arms race, realization of armaments reduction, and, particularly, prohibition of nuclear weapons. We maintain that only a complete ban of nuclear weapons and the unconditional destruction of all existing nuclear weapons can prevent a nuclear war.

On the other hand, as long as the imperialist powers refuse to ban nuclear weapons, the Socialist camp must possess a powerful military potential to check effectively the U.S. imperialists' nuclear blackmail and aggressive activities and to promote the cause of world peace. The discontinuation of nuclear tests should be the first step toward a complete banning of nuclear weapons. It should, under no circumstances, become a means by which the United States may achieve and maintain nuclear superiority. The people of the world are clear sighted. This trick of the United States can deceive nobody.

ROLE OF SECRETARY OF STATE IN DISARMAMENT MATTERS

Senator JACKSON. Mr. Secretary, I have some questions on procedure and I want you to know that I have the greatest respect for you and Mr. Foster, and there is nothing personal about this.

I am concerned about the importance of the role of the Secretary of State. As you know from our own study, in our Subcommittee on National Policy Machinery, we felt it is only commonsense that the Secretary of State is first among equals and is, or should be the "orchestra leader" in this whole area of national security. I am sure you agree with that philosophy.

Secretary RUSK. I do, sir.

Senator JACKSON. It does seem to me, Mr. Secretary, that the recent Executive order of August 20, which makes it possible for any differences of opinion, as provided in section 2 of that Executive order, to be taken by the Arms Control Agency directly to the President, is going a long way to proliferate, if I may use that term, the responsibilities and functions of the Secretary of State. To me, and I am sure you must agree, the arms control problem is indivisible from the problems of foreign policy generally and of the cold war. I am sure you would have to agree with that premise.

I have a feeling here that this order is further diluting what we so adamantly opposed in the Senate. As you know, the bill, as it passed,

provided for an independent agency in the House, and many of us were disturbed, and we got it changed in the Senate, and put it under the Secretary of State, and then when it went to conference, we came out with the sort of an in-and-out provision in this act.

I only make the observation that this, to me, is inconsistent with the proper and the very necessary role that the Secretary of State must play and this Executive order further dilutes his duties and responsibilities.

I don't see how anyone in the Arms Control Agency can act properly on this problem unless they understand the whole panorama of headaches which you face as Secretary of State.

For example, the timing of statements is so urgent that we get into all kinds of trouble.

I realize that this is the law, but if you have any comments I would appreciate having them and in that connection I would also like to have your comments on how you are staffed in your own Department. I know you attend certain meetings on this personally, but what kind of backup do you have to thoroughly interrogate and really have some "devil's advocate" around on these various proposals that come from the Arms Control Agency?

Secretary RUSK. Well, Senator, on that, I think—I don't want to appear to be disrespectful of the actual wording of official orders or, indeed legislation, but a problem of this sort can't really be handled exactly by legislation or Executive order. It turns upon the personal relationships of people at the top.

Senator JACKSON. I agree; that is why I say I am being impersonal about my remarks. I am not at all directing them to that.

Secretary RUSK. Right.

I don't want to get in trouble on the other side of the Congress. But operationally, sitting from where I sat, the Disarmament Agency in fact operates for me and under my direction as though it were a part of the Department for every practical purpose. I don't believe that the Director of the Agency has had any occasion to avail himself in any formal sense whatever of this provision of the Executive order. I did indicate earlier that on occasion papers have gone to the President and to me simultaneously. I don't believe this is the kind of thing that is resolved on the basis of what is put down in Executive orders so much as the actual exercise by the President and the Secretary of State of their statutory and general responsibilities, constitutional in the case of the President, and this necessarily means that in the case of disarmament, the Department of State, I, personally, have to have a very important role in it and I do, in fact, take that role.

Senator JACKSON. But you have a million problems. I don't know of anyone who is burdened with more headaches than you have. It is not possible for you to be fully informed on every one of these things in depth. I believe it is important that you have the proper backup so that when proposals are made by the Arms Control Agency, the hard, tough, difficult, if I may say, mean questions are asked and answered.

I feel this asking of the tough questions is part of our role up here. I am trying to carry that out. There is nothing personal about this at all.

Secretary RUSK. We fully appreciate that, Senator.

Senator JACKSON. I have not hesitated to speak out in defense of those who are trying to do a careful and sound job.

Secretary RUSK. But you see, Senator, had it, the Agency, not been created and this were left as the normal responsibility of the Department of State in the older sense, it would have been necessary for us to try to constitute within the Department of State a group of people who would be doing what the Agency is doing, and they would be delegated very heavy responsibilities.

Senator JACKSON. Yes, but here is what I am getting at. I will get right to the point.

Secretary RUSK. Right.

STATE DEPARTMENT SCRUTINY OF ACDA'S PROPOSALS

Senator JACKSON. People in the Arms Control Agency naturally want to see if we can't reach an agreement, this is the proper objective. I always like to have people around me who will disagree with proposals and we argue it both ways. Whom do you have really in the State Department who will ask the hard, tough, difficult questions on this to really dig into it, because mistakes are made. I think several have been made already and I will come to them in a minute.

Secretary RUSK. Well, we have, as you know, some very experienced State Department men in the Disarmament Agency.

Senator JACKSON. I am talking about outside the Agency itself.

Secretary RUSK. That is right, sir.

Senator JACKSON. I am talking within the Department, apart from this Agency.

Secretary RUSK. I do myself consult privately with other officers of the Department on matters that are raised by questions in the disarmament field. I take advantage of the experience of men like Llewellyn Thompson and Charles Bohlen and people like that where these matters are very much a part of our relations with the Soviet Union, as they so frequently are. I must, if I do not sound presumptuous, I would say that where these questions involve the security side, I have had a lot of personal involvement with that myself. I worked on this question in the Operations Division of the General Staff at the end of the war, was involved in the Baruch proposals, those earlier efforts.

I have been involved in the State Department's efforts over the years to maintain and strengthen a Defense Establishment because this is of vital interest to the Department of State.

Senator JACKSON. All right.

I have great respect for your ability and I know you have a wonderful background in that regard, but what I was getting at and I just hope more will be done in this area, that the Department itself will be staffed with people who can help back you up. You have a million problems to handle every day. Who helps you look at these proposals as they come in critically and in a tough manner so you make sure that all of the searching questions that should be raised are raised. What we need in this field is more of the greatest art of getting the truth known in Anglo-Saxon law and that is cross-examination. That is what I just hope will be done.

Secretary RUSK. Senator, I think I understand what is in your mind, sir.

Senator JACKSON. I just hope that will be done.

Secretary RUSK. But I would like to urge the point that the Disarmament Agency itself has a central responsibility to see that what we do in this field is consistent with our security. They are not indifferent to that.

Senator JACKSON. I am not saying that, but just like you have in your shop I like to have around me people who work on proposals and tear them apart. We need a little more of the devil's advocate around, this check and balance business pays off, that is what I am getting at.

Secretary RUSK. In my regular discussions with my colleagues in the Department of Defense and in the Department of State, I don't think we have lacked for that, and if there is a question as to where I ought to give my confidence to see that these questions are examined, I must say I give it to the Director of the Agency, because he has done a fine job in exposing these problems for me.

Senator JACKSON. I have great respect for Mr. Foster and for both of you. Let me be specific.

Secretary RUSK. Right, sir.

JACKSON CITES "INACCURATE" OFFICIAL STATEMENTS

Senator JACKSON. There are some statements that were out, made by several people, administration people, saying that we were proposing an atmospheric ban to cover not only atmosphere, outer space, and underwater which had been made before by this Government.

Now, that was not true. Our previous proposal was a pure atmospheric ban, that is point No. 1.

This inaccurate statement was made. It shouldn't have been. Now, that statement was made publicly. The proposal we were making had not been made previously. The previous proposal was for atmosphere tests only, yet our proposal now covers outer space, underwater, and atmosphere.

Secretary RUSK. I assume underwater is atmosphere.

Senator JACKSON. No. And outer space wasn't covered in the previous proposal.

