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THE EXECUTIVE BRANCH AND DISARMAMENT POLICY

STAFF STUDY NO. 1

SUBCOMMITTEE ON DISARMAMENT
OF THE
COMMITTEE ON FOREIGN RELATIONS



FEBRUARY 20, 1956

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PREFACE

By Senator Hubert H. Humphrey, Chairman

This study outlines the procedures of the executive branch in making and carrying out policy on the control and reduction of armaments. In so doing it illustrates a problem of great concern to the American people—the growing complexity of the executive branch of our Government. Certainly it is in the interests of the United States to see to it that all executive agencies which have anything to contribute are brought into play in major questions of national policy. On the other hand, channels of coordination and responsibility among these agencies must be clear-cut and efficient. Otherwise the multiplicity of agencies which become involved in policy will only make complex questions more complex and hamper effective action by the Government.

I asked the staff to prepare this study of the executive branch and disarmament policy for the use of the subcommittee because the Senate and the people of the United States have a deep interest in understanding how their Government functions in this important matter. Government machinery must have certain characteristics if it is to produce effective policies on the control and reduction of armaments. It must, for example, bring to bear promptly and efficiently resources and knowledge for dealing with disarmament matters. It must provide clear-cut authority and responsibility. It must, in short, facilitate safe, intelligent, and informed decisions.

On March 19, 1955, the President appointed a special assistant on disarmament, with Cabinet rank. He assigned to his assistant wide duties in the field of disarmament. His action suggested that the problem of control and reduction of armaments was of such dimensions that the regular machinery of the executive branch was inadequate to cope with it.

The President's attempt to bring a fresh approach to the question is understandable. Prior to his action disarmament matters were largely the concern of the regular departments and agencies of the Government. For years, they made little progress in this field and meanwhile the destructive power of weapons increased at a fantastic rate.

It still remains to be seen, however, whether the recent change in organization will produce effective results. So far the most tangible achievement of the office of the special assistant on disarmament appears to be the aerial inspection proposal. This proposal provides for mutual inspection of military facilities between the Soviet Union and the United States. It is not a new proposal but rather a modernization of an older idea, first advanced by the United States in 1946 and again in 1952. It has run into about the same intransigence from the Soviet Union as its predecessors.

Significant results may yet emerge from the appointment of the special assistant on disarmament. In the meantime, however, it should be noted that one effect of the appointment has been to add

another agency, presumably temporary, to a field in which many permanent departments and agencies are already active. This increases Government expenditures. It also appears to add to the complexity of the machinery for Government making and carrying out policy on control and reduction of armaments. That is the case, especially since the responsibility and authority of the President's assistant and his staff have yet to be made entirely clear in practice.

This study of the executive branch and disarmament (staff study No. 1) was prepared under the direction of the subcommittee staff by Carlile Bolton-Smith, American Law Division, Legislative Reference Service, Library of Congress. It is a factual account of executive procedures related to disarmament intended for the background use of the subcommittee. It does not necessarily reflect the views of the subcommittee or any of its members.

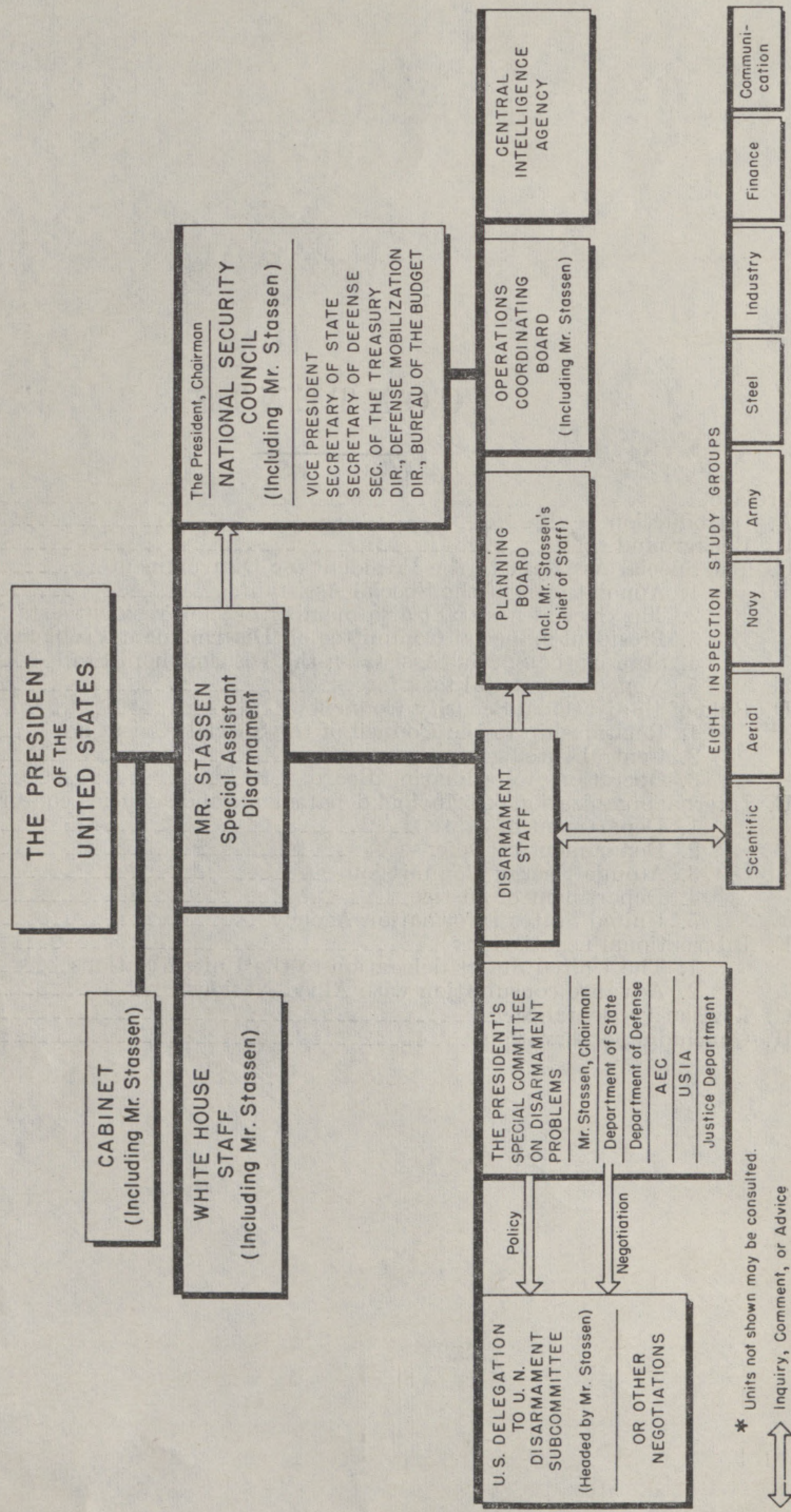
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DISARMAMENT: Detailed Relationships For Its Formulation And Consideration by the Executive Branch*

VI



* Units not shown may be consulted.

↔ Inquiry, Comment, or Advice
→ Direction

THE EXECUTIVE BRANCH AND DISARMAMENT POLICY

A. INTRODUCTION

The United States Government has for many years been concerned with disarmament in the sense of questions relating to the control and reduction of armaments. It has, in the past, entered into treaties for that purpose.

The earliest recorded American disarmament treaty was that signed at Washington, April 28, 1817, limiting "the naval force to be maintained upon the" Great Lakes by the United States and Canada. The Treaty of Versailles, negotiated by President Woodrow Wilson in 1919, but which never came into effect with respect to the United States, limited German armament. The Washington Naval Treaty of 1922 limited the navies of the United States of America, the British Empire, and Japan to a 5-5-3 ratio. The London Naval Treaty of 1930 altered and supplemented these limitations. World War II surrender terms imposed disarmament upon Germany and Japan, restrictions which were later relaxed.

