

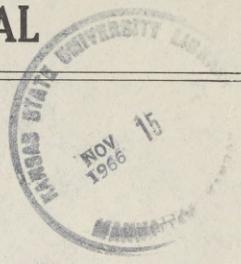
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NOMINATIONS OF PAUL C. WARNKE AND RUSSELL D. O'NEAL

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HEARING BEFORE THE COMMITTEE ON ARMED SERVICES UNITED STATES SENATE

EIGHTY-NINTH CONGRESS
SECOND SESSION

ON

NOMINATION OF PAUL C. WARNKE TO BE GENERAL COUNSEL
OF THE DEPARTMENT OF DEFENSE
NOMINATION OF RUSSELL D. O'NEAL TO BE AN ASSISTANT
SECRETARY OF THE ARMY

SEPTEMBER 16, 1966

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RUSSELL D. O'NEAL

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COMMITTEE ON ARMED SERVICES
UNITED STATES SENATE
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COMMITTEE ON ARMED SERVICES

RICHARD B. RUSSELL, Georgia, *Chairman*

- | | |
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NOMINATION OF PAUL C. WARNKE, TO BE GENERAL COUNSEL OF THE DEPARTMENT OF DEFENSE

FRIDAY, SEPTEMBER 16, 1966

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

The committee met, pursuant to notice, at 11:30 a.m., in room 318, Old Senate Office Building, Senator Richard B. Russell (chairman) presiding.

Present: Senators Russell of Georgia, Symington, Ervin, Cannon, Young of Ohio, Byrd of Virginia, Saltonstall, Smith, and Thurmond.

Also present: William H. Darden, chief of staff; Charles B. Kirbow, chief clerk; Herbert S. Atkinson, assistant chief clerk; T. Edward Braswell and Gordon A. Nease, professional staff members.

Chairman RUSSELL. The committee has before it today the nominations of Mr. Paul C. Warnke, to be General Counsel of the Department of Defense, and of Mr. Russell D. O'Neal to be Assistant Secretary of the Army for Research and Development.

Mr. Warnke and Dr. O'Neal are present.

We welcome both of them here before the committee, and we congratulate you on these appointments.

Mr. Warnke, will you please move to the witness stand and be seated, sir?

(The nomination reference and report, together with a biographical sketch of Mr. Warnke, follow:)

NOMINATION REFERENCE AND REPORT

IN EXECUTIVE SESSION,
SENATE OF THE UNITED STATES,
August 31, 1966.

Ordered, That the following nomination be referred to the Committee on Armed Services:

Paul C. Warnke, of the District of Columbia, to be General Counsel of the Department of Defense.

PAUL C. WARNKE

Profession: Attorney at Law.

Present position: Partner, Covington and Burling, 701 Union Trust Building, Washington, D.C. (Associate 1948-57; Partner 1957 to date).

Home address: 5037 Garfield Street, N.W., Washington, D.C.

Born: January 31, 1920, Webster, Massachusetts.

Married: Jean Rowe in 1948; Five children: Margaret 17, Georgia 15, Thomas 8, Benjamin and Stephen (twins) 7.

Education: B.A. 1941 Yale College; LL.B. 1948 Columbia Law School. Editor in Chief, Columbia Law Review 1948.

Military service: U.S. Coast Guard 1942-1946. Discharged as Lieutenant (senior grade). Served in Atlantic Theater on sub-chaser and in Pacific on tanker and LST, participating in landings in the Philippines and Borneo.

Other activities: Admitted to D.C. Bar, 1948; Admitted to Bar of the Supreme Court of the United States, 1954; Member of American Bar Association; Member of D.C. Bar Association; Member of Board of Directors and Chairman of Membership Committee, Health and Welfare Council of National Capital Area; Treasurer of Washington Planning and Housing Association; Past Chairman, Board of Trustees, Potomac School; Member of D.C. Advisory Committee to the U.S. Commission on Civil Rights; Former member of Maryland Advisory Committee to the U.S. Commission on Civil Rights; Former President, Western Suburban Democratic Club, Montgomery County, Maryland.

Mr. WARNKE. Thank you, sir.

Chairman RUSSELL. We are glad to have you here this morning. It is customary for the committee to request each of the nominees to give us a thumbnail sketch of their background and experience, and it will be very helpful to have a statement from you, sir.

STATEMENT OF PAUL C. WARNKE, NOMINEE TO BE GENERAL COUNSEL OF THE DEPARTMENT OF DEFENSE

Mr. WARNKE. Thank you, Senator.

I was born in Webster, Mass., in 1920. I was brought up principally in Marlboro, Mass., where I attended the public schools.

I then went to Yale University, from which I received a B.A. degree in 1941.

After working briefly in New York I joined the U.S. Coast Guard and served until 1946, first of all in the Atlantic Theater on antisubmarine warfare, and then in the South Pacific, Philippines, and Borneo on a tanker, and then in the amphibious service.