Now, the second point, I asked some questions here yesterday or the day before regarding the following statement:

Unlike a ban on testing in all environments, including underground, a treaty banning tests in the atmosphere, underwater, and in outer space can be effectively verified without on-site inspection.

That is a statement made by the President of the United States and the Prime Minister of Great Britain on August 27, 1962.

This statement is not correct, and it was so admitted under questioning here by myself in the committee, you will recall.

Senator STENNIS. You might point out, Senator, if you will, where it is not correct.

JACKSON CHALLENGES ABILITY TO DETECT TESTS IN OUTER SPACE

Senator JACKSON. It is not correct in that we do not have means of detecting tests in outer space.

I am trying to get at some of these things that certainly can get out into the public and create the impressions that I think are unfortunate.

Secretary RUSK. Senator, are you saying that we do not have means of detecting tests in outer space or that it is conceivable to think of some tests in outer space that might not be detected?

Senator JACKSON. We have no means of detecting even tests in far outer space, nor would we be able to properly verify them.

That statement that I read to you, Dr. Long, who responded to the question, agreed that was not correct—that the statement was not accurate.

I make these observations to emphasize that we need to really dig into these things carefully before we get committed publicly. It does seem to me that there is a need to really thoroughly check into them before we get committed, and this is not to be personally critical of anyone.

Everyone makes mistakes, but I do think that there is a need to expose our positions to people who may disagree with us, because they can give us some suggestions that are helpful. That is what I have tried to do here this afternoon.

I know you will take it in the spirit that I have put the questions without any regard to any feelings or personalities.

Secretary RUSK. Yes, indeed, sir. As a matter of fact, I think that last statement to which you referred, Senator, was, in fact, prepared with the participation of all the agencies involved in the problem, so this was not something that slipped through from—

JACKSON SAYS BETHE PROVED "100 PERCENT WRONG" ON 1957 SEISMIC STANDARDS

Senator JACKSON. I just wonder how it was staffed out in the State Department, in your own shop, because the Science Director of the Arms Control Agency has testified here that this statement is not correct.

I think this is dangerous. I mean, I sat through a lot of this, Mr. Secretary, and watched these errors made in the past, where we had the testimony, unfortunately, from people that I had no faith in, and it turned out that other members of the Joint Committee on Atomic Energy felt the same way, only to be embarrassed later. I refer, of course, to the seismic standards that we agreed to back in 1957, supported by Dr. Bethe. Everybody thought Edward Teller was an alarmist, and no one paid any attention to him.

He said Dr. Bethe was 100-percent wrong, and he was, and we got stuck with this sort of thing.

Mr. Chairman, I hate to see us make statements that we cannot later verify.

Senator SYMINGTON. Will the Senator yield for a point in context?

Senator JACKSON. Yes.

Senator SYMINGTON. Mr. Secretary, several people have spoken to me about a point Senator Jackson raised.

Senator STENNIS. Pardon me, if Senator Jackson is about at a stopping point, I believe his time is up.

Senator JACKSON. I have a lot more questions, but I will stop at this point.

SYMINGTON DISCUSSES PREVIOUS TECHNICAL MISTAKE

Senator SYMINGTON. I want to make this one observation. About the point Senator Jackson brings up, regardless of anyone's opinion of the intelligence of Dr. Teller, he was proved right, and Dr. Bethe proved wrong; but there was a tremendous ground swell, supported by some in Government, opposing any change in the rules because we made—or perhaps better put—despite the fact that we had made, a serious technical mistake in fact.

In other words, instead of Dr. Teller being rewarded for being right when the truth became finally known, he was heavily criticized and we were accused of changing the rules in the middle of the game.

Thank you, Senator.

Senator STENNIS. Gentlemen, may I observe that I understand a vote is coming in 15 minutes, at 3:20, and I am going to pass to Senator Symington now. But I hope that we can come back as soon as we vote, and that the specific questions that we have of the Secretary can be asked while we have a good attendance.

All right, Senator Symington.

We will call on the regular members, first, gentlemen, and I think under the circumstances here, it should go to Senator Symington.

DISCUSSION OF McCLOY'S ARTICLE ON WHY SOVIETS SHOULD AGREE

Senator SYMINGTON. Thank you, Mr. Chairman.

Mr. Secretary, in the article Mr. John McCloy wrote in April, he gave four reasons why the Soviets should be anxious to reach a nuclear test cessation arrangement with us now.

One was if they do believe in the communistic system, they would have all this weapon money to improve their standard of living and further their own economy.

Another was the growing danger of an accidental nuclear war.

Third, as I remember it, was that as the months and years roll on, additions to the nuclear "club" were certain, and, finally, obvious apprehension the Soviets must have about growth in the strength of the Red Chinese.

Now, those four points seem to be logical. I know you will agree Mr. McCloy is well informed.

He said, it is difficult to know why they won't work out a practical agreement at this time.

He presented the problem very well; but not a solution.

We kicked this around a lot in the Senate informally; and in gatherings of people anxious to see us maintain our way of life, and avoid a nuclear holocaust.

The only reason we could figure the Soviets won't reach an agreement with us is that they believe they are winning.

That brings us to the thought, Why do they think they are winning?

I have followed, to the best of my ability, these test negotiations over the years. It seems it would be fair to say we have offered steadily more in the way of concessions.

SYMINGTON SUGGESTS SOVIETS MAY EXPECT FURTHER CONCESSIONS

Despite their being apprehensive about the Red Chinese breathing down their necks, could they be believing that, if they just held on long enough, we would end up by giving them the ball game in the way of concessions, which would make it possible for them to obtain a superior, if not supreme, position in the nuclear field?

We know Dr. Bethe changed his mind, and we know one of the reasons he changed his mind was because of knowledge obtained by us, from study of Soviet tests, of the tremendous advances they had made a year ago around this time.

We also have no reason to believe they have not been continuing steadily, with no interruption, their planning and programing in nuclear testing quite regularly since 1958; whereas we know we disbanded our teams and, to a considerable extent, disbanded our organized thinking, when it came to testing.

Do you not agree they may be attempting to have us give them something in the way of further concessions which would make it possible for them to destroy a good deal of our retaliatory capacity, our deterrent capacity; and that is why they do not follow the logic of making a meaningful test cessation agreement with us. They must watch with growing apprehension the progress of Red China toward becoming a nuclear power.

Will you comment on this?

RUSK THINKS SOVIET TESTS BASED ON WEAPONS NEEDS

Secretary RUSK. Yes, Senator.

I think there is one other element that enters into it, and I think it was a pretty strong element, about a year or a year and a half ago.

I think they came to the conclusion sometime last year that on military grounds they had to improve their nuclear weaponry, and that, therefore, without regard to this testing or disarmament posture, or the rest of it, they had to repair some important deficiencies in their systems.

I think they scrapped, almost without trace, the earlier positions they had taken. They took on the political problems, without hesitancy, of starting their testing on the opening day of the Belgrade Conference practically, and just as they brushed that all aside. I think they did it chiefly for military reasons.

Now, I think it is utterly fundamental for us to be sure that we stay well on top of this nuclear weapons systems business, and if we were ever to be faced with the prospect that disarmament measures held us back while they went ahead, this would be wholly unacceptable.

Senator SYMINGTON. Based on the record as we know it, isn't that what we have done?

Secretary RUSK. I do not think so, sir. I do not think, at least on the basis of all the technical, military, and other advice that I have had access to, that this is the case. I do not think that this is the case.

Senator SYMINGTON. Mr. Chairman, may I ask—

Secretary RUSK. Let me say, Senator—

Senator SYMINGTON. Excuse me.

Secretary RUSK. I had finished, but let me just add, but the result of these is that they do not now have an agreement, and the kind of

things we would have to insist upon they are saying under no circumstances will they accept.

Senator STENNIS. Mr. Secretary, this is a vote. We will be right back.

Secretary RUSK. I am at your disposal.

Senator STENNIS. Some of us will be right back. I will and I hope the others will return promptly.

(A short recess was taken.)

Senator STENNIS. All right, gentlemen, if we may come to order.