Before World War II, the procedures and the administrative structure within the executive branch for arriving at an official position on questions of disarmament were relatively simple. Disarmament was generally regarded as preponderantly an aspect of foreign policy and the Secretary of State with the advice of the Secretaries of the military departments (War and Navy) assumed responsibility for such matters under the President.

The present organizational procedures within the executive branch are in marked contrast to this earlier simplicity. Armaments and the problem of their control have grown more complex since the beginning of World War II. So too have the administrative structure and the executive procedures for formulating policies for dealing with them.

Among the Government agencies which are now concerned in a more or less continuing fashion with these problems are the Department of State, the Department of Defense (including the military departments of the Army, Navy, and Air Force, and also the Joint Chiefs of Staff), the Atomic Energy Commission, the United States Information Agency, the Central Intelligence Agency, the National Security Council, and the Office of the Special Assistant to the President for Disarmament.

The latter organization, created in the spring of 1955, is the most recent addition to the list of agencies concerned with disarmament and the Special Assistant has been given Cabinet rank by the President. In some respects, it appears to be the chief coordinating agency and clearinghouse for the regular agencies of the executive branch in formulating United States policy respecting disarmament.

With many agencies involved, the machinery for handling disarmament questions in the executive branch is very complex. It

is difficult to follow the lines of procedure and to determine precisely where responsibility and authority lie. That is true even if study is limited—as the present study is—to the executive machinery directly concerned with policy on the control and reduction of military armaments. Yet, there are many other parts of the executive machinery which have some relationship to disarmament policies, such as those concerned with foreign aid, foreign loans, commerce, travel, immigration, and internal security.

B. BACKGROUND

International discussion related to disarmament and the control of atomic energy has been going on almost continuously, largely in the United Nations, since the end of World War II. In the initial postwar years the United States' position in these matters was formulated and cleared largely through the executive machinery which was handling other foreign policy problems.

The Office of United Nations Affairs in the Department of State cleared such matters with other interested offices (including the Policy Planning Staff when it was formed) within the Department, with the military departments and, after 1947, with the Department of Defense. In the latter Department, a Special Assistant to the Secretary for Foreign Military Affairs obtained concurrence or comment from interested branches in the Office of the Secretary of Defense, and in the three military departments.

With the creation of the National Security Council in 1947, a focal point was established for coordinating disarmament matters, as well as other foreign and military policy, for presentation to the President.¹

Prior to the appointment of the Special Assistant to the President for Disarmament, disarmament questions were presented to the National Security Council through an interdepartmental staff drawn from interested agencies and departments and culminating in the Executive Committee for the Reduction of Armaments (RAC). In practice, this Executive Committee included representatives of the Department of State, the Department of Defense, and the Atomic Energy Commission, with the representative of the Department of State acting as chairman. The interdepartmental staff of the Executive Committee was drawn from the "working level" of the three agencies composing the Committee. In theory, the staff members did not represent their agencies but worked as individuals and reflected their own views based on their working experience.

The staff sought to formulate policy papers on which the departmental members of the Executive Committee could agree. In the absence of agreement, or if the proposal went beyond the established policy of the National Security Council, the Committee could forward the position paper indicating the difference of opinion to the senior staff of the National Security Council and, if deemed sufficiently important by that body, the problem would go to the Council itself.

¹ See sec. D for organization and membership of the National Security Council.

The initiative in the operation of the interdepartmental staff of the Executive Committee for the Reduction of Armaments came from the Department of State. After the appointment of Mr. Harold E. Stassen as Special Assistant to the President, the initiative for developing disarmament proposals passed to his office. As not infrequently happens, however, when new governmental machinery is established to handle an old problem, the Executive Committee for the Reduction of Armaments and its interdepartmental staff were not abolished. They merely ceased to function for the time being; however, the knowledge of the personnel has remained available to their respective departments.

Nor was any formal change made in the practice whereby the Department of State serves as the channel for transmitting the views of the Government to United States delegations considering disarmament questions with representatives of foreign powers, and supports the activities of such delegations. However, the Special Assistant often conducts such discussions.

C. THE SPECIAL ASSISTANT TO THE PRESIDENT FOR DISARMAMENT

1. Appointment of the Special Assistant

On March 19, 1955, a White House press release was issued calling attention to the fact that—

The recent session of the Disarmament Commission of the United Nations has again resulted in no progress and no clear crystallization of thinking on this subject.

The President announced that, as a result, he had—

established a position as Special Assistant to the President with responsibility for developing, on behalf of the President and the State Department, the broad studies, investigations, and conclusions which, when concurred in by the National Security Council and approved by the President, will become basic policy toward the question of disarmament.

When indicated as desirable or appropriate under our constitutional processes, concurrences will be secured from the Congress prior to specific action or pronouncement of policy.

The Presidential statement specified that the position would be of Cabinet rank and announced that the President had appointed "Harold Stassen as a Special Assistant for discharge of this responsibility."² It stipulated that the Special Assistant—

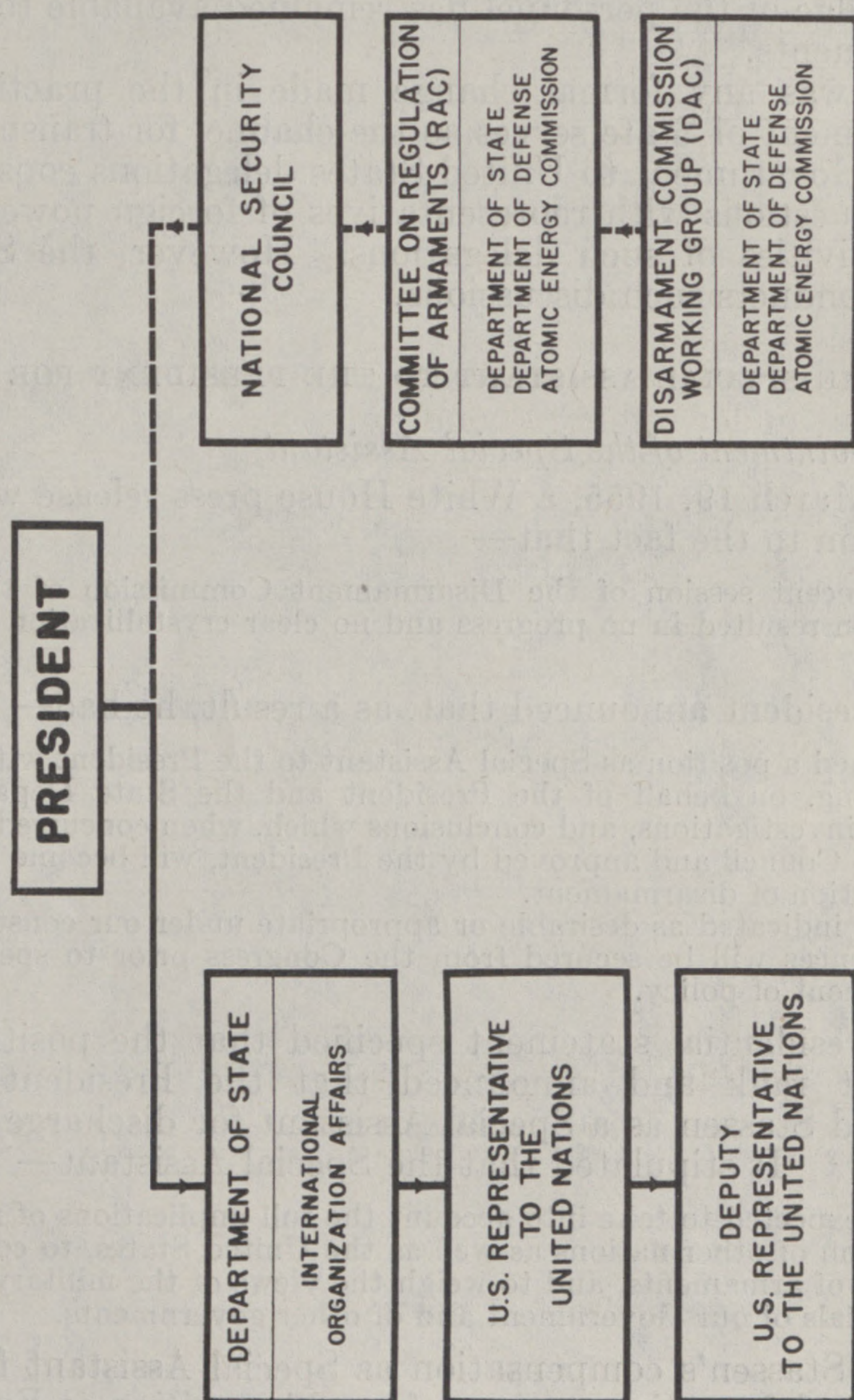
will be expected to take into account the full implications of new weapons in the possession of other nations as well as the United States, to consider future probabilities of armaments, and to weigh the views of the military, the civilians, and the officials of our Government and of other governments.

