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Preparing Office: OASD/ISA-Eur Reg
Date: 7 April 1958 DMP 4/6NATO DEFENSE MINISTERS CONFERENCE
Paris, 15-18 April 1958POLITICAL AUTHORITY FOR USE OF ATOMIC
WEAPONS BY NATO FORCESI. Recommended U.S. Position

If the U.S. must discuss the question of how authority for the use of atomic weapons in time of emergency is to be granted, the following should be used as a basis for discussion:

a. The question of employment of atomic weapons where necessary is an inseparable part of the general question of the use of force to repel aggression. (In this connection, the use of IRBM's is no different from the use of any other weapons available to NATO forces.)

b. The question of employment of force is appropriately dealt with in paragraphs 5 and 6 of the Political Directive (these paragraphs provide that "the shield forces must include the capability to respond quickly, should the situation so require, with nuclear weapons to any type of aggression. . ." and "the responsibility of governments to make decisions for putting NATO military plans into action in the event of hostilities is not affected by this directive.").

c. The U.S. plans if time permits to consult with our NATO allies before employing force to resist aggression.

d. If an attack develops so quickly as to render prior consultation in NATO impossible, the U.S. will of course respond at once, and with all appropriate force. We would of course consult as soon as feasible after such action. We assume all other NATO countries would act similarly.

e. The existing provisions and understandings on this question must obviously be based on the constitutional limitations of each country. In the case of the U.S., the relevant provisions are the power of Congress to declare war, and the powers of the President as Commander-in-Chief of the Armed Forces of the U.S. (among which are the inherent right and obligation of a Commander to defend his forces if attacked).

f. Quite apart from the consideration referred to in c. above, there are two practical considerations:

(1) any attempt to go beyond the present situation and spell out a mechanism for taking in common political decisions regarding the use of force would appear unrealistic. Equally, it would be impossible and undesirable to attempt to spell out a list

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of hypothetical situations in which nuclear weapons could or could not be used;

(2) it is imperative not to weaken the deterrent vis-a-vis the Soviet Union, by making it appear that we subscribe to the concept of "graduated deterrents" or that the NATO Council (or an individual NATO country) has a veto power over the use of force to resist aggression, or over the employment of atomic weapons if necessary.

II. Discussion

Since under the NATO atomic stockpile the decision to release nuclear components to the forces of our NATO allies will in the last analysis be a purely U.S. decision, as far as legal authority goes, the practical position boils down to this: The other NATO countries are being asked to continue to repose confidence in the U.S. (and General Norstad in his dual capacity) that Atomic weapons will be used when they should be used (by the U.S.; and also released by the U.S. to other NATO countries) and will not be used when they should not be used. As is foreseen in the last two sentences of paragraph 5, Part II of the Eisenhower-Macmillan Declaration of Common Purpose, we should take all practicable steps to make clear to our allies that (a) we have the resolution and will to employ force against aggression, and (b) that we can be trusted never to misuse our ability to employ force, including atomic weapons. It must also be recognized that other countries have in practice a veto over the use by their forces of atomic weapons, even though such weapons are released to such forces by the U.S.

One aspect of the matter not dealt with above is the question of our well-known bilateral arrangements with certain other NATO countries, e.g. the U.K., where we have an obligation to consult before launching attacks from U.S. bases in Britain. Two practical facts are relevant. The first is that any peacetime arrangements for base rights must recognize the sovereignty of the host country. The other is that a veto by any one of the fifteen countries over use of all bases in the Alliance is a much more unacceptable risk than the chance that refusal of one country may prevent the use of bases in its territory under a bilateral agreement. If the question arises of bilateral consultation between the U.S. and host countries in connection with the working out of the NATO stockpile arrangement, the U.S. should reply that this is a matter which the U.S. is entirely ready to discuss with countries directly concerned, with the intent of arriving at mutually satisfactory arrangements which are in consonance with the requirements of NATO-approved defense plans and procedures.

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