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Norstad, L.

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September 12, 1960

FILE

MEMORANDUM

TO: M - Mr. Merchant
THROUGH: S/S
FROM: S/AE - Philip J. Farley
SUBJECT: Your Discussion of Nuclear Weapons Custodial Arrangements with General Norstad

I understand you may have an opportunity to discuss with General Norstad custodial arrangements for nuclear weapons in the NATO stockpile. In this connection you will recall Mr. Thurston's letter to you of June 9 (Tab B) raising objections to the projected June visit of Mr. Miller of RA to certain NATO stockpile installations. If General Norstad does not raise the subject, I suggest that you do so with a view to removing his possible misunderstanding of the Department's position in this field and also to obtaining his consent in principle for Department officers to accompany DOD officers from General Loper's office on visits to NATO stockpile sites. For such a discussion you may find useful the talking paper attached at Tab A as well as the following background material.

BACKGROUND

As a result of the Department's responsibilities in the field of foreign affairs and national security policy, it has from the start followed nuclear weapons developments closely. Although atomic legislation does not assign definite responsibilities to the Department, it obviously has a responsibility under the Atomic Energy Act of 1954, as amended, for the negotiation of international agreements in the atomic field. Furthermore, Executive Order No. 10560 of September 9, 1954 (Tab C) recognizes the Department's central responsibility in conducting negotiations pursuant to specific legislation. Quite apart from its statutory responsibilities, the Department attaches great importance to the carrying out of the national policy of discouraging the proliferation of independent nuclear capabilities and protecting U.S. military assets. In pursuit of these policy objectives the Department pays particular attention to the effective implementation of the provisions for the retention of U.S. custody and control of nuclear weapons deployed abroad for the use of allies in an emergency which are the key features of our stockpile agreements negotiated and implemented under the NATO stockpile concept of 1957.

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S/AE: F. Butler: br

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Until 1959 the Department had no need to play an active role in the determination of policy on custodial arrangements or its implementation. It accepted the decision of the Department of Defense and the services that they would establish and maintain appropriate safeguards to ensure that U.S. custodial personnel would be in the position to prevent unauthorized access to or use of nuclear weapons by foreign personnel under all reasonable contingencies. Our understanding was that the application of that principle was a relatively simple matter because (1) the weapons or nuclear capsules were stored in igloos under exclusive U.S. custody and (2) they were not removed until the outbreak of hostilities. There was, therefore, *no* concern that U.S. physical possession of the weapons would be endangered except as a result of serious disturbances in the country where the weapons were deployed or the coming into power of a government determined to take possession of the weapons.

This situation changed with the development of new nuclear weapons, especially tactical weapons. The problem has thus arisen that to retain the operational efficiency of these weapons there must necessarily be a shift from the so-called "igloo" type of custodial arrangements. This transition is especially evident in cases such as the Genie air-to-air weapon, the Lulu anti-submarine weapons, the Davy Crockett, some of the shorter range surface-to-air and air-to-surface missiles, and probably mobile WREB's. Obviously to achieve wide dispersal, fast reaction times in the use of the weapons and satisfactory maintenance procedures, it is necessary in a number of cases to affix weapons on foreign aircraft kept on an alert status or to incorporate (i.e. "to mate") weapons into missile delivery systems at the launch sites. This process necessarily involves the presence of foreign personnel in the near vicinity of armed aircraft or "mated" missiles with the result that the establishment of adequate custodial arrangements has become more difficult. In the case of the Genie or the Lulu weapons another complication is that if the interceptor or marine patrol aircraft are to function properly, they must be able to leave the ground (*viz.* the weapons are removed from U.S. custody) when hostilities are imminent. (e.g. a state of Maximum Readiness). Notwithstanding these changed circumstances, which are largely to be implemented in the future, we anticipate that arrangements can be made which are not in conflict with the law and are consistent with the Department's policy. But to insure that this situation will be the case, the Department must know what arrangements are contemplated by Defense and/or General Horstad before negotiations take place which will permit the deployment of new weapons. It is also necessary for the Department to review existing arrangements about which we know very little (i.e. the V-bomber and Canberra arrangements with the U.K.) as well as to review new arrangements which may be established under the authority of agreements already in effect. It was this situation which led you to write Mr. Douglas on June 3 (Tab D) stressing our

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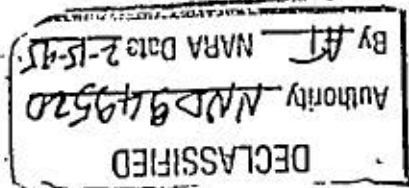
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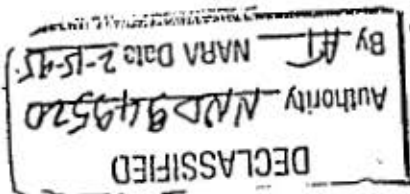
need for additional information and to approve Mr. Millar's projected trip to stockpile installations which General Norstad opposed.