Suppose we proceed. Senator Goldwater, proceed if you will.

Senator GOLDWATER. I would just as soon yield to Senator Case.

CASE REQUESTS CLARIFICATION OF "INACCURATE" STATEMENTS

Senator CASE. I thank the Senator from Arizona. He is very generous.

I just have two questions. I do not know whether one is appropriate or not.

A large part of our task in Washington is to interpret for our constituents what transpires here. The question of the inaccuracy of a statement made by the President, which Senator Jackson developed in his questioning, would appear to require some further clarification. I wonder if you would give some further clarification of this point, both for my benefit and for the benefit of those with whom I must deal.

Secretary RUSK. Well, perhaps in order to do it for that purpose I ought to provide something in writing.

Senator CASE. Mr. Chairman, if this is so far afield—

Senator STENNIS. I do not think it is. I asked that thing myself to cover the point.

Secretary RUSK. I think it is a point on which we ought to provide a statement for the record and to make it as clear as we can.

This statement was prepared by the representatives of the several agencies that are involved in the security and disarmament questions, and I think we had no doubt about the atmosphere and underwater as far as detection capability was concerned.

Now, from the point of view of pure detection, I think it was recognized that if you go far enough out into outer space at great distances, it is possible that an explosion could occur out there somewhere that would not be detected.

But it seemed so remote that this would yield any results, experimentally or as part of a testing program, that this was a remote risk, and did not raise the question of a testing arms race uninspected in the usual sense.

Senator CASE. I understand that, and I would ask Mr. Foster if he had an additional observation. That was my understanding of the situation.

NO TESTS IN OUTER SPACE AS FAR AS IS KNOWN

Mr. FOSTER. Mr. Chairman, if I may just add, there have never been any tests to anyone's knowledge in outer space, therefore, there have been no means of detection actually developed for the purpose of observing the same.

However, the scientists are quite clear that effective means are possible with the scientific limits which would pick up the radioactive remnants of such an explosion in outer space, and it could be done quite readily.

We have prepared a piece of paper on this, Mr. Chairman, which we would be very happy to send up for the information of the committee in more detail, but that actually is the situation, and the words were "can be effectively detected," and the word "can" was chosen with the thought that it is within the abilities to develop such means.

Senator GOLDWATER. Will the Senator yield?

Senator CASE. Yes.

JOHNSON ISLAND TEST NOT IN OUTER SPACE

Senator GOLDWATER. What was the altitude of the shot off Johnson Island?

Mr. FOSTER. That was ———.

Secretary RUSK. You see, there was no problem about detecting that one.

Senator GOLDWATER. I am talking about the one that was seen from Hawaii.

Mr. FOSTER. That is not outer space in my view.

CASE'S QUESTION ANSWERED "OFF THE RECORD"

Senator CASE. My second question is in line with the concern that Senator Jackson expressed about your having the central role in this whole business. It concerns the relationship of our disarmament control and nuclear testing position to our relations with European countries and NATO countries, in particular. You mentioned that one of the reasons a nuclear test ban agreement was desirable, if possible, was to avoid proliferation of nuclear powers.

I take it that it is impossible to give any NATO or other European group of nations nuclear weapons unless there is some agreement among them which is satisfactory to us so far as political control is concerned? I suspect that most of those countries, even though they may talk about wanting nuclear weapons, would perhaps, rather rely on us solely in the indefinite future than they would about the possibility of any agreement among themselves which would satisfy our requirements of political control. Could you tell us, more or less for background information, what our thinking and objectives are in this connection?

Secretary RUSK. Mr. Chairman, I would like to be entirely candid with the committee. I would be more comfortable if we could be off the record on this point.

Senator CASE. Certainly, I do not press it.

Secretary RUSK. I think there are some points here that would be of interest to members of the subcommittee on this point.

(Discussion off the record.)

Senator STENNIS. Senator Goldwater, you yielded to Senator Case. We are back to you now.

RUSK GIVES ASSURANCE THAT WE HAVE "VERY POWERFUL FORCES"

Senator GOLDWATER. All right. Secretary Rusk, I do not know that these questions can be answered entirely by you, but because you did touch on them a bit, I wanted to pursue it.

Secretary RUSK. Right.

Senator GOLDWATER. On page 2 of your statement, in the last paragraph, you say, "Given the nature of the world today, wise policy requires that we maintain a military force sufficient to deter or meet aggression."

Now, testimony that we have had before this subcommittee indicates that our strategic air forces will shortly be in a declining posture. Is that fact consistent with your statement that we maintain a military force sufficient to deter or meet aggression?

Secretary RUSK. I commented, Senator Goldwater, in another connection that the State Department itself, in terms of its own responsibilities, has a tremendous interest in the military strength of the United States.

I do not want to go back over too much old ground here, but in the late 1940's it was the State Department which pressed very hard for a rapid increase in our military forces.

Senator GOLDWATER. Yes, I know that.

Secretary RUSK. And we are entirely in accord, in fact we have been pressing as well, for the additional buildup, for example, last year and this year in our military position.

I do not believe that I should comment as to a particular arm of service or a particular weapon, but I think that we do have to have, in the absence of serious disarmament in which it is clear that the other side is coming down, we have got to have very powerful forces, and I think that we ought not to have any less than the forces we have now, and my guess is that that is going to cost us considerably more to keep going in the future and to make the necessary improvements in them.

Senator GOLDWATER. As I say, I hesitate to ask you, but Mr. Nitze the other day indicated that all of these decisions are now reached through joint effort.

Secretary RUSK. That is correct, sir, and we have a chance ourselves to urge our view of the importance of the Armed Forces efforts.

RUSK STRESSES NECESSITY FOR POWERFUL AND INVULNERABLE FORCE

Senator GOLDWATER. My next question is along the same line. It is prompted by the opening two sentences in the second paragraph on page 3, where you say:

Military strength and disarmament must be pursued together. To pursue one to the exclusion of the other is to court disaster.

If it is true that our strategic air ability is right on the verge of declining, are we not, in effect, failing to maintain our military strength in view of the fact that I know of nothing planned to replace this strategic force? There may be some things that I know nothing of. However, I do not think you can count on ICBM's to replace the military value of a manned bomber.

I wonder what your comments might be on that.

Secretary RUSK. Senator, I do not think that I am fully qualified to make the judgment on the strictly military side of that. But I would emphasize that from the foreign policy point of view it is of the greatest possible importance for us to have a force in being and sufficiently invulnerable so that the Soviet Union knows, in the event of an attack on us, the Soviet Union has to face the fact of devastation.

Now, this policy approach has to be translated into military terms by those who know how to do such things. I do not consider that I can go too far myself into just how this is to be achieved.

But if we are moving into a period in which we fail to have that capability, then I think this deserves attention.

Senator GOLDWATER. I realize you cannot give it full military assessment, but you are absolutely right in the statement that military strength and disarmament must be pursued together. To pursue one to the exclusion of the other is to court disaster. No one can argue with that.

It might be well for you to review the testimony that General Power gave us on the projected strength of the Strategic Air Command in the immediate years ahead.

I think you will find that your military consultants would say that it will be reduced to a very dangerous level because we have no replacements entering the weapons inventory.

I will not pursue this further, Mr. Chairman, because I realize that it is not exactly in the Secretary's department, but they do work hand in hand.

Secretary RUSK. Yes.

Senator STENNIS. May I comment before you leave that? We are doubly assured, and I am sure the Senator agrees, by the statements of the Secretary of State here on the matter of military strength and the necessity for it, that disarmament is being pursued only in the light of strong, great military strength. I thought that was quite reassuring. I am glad he brought it up.

Senator GOLDWATER. I am quite worried about it, because somewhere there must be forces at work insisting that we can reduce our strategic forces.

I ask those of Cabinet level, such as yourself, and I always get the answer that it would be dangerous. Yet we are, by the very fact of no new purchases in this field, nor even any new designs, beginning to restrict our strategic retaliatory strike forces.

