

The European Nuclear Force, An Obscure Object of Desire

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Experience shows that in our times the rulers who have done great things are those who have set little store by keeping their word, being skilful rather in cunningly confusing men; they have got the better of those who have relied on being trustworthy. [...] But foxiness should be well concealed: one must be a great feigner and dissembler. And men are so naïve and so much dominated by immediate needs, that a skilful deceiver always finds plenty of people who will let themselves be deceived.

Niccolò Machiavelli, *The Prince*, 1532.¹

On March 25, 1957, the six countries of the European Coal and Steel Community (ECSC)² signed the so-called “Rome treaties” instituting two new European Communities: the Common Market and the European Community of Atomic Energy (Euratom). The Euratom Treaty created a complex set of institutions: the Euratom Commission, which proposed to the Council of Ministers of the six member-states a five year plan of research and development (R&D) and industrialization in the nuclear sector; a European parliament, which debated the plans proposed by the commissions of the Common Market and Euratom; a European Court of Justice, which adjudicated conflicts between individuals, corporations, member-states and the European commissions; a European Supply Agency, which passed nuclear fuels import contracts (enriched uranium, plutonium, etc.) with exporting states (the US, the UK and Canada) on behalf of the six Euratom member-states (none of which had the ability to enrich uranium at the time); and the Euratom Control Agency, which ensured the traceability of fissile materials and nuclear fuels within the Euratom territory. Scholars of European integration have largely studied the genesis and consequences of the Treaty instituting the Common Market, but they have paid scant attention to the Euratom Treaty.³ The American historian Marc Trachtenberg sums up the general consensus: “Euratom never got off the ground, mainly for economic reasons.”⁴ It is true that the political institutions created by the Euratom Treaty (like the Euratom Commission and the European parliament) did not play the role that Treaty-drafters hoped they would in the development of a European nuclear force. (Geopolitical rather than economic reasons, however, explained their

¹ Niccolò Machiavelli. [1532]1988. *The Prince*. Edited by Quentin Skinner. Cambridge: Cambridge University Press. P.61,62.

² “The Six” were France, the Federal Republic of Germany (FRG), Italy, Belgium, the Netherlands and Luxembourg.

³ Andrew Moravcsik. 1998. *The Choice for Europe : Social Purpose and State Power from Messina to Maastricht*. Ithaca, NY: Cornell University Press. P. 119. French historians of the Cold War also ignore the place of the Euratom Treaty in the larger transatlantic nuclear relations. See for instance George Henri Soutou. 1996. *L’alliance incertaine. Les rapports politico-stratégiques franco-allemands, 1954-1996*. Paris : Fayard.

⁴ Marc Trachtenberg. 1999. *A Constructed Peace: The Making of the European Settlement*. Princeton: Princeton University Press. P.205.

setback.) This relative failure might explain, *ex post*, the lack of scholarly interest in this treaty, its community, and the institutions it instituted.

Such ignorance, however, is greatly anachronistic. Even if its long-lasting political influence proved limited, the Euratom Commission carried, *ex ante*, all the hopes and promises of the historic European figures gathered around Jean Monnet. The first communiqué issued by the Action Committee for the United States of Europe (created by Jean Monnet at the margins of the negotiations of the Rome Treaties) only called for the institution of the Euratom Community and failed to mention the Common Market.⁵ For both its American and European promoters, the Euratom Treaty instituted the premises of a true European “federalism” in atomic matters.⁶ The constitution of Euratom pursued Jean Monnet’s efforts to extract the regulation of strategic sectors from the jurisdiction of European nation-states and place them under the authority of a new European community. Even if the Euratom Community failed to inherit all its member-states’ rights in the nuclear sector, as one could have hoped from a truly federal institution, it carried all the European federalists’ hopes to see the advent of a truly federal nuclear force. This moment of constitutionalization of the Euratom Community therefore presents a major challenge for anyone interested in analyzing how nation-states can be convinced (or not) to transfer part of their sovereignty to a newly created supranational community, in a limited jurisdiction of both economic and strategic import.⁷

The analysis of the ratification of the Euratom Treaty is all the more complex in that the definition of a federal European regulation on the nuclear sector (both on the control of fissile materials and on R&D and industrial planning) not only depended on the freedom granted to Euratom by its member states, but also on the freedom granted by the US government. Indeed, until the end of the 1950s, technological transfers in nuclear research and exports of fissile materials (enriched uranium, plutonium, etc.) were controlled by the engineers and scientists of the US Atomic Energy Commission (USAEC)⁸. To the extent that the US government and US Congress shared the monopoly of authorization of fissile materials exports and controlled their uses by importing states, they would logically control how member-states of Euratom could use fissile materials they imported from the US. far from being only technical, this question of the control of fissile materials, was of the first political magnitude. By opposing an importing country, or a group of importing countries, in the use of imported fissile materials for military ends, and by denying them the right to access knowledge on enrichment techniques, one exporting country (or group of countries) denies the importers the right to build nuclear

⁵ Comité d’action pour les Etat-Unis d’Europe. October 1955 « Communiqué ». JMDS-000117.. Florence: Archives of the European Communities.

⁶ René Mayer. February 1956. “Discours au Council of Foreign Relations.” JMAS-000015. Florence: Archives of the European Communities ; Max Kohnstamm. October 23, 1957. “Discours au Council on Foreign Relations,” Study Group on Western European Integration. First meeting. MK 000002. Florence: Archives of the European Communities.

⁷ For the analysis of the constitutionalization of new national political orders developed by sociologists of law, see Kim Lane Scheppele. 2004. “Constitutional Ethnography: An Introduction” 38(3) *Law and Society Review*: 389-406.

⁸ To see how control of fissile materials and R&D planning were related with US nuclear export policies in the field of biology, see Creager, Angela. 2006. “Nuclear Energy in the Service of Biomedicine: The U.S. Radioisotope Programme 1946-1950.” *Journal of the History of Biology*. 39 :649-684.

weapons (if not the capability). If the US restricted their control over fissile materials and nuclear techniques exported to future Euratom nations, the Euratom Commission would get a very limited authority on nuclear development in the Community.

The Euratom Treaty purported to avoid this pitfall. Two of the more technical institutions instituted by the Euratom Treaty (viz. the European Supply Agency and the Euratom Control Agency) were supposed to ensure the future autonomy of the Community and secured the possibility of achieving the political dream of European promoters: that Europe might one day produce a full European nuclear force. In order for the “control of fissile materials” to be truly European, fissile materials circulating within the Euratom Community had to no longer be controlled by the US. To that end, the Euratom Treaty was followed by a second bilateral treaty between Euratom and the US, which entered into force in November 8, 1958, after being signed by President Eisenhower in August 28, 1958. Regarding control of fissile materials, this bilateral treaty between two supposedly identically “federal” entities enacted an essential transfer of sovereignty from the USAEC to Euratom. Indeed, the bilateral agreement stated that the USAEC was no longer in charge of the control of fissile materials circulating in the territory of Euratom; instead, control of fissile materials would be delegated to the Euratom Control Agency. The bilateral agreement between the US and Euratom accomplished the constitutionalization of a new European nuclear order by transferring part of US sovereignty to the Europeans. The US government accepted that the advent of a European entity meant that they would end their disciplinary policies toward individual member-states of Euratom. In the case of Euratom, by recognizing the full autonomy of the Euratom Community on the uses of fissile materials on its territory, the US recognized this community as fully sovereign, hence ending the moment of its constitutionalization.

The acceptability of this sovereignty transfer from the USAEC to Euratom was, however, far from self-evident in US government circles. The AEC Chairman, Lewis Strauss, promoted at the time the creation of the International Atomic Energy Agency (IAEA). According to his plan, the IAEA would control the uses of all exported fissile materials in the world and would level the playing field of nuclear exports. It would also lower the likelihood that importing states choose contracts proposed by the US’s competitors (such as Canada) who proposed worst technological products (enriched uranium of lesser quality for instance) than the ones marketed by the US, but with less strict controls on their uses.⁹ Strauss thus opposed the creation of a zone of exception to the IAEA’s jurisdiction in Europe. Furthermore, from the late 1940s to the late 1950s, the US Congress, which had to ratify the US-Euratom bilateral agreement before it would become international law, had proven itself far from favorable to any sort of technology transfer from the US to European nations in the fields of enrichment technology. For the same reasons as they wanted to prevent European nations from gaining access to enrichment techniques, US Senators wanted to keep their hands on the controls of exported nuclear materials. They wanted to lower the risks of national nuclear proliferation in Europe, and in particular in the Federal Republic of Germany (FRG). The

⁹ Henry D. Sokolsky. *Best of Intentions: America’s Campaign against Strategic Weapons Proliferation*. Westport, Connecticut: Praeger. 2001. The example of India buying a CANDU reactor to Canada with little control measures shows that the fear entertained by Lewis Strauss was far from being unjustified.

US Congress thus made it clear that it would support Euratom if it could guarantee the exclusively peaceful character of its intentions.

In contrast to Strauss, President Eisenhower and Secretary of State John Foster Dulles struggled to give to a united Europe the means of her own technological nuclear development, which in the long term would allow her to develop her own defense, including her nuclear defense.¹⁰ The bilateral agreement of technology transfer signed between the US and Euratom in August 28, 1958 was imposed by the White House and the State Department against the opposition of Lewis Strauss. If the US had not signed this bilateral agreement with Euratom, all the negotiations leading to the second Rome Treaty (Euratom) would have been in vain. The bilateral agreement was essential for Eisenhower's grand design vis-à-vis Europe. It allowed the Euratom control agency to use fissile materials directly imported from the United States for military purposes, against Congress' precedent policies. President Eisenhower wished to initiate and accelerate technology transfers from the USAEC to Euratom, and, as long as the US Congress did not oppose it, to accompany techno-scientific transfers with politico-legal transfers of sovereignty on all aspects of the nuclear field. President Eisenhower even planned that in the long term the Strategic Air Command in Europe (SACEUR) responsible for firing NATO's nuclear weapons would be a European general.¹¹ Eisenhower's Grand Design was to create a semi-autonomous European SACEUR, who would have the right to initiate, on his own, the firing of European-made nuclear weapons.

However, the strategic goal followed by Eisenhower and Monnet was not clearly perceived by their contemporaries. Most would have denied that Euratom found its place in a broader military scheme. Only the Soviet Union routinely accused the Euratom Community of serving as a façade for military purposes, either in the press or at the tribune of the International Atomic Energy Agency (IAEA).¹² To that extent, the nuclear sovereignty of Euratom could be said to resemble Avner Cohen's description of Israel's nuclear program since the 1970s: "opaque," its military purpose was recognized by some observers, but never enunciated as such in any official way by its promoters.¹³ In 1957, the Soviets denounced the Franco-German military "Junktim" that made the core of the Euratom Community.¹⁴ In October 2, 1957, the Polish Minister of Foreign Affairs denounced the intentions of Western states and, before the UN Assembly, called for the establishment of a nuclear free zone in central Europe (both parts of Germany, Czechoslovakia, and Poland), precisely at the time when the three core members of Euratom (France, the FRG and Italy) were secretly planning military nuclear cooperation.