In specific terms the projected Genie arrangement has brought about a change in the Department's role in this field. In June, 1959 Secretary Gates asked the Secretary to join him in seeking the President's authorization for the Genie rocket proposal. You will recall our prolonged examination of this request which led to the President's approval in October, 1959 and to the appearance of you and Mr. Hager before the Congressional Joint Committee on Atomic Energy on February 2 when certain members objected to the proposal on the grounds that it might be in conflict with the Atomic Energy Act and an unwarranted extension of the President's powers as Chief Executive and Commander-in-Chief. In this connection one point is noteworthy. Certain Committee members took the view that State and Defense had a joint responsibility for the custody and control of U.S. atomic weapons deployed abroad for the use of allies. They did not differentiate between Defense's responsibilities for the formulation and implementation of detailed custodial arrangements and the Department's finding that these were consistent with law and policy.

At the February 2 hearing members of the Joint Committee not only objected to the Genie proposal but also expressed concern about other custodial arrangements especially the IRBM's. This concern was reiterated in Senator Anderson's May 16 letter to the Secretary (with a copy to Secretary Gates) (Tab E) in which he referred to "fictions" in existing and contemplated arrangements. Again, at the June 24 hearing members of the Joint Committee expressed the view that there was a joint State-Defense responsibility for the establishment and maintenance of custodial arrangements which were satisfactory to the Committee.

Subsequently, this subject was discussed at your meeting with Secretary Gates and Mr. McCone on July 22 when it was agreed that the three agencies should review the custodial situation with particular reference to the Genie proposal. The results of this review is the draft letter to Senator Anderson attached at Tab F which has four purposes: (1) to notify the Committee of our decision to proceed with the Genie proposal, (2) indirectly to answer Senator Anderson's letter of May 16, (3) to indicate the Department's support of the Defense position that the draft custodial legislation prepared by the staff of the Joint Committee and given to State-Defense representatives at the June 24 hearing is not acceptable, and (4) to clarify for the Committee the Department's policy and role in this field.

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As indicated above, the Department must have more detailed information on existing and contemplated custodial arrangements if it is to discharge its responsibilities in this field. In view of the Joint Committee's questions to the Department on custody-control matters and in view of past and projected visits by Committee members to NATO stockpile installations, it is essential that we have a better understanding of this complicated field. At present we rely on three principal sources: (1) General Loper's statements on custody to the Planning Board on April 26 (Tab G), (2) his statement to the Joint Committee on June 24 on the same subject (Tab H), and (3) the USCINCEUR Plan for Support of the NATO Special Ammo Storage Program (Tab I). These sources are informative, but we still need to know more about certain existing arrangements and to know the status of Defense thinking on arrangements for new weapons systems.

We hope you will be able to assure General Norstad that the Department's interest in this field in no way reflects any doubt about his competence and sincerity in affording proper protection for U.S. nuclear weapons. We believe that it would be to his advantage as well as the Department of Defense for us to have a better understanding of custodial-custody procedures in his command.

RECOMMENDATIONS

1. That you use the talking paper attached at Tab A to explain to General Norstad the basis for our interest in custodial arrangements and the reasons for our need to know in considerable detail existing and contemplated custodial-control arrangements under the NATO stockpile concept.

2. That you inquire of General Norstad whether, in view of the above circumstances, he would agree to Department officers accompanying Defense officers on a visit to SHAPE for a discussion of this field and for a subsequent tour of NATO stockpile installations illustrating the several weapons systems now deployed in NATO.

CLEARANCES

L/SFP - Mr. Pender (in draft)

RA - Mr. Fessenden (in draft)

S/AE:PRutter:br
September 12, 1960

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TALKING PAPER

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1. Our nuclear weapons policy, including the NATO atomic stockpile aspect, is such an integral part of our foreign policy that the Department, as well as Defense, must be fully conversant with its implementation.
2. So long as the weapons were being stored in so-called "igloos" it was relatively easy to understand and explain our position that the weapons remained under our custody and control.
3. The new arrangements, generated by military requirements, however, have complicated our task of defending the arrangements.
4. Particularly since the Department's detailed defense of the Genie proposal, the Joint Committee has been pressing the Department, as well as Defense, to speak with authority and knowledge on the particulars of these matters. Since intergovernmental agreements and a particularly delicate area of foreign policy are involved, the Department cannot properly profess ignorance of these particulars.
5. The Department certainly agrees with Defense that the precise security arrangements at each site are generally matters for the responsible military commander to resolve.
6. Yet, if the Department is to defend our position that we still maintain effective custody and control despite the newer deployment techniques, we must be able to speak with knowledge. And in view of the complicated nature of these newer arrangements, we doubt that we can fulfill our responsibilities solely on the basis of the materials furnished to date. Indeed these materials have suggested the importance of being able to speak from first-hand knowledge about the situations at typical systems sites.
7. This approach should help us minimize any domestic or international political repercussions since the Department would be able to add its assurance in domestic and international forums that the United States is still in fact effectively maintaining custody and control of the weapons.

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**The U.S. Nuclear Presence in Western Europe,
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