

Center for the Study of the Presidency



Issue Papers For the Administration

#8 “The Congressional Joint Committee on Atomic Energy: A Model for Homeland Security” – (1946 to 1977)

“Over 25 years have passed since the Joint Committee report warned that U.S. nuclear weapons were vulnerable to terrorist attack. Subsequently the threat has increased significantly, culminating in the devastating events of September 11, 2001. Just as the President has marshalled forces in defense of the homeland, Congress also should consider establishing a Joint Committee to interact directly with the White House and a new Homeland Security Department. ...[A] secure facility ready to accommodate such a Committee [already exists] in the U.S. Capitol, Rooms S-406 and S-407.”

In **Report to the President-Elect 2000: Triumphs and Tragedies of the Modern Presidency**, the Center analyzed Presidential leadership through the lens of more than seventy-six case studies. These **Issue Papers** are a forward looking complementary series of short, single-author papers that frame and briefly analyze key issues and policies that the Administration should address. Views expressed in these papers are those of the authors.

1020 19th Street, NW Suite 250
Washington, D.C. 20036
202-872-9800 202-872-9811
www.thePresidency.org



The Congressional Joint Committee on Atomic Energy: A Model for Homeland Security

George F. Murphy, Jr.

On August 6, 1945 the first atomic bomb was dropped on Hiroshima. Three days later a second atomic bomb hit Nagasaki. On August 14th Emperor Hirohito accepted the terms of surrender and the fighting stopped.

Hundreds of thousands of American servicemen as well as prisoners of war returned to college or work, and a similar number of Japanese survived because the invasion of their homeland did not take place.

With the war won and the United States in sole possession of the atomic bomb, the question in Washington was how to develop and control this enormous source of power. On October 3, 1945, President Truman asked Congress to create legislation for this purpose. An 11 member Senate Special Committee on Atomic Energy, chaired by Senator Brien McMahon (D-CT), began hearing testimony from late November, 1945, until early April, 1946. In the House, the Committee on Military Affairs also heard relevant testimony until 1946.

The Atomic Energy Acts of 1946 and 1954

On August 1, 1946 President Truman signed the Atomic Energy Act of 1946. This Act created the Atomic Energy Commission, which consisted of a Chairman and four commissioners who were appointed by the President with the advice and consent of the Senate. The Act also created the Joint Committee on Atomic Energy, which was organized immediately on August 2nd. This unique Joint Committee on Atomic Energy consisted of 9 members of the Senate and 9 members of the House of Representatives. The enabling legislation stipulated that no more than 5 members from either chamber could belong to the same political party.

Eight years later, Congress passed the Atomic Energy Act of 1954, expanding the Committee's jurisdiction to include the development of a civilian nuclear power program. This opened the way for sharing the peaceful atom with other nations, as proposed by President Eisenhower in his "Atoms for Peace" speech.

The Joint Committee on Atomic Energy

From the start, the power and effectiveness of the Joint Committee on Atomic Energy rested on three pillars: the caliber of its members, the spirit of bipartisanship that was a hallmark of the Committee, and its oversight or “watchdog” role which was enshrined in section 202 of the Atomic Energy Act of 1954, which states in part:

“The [Atomic Energy] Commission shall keep the joint committee fully and currently informed with respect to all of the Commission’s activities. The Department of Defense shall keep the joint committee fully and currently informed with respect to all matters within the Department of Defense relating to the development, utilization, or application of atomic energy. Any Government agency shall furnish any information requested by the joint committee with respect to the activities or responsibilities of that agency in the field of atomic energy”. (emphasis added)

The Committee was also unique in that it was given authority to report legislation. Specifically, the Atomic Energy Act directed that “all bills, resolutions, and other matters in the Senate or House of Representative relating primarily to the [Atomic Energy] Commission or to the development, use or control of atomic energy” be referred to the Joint Committee.

