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NOMINATIONS OF FRED C. IKLE, TO BE UNDER SECRETARY OF DEFENSE FOR POLICY; AND WILLIAM H. TAFT IV, TO BE GENERAL COUNSEL OF THE DEPARTMENT OF DEFENSE

GOVERNMENT

Storage

HEARING
BEFORE THE
COMMITTEE ON ARMED SERVICES
UNITED STATES SENATE
NINETY-SEVENTH CONGRESS

FIRST SESSION
ON
NOMINATIONS OF
FRED C. IKLE, OF MARYLAND, TO BE UNDER SECRETARY OF DEFENSE FOR POLICY
AND
WILLIAM H. TAFT IV, OF VIRGINIA, TO BE GENERAL COUNSEL OF THE DEPARTMENT OF DEFENSE

MARCH 27 1981
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NOMINATIONS OF FRED C. IKLE, TO BE UNDER SECRETARY OF DEFENSE FOR POLICY; AND WILLIAM H. TAFT IV TO BE GENERAL COUNSEL OF THE DEPARTMENT OF DEFENSE

THURSDAY, MARCH 26, 1981

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

The committee met, pursuant to notice, at 11:11 a.m., in room 212, Senate Office Building, Hon. John Tower (chairman) presiding.

Present: Senators Tower, Goldwater, Warner, Jepsen, Denton, Stennis, and Jackson.

Staff present: Rhett B. Dawson, staff director; James F. McGovern, general counsel; Paul C. Besozzi, majority counsel; Christine E. Cowart, assistant chief clerk; L. Wayne Arny III, Frank J. Gaffney, Edward B. Kenney, Ronald F. Lehman, and Carl M. Smith, professional staff members; Ann E. Sauer, special assistant; and Judith P. Hunt, staff assistant.

Also present: Dennis P. Sharon, assistant to Senator Goldwater; Chris Lehman, assistant to Senator Warner; George Kohl, assistant to Senator Humphrey; Jim Dykstra, assistant to Senator Cohen; Hermann Pirchner, assistant to Senator Jepsen; Bill Furniss, assistant to Senator Quayle; Paul Schreiber, assistant to Senator Denton; Dorothy Fosdick, assistant to Senator Jackson; Robert Nichols, assistant to Senator Jackson; Frank Krebs, assistant to Senator Cannon; Gray Armistead, assistant to Senator Byrd; Bill Lind, assistant to Senator Hart; and Greg Pallas, assistant to Senator Exon.

STATEMENT OF SENATOR JOHN TOWER, CHAIRMAN

Chairman TOWER. The hearing will come to order.

The committee has before it the nomination of Dr. Fred C. Ikle to be Under Secretary of Defense for Policy, and the nomination of Mr. William H. Taft IV, to be General Counsel of the Department of Defense.

We welcome you to the committee, Dr. Ikle. You are no stranger to this committee. We have heard from you many times. I want to congratulate you on having been nominated to be Under Secretary of Defense for Policy.

Mr. Taft, we welcome you also to the committee.

Mr. Taft is nominated to be General Counsel of the Department of Defense.

First, we will recognize Senator Mathias who is here to present Dr. Ikle to the committee.

STATEMENT OF HON. CHARLES McC. MATHIAS, JR., A U.S. SENATOR FROM THE STATE OF MARYLAND

Senator MATHIAS. Mr. Chairman, I can be very brief and will not detain the committee very long, because, as you have already pointed out, Mr. Ikle is well known to the committee from his long previous service. We are very proud of the fact that he is a distinguished citizen of the Free State of Maryland and he is a resident of Bethesda. We are happy that not only is Mr. Ikle before the committee but, that Mrs. Ikle and their daughters, Judith and Marian are here.

Chairman TOWER. Will you stand up, please? [Applause.]

They are probably the most effective lobbyists you can bring in here.

Senator MATHIAS. With this show of united family support, I think the nominee comes before the committee with a little extra equipment to bring to this job.

But, as the committee well knows, Fred Ikle has spent most of his career working on national security policy, not only as a senior Government official but also as a writer, author, and consultant. He was Director of the Arms Control and Disarmament Agency for 4 years, from 1973 to 1977, and in that capacity was a statutory member of the National Security Council on arms control and disarmament issues. He has worked intimately with the State Department and the Defense Department and, as the chairman's remarks reflect, with us in the Congress on a very wide range of security questions.

Prior to 1973, Dr. Ikle was head of the Social Science Department of the Rand Corp. and a Professor of Political Science at the Massachusetts Institute of Technology. He has written a number of important books on defense and foreign policy. One was the 1964 publication: "How Nations Negotiate," which is a classic text on the strategy and tactics of international negotiation.

In 1971 he wrote a very thoughtful reminder that nations far too often become involved in a war without considering how the fighting is to brought to an end.

He wrote an important book called "Every War Must End" which brings to mind the classic advice that the most dangerous time for a nation is when it is coming out of a war.

Since 1977, when he left Government at the end of the Ford administration, he has engaged in private business. He has taken an active political role and he served on the boards of the Atlantic Council of the United States and the Committee on the Present Danger, International Peace Academy, and a number of other organizations.

So it is my pleasure and privilege, not to introduce him, but to present him to the committee, together with my wholehearted personal support.

Senator GOLDWATER. What town is the gentleman from in the Free State?

Senator MATHIAS. He lives in Bethesda, Md.

Senator GOLDWATER. It is not the Eastern Shore.

Senator MATHIAS. Those who lives in Bethesda are fortunate, but those extraordinary individuals who live on the Eastern Shore are a very limited breed, and not all of us, including myself, can claim that particular distinction.

Thank you, Mr. Chairman.

Chairman Tower. The Chair recognizes Senator Warner.

**STATEMENT OF HON. JOHN C. WARNER, A U.S. SENATOR FROM
THE STATE OF VIRGINIA**

Senator WARNER. It is my pleasure to introduce to the committee Mr. William Howard Taft IV, the President's nominee to be General Counsel of the Department of Defense.

Mr. Taft likewise is joined by his wife this morning, and perhaps another member of the family.

Mr. TAFT. It is my wife and my mother. [Applause.]

Senator WARNER. The position of General Counsel is a very important one, as this committee will understand, and I believe that this nominee is eminently qualified to assume that position.

Since 1970 Mr. Taft has served in several positions within the U.S. Government, most recently the one of General Counsel to the Department of Health, Education, and Welfare during the administration of President Ford.

Prior to that appointment, Mr. Taft served as the Executive Assistant to the Secretary of Health, Education, and Welfare, from 1973 to 1976.

During the period of the 1970's, in 1973, Mr. Taft served as principal assistant to Mr. Weinberger, then holding the post as Deputy Director in the Office of Management and Budget.

Mr. Taft's educational background is most impressive. He earned his bachelor of arts degree from Yale, and his law degree from the Harvard Law School.

Mr. Chairman, I have personally spoken with Secretary Weinberger and Mr. Carlucci, and both of these gentlemen have absolute confidence in the capabilities of this distinguished American to hold the post of General Counsel.

Accordingly, I urge my colleagues on the committee to approve his nomination.

Thank you, Mr. Chairman.

Chairman Tower. Senator Goldwater.

Senator GOLDWATER. Mr. Chairman, I am going to have to leave, but I just want to comment that Mr. Taft and Mr. Ikle have my vote. Mr. Taft in particular because it was his fourth father back who signed my State into statehood, and we are forever indebted to him.

Mr. TAFT. It was my greatgrandfather.

Senator GOLDWATER. I don't know how you say great great great great. That is what he was.

Senator JACKSON. Mr. Chairman, I have to leave now for another meeting and I want to leave my proxy to report out favorably both nominees.

I have had the privilege of working closely with Fred Ikle over a long period of time, and his scholarly interest in the national security area is well known, not only in this country but also throughout the

Western world. I feel he will bring to the office great expertise and great integrity.

Everything I know about Mr. Taft has been good. I know that we will act expeditiously this morning on both nominees.

Chairman TOWER. Thank you.

Dr. Ikle, without objection, I will place in the hearing record, your nomination reference and your biographical sketch.

[The information follows:]

NOMINATION REFERENCE

SENATE OF THE UNITED STATES,

March 17, 1981.

(Under authority of the order of the
Senate of March 17, 1981.)

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

Fred Charles Ikle, of Maryland, to be Under Secretary of Defense for Policy, vice Robert W. Komer, resigned.

BIOGRAPHICAL SKETCH OF FRED C. IKLE

Fred C. Ikle was Director of the U.S. Arms Control and Disarmament Agency from 1973 until January 1977. Since then, he has been a consultant on national security affairs and active in private business.

Born in 1924 in Switzerland, studied at the University of Chicago (Ph. D. in 1950). Married to Doris M. Eiseman, daughters Judith C. Ikle and Miriam S. Ikle.

1949-1953, Bureau of Applied Social Research, Columbia University. 1954-1961, Rand Corporation. 1962-1963, Center for International Affairs, Harvard University. 1964-67, Professor of Political Science, Massachusetts Institute of Technology. 1968-1973, Head of the Social Science Department, the Rand Corporation.

Dr. Ikle is the author of several books on defense and foreign policy issues: *Every War Must End* (1971), *How Nations Negotiate* (1964), and *The Social Impact of Bomb Destruction* (1958). He published numerous articles on strategy, arms control, and diplomacy, among which is a fundamental re-examination of nuclear deterrence: "Can Deterrence Last Out the Century?" (*Foreign Affairs*, 1973).

Since 1977, Dr. Ikle is Chairman of Conservation Management Corporation and Director of other business corporations. He serves on the Board of the Atlantic Council of the United States, the Committee on the Present Danger, the International Peace Academy, the European-American Institute for Security Research, the Hudson Institute, the International Research Council of the Center for Strategic and International Studies (Georgetown University). He is a member of the Executive Panel of the Chief of Naval Operations, the Council on Foreign Relations, the International Institute of Strategic Studies, and other organizations devoted to foreign and defense policy.

Fred Ikle received the Distinguished Public Service Award of the Department of Defense.

He has been the Chairman of the Republican National Committee's Advisory Council on International Security (1977-1979) and coordinator of the Foreign Policy Advisors of Governor Reagan (1979-1980).