The other question I have does not relate to this meeting at all, but I did not get a chance to ask you a question the other morning at the Joint Committee meeting. It can be off the record if you wish, but I was wondering if we have ever sent a note to Khrushchev concerning the buildup in Cuba.

NO FORMAL NOTE ABOUT CUBA SENT TO KHRUSHCHEV

Secretary RUSK. I think I did discuss that briefly after you had left, Senator.

We have not sent a formal note although we have made sure that Khrushchev knows what we think about Cuba.

Senator GOLDWATER. In the event of the Western Hemisphere, the American states, having to do something of a military nature around

or in Cuba, do you think that Russia would even try to help Cuba because of the logistic problems that are almost insurmountable?

RUSK DOUBTS THAT RUSSIA WOULD ASSIST CUBA BY DIRECT MILITARY ACTION IN CUBA

Secretary RUSK. I think it is unlikely that they would try to assist Cuba by direct military action in Cuba in support of Cuba.

But I think it is entirely possible that they would use that as an occasion to move in another place.

That does not mean that we let Cuba go on indefinitely with whatever happens there. But I think we could expect some sort of a response by the Soviet Union somewhere.

Senator GOLDWATER. I would agree with that.

That is all I have. Some day I would like to discuss with you this word "victory."

Secretary RUSK. All right, sir. I would like very much to.

Senator GOLDWATER. There is some misunderstanding about it, and we could both benefit by it.

Secretary RUSK. All right, sir.

SOVIETS WOULD REACT ELSEWHERE TO ACTION IN CUBA

Senator STENNIS. Would you repeat that? Would you repeat the substance of your answer about the response of the Soviet Union to military action in Cuba? You said you thought there would be a substantial response. Do you mean militarily?

Secretary RUSK. Not in Cuba. But I think it is entirely possible that they would respond somewhere else.

Senator STENNIS. They would react somewhere else?

Secretary RUSK. Yes, that is right, sir. But I do not believe that they would undertake the hopeless task of meeting our power specifically in Cuba.

Senator STENNIS. Well, I thought I partly misunderstood you.

Gentlemen, we have this situation. We have been allowing roughly 20 minutes to each Senator. Senator Symington had not finished his questioning. There is no strict limitation on the time. He was not here when we came back after our recess. Senator Symington, I call on you.

EFFECT OF NUCLEAR TEST BAN TREATY ON WORLD PEACE

Senator SYMINGTON. Thank you, Mr. Chairman.

Some feel we will have peace in the world if we make a nuclear test cessation agreement with the Russians. Others dispute that, and say we have gone too far in our offers already to get agreement. They add that, even if we get agreement, it will not be really meaningful because it does not embrace the Chinese Communists, and possibly some other countries about ready to join the "nuclear club."

Do you feel that the administration and the Congress have overstressed the results from the standpoint of world peace which would occur if we did reach a bilateral agreement between the two countries?

Secretary RUSK. I think there has been some exaggeration in public understanding around the world as to the actual effect of a nuclear test ban treaty.

I think this partly comes about because of the stimulus to the imagination that comes from the fallout problem.

I do not believe that a test ban treaty would mean peace. At most it would mean putting a kind of ceiling on one part of the arms race or potentially putting a ceiling on.

I do think, Senator, that I would not, however, agree with the second group because I think if we could get testing really stopped it is in the security interests of the United States today to stop it today if we can.

Senator SYMINGTON. Have you considered giving any talks on this?

TEST BAN TREATY NOT BINDING IF OTHER NATIONS TEST

Secretary RUSK. I have done so. This last point is a little difficult for me to make publicly because the Soviets would pick it up and use it against us. But they understand this.

I do think, however, that it is worth our getting a test ban treaty if we can get one that is just that. But, of course, such a treaty could not last beyond any testing by any other country.

If all others did not cease testing we could not be bound by a treaty ourselves not to test. So that the Chinese, if they were to test, this treaty would not be binding upon us.

If France were to test the Soviets would be the first to say that the treaty is no good.

So that we cannot have a test ban treaty that leaves us marking time while others conduct tests, and this would be built right into the very heart of the agreement itself.

PROBLEMS INVOLVED IN MAINTAINING TEST APPARATUS ON STANDBY BASIS

Senator SYMINGTON. Let me rephrase that this way, then: We lost 3 years very possibly in the moratorium. Some people say we did not, but many experts say we did, because they never stopped, and when they were ready they tested, regardless of world opinion, or "image," or anything else.

If they cheated again, wouldn't we be almost sure to find ourselves in an inferior position in nuclear weaponry, especially now that we realize the tremendous progress they made in weaponry as a result of the tests they made in the fall of 1961?

Secretary RUSK. I think, in all honesty, Senator, it would have to be said that the problem of maintaining a full test apparatus on a standby basis under conditions of no testing is more difficult to the United States or any free country than it is for the Soviet Union.

This has been worked on very carefully by Dr. Seaborg and others about what would have to be done to be sure that we were in a position to reduce any timelag that might result from this particular element.

Now that we have had, we are having, a series of tests, a good many things there exist that have to be worked on. There are data to be used and examined, and all the rest of it. This would carry us quite a distance in itself before another series would necessarily yield qualitatively different results or greatly increased results.

But this is a problem that we would have to be sure that we had laboratories that were in operation, doing the things that were pos-

sible to do, despite the treaty, in order to maintain the personnel that will be available to move promptly if the treaty were broken.

Senator SYMINGTON. We did not do that last time, did we?

Secretary RUSK. I gather that there was more of a depletion of our scientific and other resources than I think would be wise for the future.

Even with a treaty I think we would have to watch this because a treaty can be broken, in fact, by some signatory, and we would have to move promptly.

Senator SYMINGTON. Thank you, Mr. Secretary. Thank you, Mr. Chairman.

Senator STENNIS. Thank you, Senator.

Senator Thurmond.

UNITED STATES TO STAY IN BERLIN AND FIGHT IF NECESSARY

Senator THURMOND. Thank you, Mr. Chairman.

Mr. Secretary, I just wanted to ask one question about Berlin. Are we going to stay in Berlin and fight, if necessary, to do so?

Secretary RUSK. Yes, sir.

Senator THURMOND. In other words, under no conditions are we going to give up Berlin?

Secretary RUSK. That is right, sir.

AGREEMENT WITH SOVIETS CANNOT REST ON TRUST ALONE

Senator THURMOND. Mr. Secretary, knowing the goal of the Communists, which is to dominate and enslave the world, and knowing that they do not keep agreements—I believe the record shows that they have broken 50 out of 52 major agreements, and I am sure you are familiar with that—do you feel you can really put any confidence in any agreement that we enter into with the Soviets, with the Communists?

Secretary RUSK. Senator, I do not believe that we can allow an agreement to rest on trust or confidence. There are certain kinds of agreements that are self-executing so that you know whether or not the agreement is in operation.

Now, in this nuclear test field, what we cannot do is to accept it on trust. What we can do is to try to make it contingent upon arrangements that take the element of trust out of the picture, so that it is like a bank examiner. The very fact that you have the inspection system means that the question of trust does not arise in the same way that it would without an inspection system.

We cannot, and we repeatedly said in Geneva that such a system cannot, rest on trust alone.

Senator STENNIS. Cannot rest on what?

Secretary RUSK. Trust alone.

Senator STENNIS. Trust, yes.

OUR EFFORTS TO REACH AGREEMENT NOT SOLELY FOR PROPAGANDA

Senator THURMOND. Do you think there is really any use in actually entering into an agreement with the Communists on testing or disarmament either, knowing they will have no regard for agreements and

whatever they do they are doing it because they know or feel it is going to promote their goal?

Secretary RUSK. I think, Senator—

Senator THURMOND. Or is it good from a propaganda standpoint? It might be from a propaganda standpoint that we are pursuing the course we are now, that we are trying to show the world we want peace. But, of course, peace to us does not mean what peace does to the Communists.

Secretary RUSK. That is right.

Senator THURMOND. Peace to the Communists is the state of affairs after they have taken over the world and there is no longer any conflict. That is peace to them. But to us it is altogether a different meaning.