Mr. Stassen's compensation as Special Assistant for Disarmament continued for a time to come from his position as Foreign Operations Administrator which he held simultaneously, but that source ceased on July 1, 1955. Funds for future salaries and expenses of the Special Assistant and his office were included in the President's supplemental

² His commission is dated March 19, 1955.

EXECUTIVE BRANCH ORGANIZATION FOR DISARMAMENT

PRIOR TO ESTABLISHING THE OFFICE OF THE SPECIAL ASSISTANT
TO THE PRESIDENT FOR DISARMAMENT



KEY

--- Advice

→ Direction

Prepared by the Office of
Special Assistant to the President
For Disarmament

budgetary request for appropriations to the White House for the fiscal year 1956³ which the President may expend in his discretion.⁴

In the spring of 1955, the President specified the responsibilities of the Special Assistant and his working relationships with other parts of the executive branch. In August of 1955 the latter was informed that he would be Deputy United States Representative on the United Nations Disarmament Commission⁵ to sit for the United States in the Subcommittee of said Commission. In that capacity Mr. Stassen was to serve under the direction of Ambassador Henry Cabot Lodge, Jr., the United States Representative to the United Nations. If the Special Assistant dealt with other nations outside of the framework of the United Nations, he would work under Mr. Dulles. In other aspects of his duties, he would report to the President.

2. *The Special Assistant as a Member of the President's Staff*

Mr. Stassen's appointment as Special Assistant to the President for Disarmament, with Cabinet rank, placed him within the White House staff and also entitled him to attend Cabinet meetings. Such principal members of the White House staff have direct access to the President under ordinary conditions.⁶

Although, as an assistant to the President, Mr. Stassen has the privilege of taking proposals directly to the President, the language of the press release announcing his appointment states that in order to become policy, disarmament proposals would need to be "concurred in by the National Security Council."

The President, in turn, as Commander in Chief and as President of the United States, has constitutional power in military affairs and in foreign relations and can, therefore, decide on disarmament policy to the extent that such decision resides within the exclusive authority of the executive branch. Accordingly, he can issue directives to the agencies of that branch. He can, of course, also make proposals to the Congress when concurrence in a particular course is required under the Constitution.

Since disarmament directly concerns both the Department of State and the Department of Defense (as well as other departments), however, the Special Assistant is under the necessity of coordinating

³ S. Doc. 48, 84th Cong., 1st sess. Testimony of Director of the Budget, pp. 2-4 of Hearings on General Government Matters Appropriations, 1956, before a Senate Appropriations Subcommittee on H. R. 6499.

⁴ Public Law 110, 84th Cong., 1st sess. General authority for the President's action in appointing the Special Assistant to the President may be derived from the U. S. Code, title 3, secs. 105 and 106, and title 5, Sec. 55a, and from Public Law 428, 83d Cong., although, of course, these laws do not mention the specific position. No statutory authority was necessary to give him Cabinet rank. Mr. Stassen's commission does not cite any statute, but reads as follows:

DWIGHT D. EISENHOWER

PRESIDENT OF THE UNITED STATES OF AMERICA

To Harold E. Stassen of Pennsylvania: Greeting

Reposing special trust and confidence in your integrity, prudence, and ability I do appoint you Special Assistant to the President of the United States of America, authorizing you, hereby, to do and perform all such matters and things as to the said place or office do appertain, or as may be duly given you in charge hereafter, and the said office to hold and exercise during the pleasure of the President of the United States for the time being.

In testimony whereof, I have caused the seal of the United States to be hereunto affixed.

Done at the city of Washington this nineteenth day of March in the year of our Lord one thousand nine hundred and fifty-five, and of the independence of the United States of America the one hundred and seventy ninth.

(Signed) DWIGHT D. EISENHOWER

By the President:

(Signed) JOHN FOSTER DULLES,
Secretary of State.

⁵ A post to which he was appointed August 2, 1955, after Senate confirmation August 1, 1955, 101 C. R. 10949. He was sworn in August 5, 1955.

⁶ There are about 40 staff members assisting the President within the White House. About 16 of these have direct access to the President, and several of these (including the Special Counsel to the President) would presumably be concerned with disarmament problems in the event they involved legislation or policy pronouncements by the President.

with interested Cabinet members. This he may do by direct consultation with these officials and by discussion during Cabinet meetings. It is also customary practice to obtain advance coordination among the departments either through the committee structure under the National Security Council or by other committees.

3. *President's Special Committee on Disarmament Problems*

The President also directed the Special Assistant to form a Special Committee on Disarmament Problems. The Special Committee is designed as the principal channel of interdepartmental coordination in matters of disarmament. It is composed of senior representatives (Assistant Secretaries or the equivalent) of the following departments and agencies:

Department of State
 Department of Defense and Joint Chiefs of Staff
 Atomic Energy Commission
 Department of Justice
 Central Intelligence Agency
 United States Information Agency

The stated purpose of the President's Special Committee on Disarmament Problems is "to provide maximum effectiveness in carrying forward a concentrated endeavor to reach a sound disarmament agreement under effective safeguards." It is said to have "served as an effective device to keep the represented agencies informed of all aspects of United States activities in the field of disarmament" and to have "also * * * served as a medium of exchange of views and statements of departmental positions on various aspects of United States disarmament policy planning."⁷ It has met 13 times since its establishment.⁸

4. *Staff of the Special Assistant; the Disarmament Staff*

Matters pertaining to disarmament which are presented to the President's Special Committee for consideration are usually prepared by members of the Special Assistant's immediate staff called the Disarmament Staff.⁹ This Staff is composed of officials designated and lent

⁷ Letter dated November 4, 1955, from the Disarmament Staff to the subcommittee. The 13th meeting was January 6, 1956. Its first meeting was August 22, 1955.

⁸ Members of the President's Special Committee on Disarmament Problems as of January 20, 1956 were—
State.—Member—Mr. David W. Wainhouse, Deputy Assistant Secretary of State for International Organization Affairs; alternate—Mr. Robert R. Bowie, Assistant Secretary of State, Director of the Policy Planning Staff, and State Department Representative on the National Security Council Planning Board.