Chairman TOWER. Dr. Ikle, you may proceed with any opening statement you care to make.

STATEMENT OF DR. FRED C. IKLE, NOMINEE TO BE UNDER SECRETARY OF DEFENSE FOR POLICY

Dr. IKLE. Mr. Chairman, I have some very brief opening points to make.

Mr. Chairman and members of the committee, the position for which you are considering my prospective nomination is a relatively

new one. There has not been an Under Secretary of Defense for Policy until recently, but there has always been a clear need for a comprehensive defense policy to guide our defense establishment.

It is the President, of course, and the Secretary of Defense, who have primary responsibility in establishing this policy in consultation, to be sure, with Congress.

If confirmed by the Senate, I will look forward to serving under Secretary Weinberger, assisting him in shaping and implementing our defense policy.

Let me just mention very briefly three important requirements, as I see them, of a good defense policy.

First, defense policy must be realistic about the threats to our Nation's security. During the last few years there has been an awakening in this country to the fact that our military power has not kept growing with the threat. Instead, some of us see in last year's election the message that the American people want a stronger America, a country better equipped to preserve the best.

The growing military power of the Soviet Union obviously is not the only threat we face, but it is the only threat that compels us to increase our defense expenditures at the very time when we are trying to reduce our Federal budget. Yet we do not have to match the Soviet arsenal with a mirror image. We will do much better if we exploit our assets and unique strength to achieve superior capabilities in some areas, while we expect that the Soviet Union may be superior with their forces in other areas.

Ever since World War II it has been an accepted fact that the Soviet Union can land mass ground forces almost anywhere on Eurasian territory. One of the unhelpful side effects, Mr. Chairman, of the SALT negotiations has been an excessive emphasis on symmetry, hobbling our capability for technology and weapon systems where we might have moved ahead, while driving us to catch up with other weapon systems that do not meet our strategic purposes.

This leads me to a second requirement of our defense policy—the importance of relating the means to the end. We do not want to build weapon systems for their own sake. Every part of our costly defense effort must serve a larger national strategy.

The efforts of the services and of the Defense Department must fit together. We may want occasional duplication for the sake of greater security or to stimulate competition in research and development; but we don't want duplication to please some interests of separate constituencies that have nothing to do with national security; and we don't want to continue programs that have been overtaken by events.

And the last requirement that I shall mention for defense policy is that the use of military force always has to serve a political purpose.

This basic principle of military strategy is most obvious, and yet throughout military history it has been often disregarded.

In our system of values we do not want to inflict destruction for its own sake but to halt aggression, to protect our country and our allies; and whenever we become involved in armed conflict we must have a good idea, a solid plan, of how we will bring this conflict to a satisfactory conclusion.

Now, this principle of insisting on a political purpose for the use of military force is particularly difficult to apply when it comes to the

use of nuclear weapons. I think it is for that reason that in the last three or four administrations we have had great difficulty in shaping and reshaping our nuclear doctrine.

We are still involved in the process, but we believe that we are making headway, so that now we can be guided by better nuclear strategic principles in selecting our strategic weapon systems.

This, Mr. Chairman, concludes my introductory remarks.

Chairman TOWER. Thank you, Dr. Ikle.

Mr. Taft, without objection, I will place in the hearing record, your nomination reference and your biographical sketch.

[The nomination reference and biographical sketch for Mr. William H. Taft IV, follows:]

NOMINATION REFERENCE

SENATE OF THE UNITED STATES,
March 17, 1981.

(Under authority of the order of the
Senate of March 17, 1981.)

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

William H. Taft IV, of Virginia, to be General Counsel of the Department of Defense, vice Togo D. West, Jr., resigned.

BIOGRAPHICAL SKETCH OF WILLIAM HOWARD TAFT IV

William H. Taft IV, is presently a lawyer in general practice in Washington, D.C.

Prior to January, 1977, Mr. Taft worked for 7 years in the Federal Government in increasingly responsible positions in the Federal Trade Commission, the Office of Management and Budget, and the Department of Health, Education, and Welfare.

In April, 1976, Mr. Taft was appointed by the President to serve as General Counsel of the Department of Health, Education, and Welfare. As such, he was the chief lawyer for the Department and the principal administrator of the Office of General Counsel which consists of approximately 350 lawyers in Washington and ten regional offices. In addition to general administrative and legal duties, Mr. Taft was a close personal advisor to the HEW Secretary and Under Secretary on organizational, budgetary, policy, and programmatic issues involving the Department.

Prior to his appointment to General Counsel, Mr. Taft served three years as the Executive Assistant to the Secretary of HEW. As the only immediate Assistant to the Secretary, his responsibilities included reviewing and participating in all significant policy decisions, advising the Secretary on administrative and management issues throughout the Department, and overseeing the flow of critical documents requiring Secretarial action.

From 1970-1973 he was the principal assistant to Caspar W. Weinberger, who was Deputy Director, then Director of the Office of Management and Budget in the Executive Office of the President. Mr. Taft assisted him in the management of the budgetary process, policy review, and program oversight for the entire Federal Government.

Mr. Taft served briefly as Attorney Advisor to the Chairman of the Federal Trade Commission in 1970.

A native of Washington, D.C., Mr. Taft earned his B.A. in English from Yale College in 1966, and his J.D. from Harvard Law School in 1969.

He has traveled extensively in Europe, Africa, and the Middle East, as well as in the United States. He lived 7 years in Ireland as a child.

Mr. Taft is a Trustee of The Washington Opera. In addition to opera, his interests include literature, history, cooking and tennis.

He is married to Julia Vadala Taft. They have three children.

Chairman TOWER. Mr. Taft, we will be glad to hear any opening statement you wish to make.

STATEMENT OF WILLIAM H. TAFT IV, NOMINEE TO BE GENERAL
COUNSEL TO THE DEPARTMENT OF DEFENSE

Mr. TAFT. Mr. Chairman, thank you.

Members of the committee, I have no prepared statement. I should say, however, that I am deeply honored by President Reagan's nomination of me to be the General Counsel of the Department of Defense. I think that the President has made it clear that he is going to be imposing the most important responsibilities on the Department and on the Secretary of Defense to carry out his plan to rebuild the Nation's defense over the next several years.

I look forward to being a part of Secretary Weinberger's team and working with this committee and the other Members of Congress on that task, if I should be confirmed.

Thank you very much.

Chairman TOWER. Thank you, Mr. Taft.

Senator TOWER. Senator Stennis, do you have any questions of either nominee?

Senator STENNIS. I don't have any questions, Mr. Chairman. I wish each of these gentlemen well. They know what they are getting into. It is a busy time and there are some hard questions to be addressed but they are capable and have proven themselves.

Dr. Ikle, you have been in this subject matter before and served in a worthy way. The title given you is Under Secretary for Policy. Is that as broad as it sounds? Unfortunately, I didn't get to hear your statement, but you will be a general adviser. Is there any specialty or field you will be advising in, or just over the whole waterfront?

Dr. Ikle. My charter is broad, as far as it relates to the shaping of defense strategy and defense policy. Obviously, I will be serving Secretary of Defense Weinberger and helping him. He is the one who decides and recommends to the President the defense policy.

Then I would share with the other Under Secretaries the other responsibilities—research, engineering, and development of weapon systems. There are Assistant Secretaries for Manpower and Personnel and other areas with whom I will be working in helping Secretary Weinberger.

Senator STENNIS. That is good. It is almost as broad as our committee assignments. We can call on you for a lot of things.

Dr. IKLE. I will be prepared to appear anytime you want me to.

Senator STENNIS. Mr. Taft, I consider this a highly important office to which you have been nominated. It is a big department, and there is a lot of law in it. I know you will be called on for many of important rulings and counsel, and I certainly wish you well. We need the caliber of men that you gentlemen represent.

Mr. TAFT. Thank you, Senator.

Senator Stennis. I would like to record my vote in favor of these two nominations being favorably reported.

Chairman TOWER. Thank you.

The Chair recognizes Senator Warner.

Senator WARNER. I will defer to the Chair to raise a question which relates to my subcommittee. The Chair has an interest in it, as well as Senator Jackson.

Chairman TOWER. Dr. Ikle, we have been concerned over a recent Navy recommendation that the President decided against going ahead with ELF, and it came as something of a surprise to this committee. The Navy recommended it and a great deal of expert testimony has been provided to this committee over about the past 10 years. Even more startling is the fact that as recently as February 28, 1981, the Chief of Naval Operations wrote to Senator Humphrey and said "ELF is essential in assuring communications with all submarines. We should pursue both (a modernization of the TACAMO aircraft and the ELF) programs."

Now I don't see how the submariners' requirement for the ELF system could have changed in that short period of time. It does not appear to be based on any newly discovered technical shortcomings. I understand, Dr. Ikle, that you are participating in the seek and guess review of the decision, and we, as past supporters of that system, have somewhat more than a casual interest in this matter.

Senator WARNER. Would the Chair yield for an amplification of the question? The Chair used the term "the Navy," and I would like to bisect that. The Chief of Naval Operations is alleged to have forwarded a memorandum to the Secretary and normally the Secretary would put on his endorsement and then it goes to the Secretary of Defense. In your response, if you could address not only the substance but the procedural aspects and what position the Secretary took with reference to the Chief of Naval Operations' recommendation?

Dr. IKLE. Mr. Chairman and Senator Warner, the ELF communication system, of course, has been proposed and worked on for a great many years. Over these years the budgetary and other requirements have led to changes and certain reductions in the proposed communication system. At the same time the threat has massively increased. So in the Defense Department, Secretary Weinberger and his team were confronted with facts which have changed over time. The internal evaluation of the Defense Department is continuing. A process has been started with the people in research and engineering and people on the policy side which would involve myself participating, on sharpening the strategic requirement for communications which is essential, for our forces, and examining the contribution that the ELF system could make for this larger purpose, its capability and its cost in the light of the threat which is anticipated over the coming decade.

The final decision on how to go ahead with the ELF system or whether to go ahead with the ELF system has not yet been made. As I understand it, the thinking is that the system has considerable value but we want to be sure how it fits into the larger problem of strategic communications of our forces, and strategic forces. I expect when this evaluation is completed, the recommendation that is required will go forward to the President and the Defense Department will and should be prepared to fully discuss and explain this once the sorting out has been done.

