

G/PM files, lot 68 D 349, "Use Policy, 1950-1955"

*Memorandum by the Chairman of the United States Atomic Energy Commission (Dean) to the Executive Secretary of the National Security Council (Lay)*¹

SECRET

WASHINGTON, May 27, 1952.

The views of the Joint Chiefs of Staff on Department of Defense interest in the use of atomic weapons,² referred to me as a member of the Special Committee on Atomic Energy, have been reviewed carefully by my colleagues on the Atomic Energy Commission and myself. Our views on this statement are attached hereto.

There are a number of important matters raised by the Joint Chiefs of Staff that deserve special comment by the Commission. It is, therefore, recommended that the Joint Chiefs of Staff statement be reviewed in the light of these remarks and the statements of the Atomic Energy Commission responsibilities set forth in the attached statement.

The Commission notes with particular concern the Joint Chiefs statement that "The present system of divided responsibility for the storage, surveillance, maintenance and security of the stockpile of atomic weapons is inimical to the best interests of the United States." This is considered to be an assertion unsupported by evidence. It is the view of the Commission that the "best interests of the United States", in so far as atomic weapons are concerned, is measured directly in terms of readiness to deliver effectively atomic attack when ordered. The actions taken by the Commission to effect the maximum degree of readiness are set forth in detail in the attached statement.

In consonance with the Commission policy to provide those weapons required by the JCS to meet their standards of operational readiness, the AEC is prepared at any time to work out a plan with the Joint Chiefs of Staff, subject to Presidential approval, to provide the reservoir of additional weapons in DoD custody that may be required.

GORDON DEAN

¹ By memorandum of June 2, Executive Secretary Lay transmitted copies of this memorandum to the Secretary of State and the Secretary of Defense. (G/PM files, lot 68 D 349, "Use Policy 1950-1955")

² *Ante*, p. 864.

[Enclosure]

THE VIEWS OF THE ATOMIC ENERGY COMMISSION ON THE JCS STATEMENT OF DEPARTMENT OF DEFENSE RESPONSIBILITIES IN THE USE OF ATOMIC WEAPONS

1. The Atomic Energy Commission has considered carefully the statement of the Joint Chiefs of Staff views on the responsibilities of the Department of Defense in the use of atomic weapons and record herewith their views on this statement. Although most of the areas defined as responsibilities of the DoD do not conflict with the responsibilities of the AEC, there are some specific points that do and others that require clarification, and the important issue of transfer of custody of atomic weapons is raised.

2. Referring to the statement of views of the JCS, the last sentence, paragraph 3, and the last sentence, paragraph 5c(2), quoted below, probably should be clarified in order that these statements may not be misinterpreted as being in conflict with responsibilities of the NSC in advising the President regarding the use of atomic weapons contemplated in the NSC study dated 27 April 1951² now pending:

"The Joint Chiefs of Staff cannot, therefore, agree to any other agency interposing itself between them and the President in submission to him of recommendations for a military course of action; nor could they agree to any such other agency having a voice in determining how, when, and where such military operations are to be conducted."

"Therefore, the decision as to where, how, and what numbers, and in what types atomic weapons will be employed must be made by the Joint Chiefs of Staff, under the President as the Commander in Chief of the Armed Forces; . . ."

Presumably the JCS have taken into consideration the NSC paper referred to, and the intent of their statements concerns initial recommendations to the President regarding the use of atomic weapons. The words, "how, when, and where" are widely inclusive, however, and by inference are in conflict with the NSC statement referred to above which states:

"In the event of a positive decision, the President will authorize the Secretary of Defense to use atomic weapons *under such conditions as may be specified.*"

The "conditions" referred to here presumably would have been determined by the President upon advice of the NSC and conceivably might place restrictions on "when and where" atomic weapons would be used.

² See footnote 4, p. 969.

3. The JCS have stated the DoD responsibility for determining weapons requirements in paragraph 5a(1). The Commission of course agrees that it is the responsibility of the DoD to estimate the number of weapons needed to implement war plans, and is glad to note the further statement that such requirements should be reviewed in the terms of their impact on the national economy. Presumably the first point in such a review would be the present and potential production capacity of AEC plants. This would continue the present common sense practice whereby formal and informal discussions of needs and capabilities occur between the DoD and the AEC before annual requirements are frozen. It is the Commission's opinion that it is appropriate for the JCS to determine these requirements in terms of numbers of weapons and desired yields, but that the determination of the production rates and production goals for fissionable material to meet these requirements is a responsibility of the AEC. In this connection therefore, the Commission wishes to differ on one point in paragraph 5a(1). The relevant portion reads:

"The basic development of requirements for complete weapons which in turn establishes the production program, including the production goals and production rates of fissionable material, has its genesis in war plans and is, therefore, a responsibility of the Department of Defense."

and is repeated in paragraph 5a(3):

"The present arrangement is to state these requirements in terms of weapons three years in advance, and thereafter as production objectives in terms of annual rates of production of fissionable material."