¹⁰ For a series of case studies showing how postwar European scientific development was furthered by US philanthropies and administrations, see John Krige. *American Hegemony and the Postwar Reconstruction of Science in Europe*. Cambridge: MIT Press. 2007.

¹¹ Marc Trachtenberg. 1999. *A Constructed Peace*. Op. Cit. P. 149.

¹² Commission Euratom. 26 Septembre 1958. Memo prepared for the 2nd Session of General Assembly of the IAEA to oppose Eastern arguments. BAC059/1980 – 481. Florence: Archives of the European Communities; ou encore: Commission Euratom. Report of the 2nd General Assembly 28 Septembre au 4 Octobre 1958. BAC059/1980 – 481. Florence: Archives of the European Communities.

¹³ Avner Cohen. 1998. *Israel and the Bomb*. New York: Columbia University Press. P.5.

¹⁴ George Henri Soutou. 1994. "Les accords de 1957-1958 : vers une communauté stratégique et nucléaire entre la France, l'Allemagne et l'Italie." Pp. 123-163 in *La France et l'atome : Etudes d'histoire nucléaire*, edited by Maurice Vaisse. Buxelles : Bruylant. P:153.

But all promoters of European integration not only rejected the so-called “Rapacki plan” of nuclear free zone, but also rejected the idea that Euratom followed any military purpose. The Germans rejected the idea that East German teams of inspectors could enter their Western territories.¹⁵ The French declared the Rapacki plan unacceptable, but did not dare recognize that Euratom might become the first step toward a West European nuclear deterrent. Hence, we need to ask: Was this secrecy part of a collective strategy of enunciation? What strategy and what tactics of enunciation did American and European promoters of Euratom use to overcome the rising opposition to their grand design? How did the desirability of sovereignty transfers (from European nation-states to Euratom and from the US to Euratom) become enunciated by promoters of Euratom? How did the promoters of Euratom organize the public discussion during the constitutional moment of this nuclear Europe, before the signature of the Euratom Treaty and up until the signature of the bilateral US-Euratom agreement?

5.1. How to Talk about Europe across the Atlantic Ocean: The Strategies of Enunciation followed by the Promoters of European Integration

In this paper I will describe the strategies of enunciation adopted by the promoters of Euratom. The thesis developed here can be summarized as follows: the strategists of the US State Department have helped the Europeans to mask and cover the imperfection and incompleteness of the atomic European “federalism” set up by the Euratom Treaty. Even though European promoters of Euratom have called for a real form of federalism, they were not able to persuade nation-states to follow their calls. This strategy which consisted in obscuring the political-legal meaning of the Euratom Treaty was followed both by European promoters of Euratom and their American counterparts in the State Department. Keeping the federal nature of the Euratom Community unclear (by avoiding to present the complicated legal compromises that the treaty drafters had made to conciliate European states’ sovereignties) secured an easy approval from the US Congress for the bilateral technology transfer agreement between the US and Euratom. The obscure meaning of the Euratom treaty was all the more necessary that for Congressmen, European true federalism was the guarantee that European nation-states would not use these technologies for their own national military goals. In the participation of American legal scholars (from the State Department) to European negotiations over the shape of the Euratom Treaty, I do not see the reflection of the symbolic domination of American legal norms over the European territory¹⁶, or the sheer mimetic desire¹⁷ expressed by Europeans to emulate the American federal model.

¹⁵ *Les Allemands étaient « hostiles aux équipes mobiles d’inspection au sol » et aux « communistes se promenant à travers l’Allemagne occidentale »*. MAEF. 12 mars 1958. Entretiens Généraux. Compte-rendu de l’entretien Pineau, Dulles, Lloyd, Ambassade GB, Manille. MAEF 000019-21. Florence: Archives of the European Communities ; MAEF. 28 mars 1958. Entretiens Généraux. entretien à Bonn avec Heinrich Von Brentano. MAEF 000019-21

¹⁶ Pierre Bourdieu. 2002. “Les conditions sociales de la circulation des idées.” *Actes de la recherche en sciences sociales*. 145:1-9..

¹⁷ For neo-institutionalist studies stress “mimetic desire” as an explanation of institutional isomorphism, see in particular John W. Meyer, John Boli, Thomas, George M., Ramirez, Francisco O. 1997. “World Society and the Nation State.” *American Journal of Sociology*, 103(1) Pp. 144-181; Drori, Gili. S., Meyer, John W.,

Rather, this chapter argues that such participation must be understood as the pragmatic concern of both European and American legal scholars to present a common front susceptible to vanquish the opposition of the US Congress and the USAEC to the sovereignty transfers from the US to Euratom.

This interpretation therefore departs from interpretations derived from Pierre Bourdieu's sociology of law and "symbolic domination," which has been influential in prosopographic analyses of the European legal field and European integration¹⁸; and from interpretations derived from John Meyer's neo-institutionalist theory of norm transfers, which has yet to consider whether mimetic desire has taken other political forms than the "nation-state" (like supranational organizations) as the desired object of emulation. (So far, neo-institutionalist theory has focused on the mimetic desire of colonized nations to emulate the politico-legal structures of their former colonizer's nation-states, in order to achieve the economic and scientific development which comes with their form of modernity.) Neither of these analytic frameworks ground the theoretical point made by this paper. On the contrary, this analysis of the Euratom Treaty negotiations adopt the focus proposed by sociologists of law like Andrew Abbott who tell "the history of jurisdictional conflicts rather than the one of professional groups" – which means, for Abbott, "a way of narrating history which focuses on work and its control."¹⁹ This chapter indeed focuses on how a European legal order was enunciated with the Euratom Treaty, which instituted a quasi-constitutional framework to control the work of European nuclear scientists, engineers and industrialists. The theoretical perspective adopted by this chapter however prolongs and displaces Andrew Abbott's sociology of law, which neglects the study of meaning-making practices and focuses instead on "hard" sociological variables (like the flexibility of law curricula, the attraction of law schools, etc.) when explaining how legal experts capture new niches, from which they can control the definition of legitimate work conditions. Instead, this chapter focuses on the construction or de-construction of the symbolic boundaries between the sovereignty of European nation-states and the Euratom Community, of their clarification or their opacity, their strengthening or their blurring, as proposed by as Michèle Lamont.²⁰ Indeed, my interpretation of the work performed by American and European legal experts during the Euratom Treaty negotiations focuses on the tactics, the ruses, and the travesty of meanings that the legal experts and other actors of international life enact when they produce and promote new politico-legal constructions in the international arena. These tactics were part of what I call "strategies of enunciation." This analysis of how legal scholars captured a niche in international law involves a deep focus on the hermeneutic work of interpretation that these actors performed in fuzzy situations, when the meanings of politico-legal constructions evolved in a conceptual fog that actors could decide to make more clear and transparent, or more obscure and opaque, depending on their goals

Ramirez Francisco O., Evan Schofer. *Science in the Modern World Polity: Institutionalization and Globalization*. Stanford: Stanford University Press. 2003.

¹⁸ See for instance : Antonin Cohen et Antoine Vauchez. 2005. "Les juristes et l'ordre politique européen." *Critique internationale*. 26, Pp.101-119 ; Antonin Cohen. 2005. "La Constitution européenne : Ordre politique, utopie juridique et guerre froide." *Critique internationale*. 26: 101-119.

¹⁹ Andrew Abbot. 1986. "Jurisdictional Conflicts: A New Approach to the Development of the Legal Profession." *American Bar Foudation Research Journal*. 11(2) P.192.

²⁰ Michèle Lamont and Viràg Molnár. 2002. "The Study of Boundaries Across the Social Sciences." *Annual Review of Sociology* 28: 167-195.

and strategies. Analyzing these strategies of enunciation of “Europe” means to follow as closely as possible the dynamics of public controversies as well as the private elaboration of these strategies of enunciation – something that sociologists of law (especially international law) have yet to start doing when analyzing European sovereignty’s establishment within a specific jurisdiction (from the protection of the environment, civil liberties, defense of the territory, etc.).

These strategies of enunciation and hermeneutic tactics have also yet to be conceptualized as a problematic object by the sociologists of law (especially of European law), who, following the perspective of Pierre Bourdieu, study the rise of a European legal field.²¹ Far from reducing politico-legal constructions (for instance, the defense of the liberal nation-state, the promotion of cosmopolitan democracy, etc.) to macro-historical ideologies floating out there, Pierre Bourdieu’s sociology of law analyzes their expert production in the polarized space of professional discourses. Faithful to a structuralist methodology, which proposes a series of polar oppositions²² in order to reconstruct how a professional field structured the biographical trajectories of the professional spokesmen who best express these discourses, Bourdieu’s sociology can allow social scientists to understand the meaningful oppositions structuring the defense of a European “federal” order as expressed by lawyers from within their national legal fields, including the American one. For instance, when applied to the field of legal discourses on European integration, such a structuralist analysis shows that in the American legal field, “federalism is opposed to totalitarianism as pluralism is opposed to despotism, decentralization (which is democratic) to centralism (which is bureaucratic), but also West Germany to both East Germany and Nazi Germany, and finally the new Europe to the Europe wished by the Soviets or by the Nazis.”²³

But this structuralist approach to expert meaning-making practices assumes that the politico-legal constructions enunciated by experts have a clear meaning when expressed in a legal field, defined as the relational space of power/knowledge positions from which legal scholars (as well as other experts) discuss theories of law, good practices of law, legal constitutional regimes, etc.²⁴ Bourdieu’s sociology of legal fields cannot explain how these politico-legal constructions sometimes become clearer when they are clearly opposed to alternatives, and sometimes more obscure and opaque when

²¹ Antonin Cohen et Antoine Vauchez (ed.). 2007. “Law, Lawyers, and Transnational Politics in the Production of Europe.” *Law and Social Inquiry*. 32(1); See also Yves Dezalay. “From a Symbolic Boom to a Marketing Bust: Genesis and Reconstruction of a Field of Legal and Political Expertise at the Crossroads of a Europe Opening to the Atlantic.” *Law and Social Inquiry*. 32(1) 2007. Pp.161-181.

²² Bourdieu believes that the following oppositions structure the French professional legal field : “professional/vulgar,” “theory/practice,” “public law/private law,” “anglo-saxon tradition/continental tradition,” etc. See Pierre Bourdieu. 1987. “The Force of Law: Toward a Sociology of the Juridical Field.” *Hastings Law Journal*. 38:9-14.

²³ « *Le fédéralisme s’oppose au totalitarisme comme le pluralisme au despotisme, la décentralisation (démocratique) au centralisme (bureaucratique), mais aussi l’Allemagne de l’Ouest à l’Allemagne de l’Est et à l’Allemagne nazie, et finalement comme la nouvelle Europe pourrait trouver à s’opposer simultanément à l’Europe soviétique et à l’Europe allemande* », in Antonin Cohen. 2005. “La Constitution européenne : Ordre politique, utopie juridique et guerre froide.” *Critique internationale*. 26. P. 130.