Defense.—Member—Gen. Herbert B. Loper; alternate—Col. Thomas W. Abbott (succeeding Col. William B. Bailey).

United States Information Agency.—Member—Mr. Andrew H. Berding, Assistant Director of USIA for Policy and Programs; alternate—Mr. Orenn Stevens.

Justice.—Member—Mr. J. Lee Rankin, Assistant Attorney General, Office of Legal Counsel; alternate—Mr. Frederick W. Ford.

Central Intelligence Agency.—Member—Mr. Richard Bissell; alternate—Mr. James Q. Reber.

Atomic Energy Commission.—Member—Dr. John von Neumann, Member of Commission; alternate—Dr. Paul Fine.

⁹ The members of Mr. Stassen's immediate staff (together with the names of the agencies from which they are assigned) are—

Mr. Robert E. Matteson, Director
 Mr. Edmund A. Gullion (State)
 Col. R. B. Firehock (Army)
 Capt. D. W. Gladney (Navy)
 Mr. McKay Donkin (AEC)
 Col. Ben G. Willis (Air Force)
 Mr. Lawrence D. Weiler (State)
 Mr. John Lippmann (ICA)
 and a CIA staff man

Recently designated as Deputy Special Assistant to the President for Disarmament is Mr. Amos J. Peaslee, former American Ambassador to Australia.

Among the consultants to the Disarmament Staff is Mr. Edgar Turlington, a former Assistant Legal Adviser of the Department of State, former chairman of the section of international and comparative law of the American Bar Association.

by interested agencies. Its Chief of Staff is Mr. Robert E. Matteson. Members of the staff assist Mr. Stassen on the basis of their experience in their own agencies but they do not represent or bind their parent agencies. They are not representatives of the executive agencies as are the members of the President's Special Committee. As a matter of practice, however, the members of the Special Assistant's staff keep in touch with the action officers handling disarmament questions in their own departments and agencies.

The Special Assistant and the Director of the Disarmament Staff are compensated out of funds appropriated for special projects in the Executive Office of the President.¹⁰ The other Disarmament Staff members are compensated by their parent agencies. Of the \$1,250,000 so appropriated, \$490,000 was requested by the Bureau of the Budget as Mr. Stassen's appropriation to carry out his duties.¹¹

5. *Nongovernmental task forces*

On October 7, 1955, Mr. Stassen said that United States disarmament policy, particularly as it pertains to inspection, was being basically reviewed. He announced that eight task force study groups were to provide the technical basis for the review by "a new, fundamental and extensive expert study * * * of the methods of international inspection and control."¹²

The names of the Chairmen and the scope of the study being undertaken by each group were reported in the press as—

(1) Dr. Ernest O. Lawrence, director of the University of California radiation laboratories at Livermore, Calif., to head a large panel of nuclear physicists to study methods of nuclear inspection.

(2) Retired Gen. James H. Doolittle, vice president of the Shell Oil Co., to head a group designing methods for aerial inspection as proposed by President Eisenhower.

(3) Retired Vice Adm. Oswald S. Colclough, dean of faculties at George Washington University, to lead a task force on navies and navy aircraft and missiles.

(4) Retired Lt. Gen. Walter Bedell Smith, President Eisenhower's chief aide in World War II and later Ambassador to Moscow, to design inspection and reporting methods for army and ground force units.

(5) Benjamin Fairless, of the United States Steel Corp., to head a task force on steel, "the core of military industry."

(6) Walker L. Cisler, president of the Detroit Edison Co., to direct development of inspection and reporting methods on power facilities and on industry in general.

¹⁰ The appropriation reads as follows:

"SPECIAL PROJECTS

"For expenses necessary to provide staff assistance for the President in connection with special projects, to be expended in his discretion and without regard to such provisions of law regarding the expenditure of Government funds or the compensation and employment of persons in the Government service as he may specify, \$1,250,000: *Provided*, That not to exceed 10 percent of this appropriation may be used to reimburse the appropriation for 'Salaries and expenses,' the White House Office, for administrative services." (Public Law 110, 84th Cong., 1st sess. See also S. Rept. 573 and S. Doc. 48 of the same session.) The 10-percent limitation is applied to the White House's "administrative services," such as personnel management, which must be augmented to service the staffs conducting the special projects.

¹¹ Hearings, General Government Matters Appropriations, 1956, before a subcommittee of the Senate Appropriations Committee on H. R. 6499, June 14, 1955, pp. 3-4.

¹² U. N. Disarmament Commission DC/SC.1/PV.68, October 7, 1955, pp. 72-73.

(7) Dr. Harold Moulton, of the Brookings Institution, to lead a study of inspection and reporting on national budgets and finances, particularly in regard to a French proposal that any moneys saved through arms reductions should be contributed to the aid of underdeveloped countries.

(8) Dr. James B. Fisk of the Bell Telephone Laboratories to head a group designing "a method of rapid, continuous, reliable communications, without interference, necessary to implement an international inspection and reporting system."¹³

The task forces report to Mr. Stassen. They are expected to disband on completion of their reports.

D. ROLE OF THE NATIONAL SECURITY COUNCIL

1. *Relationship to the Council of the Special Assistant*

The National Security Council was established by section 101 of the National Security Act of 1947 (61 Stat. 497, as amended, U. S. C. 50: 402). Its purpose was to advise the President as to coordinated policy relating to national security which would include, of course, disarmament matters.

The Secretaries of State and Defense and the Director of the Office of Defense Mobilization are statutory members of the National Security Council and the President is Chairman. Other Cabinet members and officials may be invited to attend when the Council considers matters within the jurisdiction of their departments or agencies.¹⁴

Prior to his appointment as Special Assistant, Mr. Stassen was Director of the Foreign Operations Administration. In that position, he was a regular attendant at the meetings of the National Security Council.

As Special Assistant to the President, Mr. Stassen continues to attend meetings of the National Security Council. The Special Assistant may make disarmament proposals directly to the National Security Council which would be reviewed through its staff and committee system and its Planning Board, on which Mr. Matteson represents Mr. Stassen and others represent their agencies. Any of Mr. Stassen's "broad studies, investigations, and conclusions" must be concurred in by the National Security Council before they "become basic policy toward the question of disarmament."¹⁵