Fundamentally, the principal technical feature influencing the yield of atomic weapons is core design in terms of fissionable material content. Production rates of fissionable material to meet requirements for weapons in terms of numbers and yields is established properly, therefore, by these technical considerations. As the responsible agency for nuclear design, the AEC is the appropriate agency, subject to approval of the President, to establish production rates of fissionable material to meet atomic weapon requirements. Further, the JCS statement implies that the entire AEC production effort is directed solely toward weapon requirements. Whereas this certainly is now very nearly so, it may not always be the case and other factors than weapon requirements will determine total material production rates.

4. The most important AEC responsibility in the weapons development field is to assure that progress in the development and utilization of nuclear energy is advanced to the maximum extent and

kept ahead of similar effort in other nations, and to do this by directing its effort toward new and radical development and the application of these to specific military uses. The Atomic Energy Act directs, and the country expects, the Commission to assume this responsibility—one that is far broader than the fulfillment of a status only as producer for the military, and one that requires Commission participation in matters stated by the JCS to be strictly military.

5. The AEC cannot accept as unilateral the responsibility of the DoD for the establishment of technical characteristics and requirements for atomic weapons. Rather, it is appropriate for the AEC to maintain a status of advisor to the DoD in these matters. To arrive at military requirements, all factors that bear on methods of conducting warfare must be considered. Most of these factors, either in a particular system or in over-all requirements, stem from military operational concepts and considerations, and it is from these, therefore, that military characteristics and requirements must largely be determined. In atomic weapons, one predominant factor among these is the body of characteristics fixed by their basic nuclear design. Maximum exploitation of the potential capabilities of nuclear type weapons will require that the advice of the AEC in their development and utilization continue to be made available to the Military. Hence, it would appear that in the field of engineering of basic nuclear development into weapons and in the establishment of weapons characteristics and requirements, the AEC should assume a role of technical advisor for the DoD.

6. The current arrangement between the AEC and the DoD for the operation of the weapon storage sites, under which important responsibilities have been delegated to the DoD, is explicit evidence of AEC agreement with the principles set forth in paragraph 5d(1) regarding physical security of weapons. It appears worthwhile to point out, however, that the last sentence of this paragraph, quoted as follows, is subject to misinterpretation.

“In any event, the stockpile has grown to such proportions that problems of surveillance, maintenance and security are beyond the present capability of the AEC.”

The AEC has pursued vigorously all means of fostering the technical capability of the military establishment in handling atomic weapons. To this end more and more responsibility for maintenance, surveillance and security has been delegated to the DoD. Had another course been taken, the AEC would have provided within its own organization the means for performing these necessary functions.

7. We assume that paragraph 5d(2) of the JCS paper which discusses exchange of scientific and technical information with other nations is not intended to affect exchanges of restricted data under the Technical Cooperation Program established by the *Modus Vivendi*,³ exchanges in the raw materials procurement program, and exchanges of commonly held data under the tripartite declassification program involving Great Britain, Canada and the United States.

8. We interpret paragraph 5d(2) as dealing only with exchanges under the recent amendment to Section 10 of the Atomic Energy Act (P.L. 235-82nd Congress).⁴ That amendment authorizes the Commission, subject to the approval of the President, to communicate certain scientific and technical information to another nation "when in its unanimous judgment the common defense and security would be substantially promoted and would not be endangered." Restricted data on the design and fabrication of atomic weapons is excluded. The amendment requires that the written recommendations of the National Security Council must be submitted to the President before he makes his determination.

9. In view of this latter requirement, we think that the JCS view that the imparting of each item of information be contingent upon the unanimous approval of the American members of the Combined Policy Committee should not be accepted. Similarly since the members of that Committee will have a voice in any recommendation made by the NSC to the President, there is no necessity for a requirement that exchanges "should be accomplished through the Combined Policy Committee (CPC)." Such a requirement is administratively undesirable. Once the President has approved an exchange of scientific and technical information under the amendment, the responsibility for accomplishing the exchange is and should continue to be an administrative function of the Commission. The JCS state that such "information should be limited to carefully circumscribed, scientific and technical data, the area of which has been the subject of precise definition." With this, the Commission is in disagreement for two reasons. First, it establishes different criteria than that specified in the statute. Second, it may well be the advantage of the United States to engage in considerably broader exchanges of information than indicated by the JCS. Should this occur, the Commission will be duty bound to insist that appropriate methods be established to accomplish such interchanges.