²⁴ Pierre Bourdieu. 1987. “The Force of Law: Toward a Sociology of the Juridical Field.” *Hastings Law Journal*. 38:5-27. For a similar approach to other fields of expertise, see : Pierre Bourdieu. 1975. “The Specificity of the Scientific Field and the Social Conditions of the Progress of Reason.” *Social Science Information*, 14: 19-47 ; and : Pierre Bourdieu. 1988. *Homo Academicus*. Cambridge, U.K.: Polity Press.

their meanings are superimposed on other alternatives during public and private political negotiations. Hence, Pierre Bourdieu's sociology of law is unhelpful to analyze how hermeneutic strategies create the conditions of felicity for the signature of an international treaty (or other sorts of international agreement). In order to explain how politico-legal constructions as complex as the ones falling under the rubric of "European nuclear sovereignty" have been enunciated, discussed and differently understood within diplomatic circuits, where these discourses have mobilized different types of expert knowledge (in international law, in political science, in engineering and natural science), the description of the structural oppositions (between "professional/profane," "anglo-saxon/continental," etc.) at work in the academic legal field is unhelpful. These professorial categories of perception which scholars in academic legal fields use to rank and classify colleagues loosen the clarity that structuralist approaches grant them in international negotiations.

When social scientists erase the ambiguity and opacity with which legal constructions like Euratom (or other international legal constructions) are (mis-)understood by their contemporaries, they encounter an epistemological obstacle which threatens all historical analysis, and which is often denounced by Bourdieu himself as a sign of ethnocentric scholasticism. (Structuralist analyses often fall into this trap when they extend their analyses of academic fields — where concepts and perceptions are indeed supposed to be clear or clarified — to explain how political agreements are formed in the fuzzy order of practice.) Contemporary approaches to international relations fall in that ethnocentric trap time and again: be they "constructivist" (when they assume that the "realism" of professors of international relations and security experts is the cause of the anarchic structuration of the world society²⁵, or when they assume that the normative idea of "national sovereignty" reigns in the postwar area with a univocal meaning clearly understood by all)²⁶; or "neo-realist" (when they read European integration as the achievement of compromises between well-conceived national economic interests²⁷). This paper claims that it is imperative to understand the constitutive role of the haziness within which international and supranational politico-legal constructions present themselves to their signatories. This perspective therefore shifts the analysis of European integration from the sociology of the legal field of knowledge and toward the sociology of the repertoires of diplomatic action.²⁸ It focuses on the hermeneutic practices and strategies of enunciation by which legal constructions are formed.

²⁵ Alexander Wendt. 1992. "Anarchy is what states make of it: the social construction of power politics." *International Organization*, 46(2). Also see the essays of the constructivist brand of international relations collected in Katzenstein, Peter J. (ed.) 1996. *The Culture of National Security: Norms and Identity in World Politics*. New York : Columbia University Press.

²⁶ John Meyer, John Boli, George Thomas, et Francisco Ramirez. 1997. "World Society and the Nation State." Art. Cit.

²⁷ For instance, see: Andrew Moravcsik. 1998. *The Choice for Europe*. Op. Cit. Et Marc Trachtenberg. 1999. *A Constructed Peace*. Op. Cit. The latter author (a historian) is less clearly in the neo-realist camp, in particular of the economicist type; his approach, , attempts to clarify many international constructions of extremely complex nature (a brilliant effort that must be applauded), but in doing so, he tends to forget to show the constitutive opacity and ambiguity with which these legal constructions present themselves to the eyes of contemporary participants.

²⁸ On the dynamic and relational concept of "repertoire of action," see Doug McAdam, Sidney Tarrow, and Charles Tilly. 2001. *Dynamics of Contention*. Cambridge, UK: Cambridge University Press.

To illustrate how the strategy of enunciation operated in the case of Euratom, and to describe how it came to privilege opacity over transparency, this chapter presents two examples of strategies. In both cases, the strategy that consisted in choosing a course of opacity served to close a controversy²⁹ on legal and technical matters, which were at the center of the negotiations of the Euratom Treaty and the US-Euratom bilateral agreement. The first is the question of the control of fissile materials, on which this chapter insists in particular; and the second is the question of the construction of a European uranium enrichment plant as the techno-scientific program for Euratom. In both cases, the fog of peace created by diplomatic papers and Byzantine legal interpretations succeeded the fog of war that the bombs had laid over Europe before 1945. This chapter shows that the fogginess of these two treaties (Euratom and US-Euratom) was deliberately created as a conscious strategy by the Action Committee and the State Department to defeat the opposition of the AEC and Congress to Eisenhower's grand design for Europe. In the case of the construction of a European enrichment plant, I will show how the boundaries of the Euratom jurisdiction have been blurred thanks to the opaque character granted to the techno-scientific program of Euratom. In addition, this chapter will show that debates over the organization of scientific work are at the center of these politico-legal controversies, which are in turn at the heart of the constitutional moments during which new sovereign communities appear.³⁰

In order to track the ways in which these strategies of enunciation were elaborated within transatlantic "European federalist" networks of legal experts, I have consulted the private archives of the negotiators of the Euratom Treaty, on the European as well as on the American side of the Atlantic Ocean. In the Archives of the European Communities (Florence), I consulted the private papers of Jean Monnet, Max Kohnstamm and François Duchêne (respectively the President, vice-president and assistant of the Action Committee for the United States of Europe); Etienne Hirsh and Jules Guéron (two brothers-in-law, respectively the second President of the Euratom Commission and the Director of Research and Teaching of Euratom); Fernand Dehousse (legal expert for the European Parliament). In Mudd Library (Princeton), I have checked the following private archives pertaining to the Euratom Treaty negotiations: the papers of John Foster Dulles (Secretary of State), George Ball (aide to Jean Monnet and State Department official), Livingston Merchant (State Department official), Bernard Baruch (ex-negotiator of the US first plan of international control of atomic energy), and David Lilienthal (ex-AEC Chairman). When consulted in combination with the official transcripts of public administrations, these private archives offer the precious advantage, of tracing how the strategy of enunciation of an opaque Euratom Community was negotiated between legal experts of the State Department and the Action Committee of the United States for Europe. (I also also consulted the memorandums of the State Department dating from this

²⁹ See on the import of studying closure mechanisms to study scientific controversies: Harry M. Collins. 2000. "Surviving Closure: Post-Rejection Adaptation and Plurality in Science." *American Sociological Review*. 65(6): 824-845.

³⁰ For similar approaches in Science, Technology and Society (STS), which show how scientific orders were constructed simultaneously with politico-legal constructions, see Bruno Latour. 1993. *The Pasteurization of France*. Cambridge, MA: Harvard University Press; or more recently: Grégoire Mallard, Catherine Paradeise and Ashveen Peerbaye. (ed.) 2006. « Sciences et souverainetés: Les sciences au cœur du projet national. » *Sociologie du Travail*. 48(3): 279-454.

period which are gathered in the Foreign Relations of the United States (FRUS)³¹ of the “Ministère des Affaires Etrangères Français (MAEF),” (duplicates of which are kept in Florence); and of the Euratom Commission.) Indeed, in their correspondence, these pro-federalist experts discussed which compromises obtained by the Euratom Treaty negotiators they should keep private and not disclose before US Senators or USAEC administrators and which compromises they could openly talk about. Members of the Action Committee and of the State Department not only discussed the political goals that they sought to attain with Euratom, but also how they should dress up the Euratom Community as instituting a truly European federal institution.

5.2. Can the Europeans be Trusted to Control Themselves?

When negotiations of the Euratom Treaty started, the issue of control of fissile materials in Western Europe was not new. In particular, it had been raised regarding West German nuclear development since the end of the war, as the previous chapter has shown. From 1945 to 1954, Allied laws of occupation strictly limited West Germany’s sovereignty over its own nuclear development. Quantities of fissile material allowed to circulate within West German territory were minimal, and they did not allow German firms to engage in R&D exploring the civil industrial applications of nuclear energy.³² Thus, from 1945 to 1954, fissile materials circulating in the Federal Republic of Germany (FRG) could only be used in small cyclotrons and research reactors. To find a long-term solution to this unequal situation, based on the right of conquest rather than on a free acceptance by the German government of Adenauer, the European and American experts gathered around Jean Monnet first proposed the institution of the European Defense Community (EDC), which was supposed to define acceptable levels of fissile materials imports within the European Community, and followed a principle of non-discrimination between all the member-states of the EDC. But the French Parliament rejected the EDC Treaty in August, 23, 1953. This failure could have meant the end of dreams of West European integration in the nuclear field: as the next subsection shows, the British government and Chairman of the USAEC, Lewis Strauss seized this opportunity to design a multinational European nuclear order, which they would control. As the other subsections will show, however, this strategy was ultimately defeated by Jean Monnet and the State Department.

5.2.1. The 1954 Nuclear Anglo-American Order in Western Europe

³¹ I also used secondary sources as a guide in the FRUS, in particular Shane Joseph Maddock. 1997. *The Nth Country Conundrum: The American and Soviet Quest for Nuclear Nonproliferation, 1945-1970*. Dissertation Thesis. The University of Connecticut; and Pascaline Winand. 1996. *Eisenhower, Kennedy, and the United States of Europe*. New York: Palgrave Macmillan. These two historians focus on a much larger object than the one of his chapter, as they seek to recapture the general policy of the White House regarding, respectively, nonproliferation in the world, and European economic, strategic as well as cultural policy.

³² Ministère des Affaires Etrangères Français (MAEF). « Note de Mr Coignard, Commissaire français à l’Office militaire de sécurité, relative aux activités allemandes en matière de réarmement ». Haut Commissariat de la République Française en Allemagne, 100/HC/OMS/COM/S Papiers d’Olivier Wormser 28. Florence: Archives of the European Communities.

With the rejection of the EDC Treaty by the French Parliament in August 1954, the FRG contracted a series of international agreements which made the FRG recover almost all of its sovereignty on its nuclear development. First, the FRG signed the Paris Treaty on October 23, 1954, by which it entered into both NATO and the West European Union (WEU). British Premier Eden had convinced the John Foster Dulles that this alternative to the French-lead EDC was the best alternative. At the beginning of 1955, the US State Secretary wrote to the President that “[i]t is my belief that the proposed arrangements, when effective, will promote progress toward unity in Western Europe; will restore sovereignty to the Federal Republic of Germany, a sovereignty which has now been withheld for ten years, during which time the government and the people of that Republic have demonstrated that they are capable of worthily discharging their responsibilities to a self-governing member of the free and peaceful world community; will, by controlling armament levels through an appropriate Agency of the West European Union (WEU), assure against excessive militarism; will provide a core of unity at the heart of the NATO.”³³ The FRG’s entry into NATO at the end of 1954 was indeed exchanged for the promise by the German Chancellor Adenauer that the FRG would not “fabricate” nuclear weapons on her soil (the FRG could however store imported nuclear weapons). (But the German Chancellor added the clause *sic rebus stantibus* (“everything held constant”) to that promise: the addition transformed his pledge into a simple moratorium, whose temporal boundaries he could decide to place when he wished.)

