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November 30, 1953



MEMORANDUM FOR THE EXECUTIVE SECRETARY, NSC

SUBJECT: Meeting of the Special Committee of the  
National Security Council on Atomic Energy,  
Monday, November 30, 1953

The following were present at a meeting of the Special Committee held in the office of the Chairman, AEC, on Monday, November 30, 1953, at 11:00 a.m.:

State: Under Secretary Walter B. Smith, Presiding  
Mr. Bowie  
Mr. Arneson

Defense: Deputy Secretary Kyes  
Gen. Luedecke  
Col. Bonesteel

AEC: Chairman Strauss  
Gen. Fields  
Mr. Mitchell  
Mr. Snapp

NSC: Mr. Cutler  
Mr. Lay  
Mr. Gleason

1. DEPARTMENT OF DEFENSE PARTICIPATION IN THE WEAPONS PROGRAM  
(Memo for Secretary of State and Chairman, AEC, from Executive Secretary, NSC, same subject, dated July 21, 1953)

At the invitation of General Smith, Mr. Strauss explained that the term "Alias-Betty" covered an agreement between the Atomic Energy Commission and the Department of Defense to the effect that certain weapons could be most effectively produced in Defense ordnance plants. Hitherto, specific Presidential authorization had been required to permit manufacture of weapons outside AEC facilities. The new proposal would offer a general authorization to cover such cases. The Department of Defense had approved the proposal and language prepared by the Atomic Energy Commission, and the proposal had also had the concurrence of the Military Liaison Committee. Accordingly, Mr. Strauss suggested that the Special Committee, if it agreed, should write a letter to the President specifying its agreement, after which no further specific authorizations by the President would be necessary.

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Mr. Strauss then read such a draft letter which he believed, with a few changes, would constitute an appropriate action by the Special Committee on this subject. This letter would be signed by the Executive Secretary, NSC, on behalf of the Special Committee.

The Special Committee:

Adopted, for submission to the President as the recommendation of the Special Committee, the draft letter on the subject as read by the Chairman, AEC, at the meeting.

2. PROPOSED AMENDMENTS TO THE ATOMIC ENERGY ACT OF 1946  
(Memo for Secretary of State and Chairman, AEC, from Executive Secretary, NSC, subject: "Proposed Amendment to the Atomic Energy Act of 1946", dated October 14, 1953)

Secretary Smith gave a brief legislative history of this problem, after which Mr. Strauss undertook to discuss the most important proposals for amending this Act which the AEC had been developing. In the first instance, he read a short statement dealing with a proposed statutory amendment with respect to the meaning of the term "restricted data". He noted that the Secretary of Defense had earlier proposed a revision which would liberalize the interpretation of this term, but stated that the AEC believed that their own proposal not only achieved the objectives desired by the Department of Defense, but was also broader and better than the original Defense proposal. Mr. Strauss then recommended that the matter not be further discussed by the Special Committee, but that it be worked out between the AEC and the Bureau of the Budget in the course of developing the legislative program of the Atomic Energy Commission.

At Mr. Cutler's suggestion, General Fields offered concrete cases to illustrate the advantages offered by the phraseology proposed by the AEC over the language of the Defense Department proposal. Mr. Lay also clarified the differences by reading and commenting on the two versions.

Secretary Kyes stated that he believed that there would be no fundamental difference in point of view between the Defense Department and the Atomic Energy Commission on the language of this amendment, but that his people still had certain unresolved questions, particularly with respect to the declassification process. Accordingly, he was not quite ready at this meeting to take final action on this problem.

Mr. Cutler summed up the discussion by noting that the Special Committee had before it two proposals to amend the Atomic Energy Act in order to liberalize the restrictions involved in restricted data. Would it not be sensible, he inquired, for the Special Committee at this time merely to express a favorable view as to the advantages of greater flexibility, leaving it to the Bureau of the Budget to decide on the specific language of an amendment to achieve the desired flexibility?





Secretary Kyes, however, stated that he still wished that the matter could be postponed for a few days before a final decision, after which Mr. Strauss suggested that it might be sensible for AEC and Defense, after they had reached a meeting of minds, to send the results to Mr. Lay for the information of the National Security Council, without the necessity for a further meeting of the Special Committee.

After agreement on the action of the Special Committee on this point, Mr. Strauss ran briefly through the other proposals which were being considered by way of amendment to the Atomic Energy Act. It was agreed that the record of the meeting should indicate the list of subjects to which amendments to the Act of 1946 were being proposed.



The Special Committee:

- a. Noted and discussed the proposal of the Secretary of Defense contained in the enclosure to the reference memorandum, and an alternate proposal submitted by the Atomic Energy Commission.
- b. Supported securing amendments to Section 10(b)(1) of the Atomic Energy Act which would give greater flexibility in classifying data related to military items, subject to the Department of Defense and the Atomic Energy Commission, in coordination with the Bureau of the Budget, working out the detailed amendments and advising the Special Committee of the results thereof.
- c. Noted an oral summary, by the Chairman, AEC, of the following changes in the Atomic Energy Act to be proposed by the Atomic Energy Commission:
  - (1) Making more flexible the provisions of Section 10 relating to the classification and control of atomic energy information, particularly as regards data relating to military items and exchange of data with other nations.
  - (2) Encouraging the development of peace-time uses of atomic energy.
  - (3) Permitting the United States to make fissionable material available to foreign governments subject to appropriate terms and conditions.
  - (4) Clarifying the applicability of the so-called conflict of interests statutes to members of AEC advisory boards, as well as to AEC consultants and employees who receive no Government compensation.
  - (5) Providing tax incentives for uranium production.