Secretary RUSK. Well, Senator, I can assure you that what we are trying to do in the disarmament field is not based upon an attempt to make propaganda gains.

I think it is very important that we not put forward proposals for propaganda purposes, sort of in a bet or expectation that the other side will turn them down.

Obviously, unless they are consistent with our security we cannot accept them even if the other side does.

But I do think that the proposals that we have made officially internationally are based on the notion and a very serious judgment by all those deeply concerned with the problem in the executive branch that it would be in our interest if we could, in fact, stop testing now. If we stopped it today, permanently, it would be in our interest.

We might have an agreement, it might be broken, and we would have to resume testing, as well as everybody else.

RUSK BELIEVES THAT TIME MAY COME WHEN IT IS TO SOVIET'S INTERESTS
TO STOP TESTING

Senator THURMOND. Do you really feel deep down in your heart, Mr. Secretary, that the Communists are going to agree to stop testing until they feel they are ahead or they feel testing can be done through some other Communist nation so that they feel they can get ahead or stay ahead?

Secretary RUSK. I am sure they understand beyond any doubt whatever that they could not use any other nation to test in their place because the treaty would be immediately dissolved if any other nation tested.

I think that there may come a point where the Soviets would consider that it is in their interest to stop testing.

They are concerned, I suspect, about how to do everything that they want to try to do with the resources they have available. When you look out ahead as to what the next steps are in this nuclear and missile field, there are steps that already tax the capacity of the mind of man, and they involve enormous resources, new resources, additional resources committed to the antimissile missile; the missile that can penetrate the antimissile missile, and on and on, a qualitative race that means many tens of billions of dollars of investment of a rather precarious and chancy result in terms of what may come out of it.

Yet if the arms race goes on we will have to do it, and they will have to do it.

I am not completely convinced that they are determined to go ahead with this arms race in that lead because I believe they have great respect for the capacities of the free world, and I suspect they have to worry about the fact that we can trump their ace on that effort.

RUSSIAN INSISTENCE UPON TOTAL DISARMAMENT

Senator THURMOND. Do you think they will agree to any disarmament proposal unless there is something in the disarmament program that they feel gives them an advantage? Do you think they would really be sincere about disarming? Wouldn't they have to change their whole philosophy, the entire thinking of the Communist leaders and the movement of international communism?

Secretary RUSK. Senator, I think this suggests a very interesting point. The Communists have made a great deal of what they call general and complete disarmament followed by whatever inspection anybody wants. This is their claim.

Now, this is Leninist disarmament. They could move tomorrow to whole disarmament of the world, and if they did, but they kept the rest of their apparatus, the rest of their instruments for committing subversion, aggression, and other means, this would be a great advantage to them.

Now, they are very reluctant to take specific steps, however small, in the disarmament field that still leaves us and the West with its power.

I think it is our advantage, it will be to our advantage, to get them to join in limited steps to begin to turn this arms race down if we can get it down to a verifiable basis so we know what they are doing, what they promised to do is, in fact, being carried out.

But I have no doubt that their insistence upon a sudden, sweeping total disarmament is entirely consistent with their view as to how you get on with the world revolution, and it is for this reason that we have insisted that this be taken in stages, steps, and that before we get very far down this trail there has to be a basic revision of their attitudes and policies and their conduct in the international field, and that you cannot move deeply into this field until there has been, in fact, a transformation of conditions of international life because otherwise disarmament just would not work.

NO SIGNS OF SOVIETS ABANDONING GOAL OF WORLD DOMINATION

Senator THURMOND. Do you think that they are going to abandon their goal of communizing the world, world domination?

Secretary RUSK. We see no signs of it in the short run. What happens in a revolutionary doctrine of that sort over time I think is for speculation.

I do think there are some situations where the national interests of Russia do come into conflict with their maximum effort on behalf of the world revolution.

For example, the more their people insist upon a greater share of consumer goods and services at home, the more this would limit their capacity to support subversion abroad, and there may be a few tendencies that, in the long run, will make the difference. I cannot at the moment, Senator, see any change in their objectives.

RUSK DOES NOT THINK THERE IS MUCH CHANCE FOR "DEEP DISARMAMENT"

Senator THURMOND. Well, unless there is a change in their objectives, do you still think there is a chance to bring about disarmament?

Secretary RUSK. I do not think there is much chance to bring about, shall we say, deep disarmament. I think it would be to our advantage to get certain steps taken in disarmament, such as a nuclear test ban and a limitation on the arms race which otherwise is going to mount into colossal proportions, both economically and from a scientific and military point of view.

OUR NUCLEAR STRIKING FORCE IS GREATEST DETERRENT

Senator THURMOND. Since they have greater manpower than we do, the Russians and Chinese, isn't our greatest deterrent our striking force with nuclear weapons?

Secretary RUSK. Yes, sir; and that is—

Senator THURMOND. Therefore, we would be destroying our greatest deterrent if we entered into such an agreement with them.

Secretary RUSK. Well, that is why, I suppose—I cannot put myself in their minds on this, but they have proposed the elimination of all nuclear delivery vehicles in stage 1 of their proposals.

We have said only 30 percent in stage 1 because we have to keep nuclear striking forces of great capacity until we see what they are going to do in the world. Thirty percent across the board; yes, sir. Ours is an across-the-board, and they want to eliminate all nuclear delivery vehicles in stage 1, and we cannot do that for the reasons you suggest, that their manpower and conventional weapons would be too strong, too powerful.

DISARMAMENT OR TEST BAN TREATY TO BE SUBMITTED TO SENATE

Senator THURMOND. Under this Disarmament Act, Mr. Secretary, which was passed last year, September 26, 1961, I believe, and approved by the President, is there any question in your mind that any disarmament treaty would have to be presented by the President to the Senate for consideration and ratification?

Secretary RUSK. No, sir; none at all.

Senator THURMOND. The State Department or the Government, so far as you know, would not attempt to enter into any type of Executive agreement on nuclear testing or disarmament, would it? It would be in the form of a treaty?

Secretary RUSK. We have proposed treaties in Geneva. But when you say any type, I do not know what that—I am not sure what that—would cover altogether; do you see what I mean?

Senator THURMOND. In other words, an Executive agreement, of course, does not have to be ratified by the Senate. A treaty does.

If any agreement is attempted to be reached, would that agreement be presented in the form of a treaty or under any circumstances would the Government attempt to enter into an Executive agreement which would not require ratification?

Secretary RUSK. Well, Senator, since there are many, many aspects of this, what we have done, we have proposed treaties, and if there

is anything that raises any other question, I assure you there will be full consultation with the Congress on those points.

The only reason I am putting it that way rather than to put a categorical statement about treaties is there might be conceivably some particular or passing point that would not be—where a treaty would not be needed or would not be appropriate.

For example, we have talked in connection with the surprise attack problem, improving communications between the heads of Government. I would assume that would not be suitable for a treaty.

Senator THURMOND. Here is what I mean, Mr. Secretary; I think I can make it very simple.

Secretary RUSK. Yes.

Senator THURMOND. This Disarmament Act provides that any agreement reached would be in the form of a treaty which would require the approval of the Senate. There is no question about that, is there?

Secretary RUSK. That is right, sir.

Senator THURMOND. Would the same provision apply with regard to testing?

Secretary RUSK. It is my understanding—

Senator THURMOND. A test ban?

Secretary RUSK. We have proposed treaties in Geneva.

Senator THURMOND. On test bans?

Secretary RUSK. On test bans; yes, sir.

Senator THURMOND. You would not attempt to propose an executive agreement?

Secretary RUSK. That is not our plan; no, sir. You are referring to section 33, Senator?

Senator THURMOND. That is correct.

Secretary RUSK. Yes, we are fully cognizant of that.

Senator THURMOND. You would definitely follow that, of course, with regard to disarmament?

Secretary RUSK. That is right.

Senator THURMOND. With regard to testing you would also follow the same procedures, as I understood you to say?

Secretary RUSK. We have thus far, because we have proposed treaties, you see.

Senator THURMOND. Do you contemplate not following that provision?