As the FRG entered into NATO and into the West European Union (WEU), it pledged to accept arms control procedures. The Paris Treaty became effective on May 6, 1955, and the Council of the WEU first gathered on the following day to decide the creation of an Agency for the Control of Armaments, which was responsible to verify that the FRG would not unilaterally fabricate nuclear weapons.³⁴ The WEU Arms Control Agency was directly subordinated to the Council of the WEU (made up of the Foreign Ministers of the Six plus UK). Two tasks were stipulated for the Agency for Arms Control in Protocol IV: to oversee West Germany’s commitment not to construct certain armaments on its territory (listed in Protocol III³⁵); and to control the general production and stock in Europe (whether under NATO or national control) of “heavy armaments” including “atomic, biological and chemical weapons, [...] ballistic missiles, etc., war tanks over 10 tons, naval carriers over 1,500 tons, naval vessels with nuclear propulsion, some elementary constitutive parts of these armaments.”³⁶ But the form of control planned in the statutes of the WEU was extremely loose: each member state of the WEU had committed to arms control measures, freely adopted by that state alone. The Agency was

³³ John Foster Dulles. Letter to the President, January 15, 1955. JMDS-000102. Florence: Archives of the European Communities.

³⁴ Amiral G. Cantu. 1973. « L’agence pour l’Union de l’Europe Occidentale pour le contrôle des armements. » Paris : UEO. Florence: Archives of the European Communities.

³⁵ Protocol III listed the armaments Germany agreed not to construct as the following: atomic, biological and chemical weapons; long range ballistic missiles; submarines carrying more than 1,800 tons, and naval carriers of more than 3,000 tons; naval warfare carriers with nuclear propulsion; planes used for strategic bombing; and the constitutive elementary materials necessary to build such weapons. The Council required a majority of two thirds and the approval of NATO’s supreme commander to grant West Germany the right to produce any restricted items. See Amiral G. Cantu. 1973. « L’agence pour l’Union de l’Europe Occidentale ». Art. Cit.

³⁶ Amiral G. Cantu. 1973. « L’agence pour l’Union de l’Europe Occidentale ». Art. Cit. P.18.

not allowed to verify the compliance with the pledge to refrain from building materials which would be transformed into nuclear weapons. Besides, it was noted that “the competence of the Agency with regard to production, import and export of these armaments did not mean that it should interfere with the decisions in these domains, which naturally fell under the authority of the member states who have freely contracted these commitments.”³⁷ A member of the French Ministry of Foreign Affairs reported “that the 3 kg and a half that the Germans have agreed not to exceed are not a limit but a simple program. The Agency of WEU cannot do verifications on this matter.”³⁸ Nor did the jurisdiction of the WEU Arms Control Agency extend to NATO armaments imported from the US to the FRG. The French had believed that they could have a say on the number of nuclear weapons stockpiled by the US in West Germany,³⁹ but they were soon proved wrong. The WEU Arms Control Agency was not allowed to control general levels of stock for the nuclear weapons in European territory but kept under American control (that is, under double-key control). Finally, the Arms Control Agency of the WEU did not begin to operate on a normal basis until the end of 1957 (a time lag which did not reassure the French); and, when it did start its operation, West German inspectors were the only ones to control their own activities. Hence, the WEU agency functioned more as a clearinghouse for information on conventional as well as unconventional armaments, rather than as a fully sovereign body with jurisdiction over all aspects of the armament industry. The creation of the WEU did not solve the problem of control. Fervent supporters of the EDC, like the Minister of Foreign Affairs of the Netherlands, Johan Willem Beyen, criticized the new plan, saying, for instance, in November 1954 that “the WEU is an alliance which has come into being not owing to logic as such but because of lamentable but undeniable reality, to settle the question of Germany’s rearmament. European supranational cooperation, with the WEU as a starting-point, is bound to remain a castle in the air, only leading to disappointment.”⁴⁰

The West European nuclear order that was taking shape at the end of 1954 was actually driven by British diplomats. It was the British Premier Eden who had succeeded in convincing John Foster Dulles to integrate the FRG into both NATO and the WEU; it was also the British Premier who launched another initiative meant to designate future European nuclear civil collaboration within the framework of the OEEC. For the British government, the failure of the EDC proved that Jean Monnet’s method of associating continental European nations in supranational communities had been the exception and had not set the trend. As the British Ambassador to the WEU (and British Minister in charge of Foreign Affairs) Ormsey-Gore told his colleagues in the WEU.

It is always a mistake to engage in constitution making for the sake of constitution making. What really matters is the effectiveness of the body to which a constitution gives birth. [...] As regards the consultative assemblies,

³⁷ Amiral G. Cantu. 1973. « L’agence pour l’Union de l’Europe Occidentale ». Art. Cit. P.18.

³⁸ MAEF, April 22-25, 1955. « Compte rendu des réunions du 22 et 25 avril 1955 au Ministère des Affaires étrangères sous la direction de M. Massigli », MAEF 000611. Florence: Archives of the European Communities.

³⁹ George Henri Soutou. 1996. *L’alliance incertaine. Les rapports politico-stratégiques franco-allemands, 1954-1996*. Paris : Fayard.

⁴⁰ Cited in Duchêne, Undated. “Memo on Moratorium on French nuclear tests”. JMDS 000235. Florence: Archives of the European Communities.

their present proliferation is preventing the fulfillment of their purpose. In our view, the time has come to move out of the “experimental period” in international Parliamentary association. We should get away from the concept of a consultative Assembly being in special statutory relationship with a particular intergovernmental organization. And in general, the wider the better: we hope that the “neutral” European countries would participate in future undertakings as fully as possible from the outset.⁴¹

This was the design the British wanted to impose on civil nuclear cooperation. The Council of the OEEC (the organization created by the Marshall Plan) thus commissioned a report by French expert Louis Armand on how to best organize this cooperation. In this report to the OEEC delivered in May 1955, Armand recommended starting joint projects in the civil nuclear sector without creating new European Communities, and suggested that the multinational and loosely tied OEEC framework could very well serve as the political forum where debates could be voiced. In his report for the OEEC, he claimed that Europeans should choose a loose form of collaboration to plan the construction of European power plants, without forcing the UK to enter supranational designs. As the Quai d’Orsay noted, “Armand proposes that the Six work toward a better coordination of their industrial policies, without tying their own hands.”⁴² Louis Armand’s report to the OEEC largely followed British concerns against further European constitution-making activities, especially in the nuclear sector. Indeed, British nuclear scientists were especially sensitive on the question of nuclear cooperation, as they still hoped that the policy changes imposed by President Truman (who ignored the Quebec Agreement planning postwar nuclear cooperation between the US, UK and Canada) would be reversed by President Eisenhower (on which point they proved to be correct). As the Chairman of the UK Atomic Energy Authority (UKAEA), Lord Plowden, put it, explaining Britain’s future reluctance to enter into Euratom:

I was strongly in favor of European Union, but I was opposed to Euratom on grounds that our main task was the development of weapons systems. We had to get an amendment to the McMahon Act, which we did and got access to U.S. weapons information. If we did go into Euratom, one could not disentangle what was ours and theirs, so it would not have been possible to collaborate properly. Collaboration through OEEC was something we could do, without impairing our relations with America.⁴³

Hence, at the end of 1954, with ten years of technological delay, the FRG managed to attain the same political and legal rights as its favored continental neighbors like France (in contrast to the FRG, Italy was refused the right to fabricate nuclear weapons in her

⁴¹ Ambassadeur Ormsey-Gore. May 1957. « Address to the Parliament of the West European Union ». JMDS 000223 Florence: Archives of the European Communities.

⁴² « Armand propose que les Six œuvrent à une meilleure coordination des politiques industrielles, sans se lier les mains ». MAEF, « Note du service de coopération économique ». 14 avril 1955. MAEF 000611. Florence: Archives of the European Communities.

⁴³ Cited dans Edwin Shaw. 1979. *The Three Virtues: A History of the Dragon Project (1959-1976)*. JG-000218. Florence: Archives of the European Communities. P. 26.

territory at all times by the Peace Treaty signed in 1947); and it could benefit from future collaboration with the British as well as the US.

French nuclear scientists and administrators, such as Pierre Guillaumat, and German economists, like the Minister of Economy Ludwig Erhard, were in fact quite supportive of the British-lead OEEC approach. For continental nuclear scientists, collaboration with the British was a strong incentive; for neo-liberal economists, the OEEC emphasis on trade was preferable to Jean Monnet's obsession with planning.⁴⁴ For example, Pierre Guillaumat told French diplomats in April 1955 that "the agreements which will be useful for France are not with Western Europe but with Great Britain and the United States" and that "that integration of the nuclear private sector is very hard because the atomic industry is so dependent on the state."⁴⁵ Hence, as the French diplomats reported, Guillaumat "does not believe in the coordination of research: a sort of European Directorate of nuclear industry seems to him as dangerous as a pool."⁴⁶ The French skepticism, if not quite opposition, toward supranational plans influenced others. The Minister of Foreign Affairs of the Netherlands, Johan Willem Beyen, deduced from the rejection of the EDC that "there is not much hope to establish Western Europe on supranational bases, to the extent that [the French President] Mendès France will continue to play a strong role in France for a long time"⁴⁷.

Besides, the Germans thought that they could not only benefit from the OEEC proposal but also from US proposals to participate in the "Atoms for Peace" program. The FRG could indeed buy nuclear research reactors from the US thanks to their new "Atoms for Peace" program launched by President Eisenhower in December 8, 1953, before the UN Assembly,⁴⁸ and actively sponsored by USAEC Chairman Lewis Strauss. According to this program, the FRG could now buy civil nuclear reactors based on US designs and buy their nuclear fuels from the US. West German Ministers Frantz Strauss and Ludwig Erhard long opposed European plans for nuclear integration in the hope of obtaining bilateral cooperation agreements directly from the US.⁴⁹ The French noted that the 1954 exhibition in Berlin of the American-made Brookhaven reactor model (with a capacity 60,000 megawatts), which was organized for "propaganda purposes"⁵⁰ by the Americans, met with a huge success. It was visited with great publicity by the US High Commissioner James Conant, an event which attracted enormous attention. Furthermore,

⁴⁴ MAEF. January 15, 1955. Secret. « Note relative aux activités allemandes en matière de réarmement ». Haut Commissariat de la République Française en Allemagne. Mr Coignard, Commissaire français à l'Office militaire de sécurité. Coblenz, 100/HC/OMS/COM/S Olivier Wormser 28. Florence: Archives of the European Communities.

⁴⁵ « *Les accords qui seront utiles à la France sont ceux qui engagent la Grande Bretagne et les Etats-Unis* », et « *l'intégration du secteur nucléaire est extrêmement difficile à réaliser en raison de l'imbrication des entreprises privées et de l'Etat* ». MAEF. April 26, 1955. « Compte rendu des réunions du 22 et 25 avril 1955 au Ministère des Affaires étrangères sous la direction de M. Massigli ». MAEF 000611. Florence: Archives of the European Communities.

⁴⁶ « *Guillaumat ne croit pas à la coordination de la recherche : l'institution d'une sorte de Directoire Européen de l'industrie nucléaire lui semble une idée aussi dangereuse que celle d'un stock commun* ». MAEF. April 26, 1955. « Compte rendu des réunions du 22 et 25 avril 1955 ». Art. Cit.

