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HEARING

BEFORE THE

COMMITTEE ON ARMED SERVICES

UNITED STATES SENATE

NINETY-FIFTH CONGRESS

SECOND SESSION

ON

NOMINATIONS OF

STANLEY R. RESOR, TO BE UNDER SECRETARY OF DEFENSE
FOR POLICY

DUANE SEWELL, TO BE ASSISTANT SECRETARY OF ENERGY
FOR DEFENSE PROGRAMS

JAMES P. WADE, JR., TO BE CHAIRMAN OF THE MILITARY
LIAISON COMMITTEE TO THE DEPARTMENT OF ENERGY

AUGUST 3, 1978

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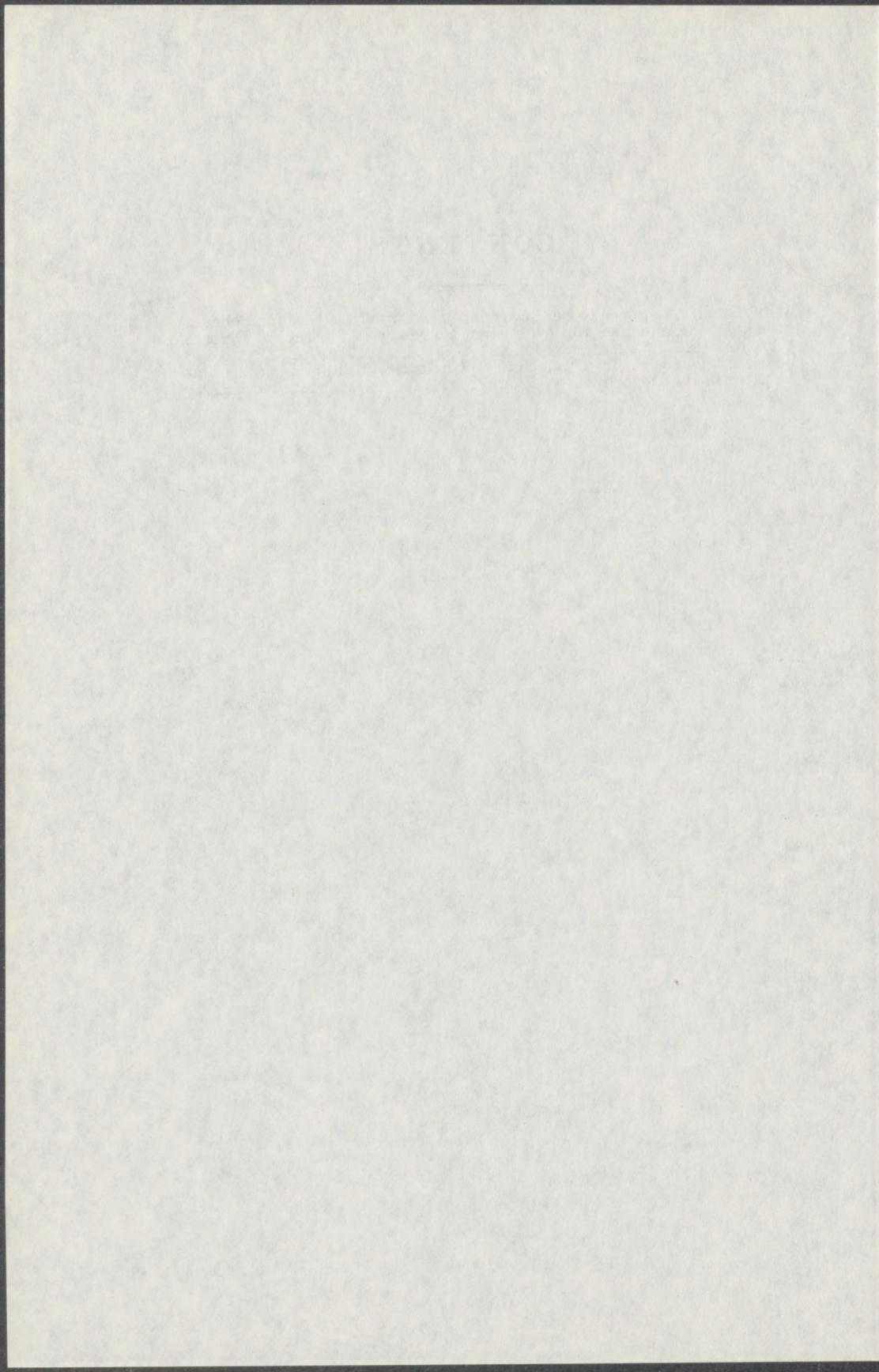
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(II)



CONTENTS

	Page
Resor, Stanley, nominee to be the Under Secretary of Defense for Policy--	3
Sewell, Duane, nominee to be Assistant Secretary of Energy for Defense Programs-----	9
Wade, Dr. James P., Jr., nominee to be Chairman, Military Liaison Com- mittee to the Department of Energy-----	22



NOMINATIONS OF STANLEY R. RESOR, TO BE UNDER SECRETARY OF DEFENSE FOR POLICY; DUANE SEWELL, TO BE ASSISTANT SECRETARY OF ENERGY FOR DEFENSE PROGRAMS; AND JAMES P. WADE, JR., TO BE CHAIRMAN OF THE MILITARY LIAISON COMMITTEE TO THE DEPARTMENT OF ENERGY

THURSDAY, AUGUST 3, 1978

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

The committee met, pursuant to notice, at 10 a.m., in room 212, Russell Senate Office Building, Senator Robert Morgan presiding.

Present: Senators Morgan, Stennis, Cannon, and Garn.

Also present: John C. Roberts, general counsel; John T. Ticer, chief clerk; Phyllis A. Bacon, assistant chief clerk; Edward B. Kenny, Robert Q. Old, professional staff members; Rhett B. Dawson, counsel; Jeanie Killgore, clerical assistant; Frank Gaffney, assistant to Senator Jackson; Charles Stevenson, assistant to Senator Culver; John Stirk, assistant to Senator Morgan; Lew Ashley, assistant to Senator Hatfield; Ron Lehman, assistant to Senator Bartlett, and David M. Fitzgerald, assistant to Senator Garn.

Senator MORGAN. I will call the meeting to order. There is no one else to call to order except myself.

The committee has before it this morning three nominees for civilian positions in the executive branch. They are Stanley Resor, to be Under Secretary of Defense for Policy, Duane Sewell, to be Assistant Secretary of Energy for Defense Programs; and James P. Wade, Jr., to be Chairman of the Military Liaison Committee to the Department of Energy.

I understand all three nominees are present this morning and, gentlemen, we welcome you to the hearing. I think we will start with Mr. Resor.

Mr. Resor, if you would move up to the table. We are delighted to have you this morning and I am sorry that other committee members can't be present, but as you well understand, it is a busy time, the conference is going on, and many other committees are meeting.

Mr. Resor has been nominated for a newly created position in the Department of Defense, the Under Secretary for Policy. The creation of this new Under Secretary is a part of the reorganization plan put forward by the administration to improve the workings of the Department.

Mr. Resor is well known to this committee, having served in a variety of positions related to the national defense and international affairs. He was a distinguished Secretary of the Army and has most recently served in the most difficult job as head of the U.S. delegation to the mutual balanced force reductions (MBFR) negotiations in Vienna.

Without objection, I will place in the record the nomination reference and report along with your biographical sketch.

[The nomination reference and report and biographical sketch follow:]

NOMINATION REFERENCE AND REPORT

AS IN EXECUTIVE SESSION,
SENATE OF THE UNITED STATES,
July 13, 1978.

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

Stanley R. Resor, of Connecticut, to be Under Secretary of Defense for Policy (new position).

Reported with the recommendation that the nomination be *confirmed*, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

BIOGRAPHICAL SKETCH OF STANLEY ROGERS RESOR

Mr. Resor was born in New York City in 1917, the son of Stanley B. and Helen Lansdowne Resor.

He was graduated from Yale College and Yale Law School. During World War II he served in the European Theater of Operations with the U.S. Army's 10th Armored Division, rising from lieutenant to major. He was awarded the Silver Star, the Bronze Star, and the Purple Heart. The field artillery battalion that he served as executive officer received the Distinguished Unit Citation for its participation in the defense of Bastogne, Belgium during the Battle of the Bulge.

After the war Mr. Resor returned to complete his studies at law school and thereafter practiced corporate law in New York City as an associate and later a partner of the law firm of Debevoise, Plimpton, Lyons and Gates.

In March 1965 he was appointed Under Secretary of the Army and in July of the same year, Secretary of the Army. He served as Secretary until June 1971. Thereafter he resumed law practice in New York City as a partner in Debevoise, Plimpton, Lyons and Gates.

Since October 1973 he has served with the rank of Ambassador as head of the U.S. Delegation to the Mutual Balanced Force Reductions Negotiations in Vienna, Austria.

Among his civic activities, Mr. Resor is a Trustee and member of the Executive Committee of the Institute for Defense Analysis and a member of the Foreign Policy Visiting Committee of the Brookings Institution. He has also served as Chairman of the Board of the Union Settlement Association (1961-62), as Chairman of the Yale Annual Fund (1962-64), as a member of the Yale Law School Executive Committee (1959-62), and as a member of the Board of Directors of the Greater New York Fund (1961-65). In 1974 he was awarded the General George C. Marshall Medal by the Association of the United States Army.

Mr. Resor is married to Jane Pillsbury. They have seven sons and a daughter-in-law. The Resors make their home in New Canaan, Connecticut.

Senator MORGAN. Mr. Resor, I understand from the staff that you have complied with the committee practices regarding avoidance of any possible conflicts of interest; is that correct?

STATEMENT OF STANLEY B. RESOR TO BE UNDER SECRETARY OF
DEFENSE FOR POLICY

Mr. RESOR. Yes, Mr. Chairman, I filed a letter with the staff outlining the steps that I will take to come into compliance with your rules.

Senator MORGAN. I believe we should put the letter in the permanent committee files.

Mr. ROBERTS. Mr. Resor has fully complied with our guidelines and we have all the necessary documents in our files for his clearances.

Senator MORGAN. The letter will go into the permanent committee files, Mr. Resor.

Before we go on to other matters, one of the questions that I should advise you of is that the Senate Democratic Caucus has adopted a policy with respect to every nomination, which requires that every nominee be asked the following question, so I ask it of you.

Do we have your commitment to respond to requests to appear and testify before any duly constituted committee of the Senate?

Mr. RESOR. You have my commitment; yes.

Senator MORGAN. Mr. Resor, where will your new post as Under Secretary for Policy fit into the organizational structure of the Department of Defense?

Mr. RESOR. As you know, there is a Secretary of Defense and his Deputy, then there will be two Under Secretaries, of which I will be one. My responsibilities will include a cluster of agencies, the largest of which is the International Security Affairs with David McGiffert as Assistant Secretary and which includes, among other things, responsibilities in arms control and also the Defense Security Assistance Agency which handles arms transfers.

I will have under my responsibility the Defense Civil Preparedness Agency and the Office of Net Assessment. I will also have staff responsibility for the civilian supervision of the Defense Intelligence Agency and the National Security Agency.

Senator MORGAN. I assume that your position will be involved with long-range policy decisions. Would you just generally tell us the kind of issues that you and Secretary Brown would like to see addressed in this area for the long-term future? Have you had an opportunity to give any thought to this?

Mr. RESOR. In general, the office will deal with the integration of departmental plans and policies with overall national security objectives. It will take the general statements of national policy, such as the Presidential decisions that flow from the National Security Council structure and its subcommittees and translate them into more specific policy guidance for the Department, guidance on which will be based the programs of the the Department.

Senator MORGAN. Let me go to Senator Cannon. Are you ready?

Senator CANNON. Well, Mr. Secretary, this is sort of beside the point. Could you give us a little bit of a thumbnail sketch fill-in as to what has happened on MBFR negotiations that you have been so actively participating in?

Mr. RESOR. Yes; I would be glad to, Senator Cannon.

We started in the fall of 1973 with quite contrasting positions. The NATO position is that we seek an agreement which would result in what we call a common ceiling or equal number of ground force manpower and ground and air force manpower in the area and a reduction in the Warsaw Pact offensive capabilities in the form of divisions and tanks.

They started with an objective of equal percentage reductions across the board, the effect of which would be to maintain their existing numerical superiority in troops and in most major forms of equipment where they have numerical superiority.

In the fall of 1975, we added to our position an offer to reduce certain U.S. nuclear weapons and delivery systems in the area.

Senator CANNON. On what basis, on any mutual reduction basis there, or is that to sweeten the other package?

Mr. RESOR. It was an add-on to the total reductions NATO was offering. NATO is not demanding reductions by the Warsaw Pact of its nuclear weapons in the area of reductions.

When we started we had tabled data with respect to our ground forces in the area and our estimate of their ground forces in the area and their tanks and our tanks. They, for the first 2½ years, took the position that they would not table data until we had first agreed to the principles on which a reduction agreement would be based.

After we added the nuclear element to our position, in the fall of 1975, they made a responsive move in February, and equally important, they began in the spring of 1976 to discuss definitions of military manpower in a way that indicated they were considering tabling data and they did table their figures on their aggregate manpower in June of 1976.

Then there immediately appeared a discrepancy between our estimates of their soldiers and figures that they had tabled, so that the next issue became trying to find the source of that discrepancy. It took us about a year to work out an agreement between the two sides as to whether and how it is aggregated manpower data for both sides would be exchanged.

