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(Not for discussion with Foreign delegations)

UNDERSTANDING WITH THE FEDERAL REPUBLIC CONCERNING THE INTRODUCTION,
 STORAGE AND USE OF NUCLEAR WEAPONS WITH RESPECT TO WEST GERMANY

There is no written agreement between the United States and the Federal Republic of Germany on this subject. Until May 6, 1955 when West Germany regained her sovereignty, the rights of the United States as an occupying power made any understanding on this point unnecessary.

Looking ahead to the time when Germany would regain her sovereignty, the U.S. High Commissioner took this subject up with Chancellor Adenauer on July 12, 1954 and asked him for assurances that under the Bonn Conventions the United States would continue to have the right to store and, in an emergency, use nuclear weapons from German bases. The Chancellor replied that he would like to consider this request, but shortly thereafter the Germans indicated through Hallstein that they approved our request (presumably for assurances) although they would prefer not to enter into any written exchanges on this subject. Hallstein added that "the reserved powers and military rights in the Bonn Conventions could be interpreted to give us (i.e., the U.S.) the right to store and use atomic weapons from our bases without formal consent of the German Government."

In the light of this statement from the German Government and re-examination of our position, the conclusion was reached, as stated by Mr. Phleger, that the Bonn Conventions give us the right to store and use weapons and make no distinction between conventional and nuclear weapons.

The right of U.S. forces to defend themselves and therefore to store and use weapons was a subject of discussion at the time of the amendment of the Bonn Conventions in the fall of 1954. This right, up until that time, had been expressed in the Convention on Relations, Article 5, Paragraph 7. The Paris Protocols provided for the deletion of Paragraph 7, but by a letter dated October 23, 1954 from Chancellor Adenauer to Secretary Dulles it was made clear that the rights referred to in Paragraph 7 were not affected by its deletion and that "this is the inherent right of any military commander according to international law and, therefore, German law".

In view of the foregoing statements and interpretations, it is the position of the United States Government that it will continue to enjoy the right to introduce, store and use atomic weapons in the territory of Western Germany as long as the United States has forces there.

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SPECIAL ASSISTANT TO THE SECRETARY
 S/AE

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In a conversation February 18, 1955 Ambassador Conant is quoted as having said that "he was satisfied with matters as they now stand and did not wish to raise any aspects of the deployment, storage or use of nuclear weapons with the Chancellor. He thought that the question might ultimately be raised by the Germans following the end of our occupation status but that we should not take the initiative."

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