⁴⁷ Johan Willem Beyen à Joseph Luns. November 8, 1954. Cité dans Pascaline Winand. 1996. *Eisenhower, Kennedy, and the United States of Europe* Op. Cit. P. 95.

⁴⁸ Dwight D. Eisenhower. 1954. "The President's Proposal." *Bulletin of the Atomic Scientists*. X(1):2-5.

⁴⁹ Jean Monnet. 1976. *Mémoires*. Paris: Fayard. Pp.472,492.

⁵⁰ MAEF. 15 janvier 1955. « Note relative aux activités allemandes en matière de réarmement ». Art. Cit.

at the beginning of 1954, West German nuclear scientists “accused the allied Laws of prohibiting all atomic research, and [...] believed that a vast program of production of atomic energy could not be excluded for much longer.”⁵¹ Such a situation did not please the French, nor the Americans who had promoted the EDC Treaty, like Secretary of State John Foster Dulles. But it seemed that the British offensive within the WEU and OEEC and the US offensive represented by the “Atoms for Peace” program had superseded Jean Monnet’s European federal dreams.

5.2.2. The Sticky Question of Control in the Spaak Committee

This is not the place to give the full story of the events leading from the rejection of the EDC Treaty in August 1954 up to the Messina Conference of June 1955. This story is well known.⁵² The European federalists regained hope when the cabinet of the French President Pierre Mendès France was defeated in February 1955. Meanwhile, Monnet had convinced Belgian Minister of Foreign Affairs Paul-Henri Spaak that the WEU, because of its multinational character, could not be used as a core of European integration efforts, and that new European Communities should be established. (Monnet and others believed that they should not use the ECSC as the basis of enlargement of its jurisdiction, as re-opening negotiations on the ECSC Treaty might lead opponents of European federalism to strip down the Treaty from its supranational features.⁵³) In June 1955, an intergovernmental committee (called the “Spaak Committee”) composed of the Six Ministers of Foreign Affairs and a British observer under the Presidency of Spaak, created two committees of experts to examine the proposals of Common Market and Euratom.⁵⁴ From the beginning, experts noted that they agreed that the “goal of Euratom is to promote a real European effort whose jurisdiction must extend to : 1. extraction or uranium and thorium; 2. research on reactors and prototypes; 3. circulation of engineering knowledge on reactor development; 4. circulation of scientific knowledge.”⁵⁵

But negotiations were long, because France and the FRG took pains to find a compromise on the question of control of fissile materials. French experts desired to grant the new Euratom Community the property of fissile materials that were used for

⁵¹ MAEF. 15 janvier 1955. Op. Cit.

⁵² See for instance : Andrew Moravcsik. 1998. *The Choice for Europe Op. Cit.*

⁵³ Monnet advanced both Common Market and Euratom proposals as the Common Market was the “price for Euratom” that the French had to pay to get Ludwig Erhard’s approval for Euratom. See Jean Monnet. *Mémoires. Op. Cit.* P.492.

⁵⁴ Among the experts who were chosen for the committee on atomic energy created by the “Spaak Committee,” were: Mr Guillaumat (administrateur général Commissariat à l’Energie Atomique (CEA), France), Goldschmidt, (Director of Foreign Relations. CEA, France), Mr.Perrin, (Haut Commissaire, CEA, France), Mr. Renou, (Assistant Director of Foreign Relations.,CEA, France) ; Mr. Rothschild, (Assistant Secretary of Foreign Affairs, Belgium) ; Mr. Giordano (Centre Nationale pour la Recherche Nucléaire (CNRN), Italy), Mr. Ippolito (President, CNRN, Italy) ; Ernst Van Der Beugel (Director of Economic and Military Affairs of the Ministry of Foreign Relations, Netherlands) ; Mr. Regul (Assistant Director of Economy, High Authority of ECSC), Pierre Uri (Director of Economy, High Authority of ECSC).

⁵⁵ « *Le but de l’Agence Euratom est de promouvoir un réel effort européen qui doit s’étendre à : 1. l’extraction d’uranium et de thorium ; 2. la recherche sur les réacteurs et les prototypes ; 3. la circulation du savoir produit sur les réacteurs et sur leur développement ; 4. la circulation du savoir scientifique* ». Comité Inter-Gouvernemental créé par la conférence de Messine. 18 juillet 1955. Rapport de la commission de l’énergie nucléaire. Bruxelles. JMDS-000117. Florence: Archives of the European Communities.

“peaceful” ends, while leaving the fissile materials destined to “military” uses under the jurisdiction and property of the nation-states.⁵⁶ In Western Europe, only France would benefit from such zone of exception, where materials would escape the Euratom controls and Euratom property. Informed by Spaak, the US State Department noted that the French nuclear scientists serving as experts on his Committee had opposed from the beginning the creation of a European common nuclear stock which would encompass all of France’s nuclear technologies and fissile materials.⁵⁷ The French demands raised a number of problems, since the Germans were reluctant to leave the property (and therefore the control) of fissile materials to a European public organization. Such an arrangement was too reminiscent of socialism for most of them, in particular for Ludwig Erhard’s neo-liberal conception of private enterprise, competition and free markets. Besides, on the strategic level, Chancellor Adenauer opposed giving a free hand to the French while tying their own hands to the decisions of the future Euratom Commission, whose President he knew would be a Frenchman.⁵⁸ The deal proposed by the French would not leave the FRG any fissile material under German property, while giving some to the French, a discrimination Adenauer found unacceptable.

Therefore, the West Germans preferred to benefit from bilateral relations with the US within the framework of the “Atoms for Peace” program, without having the French interfere in their nuclear policy. In November 1955, the US Ambassador in Paris reported to the Secretary of State that his informants, “e.g. Monnet,” have indicated that “a principal cause of the German reluctance to proceed at Brussels was assurances given by U.S. industrial firms to German industry.”⁵⁹ On December 27, 1955, the Special Assistant to the US Embassy in France, Howard Robinson wrote to Robert Bowie, the Director of the Policy Planning Staff, that Jean Monnet “has pressed me in strongest terms to ask the US not to conclude more bilaterals during coming spring, especially not France or West Germany.”⁶⁰ During his visit to the Secretary of State in February 1956, René Mayer, the President of the High Authority of the ECSC, told John Foster Dulles that “the key to Euratom was the unwillingness of the US to make a bilateral with the Germans,” and that “if the Germans thought they could get a bilateral, they would prefer it to an integrated approach.”⁶¹ The Secretary of State reported to President Eisenhower that even if he “said the US would like to have the six-power approach,” they cannot “be coercive,” and “cannot indefinitely be negative toward bilateral proposals if there is no integrated proposal”; but that “within our own government circles, we are trying to put ourselves in a position to act promptly if occasion arises.”⁶² The negotiations would meet a dead-end if the West Germans preferred to submit their American-imported nuclear reactors to the US controls or the IAEA controls that would be put into place. The

⁵⁶ US State Department. June 8, 1955. « Telegram to Brussels ». JMDS-000099. Florence: Archives of the European Communities.

⁵⁷ State Department. June 8, 1955. « Telegram to Brussels ». Art. Cit.

⁵⁸ A deal had been made that the Euratom Commission would be under French presidency while the Common Market Commission under West German presidency.

⁵⁹ François Duchêne. Undated, a. “Memo on Moratorium on French nuclear tests” JMDS 000235. Florence: Archives of the European Communities..

⁶⁰ François Duchêne. Undated. Art. Cit.

⁶¹ John Foster Dulles. February 9, 1956. “Memorandum of conversation avec Mayer.” JMAS-000033. Florence: Archives of the European Communities..

⁶² John Foster Dulles February 9, 1956. “Memorandum of conversation avec Mayer.” Art. Cit.

“Atoms for Peace” program threatened Jean Monnet’s whole scheme, which planned to grant Euratom property and control on fissile materials.

At the beginning of the year 1956, Spaak and the members of his expert committee had to arrive at a conclusion, and to establish Euratom on a true federal basis if they wanted to gain the support of the State Department. It was necessary to give some leverage to John Foster Dulles if they wanted him to delay the signature of a US-FRG bilateral for reactor development. Hence Spaak pressed his colleagues to start political negotiations based on the report of the committee of experts on Euratom in February 1956. But since no consensus between the French and Germans existed, the Foreign Ministers of the Six sitting on the Spaak Committee decided to leave the question of control unanswered and not reveal their disagreements to the public. On February 11 and 12, 1956, Paul-Henri Spaak asked to his fellow Foreign Ministers “if it would be possible to institute such an organization as Euratom if one country,” like France, “reserves for itself the right to use nuclear fuels for military ends.”⁶³ All six Ministers agreed that if all nuclear fuels were the property of Euratom, then military uses would be impossible; but that, at the same time, France would never accept such a condition – which was in fact one of the reasons why French deputies had rejected the EDC Treaty. Spaak concluded that it was “key to find a solution that does not preclude forever the military uses of atomic energy,” and that it was “wise not to raise the problem of military uses.”⁶⁴ Only in October 1956, after the French and Germans agreed to sign an agreement planning full cooperation in military nuclear affairs in the near future,⁶⁵ did the major disagreements plaguing the negotiations over the Euratom Treaty fade away in the Spaak Committee⁶⁶.

The French and German delegations compromised on the question of control by obscuring the meanings of “property” and “control.”⁶⁷ In order to let the French have the right to develop military uses of nuclear energy, the Spaak Committee defined control as a “control of conformity”⁶⁸: it was decided that the Euratom control agency would have the responsibility to verify the conformity between the “real” and “declared” uses of nuclear fuels (be they civil or military uses) which the firms and research institutions made of them. The duty of the Euratom control agency was not to control that member-states or firms would refrain from using fissile materials for military ends. Rather, if French firms declared that they used nuclear fuels for peaceful ends, the control agency

⁶³ « *S’il serait possible d’établir une telle organisation si un pays se réserve la liberté d’utiliser des combustibles pour des usages militaires* », MAEF. 26 Avril 1956. « Rapport des Experts du Comité Spaak » MAE120/56eve ou CM3/NEGOC.0091/ac-a. Florence: Archives of the European Communities..

⁶⁴ « *Il est important de trouver une solution qui n’exclut pas à tout jamais les usages militaires et sage de ne pas soulever le problème des usages militaires* ». MAEF. 26 Avril 1956. « Rapport des Experts du Comité Spaak » Art. Cit.

⁶⁵ George Henri Soutou. 1994. “Les accords de 1957-1958 : vers une communauté stratégique et nucléaire entre la France, l’Allemagne et l’Italie.” Pp. 123-163 in *La France et l’atome : Etudes d’histoire nucléaire*, édité par Maurice Vaïsse. Paris: Fayard.

⁶⁶ MAEF. Octobre 20-21, 1956. « Proposition de la délégation française a la conférence des Six au Quai d’Orsay sur les utilisations militaires de l’énergie atomique ». MAEF 000613. Florence: Archives of the European Communities.

⁶⁷ MAEF. November 13, 1956. « Projet de procès verbal de la conférence des affaires étrangères des Etats membres de la CECA des 20 et 21 octobre 1956 ». MAE460f/56mts. Florence: Archives of the European Communities.