About the same time, last summer you will recall, Chancellor Schmidt came to this country and recommended to the President that NATO make a modification in its position, a major initiative to get the talks moving. That was agreed on in the fall with our other NATO allies but the move was actually held up until we exchanged the disaggregated data.

It took us quite a while to agree on the modalities for the exchange of that data but we were successful in reaching agreement in March of this year. The data was exchanged and NATO then made its move, modifying its position. Most importantly, it offered for the first time a commitment in the first agreement as to the time and aggregate amount of manpower reductions by the West European and Canadian participants.

One of the major criticisms by the East of our original position was that we were asking the Soviets to agree in the first agreement to reduce and limit their forces in the area but they would not know until the outcome of a second negotiation after they had limited their forces, whether the West Europeans were going to reduce and how much, and when.

This move we made responded to that criticism and also changed our objective from seeking the withdrawal of a Soviet tank army with all its armaments to a demand for withdrawal of five divisions, the equivalent of a tank army, but with the right of the Soviets to select any five divisions.

They responded to that move in June of this year, just before I left. I left about the end of June. They responded June 8.

They made a significant response. It has narrowed conceptually the issues between us. It leaves very difficult issues still to be addressed. However, this was a significant move, one that we welcomed, one which does give prospect for more active negotiation.

It also importantly focuses the issue on data because they have now agreed to the concept that we seek, namely that we should end up with an equal number of ground soldiers and airmen in the area. So that it really focuses on coming into some agreement as to what is the present level of their forces in the area, so that you have an agreement on the level from which they reduce.

That is roughly what has happened over the 4½ years I have been there.

Senator CANNON. They have actually agreed then or just indicated that they would agree on the quantity factor, that is, to end up with substantially the same numbers on each side?

Mr. RESOR. They stated they agree that should be the outcome. However, at the same time they insist that they have substantially equal numbers today, so that the practical value of that agreement yet remains to be seen. It depends on getting their side to admit to the disparity, the excess number of people which we think are in the area.

Senator CANNON. So their figures that they advance at this time are considerably less than what our estimates are that they have in the area?

Mr. RESOR. That is correct, and that remains one of the main problems in the negotiations. Also, another main problem is the form of the residual limitation. NATO has been insistent that any residual limitation be collective, in other words, one ally has the right to make up for subsequent unilateral reductions by another ally. Again, in this move the Warsaw Pact recognized that concept. They have said they would agree to collectivity but they wanted some limitation on the right of any particular ally to make up for the reductions of another.

In other words, they proposed two limits. One that no ally should go back to a level larger than it started the negotiations with and, second, no ally should make up more than 50 percent of another ally's reductions.

We don't agree with those particular modifications and that remains an issue to be negotiated, among others.

Senator CANNON. Based on your experience there do you have a high degree of confidence that we will get an acceptable agreement eventually, or do you think this is an exercise that is being gone through?

Mr. RESOR. I think it is between the two characterizations that you used. I think it is a serious negotiation, I think that there is a possibility of a positive outcome, enough of a possibility so it is a

negotiation that we should persevere in with patience. I think that is the feeling of our allies also.

Senator CANNON. Who took over as your successor?

Mr. RESOR. My successor has not been selected yet.

Senator CANNON. Thank you, Mr. Chairman.

Senator MORGAN. Senator Garn?

Senator GARN. I am just catching up. Pass me at this time.

Senator MORGAN. Mr. Resor, let me go back momentarily to the role of your new position. Did I understand you to say that you would have under your supervision the Defense Intelligence Agency?

Mr. RESOR. Yes.

Senator MORGAN. Does that include the NSA?

Mr. RESOR. Yes, that is correct, from an intelligence policy perspective.

Senator MORGAN. Can you distinguish for me the role? When you say from a policy standpoint, does that mean from operational control or—

Mr. RESOR. The distinction, I think, is more between policy and requirements on the one hand and systems of intelligence on the other. In the case of intelligence systems, those will be under the R. & D. cluster, but with respect to requirements and verification of the fulfillment of those requirements by the systems, that would be under the policy cluster.

Senator MORGAN. Who would the Director of NSA answer to, to you?

Mr. RESOR. No, he answers to the Secretary of Defense. However, we would be the staff agency that advises the Secretary of Defense. My deputy for that is Admiral Murphy, whom I presume you are familiar with, who is particularly experienced in intelligence matters. We would be the staff support for the Secretary of Defense.

Senator GARN. Mr. Resor, we talked briefly about this in my office, but in the authorization report agreed to by not only the Senate and the House but in the conference committee last week, on the development of a survivable intercontinental ballistic missile, originally the Senate language talked about mobile, we change it to survivable, we are talking about a replacement for the Minuteman III.

As far back as 1977 in report language we have been requesting the Department of Defense to come up with an answer and, as you know, they have not come up with an answer, so this year we put it into the authorization bill, it is in legislative language, requiring them to come up with a report on their decision by September 30, 1978.

Do you feel it is possible in that time frame—we are looking at 2 months now—to come up with a recommendation on what we should do as a replacement for Minuteman III.

Mr. RESOR. Senator Garn, I have followed in a general way strategic arms matters but I don't think I am qualified at this point to give you a useful answer to that question. As you can appreciate, I have been in Europe, I have been focusing on NATO and troop reduction talks there and I would rather, if necessary, supply an answer for the record on that.

Senator GARN. Well, I can understand that and appreciate it. I mainly expected to make you aware of the situation. The language does go further to state if it is not possible by September 30 that we

would like a monthly report or require a monthly report as to the status and why we have not achieved that.

Both committees felt very strongly that whatever we do we were not presupposing any particular recommendation or solution to that problem, but that each day or month that we delayed the problem compounds itself and whatever the recommendation is we would like DOD to come up with it because we have been told so many times that it was eminent and then we simply have not had answers to that question.

In your new position, I would like to have you clarify for me what you believe your role will be in arms control negotiations?

Mr. RESOR. I will be the principle adviser to the Secretary on arms control. As you know, in the SALT area the Secretary is probably the best informed man in the United States on arms control and he has been staffed by the Director of the SALT task force in the Defense Department. I will obviously have quite a learning period there, so I think it will be sometime before my advice makes particular impact because that is a field of particular expertise of Secretary Brown.

Senator GARN. I realize you are just coming into the job and have been dealing entirely in the area of MBFR.

Let me ask you a few specific questions and I will understand if you are not prepared to answer them at this time.

Do you believe that the Backfire bomber does have an intercontinental capability?

Mr. RESOR. Again, I think I would like to reserve on specific questions on SALT.

Senator GARN. What is your feeling about verification in the present SALT agreement. Do you feel there is adequate verification of the procedures that are being currently negotiated?

Mr. RESOR. Again, I would like to reserve on these.

Senator GARN. I will ask one more and I would expect the same answer, and I want you to know that I understand with you coming new into the position.

Do you feel that the cruise missile range limitations that have been negotiated, 2,500 kilometers on the air-launched cruise missile and 600 on the ground and sea-launched cruise missile are adequate?

Mr. RESOR. I would like to reserve on that.

Senator GARN. OK. If you would, keep those questions in mind and when you are prepared to answer them I would appreciate it if you would come back and let us know. I am certain that you will have many opportunities to appear before us, and in light of your answer to these questions I will defer the other ones and look forward to having you back in the future when you have had an opportunity to look into them, and I would warn you that—you have already been warned in my office on my attitude about SALT—I will, in the future, hold you to some very close technical specific answers to my questions about SALT.

Thank you very much.

Senator MORGAN. Senator Cannon, do you have anything else?

Senator CANNON. Nothing further.

Senator MORGAN. We thank you very much for appearing before the committee this morning and it seems there are no other questions. We will excuse you.

Mr. RESOR. Thank you very much, Mr. Chairman.

I just would say that I appreciate very much the courtesy and support this committee gave me when I was Secretary of the Army and against that background, I look forward to working with you in the future.

Senator MORGAN. Thank you.

Next we have Mr. Sewell.

Mr. Sewell has been nominated for a position that relates to one of this committee's newest functions, and that is the oversight and authorization of military programs in the new Department of Energy. We have taken over this jurisdiction from the old Joint Committee on Atomic Energy, and have the responsibility for considering the nomination of the officer within the Department, the Assistant Secretary for Defense Programs, who is in charge of the important research and weapons production functions, working closely with the Department of Defense.

Of course, Mr. Sewell is no stranger to these problems. He is an experienced scientist and comes to us from his position as Deputy Director of the Lawrence Livermore Laboratory in California, one of the major nuclear research labs and, Mr. Sewell, it is a pleasure to welcome you this morning and thank you for appearing.

Mr. SEWELL. Thank you.

Senator MORGAN. Without objection, I will place in the record the nomination reference and report along with your biographical sketch.

[The nomination reference and report and biographical sketch follow:]

NOMINATION REFERENCE AND REPORT

AS IN EXECUTIVE SESSION,
SENATE OF THE UNITED STATES,
May 9, 1978.

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

Duane C. Sewell, of California, to be an Assistant Secretary of Energy (defense programs). (New position.)

Reported with the recommendation that the nomination be *confirmed*, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

BIOGRAPHICAL SKETCH OF DUANE C. SEWELL

Mr. Sewell is the Deputy Director of the Lawrence Livermore Laboratory and acts for the Director in his absence. In addition, he gives special attention to the management, scientific, technical, and administrative resources of the laboratory.

Born August 15, 1918, in Oakland, California, Duane C. Sewell attended the College of the Pacific, graduating in 1940, and the University of California at Berkeley as a graduate physics student under the late Ernest O. Lawrence. In 1941, his graduate education was interrupted by the war and he began work in the Manhattan Project. He helped plan and develop techniques for separating uranium-235, then went to Oak Ridge to transfer the research work at Berkeley into practical application at the huge industrial Y-12 plant. Returning to Berkeley after the war, Mr. Sewell played a key role in the technical development and operation of the research instrument that launched the era of high energy physics, the 184-inch cyclotron.

Mr. Sewell returned to national defense work in 1950, as development coordinator for the MTA linear accelerator project involving the Berkeley Radiation Laboratory and the California Research and Development Corporation at Livermore. When the Livermore site of the Radiation Laboratory was founded in 1952, Mr. Sewell became a staff member of the Director's Office, a responsibility subsequently bearing the title Director of Scientific Operations. He organized Livermore's weapons testing operation, was senior operational member for Livermore on the Test Director's staff for operation Upshot-Knothole in 1953, and managed

the Laboratory's test operations through Castle (1954), Teapot (1955), and Redwing (1956). During operation Hardtack II (1958) he served as the scientific advisor and Chairman of the Nevada Test Organization Advisory Panel.

In the late 1950's, Mr. Sewell devoted increasing attention to the needs of the rapidly growing Laboratory. He was named Associate Director for Support in 1959 and during the 1960's directed the efforts of more than half the Laboratory's staff—those involved in scientific and engineering support. In 1973, he was named Deputy Director, formalizing a responsibility that he had fulfilled de facto for many years.

In addition to his major Laboratory duties, Mr. Sewell has played a central role in state and national defense planning. He served as a member of the California Governor's Radiological Defense Advisory Committee from 1961-1964; as Scientific Officer to the General Advisory Committee to the Atomic Energy Commission from 1963-1968; and as Chairman of the Albuquerque Operations Office Weapons Advisory Committee from 1967 to the present. He has also served on the University of California Computer Policy Board from 1973 to the present and since 1976 has been Chairman of the Board.

Mr. Sewell received the Atomic Energy Commission Citation in 1971 for contributions to military and peaceful uses of nuclear energy. In 1977, his efforts were further recognized when he was awarded the Energy Research and Development Administration's Distinguished Associate Award, which particularly emphasized his success at organizing and developing Laboratory programs.

Mr. Sewell is married to the former Ruth E. Lombardi of San Francisco. They are Livermore residents. Their son, Barre, also lives in Livermore.

Senator MORGAN. Mr. Sewell, I understand from the staff that you have complied with the committee practices regarding the avoidance of possible conflicts of interest, is that correct?

STATEMENT OF DUANE SEWELL TO BE ASSISTANT SECRETARY OF ENERGY FOR DEFENSE PROGRAMS

Mr. SEWELL. Yes, sir.

Senator MORGAN. I understand that the Secretary of Energy is planning to waive certain provisions of law relating to conflicts of interest so you may deal directly with the Lawrence Livermore Laboratory in your new job, even though the laboratory is your former employer; is that correct?

Mr. SEWELL. That is correct; and also the Los Alamos Laboratory, which is part of the University of California, is my former employer's responsibility, too.

Senator MORGAN. Do you see any problem there at all?

Mr. SEWELL. I do not see any problem from my standpoint.

Senator MORGAN. For the record, would you explain the relationship of the Lawrence Livermore Laboratory with the University of California?

Mr. SEWELL. Yes, sir. The Regents of the University of California Inc. have a contract—in fact, contracts—with the U.S. Government for operating the Lawrence Livermore Laboratory; and the Lawrence Berkeley Laboratory, that is one contract. The other contract is for the Los Alamos Scientific Laboratory. They are the operators of the laboratories that are owned by the U.S. Government. Also, there is part of the Berkeley laboratory that is on lease from the University of California to the Government.

Senator MORGAN. Sir, whether there is a particular problem or no problem, there are some peculiarities to this. Let me call on staff to make this clear for the record.