3. POLICY REGARDING USE OF NUCLEAR WEAPONS

(Memo for Secretaries of State and Defense and Chairman, AEC, from Executive Secretary, NSC, same subject, dated November 5, 1953; Memo for Secretaries of State and Defense and Chairman, AEC, from Executive Secretary, NSC, subject: "Agreed Concepts Regarding Atomic Weapons", dated September 10, 1952)

Mr. Cutler explained briefly the problem which he felt was raised by paragraph 39-b of NSC 162/2. In brief, this was the question: whether the President's approval of this paragraph did not terminate any need for the Agreed Concepts paper and even any further need for the Special Committee itself. Mr. Cutler then briefly summarized the views on this subject expressed at the recent meeting of the staff representatives of the Special Committee with their opposite numbers on the NSC Planning Board. He noted that there had been complete agreement as to the freedom of the military to use atomic weapons in the event of general war, but the State representatives had questioned whether paragraph 39-b permitted the military to use these weapons in "peripheral" wars without securing special Presidential authorization.

Secretary Kyes said that he failed to understand how these matters could be in dispute, since he supposed that the problem had been thoroughly thrashed out in the Council meeting which had adopted NSC 162/2.

Secretary Smith, however, strongly supported the views expressed by the Department of State members of the staff. He pointed out that we were rapidly reaching the point where we will have a large supply of both strategic weapons of mass destruction and tactical atomic weapons. Ultimately we and our allies would have to draw a line of demarcation between the uses of the two types of weapons. While a commander in the field should certainly have the right to decide when and how to use tactical atomic weapons, the decision to use a hydrogen bomb or any weapon of mass destruction of personnel would require such a commander to seek guidance from Washington. General Smith cited illustrations from the second World War to point up the political importance of the decision to use weapons of mass destruction.

Mr. Cutler then summarized the problem which Admiral Radford had outlined to the National Security Council with regard to guidance to the military on the use of special weapons. Are we, asked Mr. Cutler, now going to inform Admiral Radford that he can use these weapons in certain instances but not in others? Such a statement could hardly be regarded as satisfactory by the Joint Chiefs of Staff, who were being hard pressed by considerations of economy and who accordingly felt that they must have freedom to plan to use atomic weapons or otherwise continue to build up both atomic and conventional armaments.





Mr. Strauss made the comment that the key word in paragraph 39-b was the word "available". It seemed to him, he said, purely a matter of semantics whether atomic weapons were classified as tactical or as strategic.

Secretary Kyes expressed very strong disagreement with the arguments presented by Secretary Smith. The latter, however, insisted that it was no novelty to soldiers to have to plan to use two or more avenues to win their way to an objective. This had been true in the past and would continue to be true in the future. In addition, he said, the question as to which side first uses large atomic bombs was a matter of vital political and psychological importance.



At this point, Mr. Strauss stated his belief that the Special Committee were involved in too fundamental a question for solution at this level, and he recommended that the interpretation of paragraph 39-b should be referred to the National Security Council for resolution.

Mr. Cutler, however, felt that either the Agreed Concepts paper would have to be amended or else abolished. It was no longer relevant in its present form. He accordingly felt that it would be worth while for the Special Committee to go on and discuss the problem further.

Further discussion produced no more light, but considerable heat, after which Mr. Cutler suggested that the most useful course of action would be for the Departments of State and Defense, and the Atomic Energy Commission if it wished, to reduce their views as to paragraph 39-b and related problems to writing, if possible within the scope of a couple of pages. These written views could then be presented to the President, who, after he had read them, might be willing to sit down and resolve the problem with the Special Committee. Mr. Cutler expressed the view that there were too many individuals not fully cognizant of the problem to make further discussion at a full meeting of the NSC profitable.

There was general agreement with the proposal made by Mr. Cutler, though Secretary Kyes expressed the opinion that Admiral Radford should be present at such discussions since he would be in a better position to represent the views and needs of the military planners. Secretary Kyes also pointed out, at the instance of Colonel Bonesteel, the importance of paragraph 39-b as a major means of deterring war. It was felt that this objective of the paragraph should be given full consideration.

At the conclusion of the meeting Mr. Strauss stated that while it was his original intention to propose the cancellation of the Agreed Concepts paper, it had now become clear that such a move would be premature. He proposed, therefore, that this paper be laid over for a future meeting of the Special Committee after a solution


had been reached on the problem posed by the interpretation of paragraph 39-b of NSC 162/2. When this issue was settled, it seemed probable to Mr. Strauss that there would be no further advantage in retaining the Agreed Concepts paper.

The Special Committee:

- a. Discussed the interpretation of paragraph 39-b of NSC 162/2 as it affects the Agreed Concepts.
- b. Agreed that brief statements along the following lines should be prepared for submission to the President in advance of a meeting of the Special Committee with the President to discuss this subject:
  - (1) A statement by the Department of State identifying and supporting the conditions which the Department believes should be placed upon the use of nuclear weapons under paragraph 39-b of NSC 162/2.
  - (2) A statement by the Department of Defense supporting its general interpretation of paragraph 39-b of NSC 162/2.
  - (3) A statement by the Chairman, AEC, as to his interpretation of paragraph 39-b of NSC 162/2.

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The meeting adjourned at 12:30 p.m., at which time Mr. Strauss requested that the members of the Special Committee, without their staff, remain behind briefly in his office.

  
*S. Everett Gleason*  
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Deputy Executive Secretary