⁶⁸ Euratom Commission. “Memorandum from the joint US-Euratom working party of April 1958: Nature of Western control.” January 1960. JMDS-000120. Florence: Archives of the European Communities.

had to verify that their real uses were indeed peaceful; if French installations declared that they used nuclear fuels for military ends, the control agency had no say against it, and could only verify (up to a certain point) that these military uses were indeed the real uses. This definition of control, as a “control of conformity,” departed from the definition of control adopted by the US when they signed bilateral agreements of cooperation and import agreement with third parties. Instead, both US controls within the “Atoms for Peace” program and the future IAEA controls that Lewis Strauss had in mind were “controls of finality”: the USAEC engineers (soon to be replaced by IAEA inspectors) had to verify that real end uses were not military in kind.⁶⁹ Before the Euratom Treaty was signed, one could say that the two definitions of controls (of conformity or finality) did not have practical implications, since the US only authorized nuclear fuels export for peaceful applications; but that would no longer be true now that the European Supply Agency would obtain nuclear fuels from the US that would in the end be used in the French military program. Hence, this legal definition of control could allow one to believe that Euratom controls, applied on all European fissile materials, would guarantee the exclusively peaceful character of European nuclear development; but this was not the case.

The Treaty drafters however agreed to the federal principle that the Euratom treaty (Article 86) provides that “special fissionable materials shall be the property of the Community, and that this right of ownership shall extend to all special fissionable material produced by a member state.”⁷⁰ (Article 86 added that “French-produced plutonium will therefore become the property of Euratom.”) But the notion of “property” of nuclear fuels was defined in the Euratom Treaty in a way that suited West German concerns. Until the end of 1956, West Germans had opposed to grant the public property of nuclear fuels to Euratom, on grounds of economic doctrine. In February 1957, Couve de Murville, the French ambassador to the FRG, noted that a compromise was reached with the French by a legal trick which was agreeable to all parties. The Euratom Community would be granted “property” of all nuclear fuels used for peaceful ends within the Euratom territory (therefore leaving the property of fuels used for French military ends to the French government); but this notion of property was defined “as a “property *sui generis*,” an old notion which differed from the common notion in Roman Law, since the property of fuels by the Euratom Community granted no rights to its owner during normal times.”⁷¹ As Couve de Murville concluded, “if Germany made concessions on the question of control and property, it is because control is inevitable. Indeed, in the case of delivery of American fissile material, the right of control kept by the U.S. authority on these fuels would not disappear if another authority were not in charge controls.”⁷² The West Germans thus obtained a legal definition of property,

⁶⁹ Henry D. Sokolsky. *Best of Intentions: America's Campaign against Strategic Weapons Proliferation*. Wesport, Connecticut: Praeger. 2001.

⁷⁰ Euratom Commission. April 1958. Memo from the joint US-Euratom working party on “Nature of Western control” JMDS-000120. Florence: Archives of the European Communities.

⁷¹ « Une ‘propriété sui generis’, vieille notion qui se différencie de la notion de propriété en droit romain, car elle n’apportait à son propriétaire aucun droit en temps normal ». MAEF. February 26, 1957. « Note de Couve de Murville ». Florence: Archives of the European Communities. MAEF 000019-21. Florence: Archives of the European Communities.

⁷² « Si l’Allemagne a fait des concessions sur la question du contrôle et de la propriété, c’est parce qu’un tel contrôle est inévitable. Sans cela, les Etats-Unis garderaient leur droit de contrôle lors de leurs

which in practice left all the property rights to private companies using these fuels to develop peaceful applications of nuclear energy, just as in a system of private property. In normal times, private companies developing R&D and industrial applications of nuclear energy could use these fuels as they wished (they were free to sell these fuels, store them, use them, etc.). Only if they were proved guilty of illicit activities (by the Euratom control agency) could the Euratom Commission recapture its property rights on these fuels. Legal expertise was mobilized here, not to clarify the meaning of the Euratom Treaty, but to obscure the meaning of key words.

At last, the French agreed to let the Germans limit the jurisdiction of the European Supply Agency. This controversy, once again, opposed the French and the Germans.⁷³ Spaak, the Belgian Foreign Minister, as a proof of goodwill from the Belgian government, had immediately offered to let the European Supply Agency manage the exports from the Belgian Congo which were not already under the supervision of the USAEC (a deal had been made at the end of the 1940s). For the French, the European Supply Agency should have the authority to decide on the allocation of imported fissile materials at all times, during normal times as well as in times of exception and crisis, when nuclear fuels on the international market would be rare. The West Germans opposed that view: they agreed to let the European Supply Agency manage the distribution of nuclear fuels during normal times (with the condition that it would not cost more than if the Germans tried to find out fissile materials by themselves), but they believed that Euratom member-states should recover their full capacity to contract nuclear fuel procurement contracts by themselves in times of crisis. In that same month, October 1956, the West Germans won their case: the European Supply Agency would only exert its supranational power during “normal” times; future practice would decide how the distinction between “normalcy” and “exception” would be defined.⁷⁴ This compromise considerably watered down the federal and supranational aspects of the European Supply Agency.⁷⁵ Were the US Congress and the USAEC aware of these legal complexities?

5.2.3. How to Simplify a Debated Issue: Jean Monnet and the Action Committee for the United States of Europe (1956-7)

To understand how the US administration and US Congress perceived the meaning of the Euratom Treaty, one has to describe the strategy of enunciation that Jean Monnet and his Action Committee adopted from the Summer of 1955 of the Messina Conference up to the Summer of 1958, when the US-Euratom bilateral agreement was in its final stage of ratification by the US Congress. This subsection will show that Jean Monnet, his Action Committee, and legal experts in the State Department collectively

fournitures de combustibles, et ce contrôle américain ne disparaîtrait que si une autre forme de contrôle venait s'y substituer ». MAEF. February 26, 1957. « Note de Couve de Murville ». Florence: Archives of the European Communities. MAEF 000019-21. Florence: Archives of the European Communities.

⁷³ MAEF. November 15, 1955. « Télégramme de Christian De Margerie ». MAEF 000111. Florence: Archives of the European Communities.

⁷⁴ MAEF. October 20-21 1956, « proposition de la délégation française a la conférence des Six ». Art. Cit.

⁷⁵ Observers of the US State Department interpreted this compromise as being influenced by the Suez crisis See: State Department. November 28, 1956. Telegram from Brussels. JMDS 99. Florence: Archives of the European Communities.

adopted this strategy of opacity in order to deceive the opponents of the USAEC and Congress. Indeed, the Euratom Community could not function as a quasi-supranational political entity if the US Congress failed to ratify the planned US-Euratom Treaty. The control procedure adopted in the Euratom Treaty needed to be legally approved by the main exporter of fissile materials: the US. It was thus necessary to prepare the American public and parliamentary opinion for the ratification of the Rome Treaty closest to Jean Monnet's heart: the Euratom Treaty.

From the rejection of the EDC Treaty by the French Parliament in August 1954, Jean Monnet deduced that European integration would progress only if public and parliamentary opinions were readied to accept intergovernmental compromises. A treaty signed by six governments, like the EDC Treaty, could be rejected by one of the six parliaments if they were not properly prepared for it. With the financial support of John McCloy, who returned in 1954 from his mission as US High Commissioner in the FRG to become Chairman of the Chase Manhattan Bank, the Council of Foreign Relations and the Ford Foundation⁷⁶, Monnet took the initiative to federate the leading parliamentary representatives of each of the six European countries' major parties (the socialists, social democrats, liberals and Christian democrats of each country) who were voting on the resolutions passed in the Action Committee, as well the leaders of the European major trade unions. Monnet did not invite the British to sit on the Action Committee.⁷⁷ The activities of the Action Committee, on which Monnet served as President and Max Kohnstamm as vice-president, were funded by the Ford Foundation. As, Shepard Stone (former New York Times journalist, then High Commissioner John McCloy's press representative in the FRG), who had been named by McCloy as Deputy of the Ford Foundation, put it: "anything we could do within the charter of the Ford Foundation to help German-French understanding, such as helping to rebuild some of the great research institutions of Europe, fitted right into our concept of history." McCloy added that "we could not become involved in political matters, but what we could do was help Monnet have a staff of research assistants, and they could do the research upon which Monnet could base some of his concepts and policies."⁷⁸ With the founding of the Action Committee in the Summer of 1955, Monnet had a powerful tool to influence public opinion both in Europe and in the US, and to establish a perception of the new Euratom Community as "federal" in kind.

⁷⁶ On the role played by John McCloy in Europe, and how he developed his collaboration with Monnet, see Walter Isaacson, et Evan Thomas. 1986. *The Wise Men: Six Men and the World They Made*, Acheson, Bohlen, Harriman, Kennan, Lovett, McCloy. New York: Simon and Schuster; and: Kai Bird. 1992. *The Chairman: John J. McCloy, The Making of the American Establishment*. New York: Simon & Schuster. These very good biographies however do not document the role the Action Committee played for European integration.

⁷⁷ As Ernst Van Der Beugel (Assistant to the Minister of Foreign Affairs of the Netherlands) later reported, "Monnet was not French in the sense that he wanted to have the British out, not at all. Monnet was absolutely honest that he wanted to have the British in, but he wanted to have the British in after the fait accompli was created. He didn't want to compromise." Cited in: Michael Charlton. 1987, "How and Why Britain Lost the Leadership of Europe." MK 000002. Florence: Archives of the European Communities. P.18. The British leaders entered in the Action Committee in 1968.

⁷⁸ Shepard Stone. July 23, 1982. "Interview." JMDS-000058. Archives of the European Communities. Jean Monnet does not acknowledge the support of the Ford Foundation in his memoirs, see Jean Monnet. 1976. *Mémoires*. Paris: Fayard. P. 488.

In the absence of a clear consensus on the definition of the future Euratom “control” of nuclear fuels among the six Ministers of Foreign Affairs gathered in the Spaak Committee, Monnet’s Action Committee simplified the debates by translating the compromises he envisioned for Euratom into simple terms. His simple translation of possible future compromises made Euratom much more acceptable in the public eye, and particularly in the eyes of US nuclear policymakers, senators and journalists. The first resolution that Monnet introduced in October 1955 to the members of the Action Committee, and which was voted for by European parliamentarians, concerned Euratom. Monnet asked three questions: “Shall the new Euratom Community follow essentially peaceful goals?” and the answer was “yes”; “Shall this new authority have a supranational character?” and the answer was “yes”; “How shall this new authority contract relationship with her member-states?” and the answer was “without any discrimination.”⁷⁹ Hence, while intergovernmental negotiations in the Spaak Committee stumbled over insurmountable disagreements concerning Euratom controls in the fall of 1955, Monnet’s Action Committee was able to give a public answer as to how the future Euratom Community would be designed – even though the public picture of Euratom Monnet gave to the American public was very different from the one that would be agreed upon at the intergovernmental level.