Mr. ROBERTS. The Secretary of Energy is empowered under the statutes to make the necessary waivers where it is in the public interest for the nominee to continue to operate and deal with his former employer. He is prepared to make those determinations. Other than that, Mr. Sewell has fully complied with our committee guidelines in one minor respect, because Mr. Sewell's retirement arrangements with the University of California require that, or allow certain payments to continue to him under the pension plan. We have recommended a very minor waiver of our rules, but we do not consider that to be a substantive matter other than that.

We have all the materials necessary, and they will be kept in our permanent files on this nominee.

Senator MORGAN. Thank you.

Mr. Sewell, in this connection and in your discussion with the Secretary and the staff of the committee, have you talked about any special precautions that you might take to avoid the appearance of any favoritism toward Livermore; and, if so, what have you discussed?

Mr. SEWELL. Yes; I discussed those with him and I have made no special arrangements for dealing with Livermore. It will be necessary, of course, in cases where I feel there could be some indication of conflict of interest, in view of my former position there, to refer those to the Secretary and to the counsel of the Department of Energy, and the Secretary and I have agreed to that.

Senator MORGAN. Mr. Sewell, let me ask you now, the Democratic Committee policy question which I am sure you have heard before, but one that is required.

Do we have your commitment to respond to requests to appear and testify before any duly constituted committee of the Senate?

Mr. SEWELL. Yes, sir, you have my commitment.

COMPREHENSIVE TEST BAN

Senator MORGAN. All right. What are your views on a comprehensive test ban?

Mr. SEWELL. I am not in a position to know the details of the comprehensive test ban that is being negotiated. We at the laboratories have been in the position of supplying technical information, as requested, to give to the people that are performing those negotiations, and from that standpoint I see the responsibility of the Assistant Secretary for Defense programs to see to it that information of that type is developed and presented in a timely fashion to the people who are negotiating the treaties.

Senator MORGAN. You are not in a position to express any personal view?

Mr. SEWELL. No; other than I agree with the details that we have put forth—that is, the technical details—and I am assured that they are being taken into consideration in the negotiations.

Senator MORGAN. Mr. Sewell, there have been proposals made in the past, and we understand a similar proposal is now being made within the arms control community, to terminate production of special nuclear materials for nuclear weapons. What are your views on such a possibility as this?

Mr. SEWELL. From a technical point, I do not believe that is possible with the stockpile of nuclear weapons that we have today, because

some of those materials, for example, decay with time and are essential to maintain the stockpile.

Senator MORGAN. In other words, it is your opinion we can't do it if we maintain the present inventory?

Mr. SEWELL. That is correct.

VIABILITY OF THE WEAPONS LABORATORIES

Senator MORGAN. What are your views on the necessity for maintaining two competing nuclear laboratories?

Mr. SEWELL. I am a firm believer in competing laboratories, having been a part of the younger of the two laboratories. I think it has been a very healthy competitive arrangement that has developed over the last 25 to 27 years that Livermore has been in existence, and has enhanced the product that has been turned out by both laboratories for the U.S. Government. I am a firm believer of that competitive arrangement.

Senator MORGAN. In the recent past, there have been proposals to assign all energy research responsibilities to one laboratory and then have the second laboratory deal only with nuclear weapons research and developments. What are your views on this possibility?

Mr. SEWELL. I believe that would not be a wise thing to do. I think that there are capabilities and facilities existing at both laboratories that can be utilized effectively for attacking some of the problems in the energy areas. Also, I believe it adds interest and incentive to the people in the laboratory for attacking some of these important problems of today in the civilian sector, and that in turn enhances the capability to fulfill the obligations that both laboratories have in the nuclear weapons area.

Senator MORGAN. Well, then, I take it you would continue to pursue the concept of strong and balanced competition between the two laboratories?

Mr. SEWELL. Yes, sir, I would.

Senator MORGAN. In an arms control environment envisioning restriction or termination of nuclear testing, how would you assure the viability of the laboratories?

Mr. SEWELL. That will depend a great deal, of course, on what the details of any arrangement of that would be. The key issues then would be to develop as many facilities as can be developed under the restrictions, to accomplish as many experiments as can be accomplished under the restrictions, and to recommend proper and continued support for the people and the Laboratories to maintain the capabilities that are required under the arrangements that are made.

Senator MORGAN. What concerns do you have of the state of health of the overall weapons complex?

Mr. SEWELL. There has been a study made recently of the weapons production complex, pointing out that there is need for, I think it is called upgrading, certainly replacement, of facilities and equipment in that complex. I think that is an important issue that needs to be addressed, and if I am confirmed, I will do so. Overall, I think the health put in terms of morale and capability that exists in the weapons complex today is good.

Senator MORGAN. From time to time there have been suggestions that the nuclear weapons programs will be transferred out of the Department of Energy to the Department of Defense. A recent study by the Energy Research and Development Administration, the Department of Energy predecessor, recommended against such a move. Could we have your opinion of the feasibility and desirability of moving the nuclear weapons program to the Department of Defense?

Mr. SEWELL. The recent study that you refer to looked at a variety of ways of operating the weapons development laboratories and weapons production complex. I believe that was looked into very thoroughly and the conclusion that was arrived at, as you said, was not to transfer it out of the Department of Energy. I believe that was a good conclusion considering all the facts.

Senator MORGAN. Over the years the laboratory made significant contributions to the security and safety of our nuclear weapons. This independence of viewpoint appears to be in the national interest. Do you agree with that?

Mr. SEWELL. I am sorry; I do not understand the question.

Senator MORGAN. Over the years the laboratories have made rather significant contributions to the security and safety of our nuclear weapons. The independence of this viewpoint appears to be in the national interest. Do you agree with that?

Mr. SEWELL. Yes; I do.

Senator MORGAN. Do you believe that the Department of Energy should aggressively pursue new concepts in safety and security even if there is no initial interest in these concepts on the part of Defense?

Mr. SEWELL. Yes; I am a firm believer in that.

Senator MORGAN. Senator Cannon?

Senator CANNON. Thank you, Mr. Chairman.

VIABILITY UNDER A CTB

Mr. Sewell, it is good to see you again. I am aware of your background and qualifications for this job.

In response to one of the chairman's questions, you said you thought the health of the weapons complex was good at this time. I am wondering what your judgment is as to the health or what it is likely to be if a comprehensive test ban treaty is entered into so that you have a problem of not being able to provide the same kind of work for people who are working now in that area?

Mr. SEWELL. Senator Cannon, as I tried to indicate, that will really depend on the details of the agreement that is arrived at and the duration of the agreement and the statements that are made about what happens at the end of that duration. But more importantly, I think it also depends on the indication to the people, primarily in the system, that there are certain jobs and certain things that this country wants to have them do during a period of a test ban. This requirement must be reflected to them in full and continued support in the form of funds and, facilities to keep them going during the test ban.

Senator CANNON. Do you think that those kinds of tasks can be developed to keep the interests of the employees up of your highly technical people during the period of the test ban treaty?

Mr. SEWELL. I think if the test ban is of short duration of a few years with some indication of what might happen at the end of that

time, that can be done. I think it will be more difficult as time proceeds in a test ban situation.

Senator CANNON. Present indications are that if there is to be a comprehensive test ban treaty that it probably will be of shorter duration than was initially anticipated. Do you favor that kind of approach?

Mr. SEWELL. From the standpoint of maintaining the capability within the laboratories, that type of approach certainly will produce better results in maintaining their capability.

Senator CANNON. As you know, you have served as chairman of the Nevada Test Organization Planning Board, we have a great national asset in the Nevada test site for test purposes and I am wondering if you believe that this asset should be maintained and kept in a readiness status even though a comprehensive test ban treaty were entered into?

Mr. SEWELL. Again, that will depend on what the details are in the test ban agreement. Certainly if it is of a short duration and the intent is to go back to testing at the end of that time, then certainly the Nevada test site should be kept in a readiness condition with both people and equipment to go ahead and do the job.

Senator CANNON. Well, suppose it is unclear as to what might happen at the end of the comprehensive test ban treaty, suppose the treaty says we will enter into the agreement for a 3-year period and then take a look at it, do you think under those conditions that the assets at the test site should be kept in a readiness condition?

Mr. SEWELL. I think if there is a statement in the treaty the way you made it, indicating that the country wants to be in the position to go back to testing as one of the alternatives at the end of that time; yes, I think the Nevada test site does need to be kept in ready condition.

Senator CANNON. Well, I want to congratulate you and congratulate the person who was responsible for your selection for this position. I think you will do a very fine job.

Thank you.

Mr. SEWELL. Thank you very much, Senator Cannon.

Senator MORGAN. Senator Garn?

Senator GARN. Thank you, Mr. Chairman.

First of all, I ask unanimous consent that a statement by Senator Thurmond be placed in the record. He also wishes that Mr. Sewell would answer a question for the record.

Senator MORGAN. Without objection, the statement will be read for the record and, Mr. Sewell, the question will be submitted to you and if you would, submit your answer.

**PREPARED STATEMENT OF SENATOR STROM THURMOND AS READ
BY SENATOR JAKE GARN**

Senator GARN [reading]: "Mr. Chairman, I would like to particularly welcome to the committee this morning, Mr. Duane Sewell, the nominee to fill the newly created post of Assistant Secretary within the Department of Energy in charge of Defense Programs.

"Mr. Sewell comes to this post at a very critical time in that important policy matters are being decided. Further, there is growing

concern that weapon production facilities are approaching the end of their design lifetimes. This is likely to result in decreases in capacity and efficiency of vital national security programs.

"I have been particularly disturbed that funds for maintenance and equipment replacement in our defense production facilities have been restricted by the budget cutters despite requests and concern by the operators in the field.

"Most of our production facilities were built in the 1940's and 1950's. Replacement cannot be achieved overnight, but a program in that direction must be considered and more attention given to maintaining present facilities. In the last few fiscal years cuts of about half were made by the Office of Management and Budget in equipment requests for these defense related production plants.

"Undersecretary Myers in a recent letter to Chairman Melvin Price of the House Armed Services Committee, estimated it would cost \$260 million at the end of fiscal year 1979 to replace the inadequate equipment.

"Mr. Sewell, I would request that you give these matters your immediate attention. Based on your reputation, I know you will do so. Further, I would suggest that you report back to this committee on your findings and also provide a comprehensive assessment with recommendations when the fiscal year 1980 budget is offered next year.

"Frankly, I am concerned that such a vital element of our national defense has been allowed to go unattended as reports indicate.

"As Mr. Sewell perhaps is aware, I have proposed to Secretary Schlesinger that the Barnwell Plant be evaluated for its possible usefulness in our defense programs. It adjoins the Savannah River Plant, and could possibly be used to meet some of our defense requirements.

"Mr. Chairman, I would request your support for this assessment and that of the committee as well. Necessary facilities need to be replaced, and others maintained or renovated as the case may be. I would ask this matter be given high priority. Also, it would be well for our committee staff to give this issue prompt and thorough attention.

"Mr. Sewell, as a part of the Department of Energy's overall evaluation of our production facilities and future needs, I would like for the Energy Department to address how the Barnwell Nuclear Fuel Plant in South Carolina might be used in our defense production programs. As you know, the Barnwell plant cannot operate on a commercial basis to serve the civilian nuclear power program because of President Carter's April 7, 1977, indefinite deferral of commercial reprocessing. The chemical separations plant at Barnwell is based on the same Purex process as the production reprocessing plants.

"And the April 11, 1978, study on Barnwell that DOE submitted to Congress stated that the Barnwell plant is technically capable of reprocessing spent fuel from production reactors.

"I wrote to Secretary Schlesinger on this matter on June 9 and have discussed it with Senator Jackson, who has been a staunch advocate of finding some useful purpose for this modern, idled reprocessing plant in Barnwell. We must find some use for the Barnwell plant, even if it means using that facility for military rather than civilian programs.

"Mr. Chairman, before closing, I would ask in Senator Thurmond's behalf to place in the hearing record a copy of his letter to Dr. Schlesinger."

[The letter follows:]

JUNE 9, 1978.

HON. JAMES R. SCHLESINGER,
Secretary of Energy, Forrestal Building, Washington, D.C.

DEAR MR. SECRETARY: The Department of Energy recently completed and sent to Congress a study which evaluated possible uses for the Barnwell Nuclear Fuel Plant in South Carolina. Because of the ongoing International Nuclear Fuel Cycle Evaluation (INFCE), your study indicated that it was not possible to make a decision on optional uses of the Barnwell plant until the INFCE is completed. This means that this modern, unique facility has the prospect of sitting idle for several years.

The position of delaying any decision on the use of Barnwell was also related to me in a recent letter from the Department of State. That letter envisioned a very lengthy deferral period while the INFCE is completed and the results evaluated. There appears to be no prospect under these conditions for the Barnwell plant to support a commercial nuclear power program, and the facility and staff are now engaged in conducting research and development for DOE on nuclear safeguards and proliferation-resistant fuel cycles.

Under these conditions, I am writing to request that DOE now proceed to evaluate how the Barnwell plant might be used in support of the Department's military program. Because the Barnwell plant is based on the same design and process being used by the ongoing reprocessing facilities built several decades ago by the Government for its programs, I believe it is now appropriate that consideration be given to what role the Barnwell plant might play in our military programs. This would not be novel. As you may recall, the Government turned out to be the principal user of the first privately constructed reprocessing facility in the United States, the West Valley, New York Plant.