2. *Central Intelligence Agency*

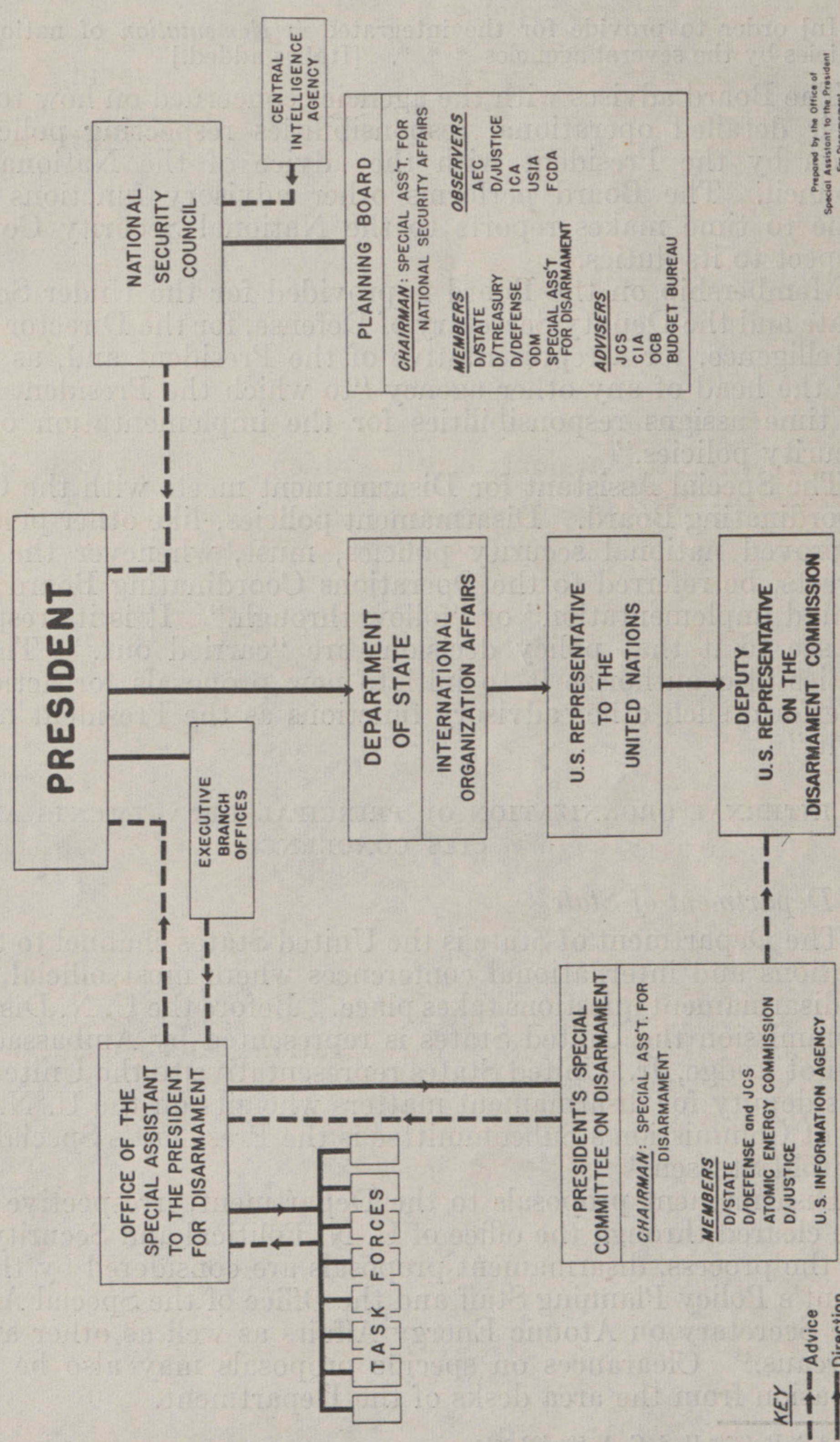
The National Security Act of 1947, which established the National Security Council, also authorized the creation of the Central Intelligence Agency and made it subject to the National Security Council. The CIA is a large staff structure for furnishing information and analysis and has representatives on the committees and staff of the National Security Council. Presumably the CIA would be in a position to supply pertinent information in connection with the consideration of the disarmament proposals in the National Security Council as well as by the President's Special Committee on Disarmament Problems on which it is represented by a Deputy Director. ■

¹³ Source: Washington Star, Saturday, October 8, 1955, pp. 1, 2 (byline: James E. Roper, Star staff correspondent, United Nations, 1955). See also verbatim transcript of session, *supra*, pp. 72-74.

¹⁴ In the absence of the President, the Vice President has presided.

¹⁵ White House press release of March 19, 1955.

EXECUTIVE BRANCH ORGANIZATION FOR DISARMAMENT



Prepared by the Office of
Special Assistant to the President
For Disarmament

3. *Operations Coordinating Board*

Under the National Security Council, the Operations Coordinating Board was established by Executive Order No. 10483, September 3, 1953¹⁶—

[In] order to provide for the integrated *implementation* of national security policies by the several agencies * * *. [Italics added.]

The Board advises with the agencies concerned on how to carry out their detailed operational responsibilities respecting policy decided upon by the President with the advice of the National Security Council. The Board performs other advisory functions and from time to time makes reports to the National Security Council with respect to its duties.

Membership on the Board is provided for the Under Secretary of State and the Deputy Secretary of Defense, for the Director of Central Intelligence, for a representative of the President and, as necessary, for the head of any other agency "to which the President from time to time assigns responsibilities for the implementation of national security policies."

The Special Assistant for Disarmament meets with the Operations Coordinating Board. Disarmament policies, like other presidentially approved national security policies, must, whenever the President directs, be referred to the Operations Coordinating Board for "integrated implementation" or "follow through." It is its responsibility to see to it that policy decisions are "carried out." The Board's duties also authorize it to initiate new proposals for action and to "perform such other advisory functions as the President may assign to it."

E. INTERNAL ORGANIZATION OF PRINCIPAL DEPARTMENTS AND AGENCIES CONCERNED

1. *Department of State*

The Department of State is the United States channel to the United Nations and international conferences where most official discussion of disarmament questions takes place. Before the U. N. Disarmament Commission the United States is represented by Ambassador Henry Cabot Lodge, Jr., United States representative to the United Nations. His deputy for disarmament matters who sits on the U. N. Disarmament Commission's Subcommittee is the President's Special Assistant Harold Stassen.

Disarmament proposals to the Department, irrespective of source, are cleared through the office of U. N. Political and Security Affairs.¹⁷ In the process, disarmament proposals are considered by the Department's Policy Planning Staff and the Office of the Special Assistant to the Secretary on Atomic Energy Affairs as well as other appropriate bureaus.¹⁸ Clearances on specific proposals may also be sought on occasion from the area desks of the Department.

¹⁶ 18 F. R. 5379; U. S. C. A. 50: 402 note.

¹⁷ The Director of this office is Mr. Niles Bond who reports to Mr. Francis O. Wilcox, Assistant Secretary of State for International Organization Affairs. Mr. Howard Meyers, working under Mr. Bond, handles these clearances.

¹⁸ Mr. Robert Bowie is Assistant Secretary for Policy Planning, Director of the Policy Planning Staff, and Department representative on the National Security Council Planning Board. Mr. Gerard C. Smith is the Special Assistant to the Secretary for Atomic Energy Matters.

In connection with these multiple clearances, there is a distinction to be borne in mind. It is the difference between policy formulation and actual operations in the international field. Although Mr. Stassen's organization may devise policy and the Operations Coordinations Board may perfect techniques of implementation, the specific moves to develop a situation toward the desired end are processed through the Department of State channels to the United Nations, or to international conferences.

