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Congress of the United States
JOINT COMMITTEE ON ATOMIC ENERGY
May 14, 1962

July 1962
GENERAL INVESTIGATIVE DIVISION
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Dear Mr. President:

We appreciated very much the informal conference that you arranged between some of your top advisors and senior members of the Joint Committee on Atomic Energy and its staff, on May 1, 1962, with reference to the NATO nuclear weapons problems.

We believe the meeting was helpful in exchanging views and information as to policies and decisions of the Administration with reference to NATO weapons problems. We hope that from time to time we can continue discussions of this type.

We are also appreciative that under your leadership the Executive Branch has made serious efforts to improve the arrangements for the security and safety of U.S. nuclear warheads in the NATO complex, in line with recommendations in the Joint Committee's Ad Hoc Report of February 1961.

In this spirit we wish to call your attention to certain of our differences of opinion with some of the policies described to us, and with some of the reasoning given for a number of the decisions.

I. Prior Commitments

At our informal conference the Administration representatives stressed that some of our current problems with respect to dispersal of nuclear weapons resulted from so-called "commitments" made by the previous Administration.

It was mentioned that "commitments" for the procurement of fighter bombers go back to 1957 and 1958, and that these are now given as the reason for providing these planes with nuclear weapons, and presumably for placing them on Quick Reaction Alert (QRA).

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The President:

We recognize that you did inherit some prior commitments in this matter by the previous Administration, but we do not believe these extended to the supply of nuclear weapons. An evidence of this, these so-called "commitments" were made without the knowledge of the Joint Committee on Atomic Energy.

The Joint Committee diligently attempted to place the previous Administration on notice that it should not commit your Administration to decisions on which we believed you should be given an opportunity to make a judgment.

Thus, for example, is an unclassified letter dated November 25, 1968, on the eve of the departure of our Ad Hoc group on its NATO trip, the Chairman of the Ad Hoc group notified Secretary of State Harker as follows:

"The purpose of this letter is to urge you in the strongest way I can that the United States Government should make no real or implied commitments in the forthcoming NATO Council Meeting in regard to changes in arrangements for transfer or possession of nuclear weapons."

A copy of this letter is attached. Also attached is a copy of a letter to you, dated November 16, 1968, prior to your assuming the Office of the President, in which the Chairman of the Joint Committee advised you that the outgoing Administration might attempt to commit the United States to certain actions on which your Administration should be left the freedom to decide.

We were very pleased that through our joint efforts the outgoing Administration did not commit the United States to such measures as an independent NATO capability, and the transfer of nuclear submarines and SSBNs. Apparently some agreements were made, such as entering into substantial contracts for F-104C fighter bombers on December 16, 1960, as evidenced in a letter to the Committee dated January 16, 1961 in response to inquiries by Joint Committee staff.

The President

We respectfully suggest that the last minute arrangements by an outgoing Administration with respect to multi-purpose vehicles do not constitute a commitment for follow-through action on the part of the new Administration to furnish nuclear weapons, or to place them on Quick Reaction Alert (QRA).

Further considerations may indicate that the planned proliferation of hundreds more nuclear weapons in land installations on the European Continent may be unnecessary in view of our new and expanding Polaris capability, and may in fact cause additional reflex actions on the part of the Soviets of an extremely dangerous portent.

2. Additional Disposal of Weapons on QRA Aircraft

There is considerable doubt in our minds as to the need for beefing up the Quick Reaction Alert aircraft in the NATO complex. As indicated in the Ad Hoc Report, these planes are susceptible to being taken over in a colonel's revolt and even for unauthorized use by single pilots. We are happy that improvements have been made with respect to their physical security and control. However, we have gathered that in some ways our custody of nuclear weapons on non-U.S. fighter bombers is even more fictional than we had originally been led to believe. We now understand that the Air Force custodians have been instructed that they have no responsibility for the physical security of U.S. weapons and that they are not to use force to prevent unauthorized use of such weapons.