The Barnwell plant is large enough to offer economies of scale and physically it could very easily be incorporated into the Government's Savannah River Operations Complex. In addition, portions of the plant such as the stainless steel radioactive waste tanks might help DOE meet special near-term needs.

I am offering this recommendation in the hope that we can find some use for the Barnwell plant, which is an asset for South Carolina and the nation.

With best wishes and kindest personal regards,

Sincerely,

STROM THURMOND.

[Senator Thurmond's question follows:]

Senator THURMOND. Mr. Sewell, can you comment on the application of the Barnwell Plant to the defense program at this time?

Mr. SEWELL. The Office of Energy Technology in the Department of Energy concluded a study of the Barnwell Nuclear Fuels Plant in April 1978. As you indicated, the President has precluded the use of this plant, or any similar plant, for commercial reprocessing. I am unaware of any other plans for the Department to use the Barnwell plant. If confirmed, I will examine the suggestions contained in your letter to Secretary Schlesinger as to the applicability of the Barnwell Plant to Defense Programs.

FUNDING FOR PLANT MAINTENANCE

Senator GARN. Senator Thurmond apologizes for not being able to be here and asked me if I would ask four questions of you today.

Do you agree that increased levels of funding will be necessary to bring our weapon production facilities level of operating reliability to meet future national security needs?

Mr. SEWELL. As I stated earlier in answer to a question, there is a need for replacement of a great deal of equipment in the production complex. That is being done at a very slow rate today with the funds that have been appropriated. I believe that there will be in the not too distant future a need to increase that support for those replace-

ments to keep the production complex in the position to meet the commitments as I understand them for the future.

Senator GARN. Senator Thurmond noted in his statement, he was concerned that the Office of Management and Budget is wielding too sharp a budget knife on essential national defense programs such as equipment improvements at these weapons material production plants. His question is, can I be assured you will give this committee your candid and personal appraisal of our needs in this area regardless of the OMB action or administration policy?

Mr. SEWELL. You have my assurance.

Senator GARN. Mr. Sewell, the Savannah River plant in Senator Thurmond's State has played a key role over the years in our national security requirements. This plant as well as others, at Hanford, Wash., and elsewhere has experienced higher maintenance costs and possibly obsolescence. I would request that you give priority to a comprehensive assessment of this matter and advise the committee of your financial, as well as proposed solutions in the fiscal year 1980 budget hearings.

You can assure this?

Mr. SEWELL. Yes, sir, I will do that.

Senator GARN. Based on your wide experience and expertise, what is your current appraisal of the need for modernization of these plants to save energy as well as manpower?

Mr. SEWELL. Any plant that has been in existence as long as these plants has the potential of being upgraded in the sense of making them more efficient in the use of manpower as well as more efficient in the use of energy. I am just not familiar enough with the details of the plants to give you a more exact answer than that. It is one of the things I certainly will look into if I am confirmed.

Senator GARN. Thank you.

RETENTION OF LABORATORY TALENT UNDER A CTB

Mr. Sewell, if we had a comprehensive test ban treaty, would you be concerned about the loss of talent from the laboratories?

Let me give you a time period—if it were longer than 3 years. We are really getting into the same thing Senator Cannon was talking about, only in terms of personnel rather than facilities in Nevada.

Mr. SEWELL. I will draw on my experience in the moratorium of 1958 to 1961. At the end of that 3-year period, I know from personal experience it was very difficult to keep people, the top quality people, interested in the weapons development program. Of course, when we went back to testing after the Russians broke the moratorium, that all disappeared.

To answer your question today from that experience, I would say if things go beyond the 3-year period it will become increasingly difficult to keep the people on the job, and particularly the better people, the creative people in the weapons program.

Senator GARN. Well, I am sure that is absolutely true and that is what concerns me, and I am sure what concerns Senator Cannon, not just because it happens to be in his State. But the reliability of the Russians in keeping past agreements has not been too good a record, so even if we are able to agree to one, I am one who would think that we should maintain a certain level of personnel and facilities in the

event that something does happen, which certainly would not surprise me if it did.

This has been my experience in all sorts of programs, that we certainly can't expect to keep people around and there is a great loss of talent.

What effect on the reliability of the stockpile would zero test ban yield have?

Mr. SEWELL. The reliability of the stockpile will degrade with time, more slowly at first than it would later, without testing.

U.S./U.S.S.R. ASYMMETRY

Senator GARN. If a comprehensive test ban treaty or no-yield moratorium were to take place, do you believe there would be any inherent asymmetry between the United States and the Soviet Union? Do they have any advantages over us at this time that would give them a further advantage by having a zero test ban?

Mr. SEWELL. I think it has been well quoted that there is an asymmetry in the delivery systems that the two countries have, with the Russians having very much larger throw weight and volume capability on their strategic systems than the United States. Therefore, under conditions of no testing, where you have capabilities of essentially making things bigger and tougher, as far as the nuclear designed warheads are concerned, there is a chance that they could fix problems that they might run into a little bit easier than we could.

Senator GARN. Along that line let me give you a hypothetical situation. Suppose that under the terms of the nuclear test ban treaty we discovered that we do have a defect in one of our nuclear weapons and we have got a choice between saying, we need further testing, which would obviously let them know that we have a problem, or we would have the choice of going ahead and trying to fix it without testing. You have already partially answered that. And the Soviets would probably be able to do that better.

What kind of response could we anticipate in that case? I suppose—go ahead and fix it and hope it works without any testing, or give up the weapons. What can we do in that kind of situation?

Mr. SEWELL. Well, I think if you make the assumption that we maintain the no testing posture then certainly we would look at the background of information we have obtained over years of testing and would select to the best of our judgment a design that would be the most reliable, although it may in some way degrade the capability of the system in so doing. I think there could be an answer found to the problem, the hypothetical problem that you have posed.

Senator GARN. With us constantly being told there is rough equivalence between the United States and Soviet Union, there may or may not be, but most of the people feel there is at this time, do you feel a comprehensive test ban treaty is in our national interest?

Mr. SEWELL. I believe that is a judgment that needs to be made in the political arena. I think the responsibility that the laboratories have, and I believe the responsibility that the Assistant Secretary for Defense Programs should have is providing the technical information that is a part of the evaluation being made by the political structure in arriving at such a decision.

Senator GARN. Well, I agree with you, it will be made in the political arena. That is one of the troubles I have. Too many of our military and defense decisions are being made in the political arena without, in my opinion, looking at the technical data and the threat.

With your answer I wish that the politicians would listen more to the technical analysts, those with expertise and who are looking more objectively at the facts. So I am sure you are absolutely correct, it will be a political decision and I wish in the defense area, the security of this country, we could minimize that and go more with people who have some background and expertise other than what their constituents think.

Thank you.

Mr. SEWELL. Thank you.

Senator MORGAN. Mr. Sewell, we have a letter from Senator Jackson which says: "Since I could not be present this morning, I wish to state for the record my support for Duane Sewell to be Assistant Secretary of Energy for Defense Programs and for James Wade to be Chairman of the Military Liaison Committee, Department of Energy."

"Enclosed are questions addressed to Mr. Sewell,"—he would appreciate some answers for the record, and we will submit these to you after the meeting.

Mr. SEWELL. All right.

[Questions, with answers supplied follow:]

QUESTIONS SUBMITTED BY SENATOR JACKSON, ANSWERS SUPPLIED BY
DUANE SEWELL

Senator JACKSON. Are you familiar with the provision of section 202 of the Atomic Energy Act? This would require you to keep this committee fully and currently informed on all activities within your area of responsibility. Do you affirm that you will meet the requirements of that provision by keeping this committee and other duly constituted committees of the Senate fully and currently informed?

Mr. Sewell. I recognize my responsibilities under section 202 of the Atomic Energy Act and will continue the policy of keeping the Congress fully and currently informed on matters for which I am responsible. The Office of the Assistant Secretary for Defense Programs currently has one individual whose specific responsibility involves Congressional relations for the Defense Program activities, who will have free and complete access to my office and my staff. This person will provide the direct liaison or arrange for direct liaison by my senior staff with the appropriate members of Congress and/or staff, as appropriate. In addition, I and my senior staff will be personally responsive to all inquiries from the members and staff. I will continue the past practice of the office to provide the Congress with technologically factual information on all matters of concern which are within my area of responsibility.

COMPREHENSIVE TEST BAN

Senator JACKSON. What are your views on a comprehensive test ban (CTB)? How do you think this would affect the viability of the laboratories and the reliability of the nuclear weapons inventory?

Mr. SEWELL. A CTB would undoubtedly make a major change in U.S. nuclear capabilities. A long duration test ban would produce a loss of confidence in the reliability of the U.S. stockpile as weapons aged, faults developed, and the nuclear laboratories' staffs of experienced designers left, retired, or lost their competence through lack of nuclear testing. A finite duration CTB or one which permitted a useful level of continued testing could be implemented in a manner which would alleviate most of the foreseeable long-term technical problems.

Senator JACKSON. Do you believe that a CTB is in the interest of the United States?

Mr. SEWELL. The United States has advocated and pursued verifiable arms control agreements for many years as a means of maintaining the balance and avoiding a further escalation in arms. I have supported this objective as being

in the national interest when it is assured that no asymmetry in that balance would be permitted to develop either through Soviet advances or U.S. losses. I, therefore, will work toward a CTB which is adequately verifiable and assures the balance essential to our national security.

PRODUCTION OF SPECIAL NUCLEAR MATERIALS

Senator JACKSON. There have been proposals made in the past and we understand that a similar proposal is now being made within the arms control community to terminate production of special nuclear materials for nuclear weapons. What are your views on such a possibility? What do you think such a cutoff would do to the inventory of U.S. nuclear weapons?

Mr. SEWELL. In response to Senator Morgan I pointed out that I do not believe it is technically possible. Some of the materials in today's stockpile decay with time and production of replacement material is necessary to maintain the stockpile.

Senator JACKSON. Do you think such a measure would be verifiable?

Mr. SEWELL. With Soviet civil and military (dual-use) capabilities, production verification of all operating nuclear facilities would be necessary, therefore, I believe verification of Soviet cutoff is virtually impossible.

WEAPON LABORATORY COMPETITION

Senator JACKSON. What are your views on the necessity for maintaining two competing nuclear laboratories?

Mr. SEWELL. Unlike many high technology areas, nuclear weapon design has no competition outside the two laboratories. The competitive environment that exists between the two nuclear weapons design laboratories has been a major factor in sustaining a dynamic and creative nuclear weapons development program. Its existence has enabled the United States to maintain an effective posture in nuclear weapons research and technology. Indeed, the two laboratory competitive environment is one of the important ingredients that has enabled the United States to maintain the high quality of nuclear warhead designs.

Senator JACKSON. In the recent past there have been proposals to assign all energy research responsibility to one laboratory and to have a second laboratory deal only with nuclear weapons research and development. What are your views on that possibility?

Mr. SEWELL. In my judgment, it would not be a desirable change. In addition to the comments that I made in responding to the previous question, I would point out the beneficial synergetic relationship between many of the energy-related activities that the laboratories are pursuing and the weapons program activities at each laboratory. Furthermore, some of the same competitive spirit that motivates the weapons program also motivates the laboratory energy programs. While such a change may be possible, it would not be in the best interest of either the nuclear weapons program or the energy research program. Further, the nuclear weapons laboratories have much to offer in the solution of our energy problems.

Senator JACKSON. In your new role, would you intend to pursue the concept of strong and balanced competition between the laboratories?

Mr. SEWELL. Yes, I would.

VIABILITY OF WEAPONS COMPLEX

Senator JACKSON. In an arms control environment envisioning restriction or termination of nuclear testing, how would you assure the viability of the laboratories?

Mr. SEWELL. The CTB safeguards plans, which are being developed, should help a great deal by identifying the problems and opportunities for further work. These plans would be most effective at the onset of a CTB but could not be expected to preserve our capabilities indefinitely. They include greater emphasis on weapon-related research activities, some advanced concept design work up to the point of actual device testing, and emphasizing the retention of as many key scientists and engineers as possible in either weapons research or in related non-weapons research. Even under a CTB, there will continue to be a major effort in the areas of stockpile inspection and maintenance, and in maintaining readiness to test to the degree directed.

In the long run, a complete termination of testing will change the laboratories, and this will gradually, at first and more rapidly as time progresses, result in the loss of capability by the laboratories to maintain a reliable stockpile.

Senator JACKSON. What concerns do you have over the state of health of the overall weapons complex? Are there any causes for concern for the long term viability of the weapons production complex? If so, what proposals would you make to assure a strong and viable weapons program and weapons complex?

Mr. SEWELL. During 1978, Department of Energy completed an appraisal of capital equipment and facilities dedicated to DOE's national security programs. The results of the study indicated the need to upgrade the complex to a modern condition to assure the capability to meet projected national security needs during the 1980's. It is my understanding the DOE plans to begin remedial action on an integrated basis for the national security programs starting in fiscal year 1980. If confirmed, I will fully support this program.

In addition, I am concerned with the decline in research, development, and test resources that has led, over the last 8 years, to a steady decline in the laboratories' weapon manpower and to a large decrease in the number of nuclear tests. This decline in resources is eroding U.S. nuclear capabilities. If confirmed, I intend to do all that is within my power to prevent this continuing.

Senator JACKSON. From time to time there have been suggestions that the nuclear weapons program be transferred out of the Department of Energy to the Department of Defense. A recent study by the Energy Research and Development Administration, the Department of Energy predecessor, recommended against such a move. Could we have your opinion on the feasibility and desirability of moving the nuclear weapons program to the Department of Defense?