³ See footnote 3, p. 847.

⁴ See footnote 4, *ibid.*

10. In connection with the statements in the JCS paper regarding the communication of atomic weapons information to another nation, the above-mentioned amendment to Section 10 of the Act again should be noted. That amendment excludes exchange of information on design and fabrication of atomic weapons. Additional legislation may be required to permit the JCS to communicate such information essential for the conduct of combined operations and for the actual exchange of fissionable or weapons material to the extent necessary to further such combined operations. It is understood that such legislation is contemplated by the DoD. In any event, the Commission should be kept informed of such exchanges of information to the extent necessary to permit it to discharge intelligently its responsibility under the Atomic Energy Act to consider questions of declassification of restricted data. The Commission will also need to be informed of such exchanges of information in order to function intelligently in its sphere of cooperation with other nations.

11. The Commission notes with concern and as an assertion unsupported by evidence the JCS statement that "the present system of divided responsibility for the storage, surveillance, maintenance and security of the stockpile is inimical to the best interests of the United States." It is the view of the Commission that the "best interests of the United States," in so far as atomic weapons are concerned, is measured directly in terms of readiness to deliver effectively atomic attack when ordered. The Commission has acted positively and without reservation within the framework of the Act and the expressed policies of the President to provide the maximum degree of readiness for the execution of its responsibilities both in normal and emergency conditions.

12. The emergency plan for transfer of atomic weapons has been kept under constant review in order that weapons may be transferred with rapidity and without confusion. Tests of this plan have been carried out to the satisfaction of both the Armed Forces Special Weapons Project and the Commission, from which it may be concluded that no delay in weapon readiness will result in its execution. In carrying out its field service or stockpile responsibility the AEC has employed the DoD to do most of the actual work involved in order that the technical capability of the military personnel may be developed to the maximum. Weapons for training assembly teams and delivery crews have been furnished as requested by the DoD, and recently the entire stockpile of weapons has been made available for this purpose under a plan as proposed by the military. Every request of the DoD for war reserve weapons for strategic deployment has been met. In this connection the Commission recently has stated its desire to provide weapons to the DoD

for deployment anywhere on the globe to meet operational readiness commitments. The Commission therefore, has taken all steps within its power to provide a degree of readiness consistent with the best interests of the United States.

13. The question of the custodial responsibility for the war reserve stockpile of atomic weapons has been raised several times in the past. Decisions in the matter have been influenced by the technical capability of the military establishment to assume this responsibility and by the considerations of policy involving international and domestic affairs. It is the view of the Commission that the DoD is now capable of assuming completely the responsibility for maintenance, surveillance and security of war reserve weapons, including both nuclear and non-nuclear components. The Commission recognizes that the policy questions involving the relationship of the responsible custodian to domestic and international affairs still exist.

14. The JCS have expressed a need for "a reservoir of finished weapons in complete custody of the military" in order to increase operational flexibility and military readiness. As pointed out above the Commission recently has stated to the Secretary of Defense its desire to provide weapons to the DoD for this purpose. It is not now known to the AEC however how many weapons in the custody of the DoD will satisfy these requirements. The Commission is prepared to discuss this matter fully at any time desired by the JCS. Inherent in any decision in this regard is the requirement that the AEC retain custodial control of a portion of the stockpile. This will form a reserve pool of weapons and provide a standby stock of weapons available for carrying out major modification and modernization programs and other desirable activities in connection with the stockpile as a whole.

15. Custodial responsibility for stockpiled weapons involves maintenance of the weapons, performance of routine functional surveillance, introduction of minor modifications and the preservation of the physical security of the weapons and the storage sites. These responsibilities must be assumed by the DoD upon any transfer of custodial responsibility. In addition, arrangements must be agreed upon to permit the AEC to have access to the entire stockpile of weapons in certain cases, and to assure that the AEC is provided with information obtained in surveillance operations which is required to carry on the AEC quality control program. In this way the AEC could continue to have available a basis for directing needed improvements in current and future manufacture and required modification and major stockpile retrofit, thus insuring the continued availability of weapons of the most advanced design.