In June of 1946, after I was discharged, I entered the Columbia Law School, from which I graduated in June of 1948. At that stage, sir, I came down here to Washington as an associate with the law firm of Covington & Burling in 1957, and I have been a partner since that time.

That, sir, brings me, I think, up to today.

Chairman RUSSELL. I notice you are too modest to say that you were editor-in-chief of the Columbia Law Review.

Mr. WARNKE. Thank you, Senator.

Chairman RUSSELL. In your letter to the committee you stated you have liquidated any investments you might have had that could have involved any conflict of interest in the discharge of your position.

Mr. WARNKE. Yes, I have, sir.

Chairman RUSSELL. Any questions?

Senator SALTONSTALL. Mr. Chairman, just an observation. On your record here, Mr. Warnke, you said you were born in Webster, Mass., and, as I heard you, you said you were born in Marlboro.

Mr. WARNKE. No. I was born in Webster but I was brought up in Marlboro.

Senator SALTONSTALL. I am glad of that. Marlboro is a good Republican town, and Webster is not. [Laughter.]

Mr. WARNKE. Thank you.

Senator ERVIN. Well, even the great Commonwealth of Massachusetts does advance in spots. [Laughter.]

Chairman RUSSELL. Any other questions?

Senator SYMINGTON. Mr. Chairman, I am going to vote for his confirmation because, even though he was born in Massachusetts, he had the intelligence to go to Yale instead of Harvard. [Laughter.]

Mr. WARNKE. Thank you, Senator.

Senator SALTONSTALL. He did not trust the Yale Law School, Mr. Symington. [Laughter.]

Chairman RUSSELL. I may say, Mr. Warnke, that you must have a national reputation. I frankly am some years away from the active practice of law myself, but I had a number of lawyers from our State to write me letters about this nomination.

Mr. WARNKE. That was very kind of them, Senator. I have been fortunate enough to have a number of clients from your State.

Chairman RUSSELL. You must have done a good job for them because they were all for you.

Mr. WARNKE. It is good of them to think so.

Chairman RUSSELL. Anything further? We are delighted to have you here.

Thank you.

Mr. WARNKE. Thank you very much, Senator.

(The nomination of Mr. Warnke to be general counsel of the Department of Defense was subsequently approved by the committee in executive session and confirmed by the Senate on September 19, 1966.)

NOMINATION OF RUSSELL D. O'NEAL TO BE AN ASSISTANT SECRETARY OF THE ARMY

Chairman RUSSELL. Will you please come to the witness stand Dr. O'Neal?

The witness is Dr. Russell D. O'Neal, of Michigan, to be Assistant Secretary of the Army, succeeding Willis Moore Hawkins, Jr., resigned. He is appointed as Assistant Secretary for Research and Development. We would be happy to have a statement from you, Dr. O'Neal, as to your background and experience.

(The nomination reference and report, together with a biographical sketch of Dr. O'Neal, follow:)

NOMINATION REFERENCE AND REPORT

IN EXECUTIVE SESSION,
SENATE OF THE UNITED STATES,
August 30, 1966.

Ordered, That the following nomination be referred to the Committee on Armed Services:

Russell D. O'Neal, of Michigan, to be an Assistant Secretary of the Army vice Willis Moore Hawkins, Junior, resigned.

DR. RUSSELL D. O'NEAL

Dr. O'Neal was born in Columbus, Indiana, on February 15, 1914. He is married and has two children.

He received his Bachelor's degree from DePauw University in 1936. He subsequently attended the University of Illinois where he received his Ph. D. in Physics in 1941.

In 1942 Dr. O'Neal joined the staff of the Radiation Laboratory at Massachusetts Institute of Technology to work on radar developments. He remained with the Radiation Laboratory until 1945 and progressed through section head to group leader. In 1945 he joined Eastman Kodak Company where he served as Project Physicist through 1948. In 1949 Dr. O'Neal joined the Willow Run Research Center, Michigan, as Head of the Aerophysics Group. He advanced first to Assistant Director and then Assistant Division Manager.

In 1952 he joined Consolidated Vultee Aircraft Corporation as Assistant Division Manager and in 1953 became Program Director. In 1955 he became Director of Systems Planning for the Bendix Corporation. In 1956 he was

promoted to General Manager, Systems Division. In 1960 he was appointed Vice President of Engineering and Research. In 1963 he became Vice President, Aerospace Systems and Group Executive, Bendix Corporation.

He has served in a number of Department of Defense consulting positions, e.g., National Defense Research Committee (1944) and member of the Study Group on Guided Missiles (1958-59). He is a Fellow of the American Physical Society and the Institute of Radio Engineers.

Special talents include the fields of nuclear physics, microwave radar test equipment, design of high speed computer equipment, guided missiles and systems analysis.