Chairman TOWER. I think you can understand our concern because no changes have been made to the system or the threat in the past month, and this seems to be just a 180° reversal of policy on the ELF. We would like to be consulted before that recommendation goes to the President because, based on expert testimony that has been presented to us over the past decade, in both Republican and Demo-

cratic administrations, we have come to the conclusion that this is an essential system in terms of our strategic command and control capability. As a matter of fact, I might add that I not only risked my political career but also risked my personal safety once when I spent 2 hours in Llano County courthouse, in Llano, Tex., trying to convince 200 landowners that this was absolutely the best thing they could have located on their ranches.

I left town just ahead of a lynch mob because they had already gotten the word that their's was the third optimum site and not the first—Texans don't like to be third. So a lot of us stuck our necks out over the years for this program and tried to overcome the political problems involved in it. All of a sudden we discover that it has been turned off without prior notice to us, or that it was even under consideration. That is not calculated to make us happy. You have to consider that Senators can be very sensitive on these things. Obviously I am not but my colleagues are. Sometimes I worry about myself. So if I understand what you have said, no final recommendation has gone forward?

Dr. IKLE. The Secretary of Defense has not made the final decision and he wants to examine the facts. We are pulling these things together and working on various options, particularly the idea of simply continuing precisely the way in which the system has been shaped for the last few years or inducing certain modifications or whatever the best decision appears to be. I would want to, Mr. Chairman, recommend to the Secretary of Defense that we do consult and inform you about this process as our thinking is shaped up.

Chairman TOWER. I hope you will make that recommendation to the Secretary as strong as possible. I will communicate it to him myself. We would like to be consulted during the course of this process so that we are not surprised to wake up some morning and read it in the newspapers or be called 1 hour before the recommendation is made to the President. We would like to be involved in this process because, indeed, we have been involved in it. There are members of this committee that have been involved in this program for its lifetime.

I think that ought to be taken into consideration and we should be consulted.

Dr. IKLE. We are keenly aware of the importance of the broad support for the kind of strategic communications systems that we need, and the political difficulties and the courage that is needed to see the systems through. For that reason alone it is my personal view that we want to consult with you very extensively and benefit from your advice in this process.

Chairman TOWER. Thank you very much.

Senator WARNER. I have been involved with the ELF program since 1969 when I went into the Department of Defense. Mr. Chairman, I would like to ask that as a part of the record of our colloquy with respect to the nominee on this issue, that a letter to the Chief of Naval Operations from Senator Humphrey, dated January 28, 1981, along with Admiral Hayward's reply, dated February 28, 1981, be made a part of the record.

Chairman TOWER. The letters will be made a part of the record.

[The letters referred to for the record follow:]

U.S. SENATE,
Washington, D.C., January 28, 1981.

Admiral THOMAS B. HAYWARD,
Chief of Naval Operations,
Washington, D.C.

DEAR ADMIRAL HAYWARD: During my preliminary review of the Fiscal Year 1982 Defense Budget Request in preparation for hearings of the Preparedness Subcommittee, I was surprised by the modest level of funding requested for ELF. I found this particularly startling given the efforts of the Senate Armed Services Committee last year and the testimony of the Navy and Defense Department witnesses that they were anxious to get on with the long-delayed ELF Program if we could help remove legal impediments. Secretary Brown was rather explicit about this in his reclamation to the Authorization Conference.

My expectation was that by this time we would be well along toward getting the ELF test facility up and running and that we would be looking at budget requests consistent with an IOC in the 1985 or 1986 time frame. I understand that this is not at all the case. Further, while I am fully aware that your 1982 budget request was prepared long ago and also that your plan for ELF operational deployment must be approved by President Reagan before he submits it to us on 1 April 1981, it appears that the Navy has confused continuing RDT&E with the deployment plan and has totally failed to appropriately anticipate affirmative Presidential action in its spending plans and budget requests. I find this very inconsistent with the kind of aggressive program we need to enhance the readiness and effectiveness of all our submarine forces in order to achieve the level of overall Naval effectiveness which we require.

It is my strong conviction that we should proceed immediately with ELF. Furthermore, it was my impression that you wished to proceed immediately with ELF. If that is an incorrect impression, I would appreciate your advising me.

Sincerely,

GORDON J. HUMPHREY,
Chairman, Preparedness Subcommittee.

CHIEF OF NAVAL OPERATIONS,
February 28, 1981.

HON. GORDON J. HUMPHREY,
Chairman, Preparedness Subcommittee, Committee on Armed Services U.S. Senate
Washington, D.C.

DEAR SENATOR HUMPHREY, Thank you for your letter of 28 January 1981 concerning the Navy's ELF communications program.

In November of last year, I reaffirmed to the Secretary of Defense the Navy's requirement for ELF and my belief that the recommendation made to the President two years ago remains the most feasible way to proceed with ELF.

In my judgment, the most important deficiency that needs to be corrected in the Navy's strategic posture, is the lack of a survivable link to ensure delivery of emergency action messages to submarines at sea. A new and improved TAC-AMO aircraft is vital to correcting this deficiency. ELF is also essential in assuring communications to all submarines. In my view, we should pursue both programs. When I think of ELF, I think of the austere system (i.e., the 28 mile facility at the Wisconsin Test Site and the programmed 130 miles at Sawyer AFB in Michigan.)

Sincerely,

T. B. HAYWARD,
Admiral, U.S. Navy.

Senator WARNER. In addition, the section entitled ELF communications from the report of the Senate Armed Services Committee for the fiscal year 1981 should also be included in the record.

Chairman TOWER. That will be made a part of the record.

[The report for the record follows:]

EXTREMELY LOW FREQUENCY (ELF) COMMUNICATIONS

Development of the Extremely Low Frequency communications system was stopped in December 1977 because Congress prohibited the expenditure of any

more development funds until the President certified that deployment of the system was in the national interest, a site had been selected for deployment of the system, and the President intended to deploy the system at the selected site. To date that certification has not been received.

The committee concludes the Department of Defense should resume development of the ELF system and that the President should choose a deployment site. Toward that end the committee recommends that all remaining funds appropriated for the ELF system in fiscal year 1979 now be used for the resumption of development of the ELF system. In addition, the committee recommends \$10 million be authorized in fiscal year 1981 to continue development of the ELF system. Development of the system should proceed so as to produce a 1985 Initial Operational Capability. In addition, the committee recommends the President be required to select a deployment site and report on that selection to the Congress by April 1, 1981.

The committee recommends these actions because of its concern that all prudent steps be taken to insure the survivability of our submarine force. In light of the growing vulnerability of our land-based ICBM force, it becomes imperative that the invulnerability of our submarine force be maintained.

The committee encourages the development of other technologies which hold the promise of expanding our communications capabilities with patrolling submarines beyond that of ELF, or which may eventually complement or augment ELF. In that regard, the committee also recommends acceleration of development of a strategic communication system based on the use of a blue/green laser.

Senator WARNER. Dr. Ikle, did you indicate what the Secretary of the Navy had done on this issue? Had he affirmed the Chief of Naval Operations position?

Dr. IKLE. It is my understanding that the Chief of Naval Operations has made a preliminary evaluation of the system recently which indicated the need to really examine this system in a larger context of strategic communications with the submarines and it is my view therefore that he would be participating.

Senator WARNER. What action was taken by the Secretary of the Navy, who, of course, as you know, is over the Chief of Naval Operations on issues of policy, and what recommendations did he put on? Did he endorse the Chief of Naval Operations' position and forward it to the Secretary of Defense?

Dr. IKLE. To my knowledge the Secretary of the Navy has not taken action on this issue.

Mr. TAFT. Senator, if I may, I believe that the Secretary of the Navy has not participated in the consideration of this subject because of a conflict of interest which he has. There is a recommendation before the Secretary of Defense which does not include any views of the Secretary of the Navy himself.

Senator WARNER. Then it is a direct communication from the CNO to the Secretary of Defense. I hope in the consideration of this issue, Dr. Ikle, that the military considerations are stressed and weighed accordingly, as the environmental considerations are balanced, and I hesitate to say this but having been involved in it and at the time that Senator Tower put his credibility on the line, I think the political implications should be minimized and that the national defense implications are overriding both political and environmental considerations on this key question.

Dr. IKLE. I can assure you that this is really the approach which we want to take.

Senator WARNER. That is all I need to hear.

Dr. IKLE. And I can go just a little further in this open hearing. I have had conversations with the Chief of Naval Operations and

his concern or indeed our concern is to have the very best system for the strategic communications with all of the forces and this evaluation is not meant to pull back from that need whatsoever. On the contrary it is to make sure we can move forward virgorously with the very best system.

Senator WARNER. Mr. Chairman, I have further questions, but I will defer to my colleague and then come back.

Senator JEPSEN. Thank you, Mr. Chairman.

Dr. Ikle, first of all I wish to take time to express my appreciation to you for your time and counsel that you gave to me and some of my colleagues early on when we were new Senators. As a member of this Armed Services Committee, the hours that I spent with you were very valuable to me as a new freshman, and I appreciate that. I don't believe I ever had a chance to publicly state that.

Dr. Ikle, Secretary Weinberger recently stated in testimony before the House that we would have to increase the members of our armed service personnel by a couple of hundred thousand. Is it your view that this is necessary?

Dr. IKLE. Yes, Senator Jepsen. We do need the additional personnel in order to meet our manning and staffing requirements for the systems that we have to have in the forces.

Senator JEPSEN. How soon will the DOD expect this increase and how will it be used?

Dr. IKLE. This is really an area which is tangential to my expected opportunities, and there is a manpower area, and I feel the answer more precisely could be given to you.

Senator JEPSEN. I will withdraw that request. Now Mr. Taft and Dr. Ikle, and I see Mr. Rourke, I intend to take every opportunity that I have to constructively broach the subject of good communications between this committee and the Department of Defense.

We are entering into a period of great danger in this country, in my opinion, as well as a period of great hope. But in any event to do the things that this administration and many of us feel we have a responsibility and a mandate to do is to change direction in this country in the areas of defense. We have to turn and change direction in the area of maintaining a level of defense that is going to keep the peace and avoid war and bloodshed. That is what we all want.

