

Science and the News

The Joint Committee and the Atomic Energy Commission: A Case of Shared Management

A Washington lawyer, formerly on the staff of the Atomic Energy Commission, and a New York University political scientist have produced a 300-page report documenting the view that the Joint Congressional Committee on Atomic Energy has assumed a greater degree of influence over the policies of the AEC than congressional committees are normally able to assert over executive agencies—to the point, the authors feel, where the traditional division between the executive and legislative branches has broken down. The view, in the past at least, has been a widely held one, particularly within the AEC and the White House, some of the AEC staff feeling they are burdened more than other agencies with constant supervision from Congress, the White House feeling annoyed at the competition from the Joint Committee over who is to hold the dominant voice in influencing the Commission.

There are several sources of the Joint Committee's special powers: the fact that the committee is a joint committee, able to speak for both houses of Congress; the technical and often secret nature of the subject of the committee's jurisdiction, which makes it difficult for Congressmen not on the committee to challenge its views; and the specific provision in the legislation organizing both the AEC and the Joint Committee which requires the AEC to keep the committee "fully and currently" informed on what it is doing. This provision has been interpreted to mean that the Joint Committee should not only know about decisions that have been made, but about preliminary discussions and negotiations that will lead to a decision, and this ability to constantly look over the Commission's shoulder carries with it the opportunity to apply constant pressure on the Commission to move in a direction the Joint Com-

mittee deems proper. The result has been that the Joint Committee has both more power than many congressional committees, and, through the "fully and currently informed" provision, a special avenue through which to make its power felt.

"In considerable degree," a committee member wrote as long ago as 1952, "both Congress and the Commission jointly run the atomic program. Basic AEC policy decisions tend to be made with the advice and consent of the congressional committee. In the case of two vital policy matters . . . the drive and urging from the committee played so powerful a role that in a very real sense it can be said that the committee made the decision with the advice and consent of the Executive Branch. . . ."

"At first glance this [fully and currently informed provision] might seem a frail foundation for Committee authority—merely the right to know with no legal jurisdiction to direct or supervise. Yet, in this atomic energy business, this simple right to know the highly secret facts in and of itself confers immense powers of moral suasion. Here, in a most literal sense, knowledge is power." To this could be added that, in any business, the right to constantly look over someone's shoulder, combined with the power to make life difficult for him if he fails to cooperate, puts one in an excellent position to direct what is being overseen.

The view of the committee is that Congress reserved for the committee special powers to supervise the development of atomic energy as a counterweight to the broad powers granted the Commission to develop policy in an area that was too new and rapidly developing for Congress to write much specific legislation. In the view of both the committee and the authors of the report, the principal effect of the committee's exercise of power has been to push the development of atomic energy faster than if policy direction had been left entirely to the executive branch. In

both the committee's and the authors' views the exercise of power grew steadily during the years of the Eisenhower Administration, a situation that, particularly in the view of the committee, reflects the committee's efforts to fill the gap left by the White House's failure (in the committee's view) to press for sufficiently aggressive development of atomic energy.

At the time of the change in Administration a man in a position to speak for the committee acknowledged that the committee had probably asserted more authority over the Commission than had been contemplated when the two bodies were organized but said that he expected the power to recede because more aggressive leadership for the atomic energy program could be expected on the executive branch's own initiative. Something like this has happened. It is difficult for men to voluntarily give up power they have become accustomed to wielding, and the Joint Committee has not done so, but with both the committee and the White House in the hands of the same party the conflict between the two sides tugging for direction of the AEC has tended to be muted. The committee's special powers remain, as the committee members, and Congressmen generally, feel they should remain. But, at the moment anyway, they are no longer an obvious source of friction between the executive branch and the Joint Committee.—H.M.

Civil Defense: For Strategic Reasons, the Administration Has Limited Goals

The Administration's emphasis on civil defense, accompanied by the summer-long international crisis, has markedly diminished the public's long-standing indifference to the possibility of nuclear attack. Widespread concern is now evident throughout the country. A prospect that is now occurring to some Administration officials is that public concern, once so notably lacking, may outrun the carefully measured and relatively modest new civil defense program now getting under way.

It would be incorrect to say that public apathy has been replaced by excessive interest, but there definitely is an atmosphere of excitement—notably lacking in other countries—in the sudden evidence of popular concern with civil defense.