Mr. SEWELL. As I responded earlier, I believe that the study you referenced was very thoroughly done. I believe that the conclusion to retain the nuclear weapons program in the Department of Energy was a sound decision based upon the facts developed during the study.

NUCLEAR WEAPONS SECURITY

Senator JACKSON. Over the years the laboratories made significant contributions to the security and safety of our nuclear weapons. This independence of viewpoint appears to have been in the national interest. Do you agree with that?

Mr. SEWELL. Yes I agree, the existence of an independent, civilian agency responsible for the development and production of U.S. nuclear weapons has led to a highly safe and secure nuclear weapon stockpile.

Senator JACKSON. Do you believe that the Department of Energy should aggressively pursue new concepts in safety and security even if there is no initial interest in these concepts on the part of the Department of Defense?

Mr. SEWELL. Yes. The Department of Energy does not relinquish its overall responsibility for assuring the safety and security of its nuclear warheads even though it transfers custody of those warheads to the Department of Defense. Essentially all of the existing safety and security systems were conceived and developed by the Department of Energy or its antecedents and then, in consultation with the Department of Defense, incorporated as appropriate into weapons systems specifications and requirements. This activity, specifically directed in accordance with the AEC Act of 1954, has proven to be of great utility thus far and should continue to prove even more so in the future.

Senator MORGAN. Senator Cannon, do you have anything else?

Senator CANNON. Nothing else.

Senator MORGAN. Thank you very much.

Mr. SEWELL. Thank you.

Senator MORGAN. The third civilian nominee before us this morning is Dr. James P. Wade, Jr., who has been nominated to be the chairman of the Military Liaison Committee, Department of Energy. This is an important body set up under the old Atomic Energy Act to provide a mechanism for cooperation of programs between the Department of Defense and the Department of Energy. This committee has in the past expressed the view that these two departments do not work closely enough together in weapons research and production, and I hope that Dr. Wade will be able to improve on this situation.

Dr. Wade seems well equipped to deal with these problems. He is a former Army officer; he holds a Ph. D. from the University of Virginia in 1961; he has held a variety of positions in the Department of Defense, most recently as top assistant to Dr. Perry in research and engineering.

I understand that in addition to his nomination to this statutory position, Dr. Wade will also become Secretary Brown's chief aide on atomic energy matters. So he will be occupying a key position with regard to some of the most troublesome issues facing our country in the future, comprehensive test ban and neutron warhead and others.

Without objection, I will place in the record the nomination reference and report along with your biographical sketch.

[The nomination reference and report and biographical sketch follow:]

NOMINATION REFERENCE AND REPORT

AS IN EXECUTIVE SESSION,
SENATE OF THE UNITED STATES,
June 14, 1978.

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

James Paul Wade, Jr., of Virginia, to be Chairman of the Military Liaison Committee to the Department of Energy, vice Donald R. Cotter, resigned.

Reported with the recommendation that the nomination be *confirmed*, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

BIOGRAPHICAL SKETCH OF DR. JAMES P. WADE, JR.

James Paul Wade, Jr., was born in Richmond Heights, Missouri, December 26, 1930. He received a B.S. degree in Engineering from the United States Military Academy, West Point, New York, in 1953; an M.S. in Physics in 1959, and a Ph. D. in Physics in 1961 from the University of Virginia, Charlottesville, Virginia. He graduated from the U.S. Army Command and General Staff College in 1966.

During the period 1955-1957, Dr. Wade was a member of the staff of the NATO Defense College in Paris, France. In 1961, he was assigned to the Physics Staff of the Lawrence Radiation Laboratory, University of California, Livermore, California. In 1966, he was assigned to the J-3 Operations Directorate, USCINCEUR, Paris, France. Dr. Wade was appointed a Staff Specialist in the Strategic Technology Office of the Advanced Research Projects Agency, Arlington, Virginia, in 1967. In 1970, he joined the staff of the Deputy Director, Defense Research and Engineering (Strategic and Space Systems), Department of Defense. In 1972, Dr. Wade was appointed Assistant Director, OSD SALT Support Group, Office of the Deputy Director, DDR&E (Strategic Systems). He participated as the senior OSD staff advisor on the United States Delegation to the Strategic Arms Limitation Talks with the USSR. In 1973, he was assigned the additional task of the Assistant Director, Net Technical Assessment, Office of the Director of Defense Research and Engineering, Department of Defense.

In June and July 1974 respectively, the Secretary of Defense appointed Dr. Wade to be the Director, Department of Defense Strategic Arms Limitation Talks (SALT) Task Force, and Deputy Assistant Secretary of Defense, International Security Affairs (Policy Plans and National Security Council Affairs).

In January 1976, Dr. Wade was appointed the additional responsibility of Chairman of the National Security Council Defense Review Panel Working Group.

In November 1975, Dr. Wade was awarded the Distinguished Civilian Service Medal by the Secretary of Defense. In January 1977, the Secretary of Defense presented Dr. Wade with the Department of Defense Medal for Distinguished Public Service for his role as Deputy Assistant Secretary of Defense Policy Plans and National Security Council Affairs; Chairman, National Security Council Defense Review Panel Working Group; and Director, Strategic Arms Limitation Talks (SALT) Task Force.

On 20 November 1977, Dr. Wade was designated Assistant for Analysis, Office of the Under Secretary of Defense, Research and Engineering.

Senator MORGAN. Dr. Wade, I understand from the staff that you have complied with the committee practices regarding conflicts of interest?

STATEMENT OF DR. JAMES P. WADE, JR., TO BE CHAIRMAN, MILITARY LIAISON COMMITTEE TO THE DEPARTMENT OF ENERGY

Mr. WADE. Yes, sir, that is correct.

Mr. ROBERTS. That is correct.

Senator MORGAN. Do we have your commitment to respond to requests to appear and testify before any duly constituted committee of the Senate?

Mr. WADE. Yes, sir, you have my commitment.

Senator MORGAN. Dr. Wade, could you enlighten us as to your full duties in your new position in the Department of Defense?

Mr. WADE. My new task, Mr. Chairman, which I am about to undertake, with confirmation of this committee, involves primarily the Chairman of the Military Liaison Committee (MLC), to the Department of Energy; and as you stated, the principal assistant to the Secretary of Defense and the Under Secretary of Defense for Research and Engineering on matters associated with the atomic energy affairs.

One key aspect which I believe important to stress here is—which also goes back to earlier testimony by Secretary Resor—that this new responsibility primarily is in the area of Dr. William Perry, who is the Under Secretary for both Resource and Acquisition Management. In this sense, it is primarily oriented toward providing the technical support and analysis associated with the policy side of the Department, which is indicated in the new reorganization within the Department of Defense.

Now, the Chairman of the MLC, as stated in the 1954 Atomic Energy Act, is the principal member, in addition to the Secretary and Deputy Secretary, for handling formal communications and interaction on atomic weapons matters with the Department of Energy. With the exceptions of communications signals by the Secretary, or Deputy Secretary of Defense, the MLC is the only authorized channel of communication between the Department of Defense and the Department of Energy on substantive matters involving policy, programing and commitment of substantial funds related to the military application of atomic energy.

Specific areas of the Military Liaison Committee interface include, but are not limited to the development, manufacture, use, and storage of nuclear weapons, the allocation of special nuclear material, control of information relating to the manufacture or utilization of nuclear weapons, the interface between the military research and the weapons laboratories, and keeping each department fully informed on those matters that relate to each other.

So I believe this provides a highlight of the functions of the Chairman of the MLC.

Senator MORGAN. Under the recent Defense reorganization, who would you report to?

Mr. WADE. The office I report to is that of Dr. William Perry, who is the Under Secretary for Research and Engineering.

Senator MORGAN. Will you have a policy adviser role in matters of modernization of our nuclear forces?

Mr. WADE. Mr. Chairman, broad, long range policy would come from the Office of the Under Secretary for Policy in the job of being responsive to Dr. Perry for resource and acquisition management, we would have recommendations associated with fulfilling the policy goals established by the Office for Policy.

There is an interaction here, but our function primarily is in the area of going about the job of resources and acquisition management, in order to optimize what the policy goals and achievement should be.

Senator MORGAN. Would the same be applicable with regard to the nuclear test ban consideration?

Mr. WADE. Yes, sir, my principal responsibility in that area would be to provide technical analysis and support, associated with the negotiations, and to the policy leaders within the building.

Senator MORGAN. What about in SALT?

Mr. WADE. The same thing, sir.

Senator MORGAN. MBFR?

Mr. WADE. MBFR, in the main, has not had a great deal of technical issues associated with it. We would be prepared to support any requirement but, there has been very little action in that regard over the last couple of years.

Senator MORGAN. What are your views, Dr. Wade, on the comprehensive test ban?

Mr. WADE. Mr. Chairman, I believe your question addresses a pure zero yield CTB?

Senator MORGAN. I am sorry.

Mr. WADE. Rather than one at a higher level, and I would like to basically, as you asked, to go through my personal views. I would like to also state that my interest over the last few months has been primarily on the technical side and I am going to focus my comments in that regard.

A CTB with a duration greater than a period of several years could present serious problems as to the reliability of our nuclear weapons stockpile. I also would state and I believe that the technical community also would state, primarily the weapons laboratories, who are as of today, responsible for the certification of our nuclear weapons stockpile, that we could not, over the long term, without testing, and with today's understanding of the issue, provide the high and necessary assurances on the reliability of our stockpile as it exists today. Assurance over time is difficult to precisely quantify, because we have such little experience in that regard. I would say that the greater the length of duration of the CTB, the greater the risk.

Again, as Mr. Sewell indicated, associated with this problem would be the potential loss of many of our high quality engineers and scientists at the weapons laboratories who are an essential cog in the machinery that is necessary to certify the nuclear stockpile in the United States.

So, from the aspect of stockpile reliability, a CTB is a risky business. On the other side, however, setting aside the questions associated with stockpile reliability, one can argue that such an agreement holds out the highest promise in furthering our nonproliferation objectives. The tough problem that I see is the proper balance between these two

factors. A CTB is a gamble. You may have the world moving in the right direction as far as nonproliferation goals are concerned, but we are faced with the problem associated with maintaining the quality and assurance that we have today in the reliability of our nuclear stockpile.

Senator MORGAN. Dr. Wade, from time to time there have been suggestions that the nuclear weapons program be transferred out of the Department of Energy. As I mentioned earlier, a recent study by ERDA recommended against such a move. Could we have your opinion on the feasibility and the desirability of moving the nuclear weapons program from Energy over to Defense?

Mr. WADE. Mr. Chairman, first of all, I have not read in detail the study you refer to. I believe it would be an appropriate question that if there was a CTB that that issue should be relooked at again. However, my personal preference, just off the top of my head, would be that the current arrangement is fine.

I spent several years at Livermore, and I believe the separation as it exists today is the appropriate approach. I would be surprised if that view, with further study, would change.

Senator MORGAN. There has been a proposal in the recent past to assign all energy research responsibilities to one of the laboratories and then to have the second laboratory deal with nuclear weapons, research, and development. What are your views on this possibility and also the same question that we had asked Dr. Sewell, do you think two competing laboratories is wise?

Mr. WADE. As to your first question, Mr. Chairman, I think that would be a very significant mistake. It would be very important that if you did have a CTB that you would want both laboratories to be involved in the same business. You would like to have the checks and balances that would be required. Even without one, both laboratories should be basically involved in the kind of approach that exists today.

As to the second question, in reference to maintaining two laboratories. I think both our weapon laboratories are two of the finest national laboratories in the world. That is without question and they should be continued to be competitive in nature. I believe this is healthy for the country, and the viability of the laboratories. With a CTB, both laboratories should be maintained at about the same level, if not higher than exists today.

Senator MORGAN. In your opinion, are there any causes for concern for the long-term viability of the weapons production complex?

Mr. WADE. Our national security over the past 30 years, in the main, has been achieved by the viability of our nuclear force posture and these two laboratories have had a major place in giving us that capability. My concern would be that if we did not maintain, through national policy commitments, this level of capability that we have today at these two laboratories we would be making a mistake. This is the important element that both the executive branch and the Congress have to be serious about maintaining.

Senator MORGAN. As I asked Dr. Sewell earlier, there has been a recommendation in the past that we terminate the production of special nuclear materials for nuclear weapons. What are your views on this and do you think that the cutoff would have any significant effect on our inventory of nuclear weapons?

Mr. WADE. Well, first of all, I believe Mr. Sewell answered that question very adequately. I basically agree with what he said.

Secondly, I would underscore the importance of the need, both in a quantitative and qualitative sense, in reference to the number of weapons in our stockpile. He covered that issue very thoroughly. The only other comment I would make is that we have a series of ongoing negotiations, CTB and SALT, that are very complex. It is not clear to all of us just where they will come out. The details aren't clear; and, we ought to be clearer in this regard before we add another complexity that has a potential perturbation with reference to the CBT and SALT. The idea is technically in trouble; and it is somewhat premature.

Senator MORGAN. Do you believe that the MX missile should be developed and deployed?

Mr. WADE. I would break that question down in two pieces. One is that there is not only a new missile requirement, but there is even a higher priority requirement; and, that is the question associated with the current potential vulnerability of the Minuteman force in fixed silos. We have the need to consider a rebasing option in order to redress that vulnerability.