For years we have had a degradation of our defense forces and men and women in uniform. We have to turn it around. That is coupled with the economic plans and all of the other things that are going on, and we all need to work together. It is a little difficult for those of us who are on committees or chairman of subcommittees which deal with different subjects in the areas of defense to pick up the paper and read about some great proclamation that has just been made. Then our telephone starts ringing, and we have no information on it whatsoever. It is embarrassing and it is clumsy, and it doesn't make for a good image. And I would hope that we not repeat the same mistakes.

For example we had a difference of opinion in the last session between the Department of Defense and the Army about training base availability. The Army was saying they could train a certain amount of people in the event of mobilization and the Department of Defense was saying that they couldn't do that. When those type

of things hit the papers, I can assure you for the American public it doesn't help in the confidence level of those who are supposed to be coordinating defense efforts to come out saying we can train them, and the other Department says "No, we can't." They want to know how our country is doing tonight and tomorrow morning.

I exaggerate a little to illustrate the point, but that was an actual case. We have to stop that trend of degradation and the declining state of readiness.

Now, Mr. Taft, it is my understanding that the legal counsel of the Department of Defense is officially charged with transmitting legislation to Congress, is that your understanding?

Mr. TAFT. I understand that is correct.

Senator JEPSEN. I further understand that also involves proposals relating to personnel which are supposed to come through the General Counsel's office, is that your understanding?

Mr. TAFT. I think they go through a variety of offices, including Mr. Ikle's, in many instances, but they certainly do go through the General Counsel's office also.

Senator JEPSEN. Do you have to sign off before someone goes to the press with something that is a major decision?

Mr. TAFT. If it had legal implications, we would. I am hesitating because there could be some instances where there simply wouldn't be any legal issue involved and they might not get in touch with us and we would not complain about that.

Senator JEPSEN. I would like to add to that, that you are not incorrect but you do have to sign off on all legislative proposals?

Mr. TAFT. That is right.

Chairman TOWER. You have no control over the policy, it is simply your function to certify the constitutionality, I suppose, or legality of what is proposed?

Mr. TAFT. Yes. I think our principal role would be to ascertain what the policy was that had been agreed upon by the Secretary and the others in the Department, and then to assure that what was being sent up did in fact embody that policy.

Chairman TOWER. Couched in the proper language, in other words?

Mr. TAFT. That is right.

Chairman TOWER. You would have no signoff on policy?

Mr. TAFT. No, sir.

Senator JEPSEN. Thank you, Mr. Chairman.

That is all that I had. Very constructively I wanted to air this and make it a part of the record. I am going to do it every chance I have in order to encourage a type of relationship or communication we need for the sake of our country, for the sake of our image, for my morale and my staff's morale. I think it will serve everybody well, that we have at least a little advance notice, especially on the things that apply directly to a given subcommittee, and mine happens to be Manpower and Personnel. When they say they are going to have 200,000 additional people, if I had been given a little clue ahead of time it would have made it more comfortable when the press called me. Thank you.

Senator WARNER. I have a question.

Mr. Taft, as a lawyer myself I take more than passing interest in your position and have observed a number of your predecessors.

Among them notably was Mr. Niederlehner. I do hope that he will be available to give you his counsel and advice in the years to come. He has achieved one of the most notable records of public service of any individual in the history of the Department of Defense. As you know, I think he has served six or seven Secretaries of Defense and has been acting as General Counsel a number of times. Listen carefully to him, as I did when I was in the Department. Also, it would do you well if you went back and talked with some of your predecessors such as Mr. Hoffman, and in some way study the record of a very distinguished predecessor, Fred Buzhardt. He perhaps gave too much to the office in terms of his own personal sacrifice to the extent it was detrimental to his health. But I mention these things because each of these gentlemen from time to time have provided the Secretary of Defense with a certain measure of crisis management, to use that term in its popular sense today, and not necessarily on military matters but certainly matters which effect the preservation of the integrity of classified material and other areas of the Department.

In conclusion, I think the value of your office is that it isn't well defined and that your personal association and, presumably, your very close confidential relationship with the Secretary will serve him well.

Mr. TAFT. I have met with Mr. Hoffman and I am looking forward to working with Mr. Niederlehner. He has been highly recommended and for the time I have been at the Department he has been extraordinarily helpful.

Senator WARNER. As you say in the Navy he is a steady hand.

Mr. TAFT. He is indeed.

Senator WARNER. And also see what you can do in the way of research with reference to Mr. Buzhardt. He is a very active part of the history of the Department.

Turning to Dr. Ikle, with whom I have worked in the past and for whom I have great respect, I am delighted to see you join the Department. I would like to expand on your thoughts with reference to the subject of arms control. Would you address the timetable for any future talks which precedes formal concessions and negotiation, and also the subject of linkage? In my study of the history of the Soviet Union there has been very little, if any, deviation from their central theme, to promulgate their philosophy worldwide.

All too often I read and hear statements to the effect that, "Well, as soon as the situations in Afghanistan subside or tensions in Poland or the other Warsaw Pact countries subside, then we perhaps have an opportunity to go forward with arms control discussion."

I want it clearly understood that I strongly support arms control, and I am hopeful that during the administration of President Reagan at some point in time we can achieve a balanced, fair and equitable agreement.

So would you address first the timetable and then your views with respect to linkage.

Dr. IKLE. Senator, the type of arms control talks that come first to mind, of course, would be those dealing with strategic forces, the continuation or rejuvenation of SALT. No decision has been made as to when it would be appropriate to resume formal negotiations

on these strategic arms amendments. However, we do have a commitment which we have reaffirmed with our allies to enter into negotiations on theater nuclear forces. That is in continental forces. We have reaffirmed that, and it is paralleled with a commitment to go ahead with agreed decisions on deploying these theater nuclear forces in Europe. Again as we know there has been no specific date set for these negotiations. We have a preliminary discussion with our allies on this subject on March 31.

Senator WARNER. In a sense that is almost a condition precedent to their hopeful agreement to continue on with the December 12, 1979 understanding. It is really a parallel consideration that is tied closely to the threshold progress made in the TNF area.

Dr. IKLE. It is a package agreement with our allies and it makes sense. There are conversations going on in talks on mutual and balanced force reductions (MBFR). They have not been in the limelight because not much had been happening, and the delegations are meeting in Vienna. You will have to sort out a number of arms control agreements which are in legal limbo, unauthorized, and soon. We are working on these issues in the interagency process.

As to the broader question you raise, Senator, President Reagan has clearly stated he is willing to negotiate, whether in preliminary formal discussions or later on in formal talks. He has expressed on many occasions his views about the defects of the SALT II agreement that was negotiated by the last administration. He has indicated an interest in certain linkage and, as I understand it, what he means is that to reach a new agreement where you might take a certain risk for the sake of arms control you would require a pattern of policies by the Soviet Union that indicates that they are indeed willing to abide by agreements, abide by past arms control agreements which are still in force, and abide by the political restraints and refrain from aggression in order for us to warrant taking a significant risk toward arms control.

That is how I would formulate the idea of linkage.

Senator WARNER. Now you are a student of Soviet history, and do you agree with the premise that their motivations have been unchanged since 1917?

Dr. IKLE. Senator, I am afraid there is the unchanged motivation to expand the Communist empire which between 1917 and the Second World War of course did not have military power to pose a military threat beyond the borders, but now particularly in the last 10 years has acquired the military power at a time when it seems the ideology and the political appeal of the system has for good and valid reasons declined. So we see with the possible threat to Poland and the invasion of Afghanistan that military power is now being used for imperial expansion as a substitute for what they earlier regard as their appeal of the so-called revolutionary idea.

Therefore it is important that we have the military power to deter the aggression.

Senator WARNER. I certainly concur with that observation, but back to your statement about the linkage and the President's interpretation of that doctrine, if it is at all defined, it would be your hope that as a condition precedent to any future arms limitation agreement

between the two nations that there be a public statement or affirmation by the present Soviet hierarchy to the effect that they are going to substantially change their ways from those manifested periodically since 1917.

Dr. IKLE. Senator, speaking personally here and not reflecting an administration position, I would put less emphasis or less weight on a formal statement. We have had a formal statement called the basic principles that were agreed to the early 1970's, which didn't stop these new forms of aggression and expansion. So I would look rather not to another piece of paper with a statement on it, but to a pattern of policies that would have to emerge on the part of the Soviet Union that gave us confidence that we can enter a new era.

Senator WARNER. Let us take for example the chronology of the consideration of SALT II by the Senate. As you well know, we were engaged in extensive hearings before this committee and the Foreign Relations Committee in 1979. This is just one Senator's judgment, but had certain factors come to play there in June and July, such that this thing got to the floor of the Senate, it might have been a very close vote. It is questionable whether or not some of the refinements, and I use that word rather than purposely going into some of the other terms that are used, being advocated by myself or other members of this committee, but it is questionable whether any of those refinements might have been made to the treaty before possible passage, that is ratification by the Senate.

Then we would have awakened in the fall to the events that you now know full well.

This is what concerns me, that once again this Nation could go with the best of intentions and in good faith negotiate an agreement upon the terms of the agreement, and within a matter of months thereafter the Soviet Union once again embarks on a policy and actions which are totally abhorrent to fostering peace in the world.

Dr. IKLE. Senator, I share your concern. I well remember the deliberations in this committee on SALT and I was privileged to be witness on one occasion. I well remember the important report that this committee prepared on the SALT II Treaty as it has been negotiated. In further answer to your point, again as a personal observation, I feel it is important that we do not try to burden arms control negotiations and arms control agreements with too many expectations. I have in the past criticized the policy of the Carter administration as expecting too much of the SALT agreement and making it the be all and end all of our relations with the Soviet Union.

Even if it had been 10 times better than it turned out to be, there are still a lot of matters of military competition which would not be encompassed by any such treaty, and there is all of the political and territorial competition that goes on. So it is important not to have excessive expectations which will elude us.

Senator WARNER. I find that observation very reassuring, Dr. Ikle, because I feel there is little that this country can do at this time to change the basic motivations of the leadership of the Soviet Union. While I also hope that we can achieve further arms control agreement, we do so in recognition that the agreement and how it affects the balance of the production and existence and deployment of those weapons is a critical factor.

