

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.

Civil Defense officials attribute much of it to the Berlin crisis, and some, with an instinct for finding silver linings, have privately gone so far as to express the hope that the crisis will continue long enough to convince the remaining doubters of the need to make preparations.

The difficulty is that the Administration has no desire or intention to go all the way in civil defense. The reason is not merely financial. In weighing relative values, the Administration came to the conclusion that it was worth an eventual expenditure of perhaps \$20 billion to put men on the moon in this decade, vastly more than it plans to spend for civil defense. In considering the resources to be allotted to protecting the civilian population, it rejected the multi-billion-dollar proposals for deep blast shelters and settled on a program that for the present totals only some \$300 million in federal expenditures. Private spending of at least \$100 per family for civil defense preparations has also been recommended, but assuming even a large-scale response, it is clear that the Administration's program is a restrained one. Its choice was deeply influenced by students of strategy, including Herman Kahn, who have warned of the intentions that the Soviets might attribute to us if we embarked on a massive program of civilian protection.

Accordingly, the program offered by the President in his 25 July address to the nation is relatively modest in its goals, and aims principally at locating, marking, and stocking existing structures that would offer substantial protection against fallout: that is, the program is intended not to protect against the initial blast and fire effects but to protect the population that survives these effects. The amount of money involved is approximately 5 times what has been spent in each of the past 10 years, but there are no funds for—and apparently no serious thoughts of—large-scale and extremely costly deep shelters.

The Administration program reflects an awareness of many of the problems that have been pointed out in scholarly analyses of the strategic implications of civil defense. For example, a program built around fallout shelters, as opposed to blast shelters, cannot contribute to a mood of national truculence based on the assumption that the civilian population is extensively protected against a counterattack. And, while offering

some protection, such a program would not loom so large in everyday life as to afflict the national psychology with a preoccupation about the imminence of sudden catastrophe.

The public concern in this country can be gauged to some extent by the inquiries about shelter construction which have been received by civil defense organizations. At the Office of Emergency Planning, which is the newly established presidential body overseeing civil defense efforts, it is reported that mail inquiries have risen from an average of 4500 a week in July to 6500 a day through August and September. Smaller, but still substantial increases have been reported at state civil defense offices.

Newspaper accounts tell of a sharp increase in home shelter construction. In many cases, it is reported, the purchasers conceal the purpose of the construction, sometimes to avoid curiosity seekers, but in other cases to make certain that if the need for shelter arises, the neighbors will not attempt to crowd in. There have been accounts of discussions on the morality of barring one's neighbor from shelter. And a financial newsletter recently told of investment opportunities in civil defense supplies and equipment.

Thus, while the program is relatively modest, the public response is not, and this has been particularly noted by European visitors to this country. The answer may be that other nations are turning their backs on a catastrophic possibility, while we are realistic enough to attempt to do something about it. Regardless of the wisdom inherent in the conflicting reactions, the fact is that, in the United States alone, there is widespread public concern about protection against nuclear attack. Students dispute whether the Soviet Union is making similar preparations for its population. Repeatedly, it says it is not, and this conforms to the observations of the *New York Times* correspondent in Moscow. However, it has also been reported that without being conspicuous or noisy about it, the Soviet government has taken extensive steps to protect its civilian population.

Whatever the Russians are doing, the Administration has charted a program that seeks to balance difficult and often conflicting requirements. While seeking protection for the American public, it cannot be oblivious of the effects that would be produced both on the American character and Soviet suspicions if

a massive program for constructing blast-proof shelters were undertaken.

In the course of ending their apathy toward civil defense, great numbers of citizens have come to contemplate what steps they should personally take to survive an unfathomable horror. It is the Administration's desire that the emotional wrench involved will not nurture thoughts of dangerous solutions to the East-West conflict.—D.S.G.

Reapportionment: The Supreme Court Takes Up an Issue with Far-Reaching Implications

The Supreme Court this week heard an appeal from a group of urban Tennessee voters who claim that, in violation of the state constitution, their areas are underrepresented in the state legislature.

The case is of far-reaching significance for the political alignments in numerous state legislatures and, ultimately, in the House of Representatives. A ruling for the plaintiffs could redress the imbalance between urban and rural representation on the state level. Since the state legislatures decide the boundaries—and therefore the size of the electorate—in congressional districts, such a ruling also could eventually give urban areas heavier representation in the House.

The Tennessee group contends that while the state constitution calls for reapportionment of the legislature every 10 years, the legislature last acted on this in 1901. As a result, say the plaintiffs, one rural vote in Tennessee can be worth as many as 19 urban votes in selecting members of the lower house. In many states afflicted by this problem, city voters find that the bulk of state revenues originate in urban areas, but are controlled by rural-dominated legislators who have no sympathy for urban problems of schooling, traffic, air and water pollution, and redevelopment.

The case that came before the Supreme Court is restricted to a state issue, but the implications are clear for congressional reapportionment, which often reflects similar urban-rural disparities of population and representation. Reapportionment of congressional districts could sharply affect the political makeup of the House, which in the last session repeatedly blocked or reduced Administration programs, such as the comprehensive education bill, that easily passed the Senate.