Secretary RUSK. No, sir. I am just saying we are on that track.

Senator THURMOND. So you will then follow that procedure of a treaty on test bans, too?

Secretary RUSK. Yes, we certainly would follow whatever is required by section 33 of the law.

DISCUSSION OF AUGUST 27 DRAFT TREATY

Senator THURMOND. I have in my hand a copy of the draft treaty which was submitted to the 18-nation Committee on Disarmament at Geneva on August 27 entitled "Draft Treaty Banning Nuclear Weapons Tests in Atmosphere, Outer Space and Underwater."

Now, this draft treaty, in article 1, provides this:

That each of the parties to this treaty undertakes to prohibit, prevent the carrying out of any nuclear weapons test explosions in any place under its juris-

diction or control (a) in the atmosphere, above the atmosphere or in territorial high seas or (b) in any other environment, if such explosion causes radioactive debris to be present outside of the territorial limits of the state or under its jurisdictional control where such explosion is conducted.

Now, the question I wish to ask you is this, Does this treaty, does this draft treaty, provide for on-site inspection?

NO ON-SITE INSPECTION PROVIDED IN DRAFT

Secretary RUSK. No; this particular one does not; no, sir. This is for atmosphere, outer space and underwater. Because of the detection capabilities that exist without on-site—

Senator THURMOND. We have proposed to enter this much of a test ban without inspection. Now that is as far as I understand the United States will go?

Secretary RUSK. That is correct. We have—

Senator THURMOND. Without inspection?

Secretary RUSK. That is correct, sir.

Senator THURMOND. That is as far as we will go without inspection?

U.S. WOULD CONTINUE UNDERGROUND TESTING UNDER TREATY

Secretary RUSK. That is correct, sir; and it is the refusal of the Soviet Union to talk about inspection that stands in the way of a comprehensive treaty that would include underground. We would continue underground under this, you see.

Senator THURMOND. With inspection?

Secretary RUSK. No; we would continue underground testing ourselves under this.

Senator THURMOND. I understand that.

Secretary RUSK. Yes, sir.

Senator THURMOND. But I mean if you included the underground testing, too, in this treaty—

Secretary RUSK. That would have to have inspection.

Senator THURMOND. On-site inspection?

Secretary RUSK. Exactly; yes, sir.

Senator SYMINGTON. Would the Senator yield for a question in context?

Senator THURMOND. I would be happy to.

Secretary RUSK. Yes.

DIFFERENCE BETWEEN CONTROL STATIONS AND ONSITE INSPECTION

Senator SYMINGTON. Would you describe the difference between control stations on Russian soil operated by Russians and on-site inspection, for the record?

Secretary RUSK. Oh, yes, sir.

An international system for detection and verification has two basic requirements. First, that you detect phenomena which could be nuclear explosions.

Now, some of these are indistinguishable from certain types of earthquakes, but you have to determine where these suspicious events are.

Now, we think that there is an improved capability for detecting them. Nevertheless, in an international system for the location of control posts we think there ought to be, would have to be, control

posts on Soviet territory, which would be integrated into an international system of control posts located elsewhere.

Now, those control posts with their instrumentation will do nothing more than tell you that a suspicious event has occurred.

Senator SYMINGTON. But if operated by Russians they might not tell you.

IMPORTANCE OF CONTROL STATIONS IN THE SOVIET UNION

Secretary RUSK. Well, there are two elements there. One is that these are basically seismic type instruments. Even with stations in the Soviet Union there would be other stations outside the Soviet Union that would be zeroed in on the same phenomenon. There is some check from them.

But, nevertheless, we feel that these control stations ought to have surveillance to insure that the instruments are working as scientific instruments and not for some other purpose. They have to be instruments operating with integrity.

Now, having identified the suspicious event, then the problem comes to find out which it was, a nuclear explosion or an earthquake, and here is where the on-site inspection comes into play, because we do not know any way to be sure in some cases unless there are on-site inspections, to be able to go to look and see what, in fact, occurred at a particular point.

Now, there is another reason why the control posts on the Soviet Union are important, and I would think even from the point of view of the Soviets. If you have properly located control posts in relation to the probable seismic events, by triangulation you can locate much more specifically what it is you want to see, otherwise if you tried to rely upon only those instruments which are at a great distance, you have an enormous job of on-site inspection because you could not triangulate accurately enough.

So we feel that a combination of a worldwide system of control posts with assured integrity, and a worldwide system of on-site inspections would be essential for the purposes we are talking about.

Senator SYMINGTON. If the Senator would yield for one more question, what do you mean by assured integrity?

Secretary RUSK. Well, I think that this is a subject on which I quickly get out of my own personal scientific range, Senator.

What I mean is if there is any possibility that the instruments themselves could be tampered with, you would have two checks on it. One, somewhere there to check on the instruments themselves and, secondly, tampering would produce information that did not coordinate scientifically and accurately with these other control stations that you would have, you see. So that you would not rely upon the data from the stations inside the Soviet Union solely to determine whether you make on-site inspections. You get other readings and other evidence to see whether there is a consistency in the reports.

Senator SYMINGTON. I thank the Senator.

RUSK SAYS RISKS INVOLVED IN DRAFT TREATY ARE "ACCEPTABLE"

Senator THURMOND. The Senator from Missouri has anticipated some of the questions I would like to ask.

I would like to ask you this question. Senator Jackson brought this out. In view of the information that Senator Jackson brought out there about our inability to detect tests above the atmosphere, do you still think it would be safe to enter into an agreement similar to this proposed draft treaty?

Secretary RUSK. Well, in taking into account both the remoteness of the explosion itself, if it is out beyond undetectable limits, and the almost infinitesimal returns in terms of a testing system, in terms of what you get back from it and the capability of developing further means for detecting at great distances in spaces, yes, sir, I think this would be an acceptable risk.

THURMOND SETS FORTH HIS POSITION

Senator THURMOND. Now, Mr. Secretary, I have a lot of other questions, but my time is about up. I just want to make this statement.

In my judgment, we will make a great mistake to attempt to bring about any disarmament arrangement with the Communists until they have abandoned their goal of world communism and domination and enslavement, and proved it by deeds as well as by words.

Their past history shows they cannot be relied upon, and if they entered into an agreement they would not hesitate to break it if they felt it was to their advantage.

I think we are playing with fire. I have talked to a lot of people, people on the street, and to other people, too, very knowledgeable people, and they think it is amazing that we would even consider such an arrangement until the Communists had changed their philosophy and had abandoned their goal of world domination.

I want to pass that on to you because I feel it is my duty to do so. I want to thank you for answering my questions.

Secretary RUSK. Thank you.

Senator THURMOND. Thank you, Mr. Secretary.

NO NEGOTIATIONS WITH RED CHINA AT THIS TIME

Senator STENNIS. Mr. Secretary, I want to ask you one or two questions. I was interrupted a good deal, especially before we recessed for the vote, but you have not mentioned any negotiations or attempts to enter into an agreement with Red China which are going on at this time.

Secretary RUSK. No, sir; not on these subjects.

Senator STENNIS. No.

EFFECT OF TEST BAN TREATY WITHOUT RED CHINA

Secretary RUSK. But what Red China did in a field like nuclear testing would have a direct and immediate bearing upon whether any test agreement would survive.

Senator STENNIS. Yes, I understood that.

Secretary RUSK. Yes, sir.

Senator STENNIS. And you really think that for a test ban agreement to be effective very long you would have to incorporate Red China into some kind of an agreement, would you not?

Secretary RUSK. I think the best way to illustrate that point, Senator, is to say I think this is true in some respects and not true in others.

Senator STENNIS. I see.

Secretary RUSK. For example, if we had an agreement on the non-proliferation of nuclear weapons, against the transfer of nuclear weapons, and we asked all those countries that did not have nuclear weapons to sign up not to produce or accept, I should think it would be very important for China to sign up because if it did not sign up we would want to think a long time before we went another step ourselves in this matter.

Senator STENNIS. Yes.