We should put less emphasis on expectations that the Soviet Union is going to make any dramatic change with respect to their actions in their foreign policy in the world.

I have another major subject, and a very serious question, Mr. Chairman, and I don't know how much time you will allocate me here.

Chairman TOWER. Let us see if Senator Jepsen has any additional questions.

Senator JEPSEN. I have no additional questions. If the Senator would yield for just a moment, I understand from SALT II that the administration agreed or some administration agreed that we were going to follow all of the rules and things set forth in SALT II.

Senator WARNER. Under established rules, even though there is no diplomatic procedure, when a treaty which is still pending as such, both nations abide by the terms thereof until there has been an action by the Senate. Even though the SALT Treaty has been withdrawn, technically under international law, I think we, in conformity with established international principles should abide by that treaty until such time as this body or the President takes a decisive action. Am I correct in that?

Senator JEPSEN. My problem with that is that we know the Soviet Union is not, and that is what bothers me.

Senator WARNER. You mean about abiding by it?

Senator JEPSEN. And without getting too specific and making it a classified area, we know that they are not. So why is it that we come out and say that we are?

Dr. IKLE. There are two problems. One, Senator Warner is right, there is an international convention I believe of abiding by treaties negotiated to such an extent that they could be put into force within a reasonable time for their ratification or whatever process is required in each government. The question is how much time you can allow for that process because you have then two countervailing problems, one raised by Senator Jepsen as to whether the other side is really abiding by it or not, and the question of violation, "Violation" in quotation marks, whether it is legally binding but whether you have an explicit understanding on both sides to keep it.

We are carefully examining right now the record on such possible violations. Then you have another legal requirement for our country, section 33 of the Disarmament Act requires we do not observe limits of armaments without congressional action in the case of a treaty, or in the case of an executive agreement. On this score I believe we ought to soon confront what we do about these agreements which are now legally in limbo, the Threshold Test Ban Treaty, the SALT interim agreement of 1972, and certain provisions of the SALT II agreement.

Senator WARNER. To follow on Senator Jepsen's very astute observation, there is now in the public domain a controversy as to whether the Secretary of the Navy is or is not proceeding with the dismantling of the retired Polaris fleet to be in conformity with SALT I and SALT II. Would you care to comment on that?

Dr. IKLE. It ties in with the prior points. The question there on the dismantling of the Polaris related to provisions of the first 1972 interim agreement that limits the number of submarines for both sides. If we in our numbers of submarines are pushed beyond that limit, we would have to make a determination either to signify to ourselves

and presumably to the Soviet Union that we no longer feel bound by the informal extension of that agreement beyond its expiration date in 1977.

Coming at it from the other side, if we in the administration feel an obligation to clear up the situation, either to come to Congress with a new determination that there ought to be a correct extension of some of these agreements if that serves the national interest, or that we have reached the determination that the agreement should not be further extended.

We are now working on this issue to see what recommendation we want to make. But I agree with you that it should not be left hanging for much longer.

Senator WARNER. I have expressed this to the Secretary of the Navy. It was questionable as to the wisdom of making a public revelation of whatever thoughts he had until such time as this policy has been coordinated and properly studied. Such statements send shock waves through our allies at the very time when you are trying to stabilize the situation, particularly in the theater nuclear force area, and all of these things tend to be linked together.

I would like to go on to a separate subject, and that is the draft.

One of our colleagues this week introduced legislation providing for the return of a system of military conscription. Frankly, he based his justification on good, strong and factual data. You know the data well in terms of the deteriorating personnel situation experienced by all of the services right now, and the shortage of midlevel career personnel.

I am opposed at this point in time to the reinstitution of the draft and believe that we should enable the administration to implement legislative actions taken by the Congress last year, principally among them the one our distinguished chairman championed for some time, the lifting of the pay cap, and others advanced by Senator Nunn, to see what positive effects these legislative actions might have on the retention of career people and also the inducement of greater numbers and higher quality of first-term enlistees.

Likewise, the Congress has under active consideration educational packages quite similar in effect to the educational packages which followed World War II and Korea. We have a pilot program in effect now on a limited scope to test the positive nature of this new GI bill concept.

Further, it is my judgment, although I am a relatively new Member of the Congress, if we were to embark upon any consideration of a draft at this time it would be divisive and distract from what I perceive to be a strong momentum in the Congress to support the President in his requests for added funding, and other very positive actions he has taken in an effort to restore this Nation's margin of safety with respect to the national defense.

So, for those two reasons—one, there has been an incentive for legislative action to pass, that is past, and, further, to impact on the personnel situation; and, secondly, it would be distractive in the course of the legislation now in motion to get into an involved debate on the draft. Those are my views, Dr. Ikle, and I would be interested to know what your views are.

Dr. IKLE. Senator, I am pleased to hear that you are supportive of the effort of this administration and the Defense Department to try to make the volunteer system succeed, with the proper incentives.

Let me add, in addition to the ones you mentioned, one more that I know President Reagan is very keen on, and I think rightly so, and that is to enhance the prestige and the honor of serving in the Armed Forces, and to do that by everything we say and do; and I think that would make a great deal of difference as well.

Senator WARNER. It won't cost the taxpayers a nickel.

Dr. IKLE. That is to do things not just for monetary rewards. Beyond that, the specific details of military manpower would not be the responsibility of the position for which my name has been proposed to be nominated.

Senator WARNER. Wouldn't that be a policy issue that would come through your department?

Dr. IKLE. You are stealing my thunder. The larger picture of manpower, both in the current period and in the context of the emergencies, is very much a part of the defense policy. We are engaged in an effort to improve across the board the ability of the Defense Establishment to respond to a military or defense emergency. That means manpower and industrial production as well as the mobilization of forces in being, and we want to give this high priority. In that context, I would expect that we will examine down the road again what standby preparations we need and how standby preparations have to be approved in order to be able to mobilize additional forces in the event of a crisis or military event.

Senator WARNER. That is selective service, which has received the endorsement of this committee, and we wholeheartedly support you there. I have by no means tried to ascertain the disposition of members of this committee with respect to the draft in any detail. But I want to know from you, is there any serious consideration now going on in the Department of Defense with respect to supporting legislative measures of the type sponsored by Senator Hollings?

Dr. IKLE. Not to my knowledge.

Senator WARNER. On the subject of Law of the Sea negotiations, again, that is an area in which I worked when I was in the Department. This country had taken the leadership in international negotiations and here on the advent of the next session I think the President, very wisely, took certain actions to enable his administration to make a complete review of what had been done and what should be done in terms of the final touches on that proposed treaty.

In other words, the President reserved certain options, but I would be quite interested in hearing the perspective of the Department of Defense. It is my understanding that their area of responsibility, of course, was limited to the military aspects of that treaty. Principal among them would be the question of the straits and navigation worldwide and of the archipelagos, and how the archipelagos might impact on the free transit of military vessels.

Would you care to comment on that treaty now, and what you are proposing to do as a participant, presumably, in the administration's review?

Dr. IKLE. Senator, the Defense Department has at least two concerns. One is the principal one you mentioned, about navigation

rights in the straits and extension of the territorial waters; but there is another on regarding strategic resources, such as manganese and cobalt. If we talk about a treaty structure of this kind, multinational, we have to take a long-term view, looking 10, 20, or 30 years ahead. It is important for security to have flexibility in obtaining such mineral resources that our defense effort may need in the future.

In that connection, the part of the treaty that relates to deep seabed mining, there are many aspects which give question for concern. There would be an international organization set up, and the question arises to what extent this organization may drift away from the initial purposes for which it was set up, by voting procedures and begin to establish additional claims and rights that were not intended by us if we should agree to the treaty.

In this connection, you have to keep in mind, Senator, that almost all of the navigation rights in this treaty that seem to be of value to us were really already available as customary law for centuries. To some extent we are here asked to repurchase these rights which have been infringed upon by a process of erosion and then to put our confidence in having a new treaty that would stop the erosion for the indefinite future.

This idea certainly has to be examined and that is part of our evaluation of the treaty.

Senator WARNER. I am quite satisfied, Mr. Chairman, that Dr. Ikle knows the background and is aware of the sensitivities of this treaty which are important to our national defense.

There is another major area I would like to enter into and that is that of chemical warfare. We are taking a very serious look at that in this committee and we have held hearings.

My observation is that this issue should be drawn up into your department and that the coordination of the various capabilities of the several services be handled in your department, because it is a major policy issue.

I am by no means critical of the Department of the Army which thus far has kept alive, so to speak, this need and concept, while others have ignored it. They are doing, I think, a splendid job in trying to revitalize interest in this area.

I noted with pleasure the fact that the Secretary in his supplemental budget had a specific item on that subject; but would you look at the coordination of all of the policies relating to that and see whether or not it could be put in your department?

Dr. IKLE. I will be pleased to do that. It is not an area that is new to me, from the arms control dimension, which used to be important in that area, and I have been involved in it in past years. So I certainly agree with you, sir.

Senator WARNER. The last comment I have is just a recapitulation of the nominee's statement on the ELF program and I will ask that that be inserted in the record as an observation by me. [The information follows:]

The Senate Armed Services Committee fully supports Dr. Ikle's determination to buy the best possible strategic command, control and communications system in support of our nuclear forces. We believe, however, that the best possible system is a multi-faceted one—comprised of a number of subsystems or elements providing various capabilities and performing various missions in the course of the peacetime, pre-, trans- and post-attack periods.

We do not believe that the several subsystems needed to support that optimal strategic C³ capability should be incorrectly perceived as being in competition for missions or funds with other needed subsystems.

Senator WARNER. That concludes my questions.

It is my intention to support both of these nominees and, again, I commend the President for the excellent selection.

Chairman TOWER. Senator Cranston has submitted certain questions to be posed to Mr. Ikle. I will submit those to him and ask him to answer those for the record.

[Questions with answers supplied follow:]

QUESTIONS SUPPLIED BY SENATOR ALAN CRANSTON, ANSWERS SUPPLIED BY
DR. IKLE

Senator CRANSTON. Dr. Ikle, you have had extensive experience in arms control policy. In addition to serving as Director of the Arms Control and Disarmament Agency from 1973 to January 1977, I know you have continued to follow the issue closely since 1977.