2. Department of Defense

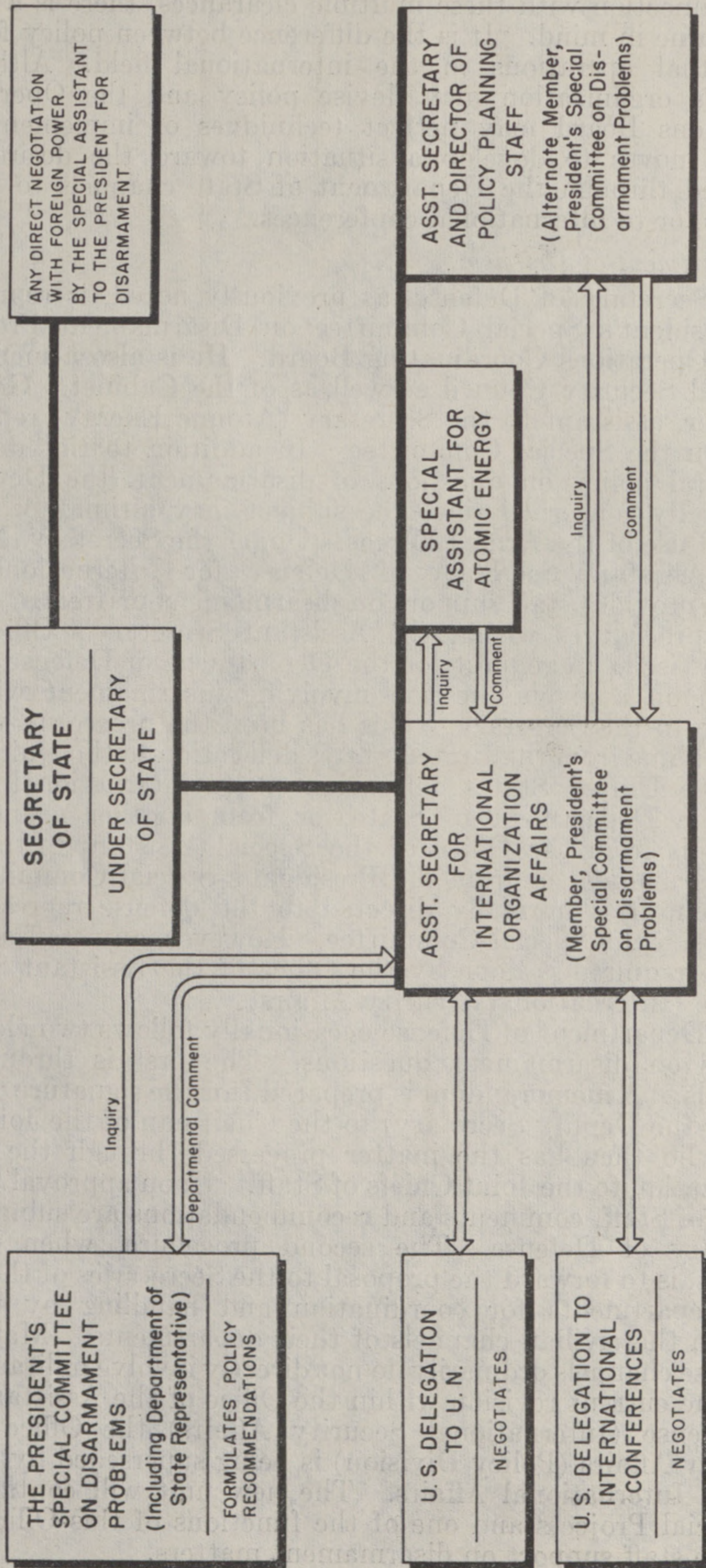
The Secretary of Defense, as previously noted, is represented on the President's Special Committee on Disarmament Problems and on the Operations Coordinating Board. He is also a member of the National Security Council as well as of the Cabinet. Gen. Herbert B. Loper, assistant to the Secretary (Atomic Energy) represents the latter on the Special Committee. In addition to this deep interest in general policy on questions of disarmament, the Department is unilaterally concerned since the subject may ultimately involve the size and use of the Armed Forces. Under the Secretary, Mr. Gordon Gray, Assistant Secretary of Defense for International Security Affairs, provides staff support on disarmament matters.

The procedures within the Assistant Secretary's Office are now being revised. A request for the Department of Defense to state its position on a given question involving disarmament will continue to come to the Secretary. This has been the procedure whether the inquiry came from the United States delegation to the United Nations, from the United States delegation to an international conference, from the Department of State, or from another agency. If the request is from the Office of the Special Assistant to the President for Disarmament or from the President's Special Committee on Disarmament it is normally directed to the defense representative on the President's Special Committee. However, any staff action which may be required is done by the Office of the Assistant Secretary of Defense (International Security Affairs).

The Department of Defense occasionally follows two clearance procedures on disarmament questions. The first is through military channels. A memorandum is prepared (for the signature of the Secretary or the Deputy Secretary) to the Chairman of the Joint Chiefs of Staff who then has the matter processed through the Joint Staff organization to the Joint Chiefs of Staff. Upon approval by the Joint Chiefs of Staff, comments and recommendations are submitted to the Secretary of Defense. The second procedure, when opportunity permits, is to forward the proposal to the Secretaries of the three military departments for coordination and handling by their offices through the civilian channels of their departments. Matters following these channels ordinarily do not directly involve military questions.

In the current revision within the Office of the Assistant Secretary of Defense (International Security Affairs) the Office of Foreign Military Affairs (Policy Division) is being superseded by the Office of Special International Affairs. The new unit will contain an Office of Special Projects and one of the functions of this Office will be to provide staff support on disarmament matters.

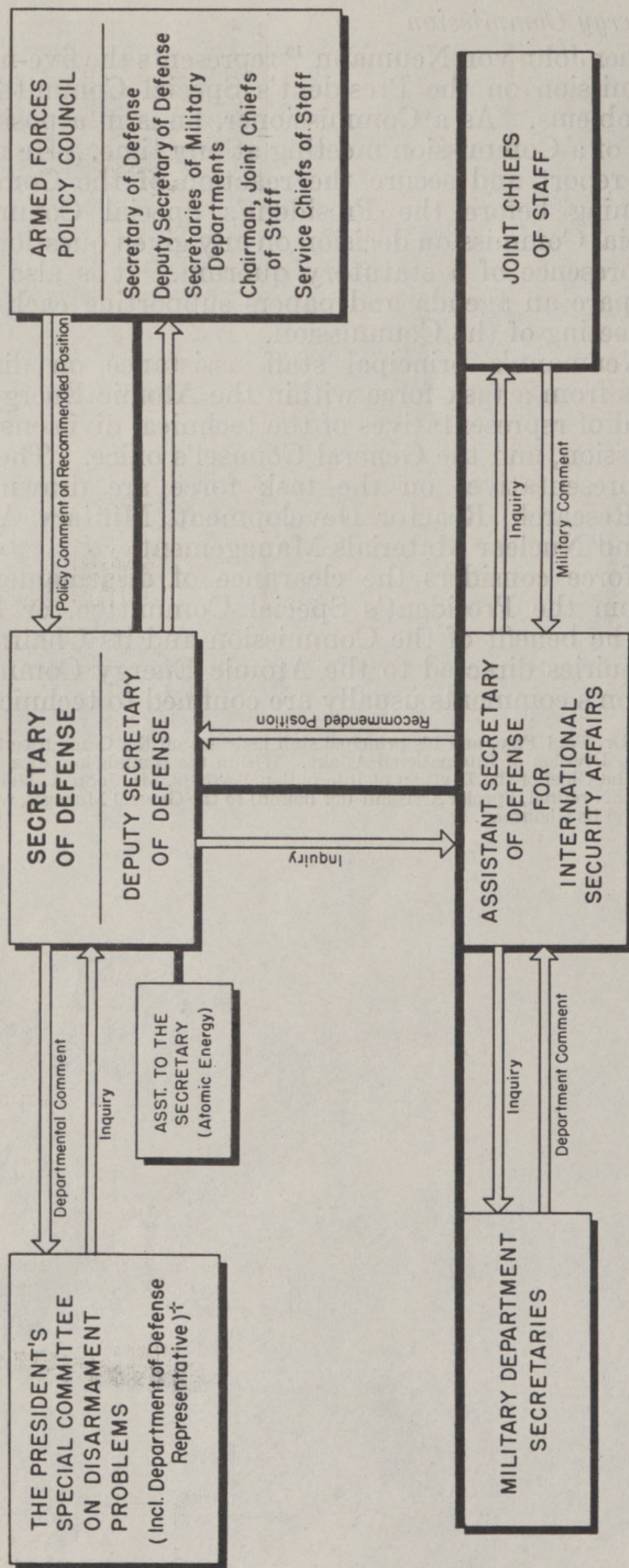
DISARMAMENT: PROCEDURES FOR ITS CONSIDERATION BY THE DEPARTMENT OF STATE*



* Units not shown may be consulted.