The agreement of the previous Administration to make available or sell F-104G fighter bomber aircraft to our NATO allies is apparently being considered as the basis for an implied commitment that the United States will make available our most modern warheads on the same arrangements we use for our own nuclear capable forces. This was not so understood by the Joint Committee at the time the program was set up. It is our understanding that these planes were specifically designed to be able to utilize conventional armament as well as nuclear, and that the planes could serve as night fighter interceptors, and for reconnaissance purposes, as well as fighter bombers. On request from the Joint Committee, Assistant Secretary of State Macomber, by letter dated January 16, 1961,

The President

advised as follows:

"The basic purpose of the F-104G program is to equip squadrons not yet in existence, but which are planned NATO military requirements, and to replace equipment in existing squadrons which cannot operate successfully on the European continent against Soviet jet aircraft. The F-104G can be employed effectively in the all-weather strike, attack and reconnaissance roles, as well as in an interceptor role. It therefore fulfills several functions in addition to the strike role also performed by MR3Ms."

We emphatically support your decision to hold the type of the bombs on non-U.S. fighter bombers in the NATO alert system to single stage options. This is consistent with the defensive mission of NATO. To permit these planes to carry thermonuclear warheads would certainly provide the basis for claims that such planes are essentially strategic weapons as a part of an over-all nuclear deterrent.

The use of thermonuclear weapons, particularly on non-U.S. OBA planes also raises difficult security problems with respect to possible compromise of sensitive weapons designs.

3. Front Line Disposal of Nuclear Weapons

We believe that the Administration's plans to utilize additional devices to prevent unauthorized use of U.S. nuclear warheads are a desirable improvement, as originally suggested in the Joint Committee's Ad Hoc Report to you of February 1961. However, we believe that serious considerations should be given to going further and pulling back some of our front line nuclear weapons so as to prevent their being overrun in the event of a sudden onslaught or probing action. Certainly any further dispersal should receive the most careful consideration. Under present conditions, even though our custody arrangements have been improved, it is quite likely that field commanders could, and would, unilaterally utilize United States' nuclear weapons if they were overrun by a superior conventional force. This could cause a rapid escalation into full scale nuclear war.

The President

In view of the fact that the NATO front lines are supported by the United States and United Kingdom strategic nuclear deterrent in the SAC, Polaris, and ICBM systems, we believe consideration should be given to moving our nuclear "trip-wire" back a ways so that we will not trigger a nuclear war near the borders.



4. Effect of Further NATO Dispersal on Soviets

We are sure you must recognize that any further dispersal of U.S. nuclear weapons in the NATO complex can and probably will be taken by the Soviets as an attempt to appease West Germany and that no matter what our protestations are as to the retention of U.S. custody and control the Soviets will claim that these arrangements are fictional. The result may be then pressure by the military elements in the Soviet Union and in the satellite countries for greater Soviet dispersal of weapons to the countries behind the Iron Curtain, including Red China. At our meeting Chairman Goldfield quoted from a recent dispatch with respect to Soviet comment, as follows:

"SOVIET HINTS A-ARMS FOR RED BLOC"

By Walter Lister, Jr.

Herald Tribune News Service

"MOSCOW, April 29--H NATO 'paves the way' for arming West Europe with nuclear weapons, the Warsaw pact nations of East Europe may also get nuclear armaments, Pravda warned Sunday. . . ."

"The essential point of the [Pravda] article was that the proposed 'fellowship' approach is only camouflage."

The President

"What difference does it make if the handsaw does not at first formally possess such weapons?" Pereda said. "Will it to place the finger of German militarism to the trigger for the danger of a fatal explosion to be increased a thousand times?"

Washington Post, April 26, 1963, p. 130

3. During our discussion several lines of reasoning were discussed, upon which we would like to comment further:

(a) Questionable "Principle" of Uniformity

The necessity for uniformity of treatment of all countries in the NATO Alliance was stressed several times by the Administration representatives. Thus, for example, it was claimed that the United States' fighter bombers should be limited to single stage weapons in order to comply with this principle of uniformity. We would vigorously deny that this principle should be observed. Based on the original NATO concept, it has been our understanding that NATO countries were not supposed to be uniformly treated but that each nation was supposed to contribute and receive in accordance with its abilities.

While we agree that it is desirable that non-U.S. NATO fighter bombers be limited to single stage weapons, we do not agree that this should be justified on the principle of uniformity. Thus, for example, if it is determined for reasons of defense that United States' fighter-bombers should carry thermonuclear weapons, then we do not believe that the principle of uniformity should be applied to justify non-U.S. NATO planes also carrying thermonuclear weapons. We foresee future embarrassment to us if we accept now the principle of uniformity even if it is limited to other NATO countries.