Andrew Moravcsik⁸⁰ sees a proof of his neo-realist theory in the fact that Monnet’s imagined Euratom differed from Spaak’s actual Euratom: for him, it proves that the Action Committee had little influence on Spaak’s Committee (even though negotiators in the Spaak Committee cite both the Action Committee and the State Department as the two sources of pressure to find a consensus⁸¹). More generally, Moravcsik argues, it shows that transnational advocacy groups have little influence on intergovernmental negotiations which try to generate compromises between economic national interests (even in the case of Europe, contrary to what was previously claimed⁸²). From my perspective, it is a mistake to measure the influence of the Action Committee by its power to shape the actual compromises in the intergovernmental committee. Monnet’s action was oriented more outward than inward: it sought to shape the possibility of future ratification and prepared public opinion, and it did so by translating the inner compromises into publicly acceptable language.

However, Jean Monnet’s translation of the Euratom Treaty (rather, his projection or anticipation, as no intergovernmental compromises were attained before the end of that year) did not become a self-fulfilling prophecy. In the beginning of 1956, Monnet tried to fill the void of proposals emanating from the Spaak Committee and to provide something that the American experts from the State Department could present to argue against the USAEC’s insistence to contract on a bilateral basis with the FRG within the “Atoms for

⁷⁹ « *La nouvelle communauté devait-elle suivre des buts essentiellement pacifique ?* », « oui » ; « *cette autorité doit-elle avoir un caractère supranational ?* », « oui » ; « *Comment cette autorité doit-elle être contractée entre ses Etats membres ?* », « sans discrimination ». Comité d’action pour les Etats-Unis d’Europe. October 1955. « Communiqué ». JMDS-000117. Florence: Archives of the European Communities.

⁸⁰ A. Moravcsik. 1998. *The Choice for Europe. Op. Cit.*

⁸¹ Michael Charlton. 1987, “How and Why Britain Lost the Leadership of Europe.” Art. Cit.

⁸² Ernest Haas. 1968. *The Uniting of Europe: Political, Social, and Economic forces, 1950-1957*. Notre Dame, Indiana : University of Notre Dame Press.

Peace” program. Monnet wrote to John Foster Dulles in January 1956 that “in order to ensure the exclusively peaceful character of Euratom, the Action Committee has found it necessary that all nuclear fuels produced or imported within the territory of the Euratom Community be subjected to the exclusive property of the Euratom Commission.”⁸³ Monnet added that “in order to guarantee the exclusively peaceful character of nuclear activities,” the Action Committee had found that “it is indispensable that:

- Exclusively for that purpose, all nuclear fuels produced in or imported into the territories coming under the jurisdiction of our countries be acquired by the European Commission for Atomic Energy. The commission must conserve exclusive ownership of nuclear fuels throughout their reprocessing. The Commission will place such fuels at the disposal of users equitably and without discrimination, in periods of normal supplies as well as in times of shortage.
- The construction and operation of nuclear installations be subject to prior authorization by the commission to be issued when the conditions are fulfilled, allowing the commission to follow the reprocessing and use of such fuels and to maintain the security of labor forces and populations.⁸⁴

In January and February 1956, the State Department, the Council of Foreign Relations and the White House invited the pro-federal Europeans of the Action Committee to tour the US and to help provide an understanding of the future Euratom Community to US experts. John McCloy and George Ball organized this promotional tour in the US by inviting Max Kohnstamm (Action Committee), François Duchêne (Action Committee), René Marjolin (High Authority of the ECSC), and René Mayer (High Authority of the ECSC) to speak about Euratom before the Council of Foreign Relations. There, every one of these Europeans lauded the future “atomic federalism” of Euratom⁸⁵.

As intergovernmental negotiations in the Spaak Committee went on past the summer 1956, the Action Committee published another resolution calling for a quick institution of Euratom and for a commission of three “Wise Men” (a Frenchman, a German and a Italian, chosen by Monnet⁸⁶) to write a new report on the techno-scientific program of the Euratom Commission and its future technical responsibilities. The visit of the Three Wise Men to the US was perfectly orchestrated by the State Department and the Action Committee, in particular by Monnet and Max Kohnstamm (the latter served as their secretary when they toured the US in January 1957)⁸⁷. Their visit to the US

⁸³ Jean Monnet. January 19, 1956. “Letter to John Foster Dulles.” JMAS-000015. Florence: Archives of the European Communities.

⁸⁴ Jean Monnet. January 19, 1956. “Letter to John Foster Dulles.” Art. Cit.

⁸⁵ For instance, see : René Mayer. February 1956. « Discours au Council of Foreign Relations”. JMAS-000015. Florence: Archives of the European Communities.

⁸⁶ The three Wise Men were: Louis Armand (an engineer ; President of the Société Nationale des Chemins de Fer (SNCF); author of the second five-year plan of the CEA in 1951, responsible for the French choice to invest in dual-use nuclear technologies ; and then the redactor of the report on European collaboration for the Organization for European Economic Cooperation (OEEC) in 1955) ; Frantz Etzel (West German parliamentarian and vice-president of the ECSC); Francesco Giordani (Director of the Centre national pour la Recherche Nucléaire (CNRN), former participant to the Spaak Committee of experts).

⁸⁷ Max Kohnstamm. February 1957. « Compte-rendu des réunions du comité des trois sages” MK-000007. Florence: Archives of the European Communities.

coincided with the consensus reached in the Spaak Committee over the legal understanding of control and property of nuclear fuels as “control of conformity” and “property *sui generis*.” Members of the Action Committee convinced the Three Wise Men that they should use the opportunity when meeting American experts (from industry, from USAEC, from Congress, etc.) to translate this compromise in terms acceptable to the Americans so that they would agree to start negotiations on the US-Euratom agreement. The Three Wise Men were instructed not to talk precisely about the system of property which left room for a private system of property rights. As Kohnstamm wrote to them before they left Europe:

We must remain aware that the possible substitution of Euratom controls for American control [of imported nuclear fuels] would be in itself a revolutionary act in the foreign policy of the US. It is not completely certain that the US Congress will oppose a Euratom system of control, if it differs from theirs; but it seems next to impossible. The fact that Euratom can institute a federal control on imported fissile materials could be a weighty argument; but it would significantly lose its influence if nuclear fuels were privately owned in Europe – something that neither Democrats nor Republicans have yet accepted in the US.⁸⁸

Furthermore, Kohnstamm reminded the Three Wise Men that they should avoid mentioning that Euratom’s property (and control) of nuclear fuels would only apply to the imported fissile materials used for peaceful purposes, not to the ones used for military ends:

There is no doubt that the fact that Euratom does not exclude military uses of nuclear fuels will raise a sticky problem in future relations between the US and Euratom. But if you are asked questions about that, just answer that so far, no bilateral treaty signed by the US plans to limit the power of the importing state to own and produce nuclear weapons. The agreement between the US and Euratom will not change this situation.⁸⁹

This interpretation was quite skewed, even though it offered a good lawyerly response to a hard diplomatic question. Indeed, no bilateral agreement signed between the

⁸⁸ « Nous devons être conscients que l'éventuelle substitution du contrôle Euratom au contrôle américain serait déjà un acte révolutionnaire pour la politique étrangère américaine. Il n'est pas certain que le Congrès s'opposerait à un système de contrôle Euratom différent du leur, mais cela paraît presque impossible. Le fait qu'Euratom puisse instituer un contrôle fédéral sur les matériaux fissiles importés constituerait un argument de poids, mais cet argument serait dangereusement affaibli par l'introduction de la propriété privée des matières fissiles, que ni républicains ni démocrates n'ont encore accepté ». Max Kohnstamm. January 20, 1957. « Note sur le régime de contrôle et les pouvoirs de la Commission en matière d'exportation et de propriété des matières fissiles en préparation de la tournée des Trois Sages. » CEAB1-79/DOC539/57f. Florence: Archives of the European Communities.

⁸⁹ « Il n'y a pas de doute que le fait qu'Euratom n'exclut pas l'usage militaire des combustibles ne pose un problème délicat dans les relations futures entre les Etats-Unis et Euratom. Mais si l'on vous pose une question sur ce sujet, répondez que jusqu'à présent, aucun traité bilatéral signé par les Etats-Unis ne prévoit de limiter les pouvoirs de l'Etat importateur à posséder et produire des armes nucléaires. L'accord entre les Etats-Unis et Euratom ne changera pas cela ». Max Kohnstamm. January 20, 1957. « Note sur le régime de contrôle. » Art. Cit.

US government and a country importing nuclear fuels and technologies entailed that the imported country had to renounce the production, on its own, of nuclear weapons (or the import of nuclear weapons from other sources). But all bilateral agreements signed by the US entailed that the nuclear fuels and technologies imported from the US should not be used to achieve these exact military goals. The American inspectors sent by the USAEC were actually responsible for verifying that the nonproliferation clause within “Atoms for Peace” contracts was respected. That constraint was exactly the one that the planned US-Euratom bilateral sought to overthrow. Indeed, nuclear fuels imported from the US through the European Supply Agency could then be used by the French government to further their own military nuclear program. This was the new control procedure that Kohnstamm wanted the Three Wise Men to obscure in a lawyerly way. Louis Armand followed these recommendations: when asked by the USAEC officials in February 1957 “if Euratom watering-down process has not gone so far as to make little difference between Euratom and OEEC approaches”, “Louis Armand replied that he and his colleagues had seriously studied the treaty and were convinced that Euratom provided the necessary framework for joint action.”⁹⁰

Even if Monnet and Kohnstamm conspired in good intelligence with their friends from the State Department to deceive Congress and the USAEC, they did not succeed in aligning all the participants in the Spaak Committee with their own views. At the same time as the Three Wise Men toured the US, Spaak candidly revealed the controversial points that might be picked up by Congress and future members of the AEC. Kohnstamm reported to Monnet, that, against the exhortations of Monnet’s followers in the State Department “who explained to Spaak that they did not see how the US Congress would accept a form of control that would differ from the American one, Spaak seemed not to agree with them on the nature of Euratom’s control, and he gave the example that Euratom will not have the monopoly of the property on fissile materials, since Euratom will not own the fissile materials in French nuclear warheads.”⁹¹ Kohnstamm added that “Spaak — and I consider it to be extremely serious— has told Gerry Smith [Assistant Secretary for Atomic Affairs in the State Department] during his meeting with Foster [Deputy for International Affairs, USAEC], that nobody in Europe would mind having an American control.” Kohnstamm reported to Monnet that “this is not only stupid from the political point of view, but also from the technical point of view,” as “even if it is possible to bear American control on a few grams of fissile materials used for research purposes, it is completely absurd to believe that a foreign control could be imposed when tons and tons of nuclear fuels are delivered on the surface of the European territory.”⁹²

⁹⁰ Max Kohnstamm. February 1957, Dulles, memo on background of Euratom negotiations in Brussels, JMDS-000102. Florence: European Archives.

⁹¹ « Ils expliquèrent à Spaak qu’ils ne voyaient pas comment le Congrès accepterait un contrôle qui n’aurait pas la forme du contrôle américain, Spaak sembla ne pas être d’accord avec eux sur la nature du contrôle Euratom, et donna pour preuve qu’Euratom n’aurait pas de monopole de la propriété des matières fissiles, le fait qu’Euratom ne pouvait pas être propriétaire des matières fissiles présentes dans les armes nucléaires françaises ». Max Kohnstamm. February 10, 1957. “Lettre à Jean Monnet.” MK-000007. Florence: Archives of the European Communities.