Inquiry, Comment, or Advice
 Direction

DISARMAMENT: PROCEDURES FOR ITS CONSIDERATION* BY THE DEPARTMENT OF DEFENSE*



* Units not shown may be consulted.

† Gen. H. B. Loper, Assistant to the Secretary (Atomic Energy), with staff support from Office of International Security Affairs.

↔ Inquiry, Comment, or Advice
— Direction

3. Atomic Energy Commission

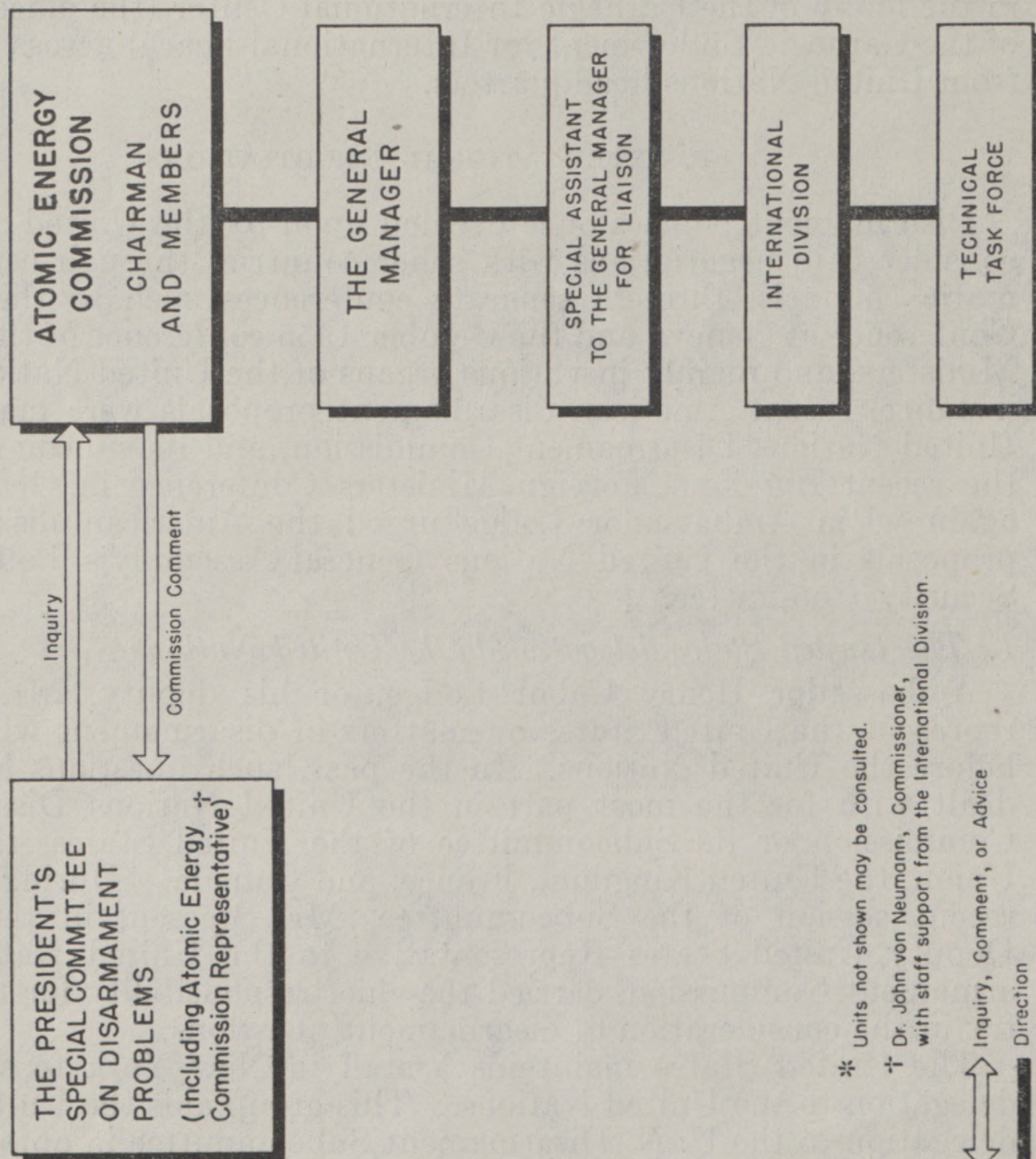
Commissioner John von Neumann ¹⁹ represents the five-man Atomic Energy Commission on the President's Special Committee on Disarmament Problems. As a Commissioner, he is in a position to ask for convening of a Commission meeting at any time. He may, therefore, quickly report and secure the reaction of the Commission to proposals coming before the President's Special Committee. To obtain an official Commission decision on any given question, however, requires the presence of a statutory quorum. It is also usual procedure to prepare an agenda and papers supporting each item prior to a formal meeting of the Commission.

Dr. von Neumann's principal staff assistance on disarmament matters comes from a task force within the Atomic Energy Commission, composed of representatives of the technical divisions, the Office of the Commission, and the General Counsel's office. The Technical Divisions' representatives on the task force are drawn from the Divisions of Research, Reactor Development, Military Application, Production, and Nuclear Materials Management.

This task force considers the clearance of disarmament matters emanating from the President's Special Committee, or from other agencies, for the benefit of the Commission and its Chairman. Disarmament inquiries directed to the Atomic Energy Commission and the Commission's comments usually are confined to technical matters.

¹⁹ His alternate is Dr. Paul Fine, and his principal staff assistant on the Committee is Mr. James E. Goodby of the AEC, Division of International Affairs. Within the commission, disarmament matters are cleared through the Chief of the Division of International Affairs, Mr. John A. Hall. He reports to Adm. Paul Foster, USN retired, Special Assistant (for liaison) to the General Manager, who is responsible to the Commission and its Chairman.

DISARMAMENT: PROCEDURES FOR ITS CONSIDERATION BY THE ATOMIC ENERGY COMMISSION*



* Units not shown may be consulted.

† Dr. John von Neumann, Commissioner, with staff support from the International Division.

↔ Inquiry, Comment, or Advice
→ Direction

4. Department of Justice

The Department of Justice was made a member of the President's Special Committee on Disarmament Problems in order that it might foresee and render opinions on the legal problems likely to arise in the event of international agreement. The responsibility for the Department's participation rests in the Office of Legal Counsel. So far, no such legal opinions have been rendered on the ground that the questions are hypothetical, nor has departmental personnel participated in the United States delegation to the U. N. Disarmament Subcommittee in New York.

5. United States Information Agency

The United States Information Agency is a member of the President's Special Committee on Disarmament Problems and to that extent participates in the formulation of disarmament policy under the Special Assistant. Its Director also advises the Operations Coordinating Board, at its request, so that the Agency may also play a role in the carrying out of disarmament policy. An instance of USIA work with the Special Assistant for Disarmament is the aerial inspection exhibit recently opened, for the benefit of U. N. delegates, in the lobby of the Carnegie International Center (the office building of the Carnegie Endowment for International Peace) across the street from United Nations headquarters.

F. INTERNATIONAL NEGOTIATIONS

Disarmament policies once decided upon by the United States are considered in negotiations with other countries through usual diplomatic channels, through separate conferences such as the Summit Conference at Geneva and the October 1955 conference of the Foreign Ministers, and mainly in various organs of the United Nations. For instance, recent American disarmament proposals were made in the United Nations Disarmament Commission, and its subcommittee, in the recent Big Four Foreign Ministers Conference in Geneva, and again when Ambassador Lodge urged the American disarmament proposals in the United Nations General Assembly's Political and Security Committee.