STATEMENT OF RUSSELL D. O'NEAL, NOMINEE TO BE ASSISTANT SECRETARY OF THE ARMY (RESEARCH AND DEVELOPMENT)

Dr. O'NEAL. Mr. Chairman and members of the committee, I was born in Indiana and I attended school there, including DePauw University, where I did my undergraduate work. I did my graduate work at the University of Illinois.

Subsequently I was a member of the staff of the physics department there. During that time I did research on nuclear physics.

I was persuaded in 1942 to go to MIT Radiation Laboratory where I was engaged in the development of radar equipment.

After World War II, I went to Eastman Kodak as a project physicist, where I was engaged in early development of digital computer equipment.

In 1949, I went to the University of Michigan, Willow Run Research Center. It was then known as the Aeronautical Research Center. We were at that time carrying out some of our early studies of anti-ballistic-missile systems. Later, in conjunction with the Boeing Co., we did the systems conceptual work and preliminary design of the Bomark surface-to-air missile system. In general, we were engaged in air defense work.

In 1952, I joined the Fort Worth Division of Convair, where I was assistant general manager, and later program director, of the aircraft nuclear propulsion program which we were carrying out there. We built the two reactors, did work in shielding, radiation effects, nuclear handling.

In 1955, I joined the Bendix Corp. in a staff capacity as director of systems planning; later I became general manager of the systems division in Ann Arbor, Mich., which was a newly formed division, where we carried out communications, guided missile, and more recently, space systems development.

In 1960, I became vice president of research and engineering for the corporation, and in 1963 I became vice president of aerospace systems and group executive with responsibility for four of our divisions, systems division in Ann Arbor, our missiles division in Mishawaka; the launch support division at Cape Kennedy; and a newly formed division, optromics division in the field of electro-optics.

Very briefly, that summarizes my background.

Chairman RUSSELL. I think that I should say for the benefit of the record that Dr. O'Neal has stock in the Bendix Corp. which he has acquired by exercising stock options and that he may not sell or dispose of these for 6 months from the date of exercise of the option, that is, to mid-March 1967.

He has written a letter to the committee which states that he will immediately and irrevocably commit all of these shares to be sold at that date. All the committee members are aware of the fact that we have heretofore permitted appointees to hold stock acquired in this fashion for various reasons. Indeed, we have permitted them to avoid the payment of taxes, to enable them to take advantage of the capital gains provision of the tax laws.

He also has some retroactive income due him from the corporation which is described in the letters that are before you. We do not usually go into these matters publicly, but you have stated here, I believe, Doctor, that no action of yours will in any way affect the amount of these various indebtednesses of the corporation to you.

Dr. O'NEAL. That is correct, Mr. Chairman.

Chairman RUSSELL. Any questions?

Senator SALTONSTALL. Mr. Chairman, thank you.

You are going to be the Research Director of the Army, is that correct?

Dr. O'NEAL. Yes, Assistant Secretary for Research and Development.

Senator SALTONSTALL. I have read your record, Dr. O'Neal, and I think you are well qualified to do that.

Mr. Chairman, may I make one remark. In his letter, Dr. O'Neal says that he irrevocably commits all his shares to be sold between March 9 and March 13. I just bring out the point that possibly by limiting yourself to 4 days, you may sacrifice the capital that you might not need to sacrifice. I was wondering if the chairman and the committee would allow you the month of March, or until the early spring, for this transaction. You would then notify the chairman of the committee when you have completed it, rather than to say the dates 9 to 13 of March, which, as I say, might make you sacrifice a great deal, or might gain a great deal for you.

Dr. O'NEAL. Yes, sir; I would appreciate that opportunity.

Chairman RUSSELL. We have no objection to allowing the entire month of March. I do not think we have ever gone further than one month, but we will allow you the entire month of March. We would expect you to notify the committee when you have disposed of the securities.

Dr. O'NEAL. I will do so.

Chairman RUSSELL. Any further observations by the committee? Mr. Secretary, I will jump the gun and call you Mr. Secretary before the committee takes action here, you have a tremendous responsibility in this position. We find out every time we get embroiled in any armed conflict anywhere that the methods we have employed up to that time are outmoded, and something new is taking its place. I do not know of anything that is more vital to the security of the country and more challenging as an assignment than that which you are undertaking.

We hope that you will develop new weapons, if necessary, exotic weapons, that will confound, confuse, and destroy all of our enemies, if it is necessary for us to use them. But, of course, we hope we won't have to use them. We are glad to have you here, sir.

Dr. O'NEAL. Thank you very much.

Chairman RUSSELL. Thank you.

The committee will now go into executive session.

(Whereupon, at 11:40 a.m., the committee recessed to reconvene in executive session.)

(The nomination of Dr. O'Neal to be an Assistant Secretary of the Army was subsequently approved by the committee in executive session and confirmed by the Senate on September 19, 1966.)