DISCUSSION OF "SURPRISE ATTACK" ARRANGEMENTS

Secretary RUSK. Now, if there were surprise attack arrangements, say, in Europe in the disarmament field, I could imagine those could go forward without Red China's being involved in any way. So I think it would depend on the subject matter, sir.

Senator STENNIS. Yes. What do you mean by surprise attack agreements?

Secretary RUSK. Well, such things as—

Senator STENNIS. Communications?

Secretary RUSK. Communications between heads of state or the exchange of information about observing ports or certain rail centers and things of that sort.

Senator STENNIS. Yes, matters that could tip off about possible surprise attacks?

Secretary RUSK. That is right, sir.

EXTENT OF SOVIET TESTING DURING MORATORIUM

Senator STENNIS. What is your idea as to how much they tested during the period of the moratorium? I have wondered about that many times. What do you gentlemen in the most knowledgeable areas think about it? You can go down to the park and the people who sit there will give you a complete answer on matters like that, but I want to know now what you gentlemen, who are really in a position to know, think about it.

Secretary RUSK. Senator, it is easy to talk about what we do not know, more so than to say we are absolutely certain as to what, in fact, happened.

Based on such information as we have during that period, and what we have deduced from what happened later when they resumed their testing in the fall, I would suppose for a period of at least many months, if not longer than that before last fall, they had been going through a period of intensive preparations in their laboratories.

I am a little doubtful that they had developed any significant underground capability. We do not have any direct evidence of actual testing during that period, but there is no question they went through the full process of getting ready for the tests that they started last September.

Senator STENNIS. In that way they did everything except the ultimate act?

Secretary RUSK. Yes, sir.

Senator STENNIS. Excuse me, Mr. Kendall, I meant to call on you before I asked questions. Do you have any?

Mr. KENDALL. I have a few, Mr. Chairman.

Senator STENNIS. Proceed.

Mr. KENDALL. Mr. Secretary, some of these are followup questions on some other questions that have been asked.

Secretary RUSK. Yes.

VALUE OF CONTROL POSTS ON SOVIET SOIL POLITICALLY

Mr. KENDALL. With reference to control posts on the soil of the Soviet Union, wouldn't it be a good idea, from a political standpoint, to have these control posts provided for originally even though they might be of small value, because if you do not have them originally, obviously you will never have them?

Secretary RUSK. Oh, yes, sir. Our proposal includes control posts in the Soviet Union.

SUBSTANTIAL EQUALITY AS AFFECTING POSSIBILITY OF AGREEMENT

Mr. KENDALL. Following up on the questions that the Chairman just asked—it would not be to our national interest to agree to a nuclear test ban if we were substantially behind, and it would not be to the Soviet's interest to agree if they were substantially behind. Then, doesn't it follow that we cannot expect an agreement until we have substantial equality in this field?

Secretary RUSK. I think this depends on whether the Soviet Union feels that it is forced to go ahead regardless of the fact that we would almost certainly make an even more massive effort than they.

I suppose we would get to a point where if their capability reaches a certain level it would involve such a destructive capacity that much of what they have in mind would have been accomplished.

In other words, I think that the ability to inflict massive damage on Western Europe, and deep injury to the United States, they are approaching that point very rapidly, would take some of the pressure off of them to go ahead regardless and, therefore, may increase their readiness to try a nuclear test arrangement of some sort.

Mr. KENDALL. But you would agree that the question of the relative equality of the two powers in nuclear capability is one of the problems in this field?

Secretary RUSK. Yes, sir. But I do not think we can afford to give them much comfort in that.

Mr. KENDALL. I hope we cannot.

DISCUSSION OF ADVANTAGES OF ACDA BEING AUTONOMOUS

Now, prior to the establishment of the Arms Control and Disarmament Agency, I believe disarmament matters were handled in-house by the Department of State; is that right?

Secretary RUSK. We had a group in the Department of State itself; yes, sir.

Mr. KENDALL. What is the Arms Control and Disarmament Agency able to accomplish as an autonomous agency, and to accomplish more

effectively, than could be accomplished if the responsibility and jurisdiction were entirely under the State Department, assuming, of course, the same relative staffs?

Secretary RUSK. Well, I am not sure that the assumption would stand up, sir. I think we have been able to enlist talent for the Agency over and beyond what we might have been able reasonably to expect to get as one of the subsidiary bureaus of the Department of State.

I think also we have been able to pull together the key agencies in Washington which are necessarily involved in disarmament, Defense, AEC, on certain occasions the Space Administration, because the Agency as it is now set up does represent both a Presidential and a congressional expression of the seriousness of interest in disarmament as one of our foreign policy problems.

It does involve the responsibilities of more than the Department of State and, therefore, it has a relationship which, I think, is advantageous from the point of view of the President in dealing with the several agencies that have to be brought into the picture.

Mr. KENDALL. Are you suggesting, Mr. Secretary, that you could not have pulled these key agencies together if the Senate bill of last year had been finally enacted rather than the compromise version?

Secretary RUSK. No, I would not draw the distinction as between the Senate and the House bill of last year on this point. I think this separate agency, that is, the highly specialized group, the group working on it full time, with personnel drawn from different backgrounds of experience and reaching in and pulling in talent from the outside, that is the key thing. Operationally, as I tried to indicate earlier this afternoon, I think in terms of procedures in how we go about the business, there is not a great deal of difference between the way it works now and how it might have worked under the Senate bill.

RESEARCH ACTIVITIES OF STATE PRIOR TO CREATION OF ACDA

Mr. KENDALL. Did the State Department carry on research and studies in the field of arms control prior to the creation of the Arms Control Agency?

Secretary RUSK. Some, but on a very limited basis. Do you know whether they had any at all? I think they were, but they tended to rely more on, as I gather it—this was drawing on independent volunteer groups of experts to sit down for brief periods of time to go over certain questions.

Mr. KENDALL. I won't ask you to go into detail now, but would you furnish a memorandum for the record showing the areas and the level of research and study activities in that field?

Secretary RUSK. Right.

(The document referred to follows:)

STATEMENT OF U.S. ARMS CONTROL AND DISARMAMENT AGENCY

(Research conducted by and for Mr. John J. McCloy, adviser to the President on disarmament, and the U.S. Disarmament Administration of the Department of State during fiscal year 1961.)

This is in response to the subcommittee's request for a statement of the research in the arms control and disarmament field conducted by the Department of State during fiscal year 1961.

During this period Mr. McCloy, adviser to the President on disarmament, and the U.S. Disarmament Administration of the Department of State, utilized the services of a number of consultative groups to provide information and ideas with respect to nuclear test ban and disarmament.

A panel headed by Dr. James Fisk, of Bell Telephone Laboratories, was convened early in 1961 to review the U.S. nuclear test ban proposals then outstanding, and to consider various technical problems related to these proposals.

Over 127 participants worked in the consultative groups which reviewed various aspects of the disarmament problem in advance of the preparation of the September 25, 1961, disarmament proposals. These groups were chaired by Prof. Emile Benoit, of Columbia University; Prof. Harvey Brooks, of Harvard University; Dr. Robert Cairns, of Hercules Powder Co.; Prof. Paul Doty, of Harvard University; Prof. Louis Henkin, of the University of Pennsylvania Law School; Gen. John E. Hull, former Vice Chief of Staff, U.S. Army; Dr. Donald Ling, of Bell Telephone Laboratories; Mr. James A. Perkins, Carnegie Corp. of New York; Prof. Thomas C. Schelling, of Harvard University; Dr. Chalmers Sherwin, of Aerospace Corp.; and Mr. Gerard Smith, formerly Assistant Secretary of State for Policy Planning.

During June and July of 1961 another group, this one under the chairmanship of Mr. William C. Foster, was formed to review the work of these panels and other disarmament ideas which were then under consideration.

The U.S. Disarmament Administration began a program of research activity early in 1961, and, to carry out this work, recruited a staff representing diverse specialties and backgrounds, including analysts in the social, physical, and military sciences. Many of these were on detail from other agencies, including the Department of Defense and the Atomic Energy Commission. In addition to work on background papers for negotiations and work in organizing the panels discussed above, this staff carried out a review of existing research studies, both governmental and nongovernmental, in the disarmament field, and it delineated the general areas in which further research was required.