1. The United States delegation to the United Nations

Ambassador Henry Cabot Lodge, or his deputy, Mr. Stassen, represent the United States on matters of disarmament which come before the United Nations. In the past, such questions have been dealt with for the most part in the United Nations Disarmament Commission or its Subcommittee of the United States, the Soviet Union, the United Kingdom, France, and Canada. During the most recent session of the Subcommittee, Mr. Stassen, in the role of Deputy United States Representative to the United Nations Disarmament Commission, carried the chief responsibility for this country in the consideration of disarmament questions.

The United States maintains a staff in New York to service its delegation to the United Nations. This group aids the United States delegation to the U. N. Disarmament Subcommittee in obtaining any needed clarification of the United States position by communicating through the State Department's Office of United Nations Political and Security Affairs with the interested officials in Washington. The

Deputy Representative has used his Disarmament Staff in his capacity as Deputy Representative or as Special Assistant either in negotiation with other governments or in seeking clarification and coordination with other U. S. Government agencies.

When the United Nations considers disarmament questions, the regular United States delegation to the United Nations is supplemented by special personnel. They assist Ambassador Lodge or his deputy, Mr. Stassen, in their appearances before the United Nations Disarmament Commission. The special personnel also represent the United States on the Subcommittee of the Commission. During the past year the United States Delegation to the U. N. Disarmament Subcommittee was composed in general of personnel²⁰ drawn from the President's Special Committee previously mentioned. Mr. Stassen was also assisted by members of the Disarmament Staff.

2. *Advance consultation with Allied Nations*

Under the terms of various defense treaties in which this country participates, an agreement on armaments into which the United States might be contemplating entering would probably have to be considered in advance with signatories of certain treaties. The North Atlantic Treaty is illustrative of the obligation involved. It provides in article 3 that—

In order more effectively to achieve the objectives of this Treaty, *the Parties, separately and jointly, by means of continuous and effective self-help and mutual aid, will maintain and develop their individual and collective capacity to resist armed attack.* 63 Stat. 2242. [Italics added.]

Further, the treaty provides in article 4, that:

The Parties will consult together whenever, in the opinion of any of them, the territorial integrity, political independence or security of any of the Parties is threatened. Ibid.

If, for example, a proposed disarmament treaty should call for a reduction in the armaments of this country, the provision might be regarded by another party to the North Atlantic Treaty as a threat to its security (i. e., as a weakening of a source of mutual defense) or as a violation of article 3 on the maintaining and developing of capacity to resist armed attack. The United States might, therefore, conceivably be obligated to consult with the other parties to the treaty concerning the proposed reduction. Further, the parties to the North Atlantic Treaty, through the NATO Annual Review, agreed to certain goals for the forces of each member country. If the United States should intend to reduce its armament below any such goal, it would presumably consult the other parties through NATO procedure.

G. LEGISLATIVE CLEARANCE

Proposed disarmament treaties with foreign powers, as well as any legislation necessary to give internal effect to such treaties, would ordinarily be put through the legislative clearance procedure of the

²⁰ In New York, the State Department had on the delegation Mr. David W. Wainhouse, Deputy Assistant Secretary for International Organization Affairs, and Mr. Howard Meyers. The Department of Defense sent Col. William B. Bailey and an alternate to represent it on the United States delegation. The United States Information Agency was represented by Mr. John Z. Williams, who sat in on the meetings of the President's Special Committee as a "standing request member." The Atomic Energy Commission sent Mr. Edward R. Gardner, Deputy Director of the Office of International Affairs, and Mr. James E. Goodby (principal staff assistant to its committee member) to New York in connection with the work of the delegation, and Dr. von Neumann went up for a meeting near the end of the session.

executive branch. In such procedure, the appropriate executive department or agency prepares the legislative program of bills which it wishes introduced into the Congress during the next session. (Special bills may be added as the session progresses.) Some of these become part of the President's legislative program. The coordination of legislative proposals is handled by the Bureau of the Budget.²¹

A treaty, or international agreement, before execution, would clear through and be initialed by the Legal Adviser of the Department of State. It is his duty to advise the Department as to whether the language of the treaty or agreement expresses the intent of the Department in its negotiations, whether the purpose may legally be achieved by an executive agreement or whether it must be incorporated in a treaty subject to Senate ratification, and whether the agreement or treaty will require implementing legislation.

The Special Assistant to the President for Disarmament is also assigned functions in dealing with Congress on disarmament matters. He is directed by the President where "desirable or appropriate" to secure congressional "concurrences * * * prior to specific action or pronouncement of policy."²² What effect this directive might have on the regular executive clearance procedures or what it actually implies is unclear. The Special Assistant has not yet taken any official action to secure congressional "concurrences."

If legislation on disarmament were required, the proposed legislation, after satisfying the Bureau of the Budget, would normally be referred to the White House Staff. Before presentation to Congress by the President, it would come presumably within the orbit of Gen. Wilton Persons, the Deputy Assistant to the President, who, with assistants in contact with the Senate and the House, is in general charge of White House legislative liaison. Such legislation would have the benefit of his advice as to how the program should be presented.

H. CONCLUDING OBSERVATIONS

The appointment of a Special Assistant to the President for Disarmament had the effect of transferring the initiative in such affairs, notably in the formulating of disarmament policy, from the Department of State to the Special Assistant. As noted, however, the pre-existing executive machinery, depending more heavily on traditional channels of coordination, has not been abolished, but merely held in abeyance.

This would suggest, as would the procedures used in obtaining appropriations, that the office of the Special Assistant and of the Disarmament Staff is regarded as a temporary structure. It is apparently designed to bring a fresh approach to a problem which has long been stalemated in international discussions.

The new office has been functioning less than a year. Both the scope of its authority and its relations to the established departments are not entirely clear. Part of the obscurity stems from the unusual

²¹ In this work, the Bureau of the Budget frequently confers with, and works under the policy direction of, Mr. Gerald Morgan, the Special Counsel to the President.

²² White House press release of March 19, 1955, *supra*.

status of the Special Assistant. Empowered to coordinate certain work of the executive departments and report directly thereon to the President, he is nevertheless dependent on the Departments for staff, guidance, and even sanction, at least insofar as those departments composing the National Security Council are concerned. It may be of significance in this connection that the Special Assistant has seen fit to begin to develop a staff of his own and to establish task forces of distinguished private citizens to work on various aspects of the problem.

It is significant in assessing the present procedure to consider the extent to which staff members versed in disarmament matters are now brought from many departments and agencies into the entire process of policy. Often, persons from various departments and agencies other than the Department of State who assist in formulating policy now aid in securing its approval and in carrying it out both in presentation and in negotiation with other nations at the United Nations and at international conferences. This has meant some decline in the influence of the Department of State in these matters, but on the other hand, it has opened the possibility of bringing fresh thought and new approaches to the problem.

It remains to be seen whether the appointment of the Special Assistant does have this effect of stimulating the executive procedures to produce more effective policy in matters of disarmament or whether it will merely add one more complexity to an already complex structure. That the preexisting procedures were already heavily laden with participants in consideration of disarmament proposals is indicated by the organizational charts of the interdepartmental machinery and the internal organization within the principal participating departments and agencies.

For the present, the appointment of the Special Assistant appears to be a new manifestation of an old administrative practice, namely, the creation of a temporary coordinating agency to deal with an unsolved problem still under consideration in the old established agencies. The motivations for a creation of this kind are usually well intended. Yet it raises in this case such questions as how a "minister without portfolio" fits into the American system; who is really responsible for the effectiveness or ineffectiveness of our disarmament policies; how to safeguard the integrating procedure established by the National Security Act of 1947 which was designed to insure that foreign and military policy questions reach the President promptly and surrounded by the maximum of information and advice available in the executive branch.



