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(1 copy Herter
Craffie)

June 30, 1958

MEMORANDUM OF CONFERENCE WITH THE PRESIDENT
June 27, 1958 - 11:05 AM

Others present: Secretary Dulles
Under Secretary Herter
Deputy Under Secretary Murphy
Mr. Farley
Admiral Strauss
Secretary McElroy
Deputy Secretary Quarles
General Twining
General Loper
General Cutler
Mr. Lay
General Goodpaster



The meeting was held to consider a draft of "implementing instructions" for a delegation of Presidential authority regarding use of atomic weapons. General Cutler briefly reviewed the status of the matter, bringing out that there are still two points not agreed between State and Defense. The essence of the first point is that there is considerable political advantage in the fact that the authorization for use of these weapons, at the present time, can be given only by the President. The second point is that the authorization to use these weapons in defense of our own forces overseas, without specific political clearance with host countries, would be inconsistent with some of our treaties and agreements with them. The President asked if this provision is restricted to the case wherein nuclear weapons have been used against us, and was told that it was not.

Mr. Dulles said he would not press the timing point, but that he would point out that, should authority be delegated as proposed, we must expect our allies to insist on negotiating conditions of use -- a matter which is now dormant. Mr. Quarles said that foreign military people are stressing the opposite side of the question -- they say they need assurance against the President being unable to act, or communications with him being disrupted, with the result that atomic weapons could not be used. Also, it has seemed to Defense that any attack by Sino-Soviet forces would be a nuclear attack. The President pointed out that if the President should be

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eliminated or out of touch, the Vice President moves up immediately, under the existing arrangement. He felt that to delegate authority in this matter to a local commander would be getting pretty far out. General Loper said it is not planned to give this authority below numbered Armies, Fleets, or Air Forces. He also pointed out it can be used only to defend "major forces."



Secretary Dulles reiterated that if it becomes known the delegations have been made (as it will), there will be a feeling in most if not all countries that the decision ought not to be made by military commanders. The discretion we hope to get will be nullified because foreign governments will take action to curtail it, either by eliminating our forces from those countries or subjecting them to civil authority. The President stressed the weakness of coalitions as bearing on this matter. He recalled that this was largely the secret of Napoleon's success, which was not seen until Clausewitz wrote about it. He recalled that Clausewitz had stressed that war is a political act -- we must expect the civil authorities to seek control.

Going to the next point, Mr. Dulles said that he feels most strongly that there is no inherent right to use nuclear weapons in self-defense (or otherwise) in violation or nullification of our international agreements. Where there is no agreement, we could go ahead, but we cannot where an agreement precludes. In some cases our agreements specify that the "use of bases" is subject to joint decision. Further discussion brought out that the authorization could result in an attack on U.S. forces in Germany serving to put France into a war. General Twining recalled the NATO agreement that an attack on one is an attack on all, and Mr. Dulles recalled that each is committed to act by its constitutional means.

The President stressed the necessity of assuring that we can use our retaliatory power, indicating a greater delegation might be required for this reason. The practical fact is, however, that we might not go to war for an attack on some of our less critical forces. Mr. Dulles thought we must make the directives subject to existing agreements, in the sense that if we have an agreement that precludes exercise of the authority, we cannot break that agreement.

The President suggested we should bring in our unified commanders and give them an outline of these procedures, excepting those areas wherein a contrary agreement precludes use of the authority. Mr. Quarles thought the

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matter could be resolved by making clear that these instructions do not provide for violation of agreements. Mr. Dulles said that as a practical fact, if the countries themselves are attacked, the matter is not a problem. General Cutler suggested it might be well to approve the instructions and keep them on a standby status to be placed in effect in emergency. The President thought it was better to make the decision on authorization during a period of calm. He suggested the Secretary of State examine all agreements with particular countries with a view to seeing if impediments cannot be removed. Mr. Dulles commented that a revision is needed on the French agreement. Further comment brought out that when the French seek agreement on access to atomic weapons information, that will be a good time to seek to improve the base agreement.

The President said he is very fearful of having written papers on this matter. He believed that orders should be given to the six or seven top commanders specific as to their areas and commands, and in consonance with the instructions as amended. We should keep the general decision very tightly controlled here. The commanders themselves would have to certify that they have not shown the instructions to anyone else.



Mr. Dulles commented that the real right of self-defense for our forces overseas is the fact that an attack on them will involve attack on our allies in whose countries they are located. He and Mr. Quarles agreed that the instructions could be revised to provide that they would not be in contravention of existing agreements. Mr. Quarles said the Defense Department would proceed to draft implementing instructions in line with the document as revised. The President said he would like to see the State Department make such arrangements as it can to remove existing impediments to use of these weapons in self-defense.

At this point Mr. Lay left the meeting and Admiral ^{P. L.}Clark of Defense and Mr. Harr joined. Admiral ^{P. L.}Clark gave a presentation on a proposal for operational test firing of nuclear air defense weapons off Eglin Field in the Gulf of Mexico. Mr. Dulles asked as to risk in this test, and Admiral ^{P. L.}Clark said that while no risk is believed to exist, we can only be sure by testing. The President asked as to the timing of the tests and was informed they are planned for August. He also asked why they could not be held in the Pacific, and was advised that part of the test is to use the weapons in our actual air defense environment.

Mr. McElroy said he feels we must announce the test firings in advance, even though they are conducted in a test firing area where conventional firings are occurring. Mr. Dulles said he had assumed the operation could be handled as routine. If we are going to warn shipping we will alarm Cuba and Mexico.

Admiral Strauss said that the proving out of our system is important. He added that he has concern over the establishment of a third atomic test area. He had urged the Department of Defense to conduct the tests in the Pacific, but understood that Florida fits into their whole defense complex. He recognized that this action may jeopardize our whole test series. He felt we must announce the firings in advance if we decide to have the tests. He was not concerned over the hazards. The single hazard of a rain storm washing down the concentrated radioactivity could be avoided through our weather forecasts. Mr. Herter thought we must inform Cuba and Mexico if we have the tests, and the President suggested we tell them that our normal air defense tests in the area may include some small nuclear shots.

Mr. Herter said there has been some intimation of an intent to conduct a press buildup and have quite a promotional campaign over this matter. The President stressed that nothing like this is to be done. Mr. Quarles said that the public relations features would be cleared through OCB.


A. J. Goodpaster
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