The President

(b) Need for Additional Information on NATO
Nuclear Weapons Arrangements

We agree with the Administration's proposal to make additional classified information available to top people in the NATO countries as to number, field, etc., of U.S. weapons assigned to NATO.

We would go further, however, and suggest that some information on Quick Reaction Alert arrangements on NATO aircraft should be made public. This information was made public as to the Thor and Jupiter missiles but not with respect to fighter bombers and air defense weapons. Undoubtedly the Russians know this information, and the people of the NATO countries and the United States should not receive this information in the form of "leaks" or slanted news from the Soviets.

5. Basis Legal Questions

As set out in the Joint Committee's Ad Hoc Report, there remain substantial legal questions as to the NATO weapons situation. For example, the status of U. S. Air Force "custodians" of U.S. nuclear warheads on Quick Reaction Alert (QRA) raises serious legal questions as to whether the United States has lost possession of such weapons, as required under section 92 of the Atomic Energy Act. We now understand that these custodians have no responsibility for the physical protection of warheads--no responsibility to forcibly prevent unauthorized use of such warheads.

We believe it is time to review the legality of present custodial procedures and to decide whether some legislative modifications are necessary, in light of the current NATO situation. It is understood that the State Department is giving attention to various aspects of the custodial problems.

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The President

Again, let us say that we appreciate your willingness to consult with the Joint Committee on these matters. We hope that it is not too late for our suggestions to be considered. We realize that the President must make the final decisions within the law on these important international problems and we assure you that the Committee will co-operate to the best of its ability, once the decisions are made.

Respectfully yours,



Chet Holifield
Chairman



John G. Martore
Vice Chairman



Clinton P. Anderson
Chairman, Subcommittee
on Security



Henry M. Jackson
Chairman, Subcommittee
on Military Applications

Enclosures:

- (1) Copy of letter to Secretary Martore from Chet Holifield, 11/25/60
- (2) Copy of letter to President John F. Kennedy from Clinton P. Anderson, 11/24/60

The President

The White House

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Congress of the United States
JOINT COMMITTEE ON ATOMIC ENERGY

November 29, 1960

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Dear Mr. Secretary:

The purpose of this letter is to urge you in the strongest way I can that the United States Government should make no real or implied commitments in the forthcoming NATO Council Meeting in regard to changes in arrangements for transfer or possession of nuclear weapons.

In the press, during the last few months, various proposals have come to our attention as to changes in U.S. arrangements with NATO and NATO countries concerning transfer and possession arrangements for atomic weapons.

I and members of the Committee and staff have been quite concerned about these proposals and have diligently attempted to be informed about them.

I must say that there has been a considerable lack of cooperation on the part of the Department of State in this regard. As you know, we have been turned down with respect to specific requests for State Department reports, although these have been leaked to the press. At our insistence we have been briefed concerning alternatives before the Administration but briefing has been rather general.

Today, at the last minute, in response to an urgent request on your behalf, I have made arrangements for some of the Joint Committee members and staff going ahead to be briefed by Mr. Farley concerning U.S. plans vis-a-vis NATO nuclear weapons.

Obviously this briefing cannot serve the purpose of notifying the full Committee of the U.S. proposals and various other alternatives. This can only be done when Congress comes back into session in January.

I would like to remind you that one of the most important difficulties with respect to U.S. commitments abroad arose out of hasty arrangements made in the fall of 1957 following the Sputnik debacle.

It would seem the most that the Administration should do is to call for a meeting sometime in April or May to go into the NATO nuclear stockpile question thoroughly by the new Administration.

Very truly yours,

Chas Hallfield

The Honorable Christian A. Herter

The Secretary of State

Congress of the United States

JOINT COMMITTEE ON ATOMIC ENERGY

November 14, 1960

COPY

VIA AIR MAIL

Honorable John F. Kennedy
 United States Senate
 c/o Senator Lyndon B. Johnson
 1001 Ranch
 Wye, Texas

Dear Jack:

Within the past several weeks a number of newspaper articles have reported informal proposals to European allies by the present Administration to permit greater cooperation in nuclear weapons. Increasing reports are being published that the upcoming November meeting of NATO parliamentarians and the subsequent December NATO Council meeting will result in United States proposals to furnish NATO and allies with Polaris BSM equipped nuclear submarines, and support for an independent NATO nuclear strike force. We have reason to believe from informed sources that there is some basis for these published reports.