What role do you personally expect to play in the formulation of our national arms control policy?

ANSWER. As the Under Secretary of Defense for Policy, I will be formally assigned the responsibility, under the direction of the Secretary of Defense, for the oversight and coordination of the formulation and implementation of DoD planning and policy concerning political-military affairs, including arms control negotiations. I will also be responsible for representing DoD positions on arms control within the interagency community—with the Department of State, the NSC, and with the intelligence and other relevant agencies.

With regard to my personal expectations concerning my role in the formulation of our national arms control policy, I feel that my long-standing interest and past government experience in the field of arms control negotiations, including Director of ACDA, will permit me to make a significant contribution in this most important field of national security policy.

Senator CRANSTON. What role do you believe the Defense Department should play in the formulation of our national arms control policy?

ANSWER. The Department of Defense has a vital role to play in the formulation of national arms control policy—in the establishment of arms control objectives and in the evaluation of specific arms control provisions. The Secretary of Defense has to advise the President as to the military requirements which must be maintained within any arms control agreement. This Department, obviously, is also charged with the primary responsibility to preserve adequate deterrent forces.

Arms control is an essential component of defense planning. Our arms control policy must be designed to complement our defense effort. That is to say, both our own defense programs and possible arms limitation agreements must serve our broader national security objectives.

Senator CRANSTON. In your view, did the Soviet Union comply with the terms of the Interim Agreement on Offensive Weapons during the period you were Director of ACDA?

ANSWER. During the period 1973–1977, many questions arose with regard to the USSR's compliance with the provisions of the Interim Agreement, as well as the ABM Treaty. Soviet compliance was not fully satisfactory. While the Soviets by and large avoided a major clear-cut violation, they exploited nearly all the ambiguities of the agreement and in a couple of instances, at least temporarily, violated explicit, agreed terms.

Senator CRANSTON. What is your view of the recent US decision to postpone the scheduled meeting of the Standing Consultative Commission?

ANSWER. The Standing Consultative Commission has played a useful role. However, I would prefer not to discuss publicly details of the Commission's work. The temporary postponement of the meeting is of no great importance. It gives us more time to prepare for the meeting.

Senator CRANSTON. In your view, should the United States continue to "comply" with the terms of the Interim Agreement on Offensive Weapons? (I put "comply" in quotes recognizing that the agreement is no longer in force technically.)

ANSWER. I believe that while we are formulating this Administration's policy on strategic arms control, it is important that we take no steps which would preclude possible course of action which we might want to choose. Accordingly, it makes good sense that, for a strictly limited period during this review, the US take no actions that would undercut existing agreements, as long as the Soviet Union exercises the same restraint. I would also note that under the terms of the Interim Agreement the US will incur no additional obligations until the second Trident submarine goes on sea trials (estimated by the Navy to be in June 1982). The Soviets, on the other hand, may prior to that time be obligated under the Interim Agreement to dismantle SLBM launchers as new SSBNs go on sea trials.

Senator CRANSTON. Would you characterize in general terms the role you envision for arms control as a complementary component of our national security program?

ANSWER. Arms control, if successful, can make a significant contribution to our defense policy. However, our first priority must be to formulate and implement our defense program so as to redress the current imbalance. Consequently, our arms control policy should be framed to support the defense program, rather than letting arms control considerations drive our military programs. Over the past ten years or so, the SALT process has unfortunately fallen short of our objective. It has failed to slow down significantly the Soviet buildup in strategic offensive arms.

Senator CRANSTON. I am concerned by the fact that our government is proceeding with a major new military spending program without any policy decisions having been enunciated regarding the role of arms control in this program. Would you please comment on the reasoning behind the decision to proceed in this fashion? Do you have any reservations regarding the wisdom of this policy?

ANSWER. We are currently reviewing both our defense objectives and our arms control policy. Our first priority in the national security area has been to establish what our defense needs and programs will be. The basic decisions which we make on defense will then permit us to formulate complementary positions for arms control. The defense programs that we are embarking on are necessary to redress the current strategic imbalance. Based on our past experience in arms control negotiations, these programs are also needed to establish the incentives for the Soviets to negotiate meaningful arms control agreements.

Chairman TOWER. I am informed by counsel that both Mr. Ikle and Mr. Taft have agreed to take all of the actions that are necessary to insure compliance with the committee's policies concerning financial disclosure and potential conflicts of interest.

I have one question I would like to put to each witness in turn.

Dr. Ikle, does this committee have your personal assurance that if you are confirmed, you and members of your staff will respond to all inquiries made to you by this committee in a forthright and expeditious manner?

Dr. IKLE. Yes, Mr. Chairman.

Chairman TOWER. Mr. Taft, does this committee have your personal assurance that if you are confirmed you and the members of your staff will respond to all inquiries made to you by this committee in a forthright and expeditious manner?

Mr. TAFT. Mr. Chairman, you have my assurance.

Chairman TOWER. Thank you.

It is my understanding that the minority has no objection to proceeding to a vote on recommending both Mr. Ikle and Mr. Taft favorably for Senate confirmation at this point in time; therefore, the Chair is prepared to entertain a motion that the nominations be considered en bloc and favorably reported.

Senator WARNER. I so move, Mr. Chairman.

Chairman TOWER. Without objection, it is so ordered, with the understanding that the record will be held open until 5 o'clock this afternoon for any absent Senator to cast a vote on this matter.

Thank you very much, gentlemen, for presenting your testimony and for your candid responses to our questions.

Good luck and we look forward to seeing both of you from time, to time.

Dr. IKLE. Thank you, Mr. Chairman.

Dr. TAFT. Thank you, Mr. Chairman.

[Questions with answers supplied follow:]

QUESTIONS SUBMITTED BY SENATOR STROM THURMOND, ANSWERS SUPPLIED BY
DR. IKLE

Senator THURMOND. Dr. Ikle, I have met with you and discussed your views on defense matters and find them to be fully supportive of President Reagan's often-expressed belief that we must rapidly rebuild our defense forces. You have a superb background in defense matters and I believe you will contribute much to strengthening our military posture in the next 4 years.

In a general sense, what policies do you favor which you believe would accelerate the rebuilding of our defense forces?

ANSWER. We must continue to inform the American public of the growing threat and of the basic assets of the U.S. which permit this country to meet the threat. Given public support, our economy, our resources and skills are clearly adequate to rebuild our defense forces so as to save our deterrent balance and successfully cope with local aggression. We have to build up the industrial base for defense production in order to meet present requirements more efficiently and to be prepared for a mobilization emergency. The overall thrust of the Defense program of the Reagan Administration is moving ahead on the important fronts: personnel, readiness, procurement and research.

Senator THURMOND. Dr. Ikle, how do you believe we can best meet the challenge of the Soviet effort to establish nuclear supremacy and minimize their counter-force capability which is clearly designed to weaken our own residual retaliatory strike force?

ANSWER. We have to move ahead on strategic forces, production and deployment of the new ICBM, and speed up the construction of the Trident submarine, and we must improve the survivability of command, control and communications facilities. In addition to the MX missile, our cruise missiles programs are an important counter to the growing strategic capabilities of the Soviet Union.

Senator THURMOND. Dr. Ikle, what are your views on the Soviet civil defense buildup and the dangers we accept because of the lack of a viable civil defense capability?

ANSWER. Given the differences in the political structure and society of the U.S. and the Soviet Union, it is far easier for the Soviet government to impose a civil defense program and we can more easily counteract the effectiveness of the Soviet civil defense program than go all the way and establish an equivalent capability of our own. Nonetheless, certain improvements in our civil defense capabilities are necessary and have the support of the Defense Department.

QUESTIONS SUBMITTED BY SENATOR STROM THURMOND, ANSWERS SUPPLIED BY
MR. TAFT

Senator THURMOND. Mr. Taft, would you describe for the committee your view of the proper functions of the Office of General Counsel for the Department of Defense?

ANSWER. The principal function of the office of General Counsel is to provide legal advice and services to the Secretary of Defense and other officials of the department. This involves informing them of their obligations under the statutes affecting the department and other authorities that have been delegated to them. It also involves the drafting of legal documents—for example, legislative proposals to carry out policy decisions arrived at by the Secretary in the course of carrying out his statutory responsibility. Finally, the office has responsibility in coordination with the Department of Justice and the other legal offices of the department to manage the department's litigation.

The office is also, of course, available to assist Members of Congress in connection with any concerns they may have that involve legal issues related to the department.

Senator THURMOND. Mr. Taft, do you see that office as in any way being a policy-making position?

ANSWER. No, I see the office as providing legal advice and services to those officials of the department who specifically have policy making responsibility. Of course, should the Secretary or any other official request the advice of the General Counsel personally as to his views on a policy issue, I would expect to respond.

Senator THURMOND. Mr. Taft, your background is entirely in health, education, welfare and budgetary matters. Why do you feel qualified for this position, and what do you feel you can contribute?

ANSWER. I have practiced law both within and outside the government since I graduated from law school in 1969; over that period I have worked on a variety of legal problems involving social welfare law, federal energy regulation, international trade law, and government contract law, as well as budgetary matters. I have worked in the White House, the Office of Management and Budget and the Department of HEW as well as for a brief time, the Federal Trade Commission. I worked closely for 5½ years with Secretary Weinberger while he occupied a variety of cabinet level positions under Presidents Nixon and Ford. I was also the General Counsel of the Department of HEW under President Ford. In the course of carrying out the responsibilities that have been assigned to me, I have become fully knowledgeable about federal administrative law and the functioning of the federal executive departments. I believe that my experience in practicing both within and before various federal agencies will be valuable in providing legal advice to the Secretary and other officials of the department.

Senator THURMOND. Mr. Taft, what are your general views on the U.S. defense posture today and what do you see as its future requirements?

ANSWER. In my view, it is necessary over the next several years to substantially improve the nation's defense posture in order to be able to meet the threats to vital U.S. interests around the world. This will require a significant increase in the level of funding of our national security programs from what it has been over recent years. I believe that we have not adequately funded those programs in the recent past and that our current defense posture is correspondingly less strong than it should be.

Senator THURMOND. Mr. Taft, we had a situation in the past administration in which a law passed by the Congress was not implemented by issuance of the appropriate regulations. What would be your position in such matters?