Almost all hearings and policy matters involving nuclear weapons were classified and properly remain so. However, Senator Pastore (D-RI) asked the Secretary of Defense to remove classified material from a report entitled Security Review of Certain NATO Installations so that it could be made public. This sanitized report provides an excellent example of the scope and magnitude of the Joint Committee’s responsibilities, and the willingness of its members to act in a bipartisan manner.

The basis for this report began in November 1972 when as Deputy Director of the Joint Committee, I went to NATO as part of an Atomic Energy Commission/Department of Defense team to look at the security of U.S. nuclear weapons. On my return, I wrote a classified report highly critical of the security and effectiveness of nuclear weapons in NATO.

During a closed Committee meeting in early 1973, Senator Pastore referred to this report and said he planned to retrace my steps to see if my observations were correct. When the meeting ended, Senator Howard Baker (R-TN) told Senator Pastore that he had followed this issue and also was interested in making the trip. Senator Pastore readily agreed.

The three of us spent about a week visiting all of the installations that I had reported on. When we returned, the Senators voiced even greater concern than I had expressed. Moreover, two years later Senator Pastore stated on the floor of the Senate:

"...[This] report may shock some people. It shows—without going into the numbers of weapons, the yields of the weapons, or the specific locations of the the weapons—that nuclear weapons sites appeared to be vulnerable to terrorist attack; that certain nuclear weapons sites appeared to be particularly vulnerable to surprise attack by Communist forces; and that certain nuclear weapons might not be usable in the event of war.

These matters have been presented to the Secretary of Defense and to the President of the United States [by Senator Baker and myself]

I believe that it is necessary that those facts be brought before the American people. The joint committee will continue its vigilance and I will report to the Senate in the future on this vitally important subject—a subject that goes to the very survival of our Nation and the free world." (emphasis added)

Security Review of Certain
NATO Installations-
Congressional Record
April 30, 1975

The Joint Committee on Atomic Energy achieved a number of significant accomplishments. For example, Senator Brien McMahon wrote to President Truman strongly urging that the H-bomb or "Super" bomb be developed. A number of nuclear scientists were opposed to an H-bomb, and several in this group suggested that the Russians would not be able to produce an H-bomb for 10 years. However, Senator McMahon was proven correct when the first U.S. hydrogen device test took place on November 1, 1952 and nine months later the Soviets tested their first H-bomb, undoubtedly aided by Dr. Klaus Fuchs, who had been a Soviet agent while working on the U.S. H-bomb at Los Alamos National Laboratory.

The Joint Committee on Atomic Energy strongly supported Captain, later Admiral, Hyman G. Rickover, as he successfully built the world's first nuclear navy. The Joint Committee also held hearings in 1959 on the Biological and Environmental Effect of Nuclear War and, in 1966, on Nonproliferation of Nuclear Weapons. This hearing chaired by Senator Pastore, called on President Johnson to negotiate international agreements limiting the spread of nuclear weapons. Senator Pastore's resolution was unanimous, passing the Senate by an 83-0 vote.

The Joint Committee on Atomic Energy as a Model

Over 25 years have passed since the Joint Committee report warned that U.S. nuclear weapons were vulnerable to terrorist attack. Subsequently the threat has increased significantly, culminating in the devastating events of September 11, 2001.

Just as the President has marshaled forces in defense of the homeland, Congress also should consider establishing a Joint Committee to interact directly with the White House.

The revitalization of the Joint Committee on Atomic Energy concept is not new. Former Senator Baker testifying last March before the Senate Foreign Relations Committee on The Department of Energy's Nonproliferation Programs with Russia recommended that:

"...The Task Force urges the Congress to consider the creation of a Joint Committee on weapons of mass destruction, nuclear safety, and nonproliferation, modeled after the former Joint Committee on Atomic Energy".

March 28, 2001 Senate Foreign Relations Committee

Because of the requirement for immediate response to the terrorist threat, it is suggested that a Joint Committee composed of eight members: the Chairman and ranking members of the House and Senate Appropriation Committees and the Select Committees on Intelligence be established by the Congress.

There is a secure facility ready to accommodate such a Committee in the U.S. Capitol, Rooms S-406 and S-407.

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