I place the survivability of our land-based ICBM force as first priority. Therefore, the first priority should be looking toward new basing options, fixing that problem that will appear in the near and middle term. So whether it is MX or Minuteman III, the first priority is to face up to the survivability issue.

The second is the MX missile. That addresses, in part, the basing issue, but it also addresses enhanced capability in reference to meeting head on the increased force capacity that we see developing in the Soviet Union. I personally support the need for a new MX missile.

Senator MORGAN. Let me yield to Senator Cannon. We may come back to it later on.

Senator CANNON. Thank you, Mr. Chairman.

Dr. Wade, in light of your concerns about the duration of a test ban treaty and the problems inherent in being able to keep the qualified personnel, do you believe that it would be also essential for us to keep the test site capability in a state of readiness if we were to enter into a relatively short-term test ban treaty? I am talking now in terms of on the order of a 3-year treaty.

Mr. WADE. Senator Cannon, I believe that testing, the test facilities, and the readiness of our test posture out in Nevada is as key an element as is keeping the production facilities going, the weapons laboratories, and the community associated with nuclear weapons effect. I would go even further and say this readiness posture should be of a kind that would not fall in the trap we did earlier, namely, taking us 12 to 18 months to restart. The posture should be of a kind that we could be prepared to test even within months.

Senator CANNON. Thank you, Mr. Chairman.

I welcome Dr. Wade to his new position and I am prepared to support him.

Senator MORGAN. Senator Garn?

Senator GARN. Thank you, Mr. Chairman.

For Senators Bartlett, Jackson, and Helms, who were not able to be here today, I would like to submit in their behalf questions to be answered for the record, in writing, to all three of you gentlemen,

and some general questions for all three of the nominees. So, by unanimous consent, I would request that be done.

Senator MORGAN. Without objection, it will be done.

[Questions, with answers supplied follow:]

QUESTIONS SUBMITTED BY SENATOR BARTLETT, ANSWERS SUPPLIED BY STANLEY R. RESOR, DUANE SEWELL, AND JAMES P. WADE, JR.

Senator BARTLETT. During my trip to Geneva to observe the comprehensive test ban negotiations and during my visit to the laboratories at Livermore and Los Alamos, I learned a great deal of the history of our nuclear programs and of past efforts to negotiate restrictions on nuclear testing. Most of that information was classified, although there was general agreement that much of that information could be made public. As I think everyone knows, the members of the committee and their staffs have an outstanding record in safeguarding our defense secrets. However, it would make our jobs easier if information which can be declassified is declassified.

Would each of you, Mr. Sewell and Mr. Wade, make a major effort in your new positions to declassify that information which no longer needs to be classified for security reasons?

Mr. SEWELL. If confirmed, I will make every effort in my new position to see that information no longer requiring protection under the Atomic Energy Act or by Executive order will be declassified.

Dr. WADE. Yes.

Senator BARTLETT. Would each of you be willing, when appearing before this committee and when appropriate, to present an unclassified version of your statement as time permits?

Mr. SEWELL. Yes.

Dr. WADE. Yes.

Senator BARTLETT. When you were first offered the nomination for the positions now before this committee, did you make any prior commitment to support a comprehensive test ban treaty? Were you asked to make such a commitment?

Mr. SEWELL. I made no commitment nor was I asked for such a commitment.

Dr. WADE. No.

Senator BARTLETT. If your nomination is confirmed, is it your feeling that you will be able, while presenting administration programs, to give this committee your own personal professional judgment on issues of importance when asked by members of this committee?

Mr. SEWELL. Yes.

Dr. WADE. Yes, sir.

Senator BARTLETT. Based upon your own professional judgment, is it possible to verify Soviet compliance with the Threshold Test Ban Treaty and the Peaceful Nuclear Explosions Treaty both now before the Senate Foreign Relations Committee?

Mr. SEWELL. Yes, I believe verification is possible recognizing that there are some uncertainties with respect to actual yield determination.

Dr. WADE. I believe the testing limits are at a level which would permit the U.S. to maintain with high confidence the adequacy necessary in our nuclear deterrent forces. As to the more focused questions of verifying the two agreements, I would like to summarize, in my view, our technical seismic capability to verify a nuclear testing limit with the U.S.S.R.: [Deleted].

Senator BARTLETT. Based upon your own professional judgment, do the Threshold Test Ban Treaty and the Peaceful Nuclear Explosions Treaty place constraints upon the United States which would prevent us from maintaining the reliability of our weapons stockpile?

Mr. SEWELL. No.

Dr. WADE. No.

Senator BARTLETT. Do you believe that there is any great risk to the United States if the Senate should ratify the Threshold Test Ban Treaty (signed in 1974) or the Peaceful Nuclear Explosions Treaty signed in 1976?

Mr. SEWELL. No.

Dr. WADE. No.

MBFR

Senator BARTLETT. What steps can be taken in MBFR which will reduce the danger of a surprise attack on Western Europe?

Mr. RESOR. Reduction of the danger of a surprise attack on Western Europe is an important Western objective in MBFR.

The Western approach would reduce this danger by producing an improved conventional balance in Central Europe. Under the Western proposal, the Warsaw Pact would be required to take significantly greater ground force manpower reductions than the West, producing a situation of parity in ground force manpower. The Soviet Union would be required to take its reductions by divisions. The Soviet Union would be required to withdraw to the U.S.S.R. 1,700 tanks from those divisions, thereby reducing Pact superiority in tanks. There would be continuing limitations on Warsaw Pact military manpower in Central Europe, with specific limitations on Soviet military manpower and Soviet tanks at the reduced level.

The Western proposal would also reduce the danger of Soviet surprise attack through associated measures designed with this specific objective in mind. The U.S. is presently seeking adoption by the NATO Allies of a more developed Western position on associated measures. The package we are recommending to the Allies includes such measures as: prior notification of out-of-garrison activity by the ground forces of direct participants in the area of reductions in Central Europe; prior notification of movements of ground forces of direct participants into the area of reductions; limitations on the size of out-of-garrison activity by the ground forces of direct participants; and exchange of observers at notified activities by ground forces of direct participants. These measures would, taken together, contribute to early warning of preparations for a surprise attack.

Senator BARTLETT. What types of on-site inspection are the Soviets willing to accept? How effective are they?

Mr. RESOR. We do not yet know what types of on-site inspection the Soviets would be willing to accept. The Warsaw Pact countries have not thus far been ready to discuss the subject of negotiated inspection, [deleted].

The West has sought to design its position in such a way that an agreement would not be critically dependent on negotiated inspection for its verification. Nevertheless, the West attaches great importance to agreement on satisfactory inspection measures, and has often emphasized this point to the East. However, the West has not yet fully developed its own position on negotiated inspection, [deleted].

The NATO Allies are now actively considering, in their effort to develop the Western position on associated measures, specific provisions for on-site inspection, such as the stationing of observers at declared exit entry/points into the area, which would be useful supplements to national means.

Senator BARTLETT. What are the differences between Western estimates of Soviet and Warsaw Pact forces and the numbers provided by the Pact?

Mr. RESOR. The East has tabled the following overall totals for Eastern military manpower in the area of reductions on January 1, 1976: ground force manpower, [deleted] total ground and air manpower, [deleted].

The difference between Eastern and Western figures on total Eastern military manpower in the area is over [deleted] using NATO estimates of Eastern manpower, [deleted].

Senator BARTLETT. What standards are used to judge whether a given proposal is useful or not?

Mr. RESOR. The United States and other Allies, in judging the utility of any proposal, whether it is suggested within the Alliance or whether it is made by the East, in effect use two criteria. The proposal must enhance or at least must not diminish Western security, and the proposal must not undermine the cohesion of the Allies vis-a-vis the East.

Senator BARTLETT. If we place stress on the removal of troops, can't the Soviets make up the difference with improved logistics, more modern weapons and mobility?

Mr. RESOR. The Western position calls for the Soviets to withdraw five Soviet divisions, including 68,000 men and 1,700 tanks and for the Warsaw Pact and NATO to reduce to an equal number of military manpower in Central Europe. The Western position provides that following reductions, there would be limitations on the Eastern side on Warsaw Pact manpower in the area, with a specific limitation on Soviet manpower, and on Soviet tanks, at the post-reduction level. An agreement of this sort would enhance Western security.

The continuing limitations on manpower within the area of reductions would act as some practical constraint on improvement of Eastern logistics and mobility, as well as on numbers of weapons. The West is not seeking specific, negotiated limitations on improved logistics, modernization of weapons, or mobility, because the West is unwilling to accept reciprocal application of such limits to itself.

PROFESSIONAL OPINION

Senator BARTLETT. In appearing before the Armed Services Committee even when presenting administration programs and policies, will you give your honest professional opinion in answer to questions from members of this committee when asked?

Mr. RESOR. Yes.

Mr. SEWELL. To the best of my ability I will provide an accurate professional opinion. I will always endeavor to stress technical opinion recognizing that many of your questions will have both technical and political aspects.

Dr. WADE. Yes.

MAJOR ACCOMPLISHMENT

Senator BARTLETT. In the job that you have just left, what was your major accomplishment?

Mr. RESOR. Maintaining excellent cohesion among the 12 participating NATO states.

Mr. SEWELL. I believe I have effectively contributed to the development of an outstanding national resource, the University of California Lawrence Livermore Laboratory, in which highly sophisticated scientific and technical problems can be solved in an environment conducive to creative research and development.

Dr. WADE. Serving as the Assistant for Analysis to the Under Secretary of Defense for Research and Engineering, my major accomplishment, in my personal view, was the drafting of a plan which would improve the USDR&E's capability to develop a long-range acquisition strategy for major weapons systems related to mission needs. I should note that this long-range planning responsibility will continue in my new job.

In addition, serving concurrently as the Executive Secretary to the Defense Science Board, I was able to assist the Chairman of the Board in significantly increasing the operational impact of the Board through their addressal of issues of significant importance to the Secretary and the Department as a whole.

TASKS UNDONE

Senator BARTLETT. In the job that you just left, what is the most important thing which remains to be done?

Mr. RESOR. Reaching a force reduction agreement which will enhance stability in Central Europe.

Mr. SEWELL. It is most important that the Laboratory maintain a structure and a management climate along with state-of-the-art equipment and facilities that continue to nourish the creativity which is so essential to high quality R. & D. that is required by our country.

Dr. WADE. It is important to turn our concepts for long-range acquisition planning into a real, operative planning process. The length of the acquisition cycle demands such long-term, integrated planning—to help assure that our resources are allocated optionally, and our forces are prepared in the future to face any contingency that may arise.

PRIORITIES IN NEW POSITION

Senator BARTLETT. What problems do you believe must receive the highest priority in your new job?

Mr. RESOR. Acting as advisor and staff assistant to the Secretary of Defense for the integration of departmental plans and policies with overall national security objectives.

Mr. SEWELL. In the job of Assistant Secretary for Defense Programs I will place the immediate, highest priority on the evaluation of the impact of possible CTB on the nuclear weapons program and stockpile.

Dr. WADE. Although my thinking in this regard is not firm as I now am reviewing the office functions in some detail, I would like to list the following general areas as top priority:

- (1) Providing the needed input from my office to the total DoD effort aimed at maintaining the needed sufficiency in our total nuclear force posture;
- (2) Increased attention to the survivability and physical security of our deployed nuclear weapons, and their associated storage sites and installations;
- (3) Continued effort to the completion of a long-term resource acquisition strategy plan.

FUTURE PROBLEMS

Senator BARTLETT. What do you personally believe is the biggest problem facing your organization today? What other problems do you believe deserve the attention of Congress?

Mr. RESOR. Providing an optimally balanced military force structure within the limits of the Defense budget.

Mr. SEWELL. In my judgement, the biggest problem facing the organization today is the planning for the maintenance of a strong nuclear defense program in the event of a CTB.

I believe the Congress would want to be informed about the viability of the national weapons laboratories and their continuing needs to maintain their pre-eminence as national resources—not only for the nuclear weapons program but to answer the growing needs to solve other important national problems.

Dr. WADE. As with most organizations in the Department of Defense concerned with resource management, the biggest problem is our capacity to plan ahead and to anticipate our needs efficiently. The competition with the U.S.S.R. will be of long-term, and our programs and plans must be structured accordingly. With yearly increases in resources (in real terms) applied to defense in the U.S.S.R., both the Congress and the executive branch as a whole will face difficult choices in the resource allocations—as we strive to maintain an adequate balance, and hopefully over the longer term to stabilize and reduce the resources needed for an adequate defense.

QUESTIONS SUBMITTED BY SENATOR JACKSON, ANSWERS SUPPLIED BY JAMES P. WADE, JR.

Senator JACKSON. Are you familiar with the provision of section 202 of the Atomic Energy Act? This would require you to keep this Committee fully and currently informed on all activities within your area of responsibility. Do you affirm that you will meet the requirements of that provision by keeping this committee and other duly constituted committees of the Senate fully and currently informed?

Dr. WADE. I am aware that this committee, as well as the House Armed Services Committee, has assumed jurisdiction of defense matters formerly under the purview of the now abolished Joint Committee on Atomic Energy. I am also aware that my predecessor informed Chairman Stennis in November 1977 that this committee would be furnished the same information previously provided to the JCAE. I reaffirm that such information will continue to be furnished uninterrupted and in timely fashion. As always, I will be happy to brief the committee members and staff on specific items as desired.

