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B Series
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June 24, 1960
S/RE
C. H. Humphreys

File
Adm.
Paris
Finn

Dear Dick:

My plans have become somewhat more definite since I wrote on June 15 and I would like to let you know now something more about the atomic aspects. Incidentally, I assume you have seen the telegram Defense sent to CINCEUR, 979077 of June 22nd. It was not quite as forthcoming or explicit as it might have been but I hope it will be sufficient to do the job.

First, I would like to explain a little more about the background. For the last several months the Joint Committee on Atomic Energy has been taking increasing interest in the arrangements for custody and control of US atomic weapons abroad. We in RA have recently learned about several letters between the Joint Committee and the Department and between the Joint Committee and Defense. Essentially the Committee wonders whether we really have "exclusive custody" of atomic weapons when, as in the case of the THORs in the UK, mating has taken place and all we have is a key for a console. The Joint Committee backed up its inquiry by a reference to an Aide Memoire to the Soviets earlier this spring in which we asserted we had "exclusive custody" over weapons deployed abroad. As you may have noticed from the New York Times several weeks ago, Mr. Merchant was called to a hearing before the Joint Committee on foreign requests for cooperation on atomic submarines. The questions ranged farther afield, however, and it was as an outgrowth of the Department's experience at this hearing that the possibility of my trip developed. Matters have now come further to a head and as you will probably read in the New York Times of tomorrow, Mr. Merchant has gone to another hearing before the Joint Committee this morning to discuss at their request custody and control in general, and specifically in relation to GENIE and IREMS*. As you may know, the hearing on the proposed GENIE arrangement with the UK a few months ago was apparently what aroused the Joint Committee's interest in the whole subject of custody and control.

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The purpose

Richard B. Finn, Esquire,
Office of the Political Adviser,
Headquarters, U.S. European Command,
c/o American Embassy,
Paris.

* In fact they were interested in connection with all weapons systems, including new ones.

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The purpose of my trip, as I partially suggested in my earlier letter, is to find out in a preliminary way for the Department exactly what the actual arrangements are for maintaining custody and control at various stockpile sites. The general philosophy is that the Department is responsible for concluding agreements with countries setting forth the principles governing the deployment of US atomic weapons for use by such countries. It is then up to Defense to work out the specific arrangements in consonance with these general principles. The position which is being recommended for adoption by the Department is that we must assume some responsibility for insuring that the provisions of the law are being met; and that we cannot take the position that once the agreements are negotiated, their implementation is entirely Defense's responsibility. As I believe I made clear no one in the Department knows what the actual arrangements are at given sites.

Before describing what I am supposed to do, I would like to mention one other development of interest. Last night the Department received word from the JCAE staff that the staff was proposing an amendment of the Atomic Energy Act of 1958. The staff is thinking in terms of putting through this amendment during the current session if it finds favor with the Committee, etc. It is likely that the proposed changes will be put forward during the hearing today. The Department's likely position at the hearing would be receptiveness concerning the intent of the changes, but indicating that because of the ~~xxx~~ legal complications involved some study would be required. The staff memorandum proposed three changes to the legislation:

- 1) A statement that the US should retain exclusive custody of US atomic weapons deployed abroad, but
- 2) if the President so decides there could be joint custody between the US and the UK and between the US and multi-national NATO forces.
- 3) Weapons will not be released except in the event of hostilities or of a Presidential declaration proclaiming the existence of a public emergency.

Our own first thoughts are that the second provision would have to be broadened to permit joint custody with countries other than the UK. On the third point which apparently is designed to cope with the German problem, we tend to think that the President's powers are such that he could turn over the weapons to foreign forces in a period of tension, before hostilities, without the existence of such a declaration. These

thoughts are

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thoughts are very preliminary as you will appreciate and by the time you will have received this letter the whole subject undoubtedly will have proceeded much further.

With respect to my own plans, I will be going directly to Copenhagen, arriving there on July 1st. I may go up to Oslo the next day or possibly July 4 or 5. In any event I expect to be in Paris by July 5 or 6. I will let you know from Copenhagen when I will arrive. My intention would be to go out to see you first in Paris and to try to make plans for visiting stockpile sites in Germany, Italy, perhaps Turkey and the UK in that order. We do not know here which sites are activated, but those set forth in the enclosure would be the type of sites I would have in mind seeing if it were possible to work out such a schedule. If I found out enough in the first two countries, I might not continue to ~~visit~~ one or both of the others. Alternatively I could look in at Greece if that seemed desirable.

I hope that this description will give you a fairly clear idea of what I would like to do. I am not interested primarily in looking at igloos or what is inside, but rather in finding out, once at a site, what the actual arrangements are for maintaining custody over a weapon once it has been hung on a foreign aircraft, for example, or how such custody is maintained in the case of an Honest John in the field with the nuclear warhead. My idea would be to look at various weapons systems in different countries to see how custody is maintained.

I leave entirely up to you how to proceed. If you think it would be desirable, you could speak to some of your military friends before I arrive and try to line things up. I would think that I could transact all my other business in Paris -- the Embassy, USRO and a call on Ray Thurston -- within two days. Ideally, if the Army wanted to drive you and me around or otherwise transport us to take a quick look at such sites in Germany, that might be the best solution. I will be leaving here after work on Thursday, June 30, in case you should want to get a hold of me by telephone. If I don't hear from you I will get in touch with you Friday or Saturday from Copenhagen. Needless to say much of the forgoing is extremely delicate, particularly with Defense since in a way we are feeling our way along with them right now with respect to our responsibilities concerning the legal provisions for maintaining custody.

Sincerely yours,

John Y. Millar

Enclosure:

List.

cc: Mr. Wolf
Mr. Thurston

EUR:RA:JYMillar:bpw

P. S. The Committee did not show a great deal of interest in the suggested changes in the legislation. As of today, it does not look as though the changes would go through this Session. Therefore, as of the moment, no one should get excited in Paris. I'll have the latest information when I come - if there is any more.

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GERMANY

Weapons System

NIKE
HONEST JOHN
8" Howitzer
Corporal
Strike Squadron

User Nation

Any *(other than US)*
Any " " "
Germany
UK
Any, other than US

And, of Secondary Interest:

LACROSSE
REDSTONE
MACE

US
US
US or Germany (IF ANY)

ITALY

HONEST JOHN
IRBM
NIKE
Maritime Patrol Squadron
Strike Squadron

Italy (SETAF)
Italy
Italy
Italy
(Italy or) US at Aviano

TURKEY

HONEST JOHN
Strike Squadron
IRBM
NIKE

Turkey
Turkey
Turkey
Turkey

UK

Strike Squadron
IRBM
Bomber Unit

UK
UK
UK

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