The Disarmament Administration contracted with the Institute for Defense Analyses (Project Vulcan) for a political, technological, and military study which sought to define the conditions and circumstances of a stable and favorable military environment, to examine the factors that control these conditions, and to determine how such an environment might be created and preserved. This contract provided for a total payment of \$150,000. An extension of this study, also undertaken by the Institute for Defense Analyses, made a broad survey of arms control measures designed to lessen international tensions and promote stability. It provided for payment of an additional \$79,600.

STATE'S CONTROL OF ACDA'S RESEARCH ACTIVITIES

Mr. KENDALL. In the field of research and development studies, is the Arms Control Agency responsible to you in any way?

Secretary RUSK. In the same sense in which it is generally.

Mr. KENDALL. Is that field also under your direct supervision?

Secretary RUSK. That is correct, sir.

Mr. KENDALL. Do you have approval of the Agency's activities in that field?

Secretary RUSK. Excuse me just a moment.

Mr. KENDALL. I think if you refer to the statute and Executive order you will find the Arms Control Agency is responsible directly to the President in that field, Mr. Secretary.

Secretary RUSK. I am sorry, right. I will amend my answer on that. But again I am kept fully advised, so I had not recognized the distinction, because I discuss these research matters with the Director from time to time.

RESEARCH ACTIVITIES OF ACDA QUESTIONED AS DUPLICATION

Mr. KENDALL. In their presentation to the Appropriations Committee the Arms Control and Disarmament Agency indicated that

they planned to enter into research contracts to do these things, among others: To analyze restrictions on strategic nuclear delivery weapons, and the effect of these restrictions upon the maintenance of an adequate strategic deterrent during various stages of disarmament; an examination of the characteristics of particular weapons systems from the point of view of responsiveness to control, flexibility, and the means of protecting these systems through mobility, concealment, dispersal, hardening, and related warning systems.

I do not want to belabor this point now, but I want to throw it out as an area in which we will be interested, because it is my understanding that these particular fields are the subjects of day-to-day and continuing study by the Department of Defense, the Air Force, and other military agencies. I am going to inquire at some appropriate time as to whether or not duplication of this type of study by a civilian agency is necessary and proper.

Secretary RUSK. These are possible subjects that were talked about. The research itself would be conducted with full coordination with the Department of Defense in order to pull together the different resources.

RUSK NEGATIVES POSSIBILITY OF UNILATERAL MORATORIUM

Mr. KENDALL. Mr. Secretary, both Mr. Foster and Mr. Nitze were asked whether or not there was any possibility that at the end of our current test series we might make any announcement or take any other action that would commit us unilaterally and voluntarily to forgo testing in the atmosphere, and they both replied in the negative.

What is your response to that question?

Secretary RUSK. We have no plans, but would you repeat it just because I was—

Mr. KENDALL. I asked whether there is any possibility that at the end of our current test series—

Secretary RUSK. We have no plans in that direction.

Senator THURMOND. Would you repeat your question on that, Mr. Kendall.

Mr. KENDALL. My question was: Whether or not there was any possibility that at the end of our current test series we might make any announcement or take any other action that would commit us unilaterally and voluntarily to forgo testing in the atmosphere; and your answer was?

Secretary RUSK. I would not think we would be involved in that on a unilateral basis; no, sir.

Mr. KENDALL. In other words, so far as you know there is no possibility of a unilateral and self-imposed moratorium?

Secretary RUSK. No. I suppose that as a practical matter after a series has been completed there would be a period in which there would be study of data and things of that sort. But we have no plans to make the kind of announcement you are talking about.

Senator STENNIS. I understand that is a rollcall vote on the Miller amendment. It is almost 5 o'clock. It will take us some time to get back, of course.

Senator, do you have any questions? We can take them now.

Senator SYMINGTON. I am grateful to Secretary Rusk for what he has done. If I may have this off the record because it would be repetitive.

Senator STENNIS. Off the record.
(Discussion off the record.)

STENNIS ASKS FOR REASONS FOR ISSUANCE OF EXECUTIVE ORDER

Senator STENNIS. Back on the record.

What was the reason for the issuance of this Executive order? Perhaps you have answered that already. I had to be out from time to time. If you have not answered it, supply an answer for the record, please. We must go or we will miss that vote.

Secretary RUSK. Could I submit a memorandum on that?

Senator STENNIS. Yes. I say, submit it for the record if you will, please.

Secretary RUSK. Thank you very much.

Senator STENNIS. If it is covered already in the first part of your testimony, why, you need not repeat it.

Secretary RUSK. Thank you.

(The document referred to follows:)

STATEMENT OF U.S. ARMS CONTROL AND DISARMAMENT AGENCY

NEED FOR AN EXECUTIVE ORDER ON COORDINATION OF ARMS CONTROL AND DISARMAMENT MATTERS

Senator Stennis asked that a statement be supplied for the record to show why Executive Order 11044, issued on August 20, 1962, was requested. The order deals with the problem of interagency coordination of arms control and disarmament matters. This statement is in response to Senator Stennis' request.

The original impetus for the order came from section 35 of the Arms Control and Disarmament Act. This section provides:

"Sec. 35 The President is authorized to establish procedures to (1) assure cooperation, consultation, and a continuing exchange of information between the Agency and the Department of Defense, the Atomic Energy Commission, the National Aeronautics and Space Administration and other affected Government agencies, in all significant aspects of U.S. arms control and disarmament policy and related matters, including current and prospective policies, plans, and programs, (2) resolve differences of opinion between the Director and such other agencies which cannot be resolved through consultation, and (3) provide for presentation to the President of recommendations of the Director with respect to such differences, when such differences involve major matters of policy and cannot be resolved through consultation."

During consideration of the bill which became the Arms Control and Disarmament Act, the Senate Committee on Foreign Relations gave particular attention to the problem of coordination. The draft legislation submitted by President Kennedy contained a coordination provision, and the testimony, particularly that of Ambassador Henry Cabot Lodge, pointed up the problem involved. (See hearings before the Committee on Foreign Relations, U.S. Senate, 87th Cong., 1st sess., on S. 2180, p. 117, 1961.) The committee concluded:

"The coordinating function is viewed as of great importance by the committee. The committee realizes that the fields of research set forth in subsections (a) through (m) of section 31 involve the work and responsibilities of a number of executive departments and agencies. The provisions of section 34 provide the mechanism for coordinating these activities among the affected Government agencies and for resolving differences among them. By providing that the President be responsible for establishing procedures for these two purposes the committee feels assured that the question of who does what will be considered at the highest level in Government." (See S. Rept. 882, 87th Cong., 1st sess., p. 6 (1961); see also H. Rept. 1165, 87th Cong., 1st sess., p. 14 (1961).)

The language of the statute and the legislative history indicate a clear congressional intention that procedures for the coordination of arms control and disarmament matters be issued by the President. The Executive order simply carries out this intention.

While the order made no major change in the procedures which had come to be used for coordination, it did put those procedures down in writing in the form of an authoritative order for the guidance of all interested agencies of the executive branch. We regard the provisions of section 2 requiring an exchange of information on arms control and disarmament matters as particularly important because so many different agencies of Government have an interest in, and perform functions related to, these matters. The provisions of sections 3 and 4 are also particularly useful to prevent duplication of research effort and to provide a comprehensive research plan toward the fulfillment of which all agencies can direct their efforts.

Senator STENNIS. We want to especially thank you, Mr. Rusk, and you, too, Mr. Foster.

Secretary RUSK. Thank you. I appreciate that.

Senator STENNIS. And the gentlemen who came with you.

Secretary RUSK. Thank you very much, Senator.

Senator STENNIS. I think this has been quite helpful, and we are glad to have had you here.

We will adjourn now subject to the call of the Chair.

(Whereupon, at 5 p.m., the subcommittee adjourned, to reconvene subject to call of the Chair.)

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