ANSWER. My position would be that it is the responsibility of the executive branch to in fact execute the laws that the Congress has passed. To the extent that the execution of the law requires that regulations be issued, I believe that this should be done promptly.

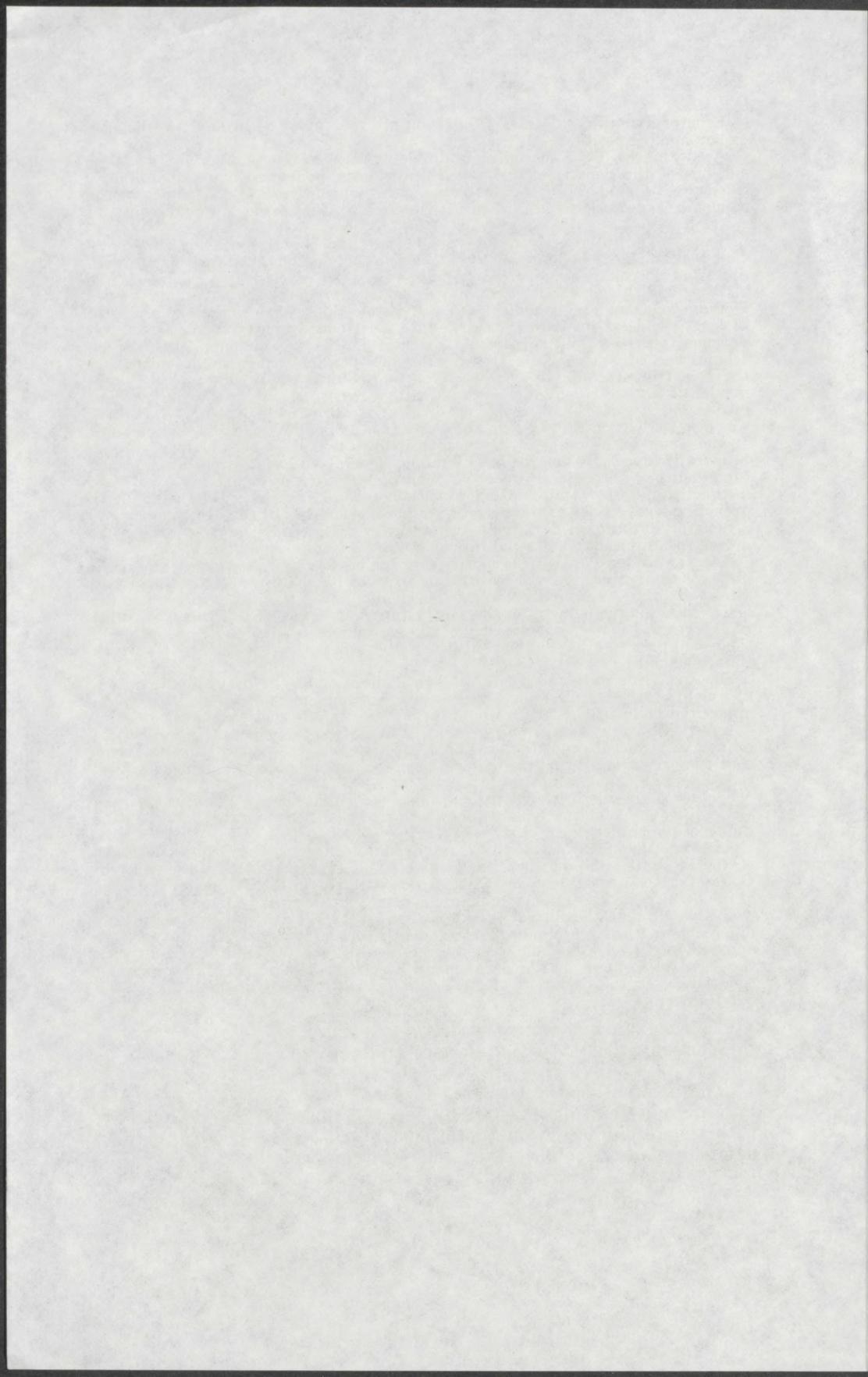
Senator THURMOND. Mr. Taft, do you see your office as a supervisor over the General Counsels of the separate services or do you believe they should act for the most part independently?

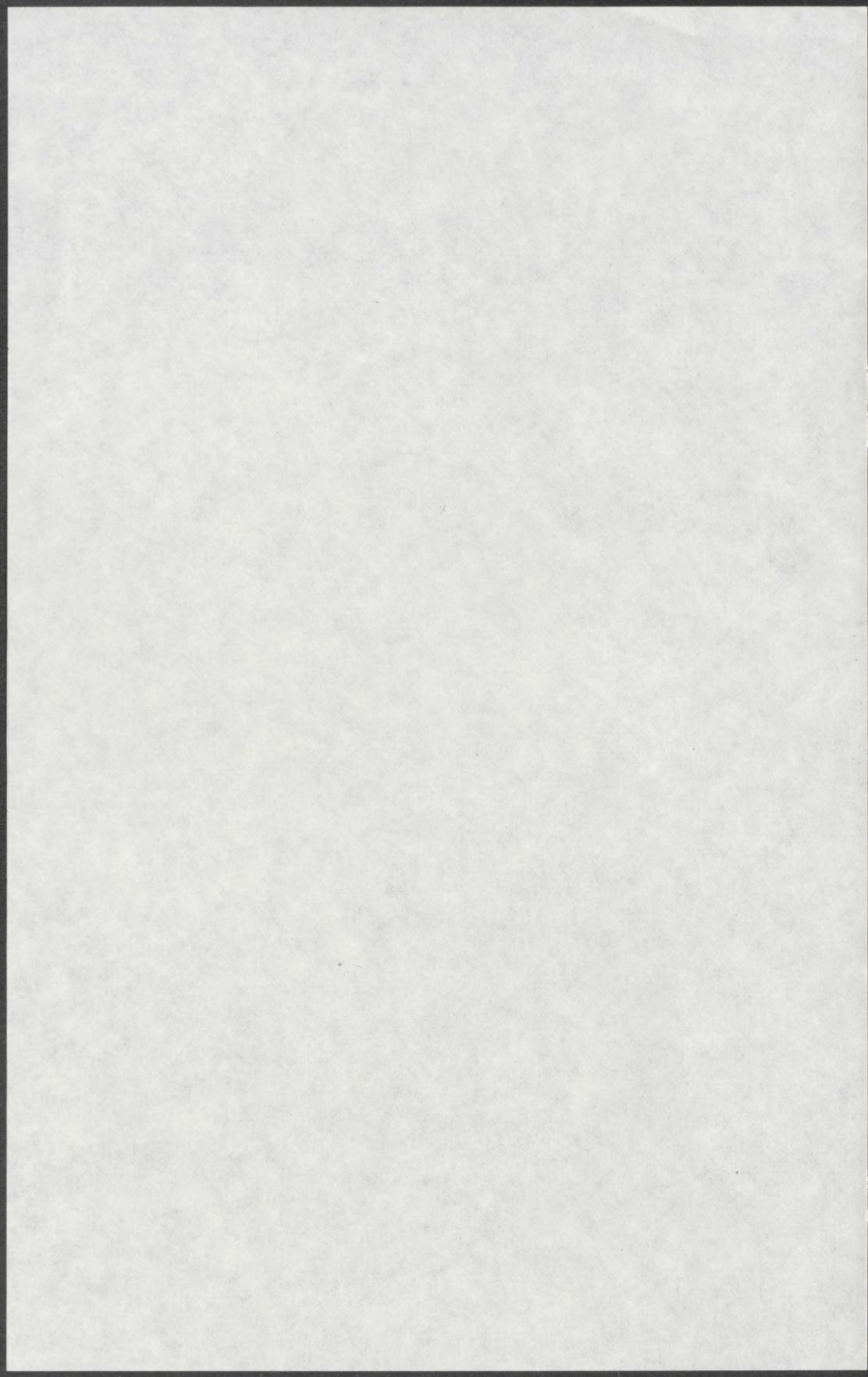
ANSWER. My office does not have any line authority over the General Counsels of the separate military services. I understand that in the past the General Counsel of the department has worked cooperatively with the General Counsels of the Services on issues of common interest and that this arrangement has worked well. I would plan to continue it. For the most part, the General Counsels of the different services have handled independently the legal business of the services and provided advice to the Service Secretaries without any need to consult with the General Counsel of the department. I see my responsibility as providing legal advice to the Secretary of Defense and other officials in OSD, not to the Service Secretaries.