Without going into the actual merits of the reported proposals or any other alternative courses of action that might be considered to enhance the nuclear capability of our allies, I feel constrained to bring to your attention certain basic facts which I believe have an important bearing on this matter.

During the past year, the Joint Committee on Atomic Energy has been seriously disturbed over certain actions and contemplated actions on the part of the present Administration involving nuclear weapons custody and transfer arrangements with certain individual allies which have raised serious legal and policy questions. Two examples are discussed below:

- (1) You may recall approximately one year ago reports that consideration was being given to placing MB-3 air-to-air nuclear weapons aboard British planes. Negotiations for the MB-1 British arrangements have been held in absence this past year, pending further discussions with the Joint

Honorable John F. Kennedy

November 15, 1960

Committee as to its legality under the present Atomic Energy Act. Within the past several months, however, certain other arrangements have been entered into and commitments made by the present Administration with individual allies of similar dubious legality. They have been justified by certain legal fictions, but the practical result is the loss by the U.S. of full custody and possession of nuclear and thermonuclear weapons.

- (2) The Administration last year also proposed to transfer nuclear submarines to The Netherlands, and to France. Since we considered the design information and "know-how" on nuclear submarines of great importance to our defense, we questioned whether the advantages to be gained outweighed the possible security hazards. The Administration promised not to undertake negotiations on these matters without prior consultation with the Joint Committee.

Security classifications imposed by the Executive Branch prevent me from being more specific concerning these arrangements in a letter of this nature but I believe your staff should be fully briefed on the details.

The present difficulties have arisen in large part out of hasty commitments made in late 1957 after the Russian Sputnik debacle. The Congress amended the Atomic Energy Act in 1958 to carry out some of those commitments, but, as indicated above, much uncertainty exists.

Near the end of the last session, I authorized a study of the whole nuclear weapons custody problem, along with other civil-military relationships in atomic energy. In pursuance of this study, several members of the Joint Committee are visiting U.S.-NATO installations during the period of November 14 - December 15. We expect to have a report on the subject early in the next session.

Honorable John F. Kennedy

November 18, 1960

In view of the above circumstances, and your general familiarity with the role of Congress and the Joint Committee in this field, I believe you will agree that it would not be desirable for the outgoing Administration (with or without the participation of representatives of the new Administration) to make any commitments on nuclear weapons and submarines which the new Administration will be required to honor, unless there is a real emergency. In any event, it would seem extremely desirable to discuss the background of any potential commitments with leading members of the appropriate committees of Congress, including the Joint Committee on Atomic Energy, before such commitments are made. I frankly do not see how this could be done adequately before Congress reconvenes and the new Administration goes into office.

I recognize that prime responsibility on foreign affairs rests with the President. However in the case of nuclear weapons, a certain sharing of responsibility lies with the Congress under section 113-4, of the Atomic Energy Act. Cooperation with any nation or regional defense organization for communication of classified atomic energy information or transfer of nuclear material under sections 144 and 92 can take place only if the proposed Agreement for Cooperation, together with the approval and specific determinations of the President has been submitted to the Congress and referred to the Joint Committee and a period of sixty days has elapsed while Congress is in session. The proposed Agreement for Cooperation does not become effective if during the sixty day period Congress passes a concurrent resolution of disapproval. You appreciate, of course, that under the present law, and particularly section 92, atomic weapons cannot be transferred from the United States to another nation or group of nations.

You may rest assured that the Joint Committee and its staff will be available to assist you should you desire and will be happy to review with your staff specific details and background within the knowledge of the Committee.

Best personal regards,

Clinton P. Anderson
Chairman

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The President

Again, let us say that we appreciate your willingness to consult with the Joint Committee on these matters. We hope that it is not too late for our suggestions to be considered. We realize that the President must make the final decisions within the law on these important international problems and we assure you that the Committee will co-operate to the best of its ability, once the decisions are made.

Respectfully yours,



Chet Holifield
Chairman



John G. Sartore
Vice Chairman



Clinton P. Anderson
Chairman, Subcommittee
on Security



Henry M. Parkes
Chairman, Subcommittee
on Military Applications

Enclosures:

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The President

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1954-1962, Part II**

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