Senator JACKSON. Could you enlighten us as to your full duties in your new position in the Department of Defense? You would also have responsibilities as Assistant to the Secretary of Defense as well as being Chairman, Military Liaison Committee. Under the recent Defense reorganization, who would you report to in both roles? Will you have a policy adviser role in matters of modernization of U.S. nuclear forces?

Dr. WADE. As you know, the Military Liaison Committee duties are, in general, outlined in section 27 of the Atomic Energy Act. In practical terms, with the exception of communications signed by the Secretary or Deputy Secretary of Defense, the MLC is the only authorized channel of communication between the DOD and the DOE on substantive matters involving policy, programing and the commitment of substantial funds relating to the military application of nuclear energy. Specific areas of this interface include, but are not limited to the development, manufacture, use and storage of nuclear weapons, the allocation of special nuclear material, the control of information relating to the manufacture or utilization of nuclear weapons, the interface between military research and the weapons laboratories and keeping each Department fully informed on those matters that relate to the other.

As the Assistant to the Secretary of Defense (Atomic Energy), my responsibilities would include providing advice, making recommendations and issuing guidance on DOD nuclear energy plans and programs including, but not limited to nuclear weapon development, stockpile modernization and simplification, nuclear weapon safety and R. & D., nuclear weapon deployment and security, nuclear weapon employment and targeting, new weapon acquisition, and theater nuclear force modernization; developing systems and standards for the effective

administration and management of approved plans and policies in these areas, and reviewing and evaluating the implementation of policies and programs for the Under Secretary of Defense for Policy; providing congressional liaison for nuclear energy matters to include keeping the Congress informed of developments relating to the military applications of nuclear energy (as addressed in the previous question); exercising staff supervision of the Defense Nuclear Agency in the areas of nuclear weapon safety, stockpile management, and nuclear applications; and representing the Secretary of Defense on nuclear energy matters outside the DOD.

Related areas of responsibility include assisting the Under Secretary of Defense for Research and Engineering in developing overall DOD long-range resource planning with particular focus on the development of an integrated weapons system, research, engineering and acquisition strategy; providing the Secretary of Defense, principally through the Assistant Secretary of Defense for International Security Affairs, technical analyses and support, appropriate in the area of research and engineering, to current and projected arms control negotiations; and providing the executive secretariate for the Defense Science Board. Additionally, I have been named Chairman of the Theater Nuclear Forces Survivability and Security Steering Group and the DOD Technical Working Group on the Comprehensive Test Ban Treaty; Executive Officer of the Defense Science Board; and am a member of the High Level Steering Group of the NATO Nuclear Planning Group, the Cruise Missile Committee of USDRE and the National Military Information Disclosure Policy Committee.

Under the recent DOD reorganization, the Secretary of Defense has placed the ATSD(AE) under the direction, authority and control of the Under Secretary of Defense for Research and Engineering.

ROLE IN POLICY MATTERS

Senator JACKSON. Will you have a role in policy matters on nuclear test ban considerations? In SALT? In MBFR?

Dr. WADE. The broad long-range policy would come from the office of the Under Secretary of Defense for Policy. My principal responsibility in the area of nuclear test ban and SALT considerations would be to provide technical analysis and support associated with the negotiations and policy decisions within the building. MBFR, in the main, has not had a great deal of technical issues associated with it. We would be prepared to support MBFR but there has been very little action in that regard over the last couple of years.

VIEWS ON A COMPREHENSIVE TEST BAN

Senator JACKSON. What are your views on a comprehensive test ban (CTB)? How do you think this would affect the viability of the laboratories and the reliability and safety of the nuclear weapon inventory?

Dr. WADE. One can argue that such an agreement holds the highest promise in furthering our nonproliferation objectives. On the other hand, I personally would say that a CTB with a duration greater than a period of several years could present serious problems as to the reliability of our nuclear weapons inventory. I believe that the technical community, primarily the weapons laboratories, responsible for the certification of the U.S. nuclear weapons stockpile could not, over the long-term, without testing, and with today's understanding of the problem, provide the necessary assurances and reliability of our stockpile that exists today. Associated with this problem would be the potential loss of many of our high quality engineers and scientists at the weapons laboratories who are primarily responsible for certification of the nuclear weapon stockpile.

VERIFIABILITY OF CTB

Senator JACKSON. Do you believe such a measure would be verifiable?

Dr. WADE. I believe an adequately verifiable treaty is possible. However, my assessment on this matter would be premature as there are aspects of the ongoing trilateral CTB talks that are still under negotiation and that bear on this issue. As to the adequacy of verification, it must be recognized that, as a practical matter, there is always going to be some yield below which the risk of detection of a clandestine test is quite low. Aside from the open question of whether or not a determined evader would actually assume such a risk, the adequacy in verifying a CTB treaty should be judged by how important, how useful, and how necessary

such yields are from a military point of view. I will provide for the record as part of this testimony my view as to our technical (seismic) capability to verify a nuclear testing limit with the USSR.

Senator JACKSON. From time to time there have been suggestions that the nuclear weapons program be transferred out of the Department of Energy to the Department of Defense. A recent study by the Energy Research and Development Administration, the Department of Energy predecessor, recommended against such a move. Could we have your opinion on the feasibility and desirability of moving the nuclear weapons program to the Department of Defense?

Dr. WADE. As I mentioned earlier, I have not read in detail the study to which you refer. However, my personal opinion at this time would be that the current arrangement is working well. I spent several years at the Lawrence Livermore Laboratory and I believe the separation as it exists today is an appropriate approach. Should a CTB ever become a reality, it might be appropriate to review this question again.

Senator JACKSON. What are your views on the necessity for maintaining two competing nuclear laboratories?

Dr. WADE. The concept of competition has been a major factor in making these laboratories two of the finest national laboratories in the world. I believe that it is healthy for the country that they continue competitive in nature.

Senator JACKSON. In the recent past there have been proposals to assign all energy research responsibility to one laboratory and to have a second laboratory deal only with nuclear weapons research and development. What are your views on that possibility?

Dr. WADE. I believe it would be a fundamental and significant mistake to assign all energy research responsibility to one laboratory and to have the second laboratory deal only with nuclear weapons research and development. It would be very important, if we should have a CTB, to have both laboratories involved in both areas so that we have the resulting checks and balances. Even without a CTB, I believe this is important.

Senator JACKSON. In your new role, would you intend to pursue the concept of strong and balanced competition between the laboratories?

Dr. WADE. Yes, I would.

Senator JACKSON. In an arms control environment envisioning restriction or termination of nuclear testing, how would you assure the viability of the laboratories?

Dr. WADE. The answer to this question depends, in a large part, on the details of the particular agreements. Important items will be to support and motivate the highly qualified people at the laboratories, to provide the facilities and accomplish the testing allowed under the agreements and to insure continued stockpile reliability through a vigorous quality assurance and reliability testing program.

Senator JACKSON. What concerns do you have over the state of health of the overall weapons complex? Are there any causes for concern for the long-term viability of the weapons production complex? If so, what proposals would you make to assure a strong and viable weapons program and weapons complex?

Dr. WADE. Currently projected requirements will allow for sustaining our capabilities within the weapons production facilities. There is a possible concern that negotiations leading to a CTB and SALT agreements introduce pressures in the minds of some to constrain our production resources. The United States has already substantially reduced the resources formerly available for both the production of materials and weapons, thereby restricting not only production capacity but also the flexibility in responding to a surge in requirements. I believe special attention will be necessary to counter any such pressures.

Senator JACKSON. Over the years the laboratories made significant contributions to the security and safety of our nuclear weapons. This independence of viewpoint appears to have been in the national interest. Do you agree with that?

Dr. WADE. Yes, I do.

Senator JACKSON. Do you believe that the Department of Energy should aggressively pursue new concepts in safety and security even if there is no initial interest in these concepts on the part of the Department of Defense?

Dr. WADE. The safety and security of our nuclear weapon stockpile is a very important factor in our defense posture. Technology, from the Department of Energy laboratories and the Department of Defense development efforts, plays a significant part in our efforts to enhance weapon safety and security. Accordingly, I support the Department of Energy efforts to develop a spectrum of possible improvements so that the Department of Defense has choices in meeting differing requirements among the various weapon systems.

Senator JACKSON. There have been proposals made in the past and we understand that a similar proposal is now being made within the arms control community to terminate production of special nuclear materials for nuclear weapons. What are your views on such a possibility? What do you think such a cutoff would do to the inventory of U.S. nuclear weapons?

Dr. WADE. Certain factors concerning nuclear materials should be considered prior to any serious move toward termination of production for weapons; these include the use of these materials in U.S. weapons, the differing approach to military forces by the U.S. and the U.S.S.R., and the relationship of material production to other arms control measures.

Nuclear weapons. Certain materials used in the production of nuclear weapons decay with time. Therefore, any decision to cease or reduce production must assess the impact this would have on U.S. capabilities.

Military forces. U.S. objectives in the development of nuclear weapons over time have emphasized more accurate systems with lesser throw-weight and with continuing emphasis on the reduction of collateral damage. This approach has led to asymmetries in certain specific aspects of U.S.-U.S.S.R. strategic forces. Similarly, there are differences in the development of theater conventional and nuclear forces. Any changes in materials production capabilities should consider the resultant impact on military capabilities in relation to the overall military balance between the U.S. and U.S.S.R.

Arms control. Control of the production of fissionable materials for weapons is only one aspect of arms control. The possible outcome of ongoing SALT and CTB negotiations is sufficiently complex to complicate a determination of the resultant impact on U.S. weapons programs due to a change in nuclear materials production capability. It is clear that verification of materials production to preclude use in weapons would be difficult considering the extensive use of fissionable materials in energy and propulsion programs.

For these reasons, I personally do not believe we should consider a cutoff of our production capabilities at this time.

QUESTIONS SUBMITTED BY SENATOR HELMS, ANSWERS SUPPLIED BY DUANE SEWELL

Senator HELMS. How low a yield can we verify with any degree of accuracy?

Mr. SEWELL. Because of our seismic interest in the Nevada Test Site and our accumulated expertise in the technology of nuclear test detection and identification, the DOE has been an active and contributing participant in the overall national effort to verify existing and future test ban treaties. Nuclear tests below a few kiloton, conducted in underground conditions such as exist at the Nevada Test Site could not be detected and/or verified.

Senator HELMS. How can the Soviets cheat in order to avoid compliance with a CTB treaty?

Mr. SEWELL. Simple tests of a few kiloton or less are below the verification threshold. In addition:

(a) Tests performed in a large cavity would be "decoupled". A reduction of the seismic signal would enable larger energy release to escape detection. This relatively simple and proven technique could permit yields many times greater than the verification threshold to go undetected by current and planned teleseismic systems.

(b) Tests in the 50-100 kiloton regime performed during the natural seismic noise of earthquake could escape detection/identification.

(c) Tests mimicking an earthquake could escape detection/identification.

(d) Atmospheric or underwater tests in remote areas, like the polar regions would be difficult to detect/identify.

(e) Tests in space are possible. Tests in the megaton range could be performed in deep space and not be detected.

Senator HELMS. Section 202 of the Atomic Energy Act, as I understand it, requires you to keep the Armed Services Committee fully informed about nuclear matters:

How will you comply with this?

Mr. SEWELL. I recognize my responsibilities under section 202 of the Atomic Energy Act and will continue the policy of keeping the Congress fully and currently informed on matters for which I am responsible.

Senator HELMS. Will day-to-day liaison be established? If so, how will it operate?

Mr. SEWELL. The Office of the Assistant Secretary for Defense Programs currently has one individual whose specific responsibility involves Congressional

relations for the Defense Programs activities, who will have free and complete access to my office and my staff. This person will provide the direct liaison or arrange for direct liaison by my senior staff with the appropriate members of Congress and/or staff, as appropriate. In addition, I and my senior staff will be personally responsive to all inquiries from the members and staff.

Senator HELMS. How will you answer us when the facts go against administration policy?

Mr. SEWELL. I will continue the past practice of the office to provide the Congress with technologically factual information on all matters of concern which are within my area of responsibility.

Senator HELMS. What yield testing do we need to:

(a) Maintain our arsenal?

(b) Develop new weapons?

Mr. SEWELL. (a) It is the considered opinion of DOE that maintenance of the stockpile and certification of some rebuilt weapons will necessarily require tests in the few kiloton range.

(b) The development of untested new weapons designs generally requires final tests at or near full yield.

Senator HELMS. What problems can arise which might require larger scale testing?

Mr. SEWELL. A significant shift in the U.S. national security posture could lead to a requirement to reinstitute a larger scale test program.

Fundamental problems which might be detected by inspection of U.S. strategic warheads could require testing. The minimum yield for direct confirmation of the performance of such warheads is a few kilotons. Problems could arise where major changes are required to correct the problem and nuclear tests at near full yield would be required to verify these changes.

Senator HELMS. In what sequence should U.S. arms control be negotiated? SALT, CTB, MBFR?

Mr. SEWELL. As I understand it, SALT and MBFR are negotiations involving deployed military forces. A CTB is a restriction on one of the tools of nuclear weapon R. & D. and stockpile maintenance.

I believe that SALT will come out as a restriction on delivery systems whereas CTB will be a restriction on the development of nuclear weapons. From an engineering point of view it is easier to adopt nuclear weapons to delivery systems than to adopt delivery systems to tested weapons design concepts. It would, therefore, appear that a CTB could be looked on as a complement to SALT in that it would restrict nuclear weapon designs for the delivery systems approved under the conditions of a SALT agreement.