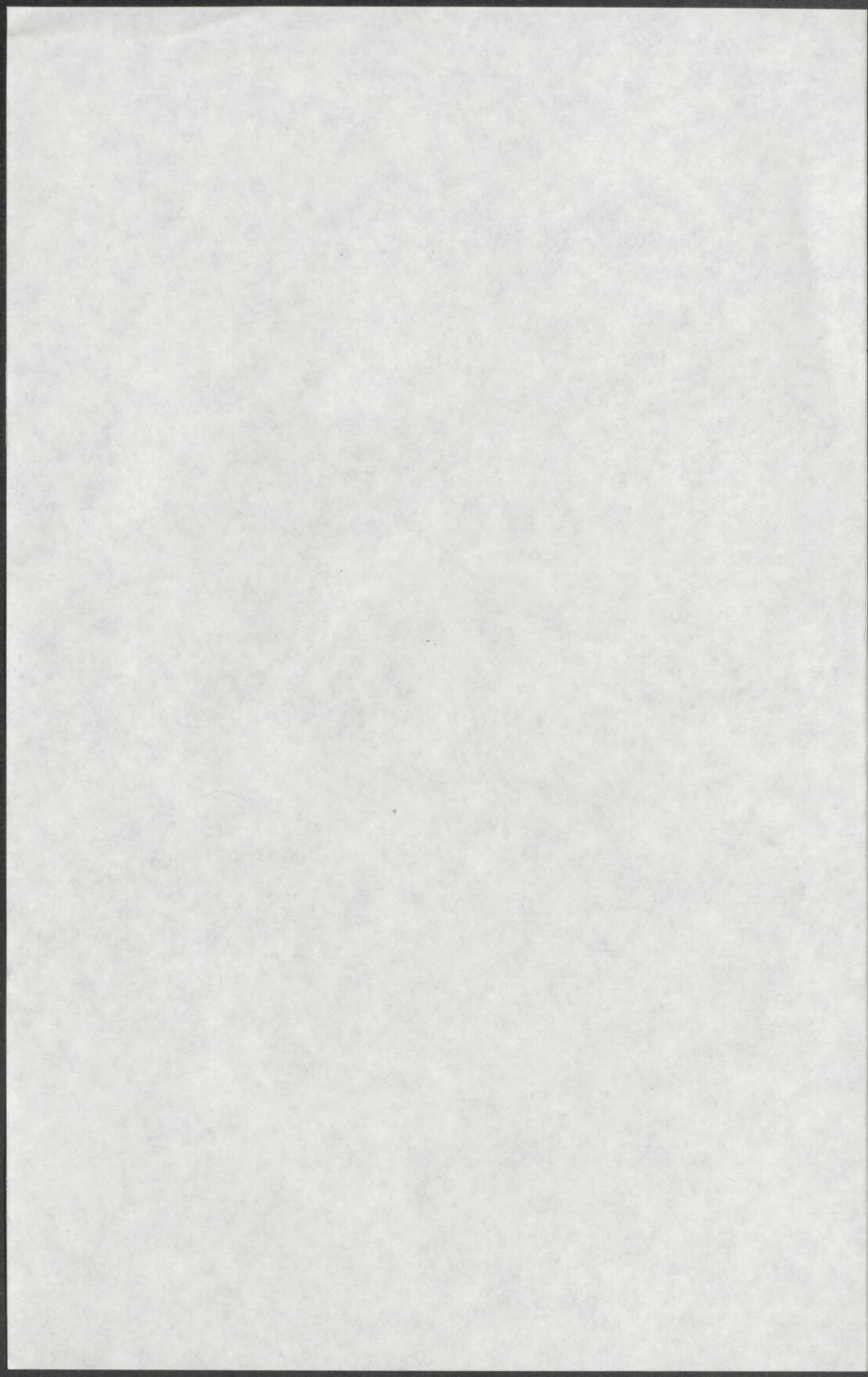
Chairman TOWER. This meeting is adjourned.

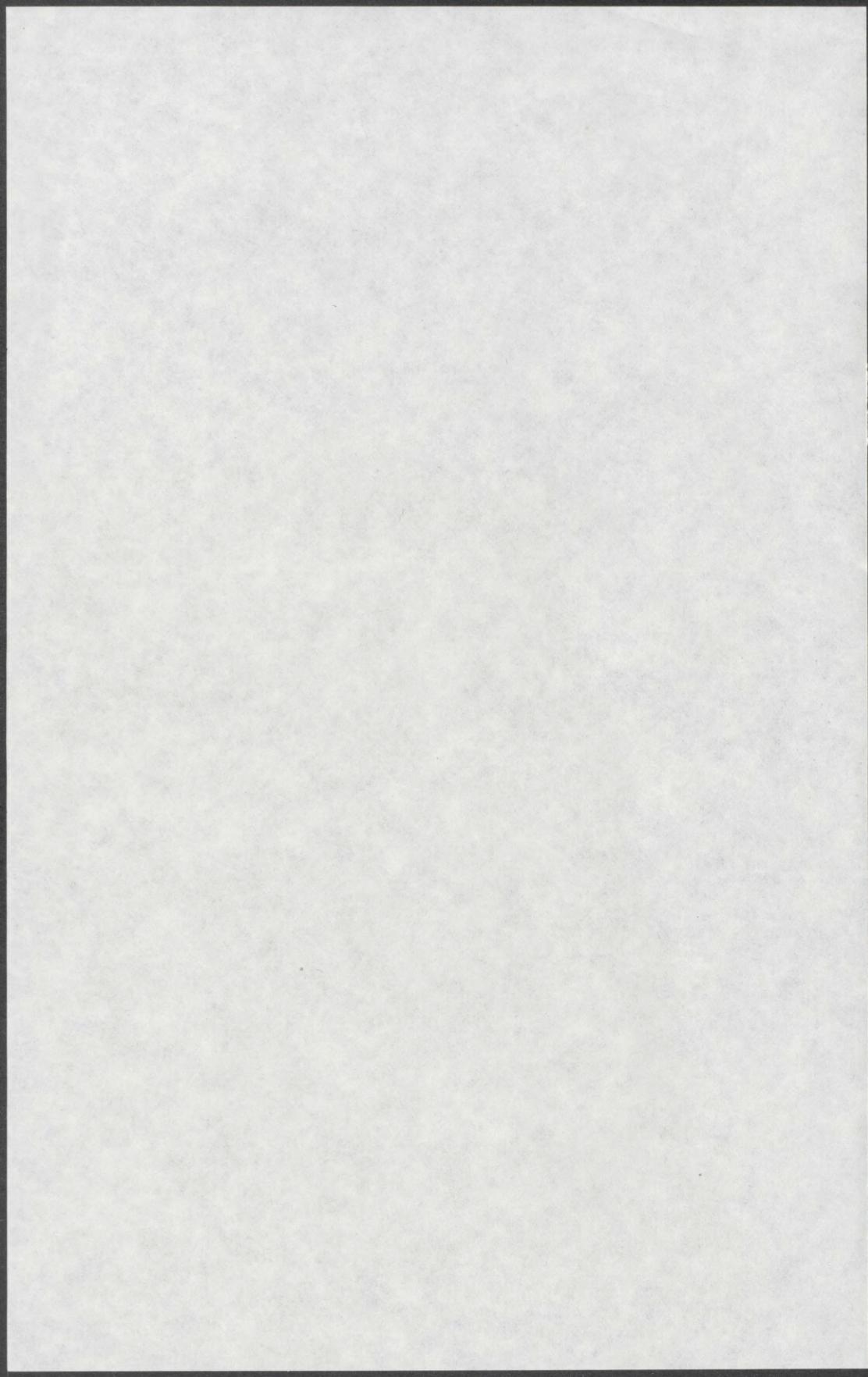
[Whereupon, at 12:30 p.m., the committee was adjourned.]

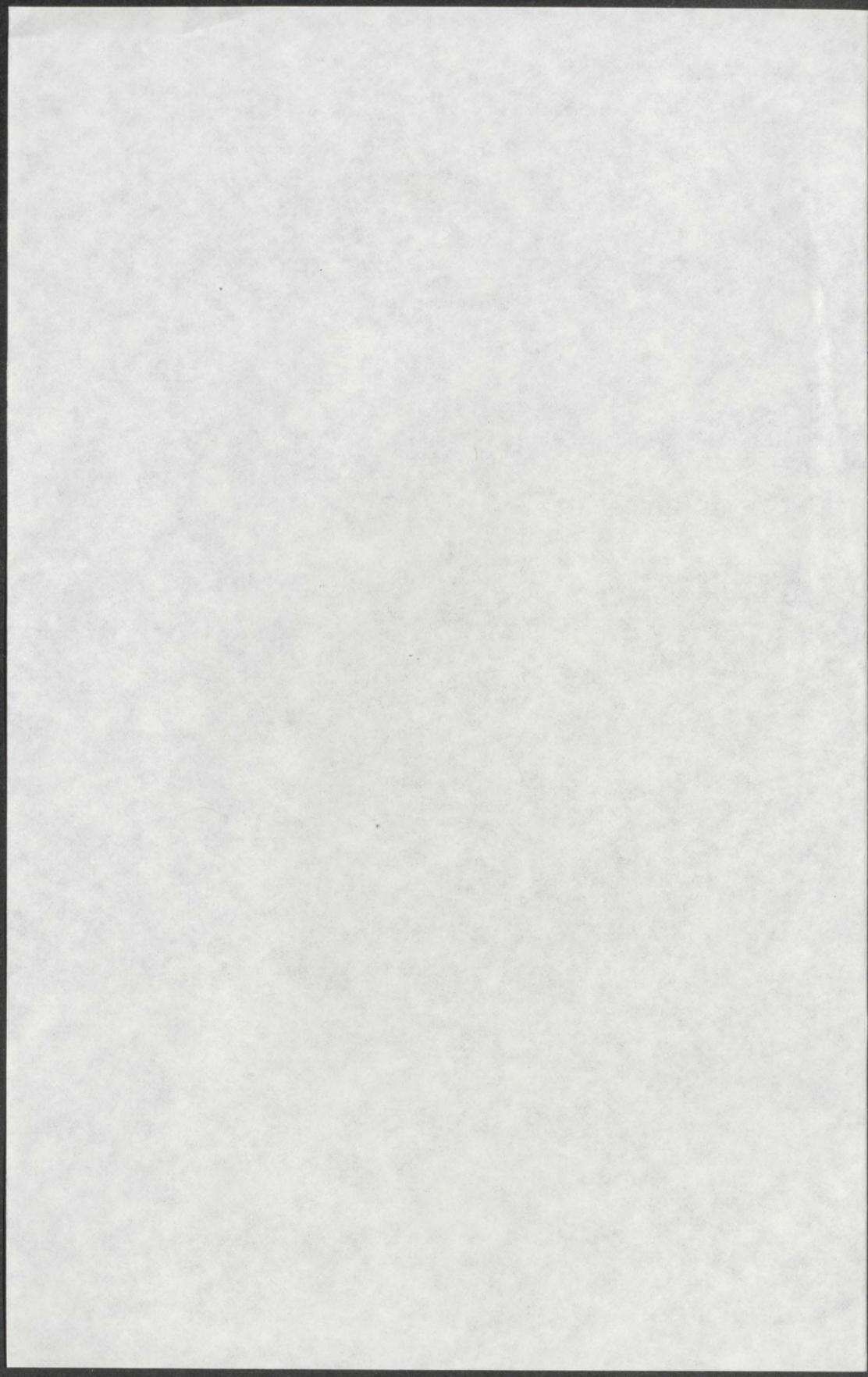
(The nominations of Dr. Fred C. Ikle and Mr. William H. Taft, IV were reported to the Senate by Senator Tower on March 26, 1981, with the recommendation that the nominations be confirmed. The nominations were confirmed by the Senate on March 27, 1981.)











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