The necessity for compatibility among these potential agreements is extremely important and should override the considerations of sequence.

Senator GARN. Dr. Wade, there has been some interest among some committee members as to whether or not you will be involved in the formulation of policy in your position, and as a result of that interest, Senator McIntyre and Senator Goldwater wrote a letter to Dr. Brown, and I would like included in the record that letter and Secretary's Brown's response to the questions?

Senator MORGAN. Without objection.

[The letters follow:]

U.S. SENATE,
COMMITTEE ON ARMED SERVICES,
Washington, D.C., July 13, 1978.

HON. HAROLD BROWN,
Secretary of Defense,
The Pentagon,
Washington, D.C.

DEAR MR. SECRETARY: As you know, the President's nomination of Dr. James P. Wade Jr., for Chairman of the Military Liaison Committee, has been referred to the Senate Armed Services Committee for our review. It would be most helpful to us in our consideration of Dr. Wade's nomination if you would clarify certain aspects of his responsibilities if he is confirmed.

In particular, we would like to know whether Dr. Wade's responsibilities regarding current and projected arms control negotiations will be limited to

technical analysis and support, or whether he will be a participant in the formation of Department policy regarding those negotiations.

We will look forward to hearing from you personally.

Sincerely,

THOMAS J. McINTYRE.
BARRY GOLDWATER.

THE SECRETARY OF DEFENSE,
Washington, D.C., July 28, 1978.

Hon. THOMAS J. McINTYRE,
Hon. BARRY GOLDWATER,
*U.S. Senate,
Washington, D.C.*

DEAR SENATORS McINTYRE AND GOLDWATER: This is in reply to your letter with respect to the responsibilities of the Chairman of the Military Liaison Committee. Those responsibilities are for technical analysis and support of the senior officials who formulate Department of Defense policies with respect to current and projected arms control negotiations.

More detailed information is contained in the enclosures, which summarize the duties of the Chairman of the Military Liaison Committee, the duties of the Assistant to the Secretary of Defense (Atomic Energy) and related responsibilities. I would be happy to discuss this matter with you if you have any questions.

Sincerely,

HAROLD BROWN.

Enclosures.

MILITARY LIAISON COMMITTEE (MCL) TO THE DEPARTMENT OF ENERGY (DOE)

The 1954 AE Act states that the AEC (now DOE) "shall advise and consult with the DoD through the MLC on all atomic energy matters which the DoD deems to relate to military applications of atomic weapons or atomic energy." In practical terms, and under DoD Directive 5148.1, with the exception of communications signed by the Secretary or Deputy Secretary of Defense, the MLC is the only authorized channel of communication between the DoD and the DoE on substantive matters involving policy, programming and the commitment of substantial funds relating to the military application of atomic energy.

Specific areas of MLC interface include, but are not limited to the development, manufacture, use and storage of nuclear weapons, the allocation of special nuclear material, the control of information relating to the manufacture or utilization of nuclear weapons, the interface between military research and the weapons laboratories and keeping each Department fully informed on those matters that relate to the other.

ASSISTANT TO THE SECRETARY OF DEFENSE (ATOMIC ENERGY)

The Secretary of Defense has placed the ATSD(AE) under the direction, authority and control of the Under Secretary of Defense for Research and Engineering. Specifically, the ATSD(AE):

Provides advice, makes recommendations and issues guidance on DOD atomic energy plans and programs including, but not limited to:

Nuclear weapon development; stockpile modernization and simplification; nuclear weapon safety and R&D.

Nuclear weapon deployment; nuclear weapon security.

Nuclear weapon employment and targeting; new weapon acquisition; theater nuclear force modernization.

Develops systems and standards for the effective administration and management of approved plans and policies in these areas, and reviews and evaluates implementation of policies and programs for Deputy Under Secretary of Defense for Policy.

Provides Congressional liaison for atomic energy matters to include keeping the Congress informed of developments relating to the military applications of atomic energy.

Exercise staff supervision of the Defense Nuclear Agency in the areas of nuclear weapon safety, stockpile management, and nuclear applications.

Represents the Secretary of Defense on atomic energy matters outside the DOD.

RELATED RESPONSIBILITIES

Assists the Under Secretary of Defense for Research and Engineering in developing overall Department of Defense long-range resource planning with particular focus on the development of an integrated weapons system, research, engineering and acquisition strategy that would exploit and demonstrate the technological advantage of the free world.

Provides the Secretary of Defense, principally through the Assistant Secretary of Defense for International Security Affairs, technical analyses and support, appropriate in the area of research and engineering, to current and projected arms control negotiations.

Provides the executive secretariat for the Defense Science Board.

Senator GARN. I have read job descriptions for your previous position. I see that you have been involved in policy and guidance in DOD components before, and my few questions would be what do you believe your role in shaping formulation of DOD policy will be?

Mr. WADE. In part, I addressed that earlier. Let me repeat what I believe my primary responsibility will be. This office is under the Under Secretary for Research and Engineering who has principal staff responsibility for resource and acquisition management. I look at my principal task as being one to provide the technical and resource support and analysis that is required in reference to supporting the policymakers at the staff level in the Office of the Secretary of Defense.

I would also say, though, in reference to working on the resource side of the fence, that being also involved in looking downstream through long-range planning, where we think technology is going, what our opportunities are in reference to technical military solutions to deficiencies that we identify, that I can make suggestions to the policy side as to what I believe we can do with our forces. In that sense, that is an input to those who work the policy issues.

Senator GARN. You don't feel then that your job description, primarily being in the technical areas, as you have outlined a few times already, inhibits your functions in any way, having served in policy functions before, that as you have just described, that you will have some input in the narrow way you have described in the policy?

Mr. WADE. First of all, there is an office that has principal responsibility for policy. When the staffs get together, and work together, that the quality and background and experience of everyone involved should be utilized. I believe, in that sense, you can by talking and working and helping with other staff members be a help in the aspect of their working the side of their responsibility.

Senator GARN. You have no reservations about the nomination at all, then yourself?

Mr. WADE. That is correct.

Senator GARN. And do you see any problems or difficulties or conflict in having worked in a policy position in a previous administration and occupying this position in this administration?

Mr. WADE. No sir. If you look at my background, going back to the late sixties, there, associated with the Advanced Research Projects Agency, in the early seventies, associated with Strategic and Space Systems, D.D.R. & E., also responsible for technical assessment in D.D.R. & E., then going over to the policy side of the fence, that having a sound technical background is helpful in reference to working policy matters. Now coming back to what I would call resource and acquisition management within R. & D., that background is very helpful no matter what side of the fence you are on.

Senator GARN. I would agree with you, Doctor. Let me ask you what relationship you think there is between SALT and a no yield or reduced yield test ban, and I ask this question in the context of which do you really think should come first, SALT or the CTB? What order do you think they should be considered in relationship to each other?

Mr. WADE. Senator, I really haven't studied that problem to my satisfaction. In part, it depends on the details of the agreements. But I would say that in my personal view the broad direction of a CTB is aimed at horizontal proliferation. It has not addressed per se, at least if it is a short-term agreement, the weapons systems or the stockpiles of the two super powers.

A SALT agreement, however, is aimed at the nuclear weapons systems and nuclear force posture of the two super powers. That is the principal goals of these negotiations. So you can, I think, try to separate the two out. However, one problem that you have to worry about downstream is that if you believe, as I do, that reductions, and reductions of a deep kind, is a fundamental goal of the SALT process, (and this is the long-term objective), you try to drawdown the size of the force structure, both United States and U.S.S.R., then you are faced with even a higher degree of the need for confidence in the weapon systems that you have deployed. You are looking for long-term agreements of this kind. In this one specific area you have got to be concerned.

Senator GARN. Thank you. I would agree with what you have just said. My own opinion is I think a zero test ban treaty presents some real difficulties in relationship to some of these other agreements, particularly with the testing the Soviet Union has already done in certain missile systems that we have not done, particularly in relationship to MX mobile, survivable, intercontinental, whatever you want to call it. At least in my opinion, they are way ahead.

I would also agree with you that long-term goals is reduction, it is one of my reasons that I have such difficulties with SALT. Just in allowing in one area 308 SS-18's with up to ten MIRVs each doesn't show me very much in the way of reduction in arms. I don't know how anybody can call SALT II an arms reduction agreement when it allows those kinds of limits. I don't expect you to reply. I am editorializing at this point.

Thank you.

Senator MORGAN. Gentlemen, Senator McIntyre asked that I read his statement at this hearing this morning.

**PREPARED STATEMENT OF SENATOR THOMAS J. MCINTYRE
AS READ BY SENATOR ROBERT MORGAN**

Senator MORGAN [reading]: "In late June, it came to my attention that Mr. James P. Wade had been nominated for the position of Chairman of the Military Liaison Committee to the Department of Energy. With the confirmation hearing for Mr. Wade scheduled so close to my first notification of the appointment, I thought it advisable to secure a detailed description of his assignment, and a detailed description of Mr. Wade's most recent experience. I hoped that by doing this I could better evaluate Mr. Wade's qualifications for a

very important and responsible position. Therefore, I asked that approval of his nomination be withheld until I had a chance to review this material.

"I am pleased to say, Mr. Chairman, that Secretary Brown has made clear the responsibilities of the Chairman of the Military Liaison Committee, and I would like this included in the hearing record. Mr. Wade, himself, has made available for my study a detailed description of his most recent appointments at the Department of Defense, and I am pleased to say that he appears to be a highly qualified candidate for the position described by Dr. Brown."

Do you have anything else?

Senator CANNON. Nothing.

Senator MORGAN. Thank you very much.

Gentlemen, I would entertain a motion that we recommend these three civilians for confirmation.

Senator GARN. I so move.

Senator CANNON. Second.

Senator MORGAN. We will have to poll the committee.

We have some routine military nominations for confirmation. I have a statement I want to make.

Among the routine nominations for promotion before the committee is that of Maj. Gen. Hans H. Driessnack to be lieutenant general and Comptroller of the Air Force. The committee received letters from Senators Proxmire and Leahy asking that this nomination be given careful consideration in view of an FBI complaint that had been made against General Driessnack some weeks ago. The complaint, filed by Mr. Fitzgerald, alleged that General Driessnack committed perjury in affidavits that he prepared for a civil court proceeding in the *F. Ernest Fitzgerald* case and in a statement submitted to the Congress concerning this case in 1974.

The staff has looked into this matter carefully, and the U.S. attorney for the District of Columbia has made a formal determination in writing to the committee that the FBI complaint is without merit, and the file has been closed.

This matter of the investigation seems to have been resolved in General Driessnack's favor, and no question has been raised by anyone regarding his professional qualifications or any other matter. His nomination is in this group which is now before the committee for consideration and action.

I would like to ask the staff, is there any elaboration you would like to make?

Mr. ROBERTS. No, sir.

Senator CANNON. I would like to, Mr. Chairman, if I might.

Senator MORGAN. Senator Cannon.

Senator CANNON. Mr. Chairman, when General Driessnack was nominated for the rank of brigadier general in 1974, questions arose then regarding his role in the Fitzgerald controversy. Senator Stennis appointed an ad hoc subcommittee, which I chaired, to look into these questions. After a thorough investigation, the subcommittee concluded that there was no foundation for any allegation of improper conduct by General Driessnack, and the committee recommended his confirmation.

Subsequently, he was confirmed as a major general in 1977, with no questions being raised. Now, it seems to me that someone is trying to make a career out of this Driessnack matter, and this past June, two of our colleagues wrote Senator Stennis regarding the matter, one saying he would object to the nomination coming before the Senate by unanimous consent, and another saying he would request a rollcall vote.

So, accordingly, I went into the matter again and checked the matter out; we received, as you referred there, a letter of July 7, 1978, addressed to Senator Stennis from Earl Silbert, U.S. attorney, Department of Justice, which went into circumstances in great detail of his so-called latest charge, or one of the many, perhaps I had better say, and the conclusion was, as you have stated, that the investigation of the Department of Justice revealed no evidence to suggest that there was a willful attempt on General Driessnack's part to mislead or make a false statement with respect to one signed and one purported unsigned affidavit that had related to some of the facts of the incident.

That was corroborated by the fact the unsigned affidavit containing the so-called Badin information was forwarded to the Department of Justice in March of 1974; thus, it was under consideration when we investigated this matter in the first instance, and it made it quite clear that General Driessnack was not trying to hide any information, and Mr. Silbert advised the committee that based on their investigation, which was indeed a very thorough investigation, the matter had been closed by their office.

I think this has been held up much too long. I think General Driessnack is certainly completely vindicated of any complicity as was purportedly alleged, and I certainly accordingly recommend his promotion to lieutenant general be approved, and I move that the nominations be favorably reported.

Senator GARN. I second it.

Senator MORGAN. The motion has been made and seconded, and the committee will be polled.

Gentlemen, I believe that concludes our hearing.

Senator Cannon, Senator Garn, I thank you for your assistance.

[Whereupon, at 11:20 a.m., the committee was adjourned, subject to the call of the Chair.]

[The nominations of Stanley R. Resor, to be Under Secretary of Defense for Policy; Duane Sewell, to be Assistant Secretary of Energy for Defense Programs; and James P. Wade, Jr., to be chairman of the Military Liaison Committee to the Department of Energy, were subsequently approved by the committee and confirmed by the Senate on August 7, 1978.]