⁹² « Spaak, et je considère ça extrêmement sérieux, a dit à Gerry Smith lors de son meeting avec Foster que personne en Europe ne serait gêné par un contrôle américain ». « Ce n’est pas seulement stupide du point de vue politique, mais aussi du point de vue technique, car si c’est possible d’avoir un contrôle américain pour quelques grammes de matière fissile utilisée à des fins de recherche, c’est complètement impensable

Kohnstamm reported to Monnet that he therefore “had to stay with Gerry Smith, Bob Bowie and Walter Lippman” to save the day, and that the only thing that Spaak’s assistant, Dr. Rothschild, told him was that “we had greatly exaggerated the project, and that we prepared a great disillusion for the Americans when they will see what’s actually in the Treaty.”⁹³ The idea that the Americans would become disillusioned after they signed a bilateral treaty with Euratom on Euratom’s terms mattered less to Monnet and Kohnstamm than the possibility that the Americans would refuse to sign and ratify such a bilateral treaty at all.

5.2.4. The Fog of Peace: The US-Euratom Bilateral Treaty and the Question of Controls (1958)

Efforts by pro-federal experts in the State Department and the Action Committee did not weaken after the signing of the Euratom Treaty on March 25, 1957 until the ratification of the US-Euratom treaty at the end of the summer of 1958. All throughout 1957 and into 1958, Max Kohnstamm continued to promote Euratom in the US, mobilizing the help of political scientists at the Center of International Studies (CIS) in Princeton, and in particular of its Director Klaus Knorr⁹⁴. (Kohnstamm had written to Monnet that when he visited the US with the Three Wise Men in January 1957, he found a little brochure written by Klaus Knorr who argued that US controls should be delegated to Euratom⁹⁵.) Invited by George Ball, Klaus Knorr and Robert Schaetzel (Assistant Secretary for European Affairs, State Department) to present the newly instituted Euratom Community to the Council of Foreign Relations in November of 1957, Kohnstamm affirmed his “conviction that the clauses of the Treaty regarding the property of all fissile materials circulating within the Euratom Community and controlled by the Euratom agency established a more efficient form of control than the bilateral agreements between the US and European nations had done before.”⁹⁶ Robert Schaetzel wrote to Kohnstamm that his “visit was a miraculous success” even though he “regretted that there are still a certain number of people in the AEC who preferred to help directly American nuclear industries than to open new markets for them abroad.”⁹⁷

d’avoir un contrôle étranger quand des tonnes et des tonnes de matières fissiles sont délivrées sur toute la surface du territoire ». Max Kohnstamm. February 10, 1957. “Lettre à Jean Monnet.” Art. Cit.

⁹³ « *La seule chose que Rothschild dit fut que nous avons exagéré le projet, et que nous préparions une grande désillusion de la part des Américains lorsqu’ils verraient ce qu’il y a dans le traité ».* Max Kohnstamm. February 10, 1957. “Lettre à Jean Monnet.” Art. Cit.

⁹⁴ Klaus Knorr and George Ball organized a conference at the CIS on May 16, 1956 to assess the merits of Euratom and prepare justifications for US support. Participants to this conference included: George Ball (State Department), Robert Schaetzel (State Department), Stanley Cleveland (State Department), William Diebold (Council of Foreign Relations), Klaus Knorr (Princeton University), Paul Nitze (former PPS Director), Henry Smyth (Princeton University).

⁹⁵ Klaus Knorr. 1956. “Nuclear energy in Western Europe and US Policy.” CIS. Princeton University: Stokes Library.

⁹⁶ « *J’ai la conviction que les clauses du Traité en matière de propriété de toutes les matières fissiles circulant dans la communauté, dont l’usage était contrôlé par une agence Euratom établissait un contrôle plus efficace que les bilatéraux américains ne le faisaient ».* Max Kohnstamm. October 23, 1957.

« Discours au Council of Foreign Relations sur “Europe and Atoms for Power.” Discourse by at the CFR ». MK 000002. Florence: Archives of the European Communities.

⁹⁷ Robert Schaetzel. November 19, 1957. “Letter to Max Kohnstamm.” MK-000014. Florence: Archives of the European Communities.

Members of the Action Committee not only lobbied for the support of the political scientists and bankers comprising the Council of Foreign Relations, they also lobbied hard to get the support of industrialists and nuclear engineers. They were instructed on their strategy of enunciation by the State Department. Before Kohnstamm and Armand met with Lewis Strauss, the USAEC Chairman, in January 1958, to negotiate the US-Euratom agreement, Robert Schaetzel wrote to Kohnstamm that:

As a result of a couple of long conversations with Monnet, we prepared at his request the attached memoranda to be kept among ourselves. You should not raise the question of controls, but if Strauss brings up this matter for discussion, [Armand] should develop the following points: the benefit of the US-Euratom program from the security point of view is to establish controls in their proper place, e.g. in the local context; despite the change of policy in process (Macmillan-Eisenhower talks, NATO, and the proposal to change US domestic cooperation which would permit cooperation in the military arms), Euratom would still be prepared to provide guarantees to the US similar to those contained in existing US-UK and US-Canadian bilaterals; that both the data and nuclear materials will be used only for peaceful purposes. [...] In summary, regarding security control of the Joint US-Euratom deal: a) this issue should not be raised and discussed as an independent issue, but for tactical reasons should be considered as a subordinate point and as part of the joint US-Euratom program; b) the Community should seek an arrangement with the US on this point identical with that now prevailing with respect to the US-UK and US-Canadian bilateral agreements, namely that Euratom would guarantee to use the data and nuclear material received exclusively for peaceful purposes but the US would not seek or be given rights to verify or inspect to assure whether the guarantee was being observed.⁹⁸

The State Department insisted for strategic reasons that Armand not discuss the issue of control as “separate” but that, instead, he would relate it to other questions, namely the nature of the US-Euratom techno-scientific cooperation. As the next subsection will show, the Three Wise Men and the Action Committee tried to define the techno-scientific content of the future Euratom program as an ambitious program of nuclear power development. This strategy was advised to members of the Action Committee in order to ease the discussion on controls. As Schaetzel, the Assistant to the State Secretary on European Affairs, told Kohnstamm: “if these projects clearly become joint US-Euratom demonstration projects, the fact of our presence should modify the safeguard problem.”⁹⁹ In order to obscure the point of control, the Action Committee followed the tactics proposed by Schaetzel in January 1958, when he advised that the “Monnet Committee uses Ford Research money to hire several US experts who develop the background memorandum – outline of reactor types, how the projects would be

⁹⁸ Robert Schaetzel. January 28, 1958. “Letter to Max Kohnstamm.” JMDS-000120. Florence: Archives of the European Communities.

⁹⁹ Robert Schaetzel. January 1958. « Memo to Max Kohnstamm ». JMDS-000120. Florence: Archives of the European Communities.

organized, manner in which US would tie in and support.”¹⁰⁰ Their strategy worked. The memorandum that these experts issued in association with the Action Committee, which was delivered in April of 1958 before members of both Euratom and the US State Department,¹⁰¹ declared that the convention on controls between US and Euratom would conform to the one signed on December 20, 1957, between Euratom and the OEEC, where Euratom was granted full sovereignty over its control procedures¹⁰². The conclusions of the report were that:

On December 20, 1957, a convention on the establishment of a security control in the field of nuclear energy was signed in Paris by the members of OEEC, [...] to prevent materials from being made available to further any military purpose. In the Euratom countries, however, the control will be executed by Euratom. A provision in the convention has been made for that purpose. [...] In their testimony in May 1957 before the Senate Foreign Relations Committee, in support of the statute of the IAEA, the State department and the AEC stressed the importance of the Agency’s control system. It might appear that the proposed US-Euratom safeguard arrangement represents a substantial departure and liberalization. A comparison of the control safeguard arrangements established by the IAEA and by Euratom proves that on the contrary Euratom control system is stricter and definitely less liberal than the IAEA’s. Under the Euratom system, nuclear materials produced within the community as well as imported will be under constant control. The inspectors of the Community shall at all time have access to all installations within the Community in order to satisfy themselves that nuclear materials are not diverted from their intended uses. The Euratom control system will be the first concrete step on the road to a truly international control since it will be effective system of mutual control – that of a multinational community which reciprocal control and surveillance. By its very existence and efficacy, it will serve as an example and will favor the objectives of the IAEA control system. In order to benefit from the US’s extensive experience in this field, Euratom has asked the US government to help it in setting up and operating its control system.

By stating their conclusions in such way, the experts were anticipating future opposition from Congressmen who had endorsed the universality of IAEA controls. They did not dig into the exact nature of Euratom controls: they simply affirmed that they would be the

¹⁰⁰ Robert Schaetzel. January 1958. « Memo to Max Kohnstamm ». Art. Cit.

¹⁰¹ Participants to the joint US-Euratom working party of April 1958 were: R. Schaetzel (Special Assistant to the Sec., State department), S.M Cleveland (European Regional Affairs, State department), S.Metzger (Assistant legal affairs, State department), R.W. Cook, (Deputy General Manager, AEC), H.D. Bengelsdorf, (Foreign Affairs Officer, European Branch, Institutional Affairs, AEC), E.E. Ferguson (Deputy General Counsel, AEC), P.C. Fine (Director, office of operation, analysis and planning, AEC), M. Goldstein (Assistant Chief, International Finance Division, AEC), F.K. Pittman, (Director, Industrial development, AEC), L. Roddis (Deputy Director Research dev., AEC), N.F. Sievering (Assistant to Director, Reactor dev. AEC) and A.J. Vander Weyden, (Deputy Director, Division of international affairs, AEC).

¹⁰² Euratom Commission. April 1958. Memo from the joint US-Euratom working party on “Nature of Western control.” JMDS-000120. Florence: Archives of the European Communities.

most efficient. The question of Euratom controls was not completely obscured, however, until the summer of 1958, and Lewis Strauss would engage in a last attempt of clarification before the final signature of the US-Euratom agreement. From April to June 1958, the debates became public controversy published in the pages of the *New York Times*. As a journalist from the *Times* wrote in April 1958:

The issue of international inspection has arisen to plague the proposed close relationship between the US and Euratom as the six Euratom nations are objecting to inspections of their future Atomic Energy plants. [...] Only by a close inspection of these plants could there be assurance that the plutonium was not being diverted to military purposes. The Euratom objections to US inspections spring from past tacit understanding with the US, national sovereignties and traditional continental jealousy of Britain. A thorough form of accounting and inspection is provided for in the Treaty establishing the Euratom Community. They contend that during the Treaty negotiations the US led the Euratom nations to believe this would be an acceptable form of inspection. The Euratom officials object that US insistence on inspection challenges the international sovereignties of the European agency.¹⁰³

John Foster Dulles attacked the position of hardliners by stating that “no one nation can, alone, indefinitely police the spread of nuclear power plants. They will not long be content to have their electric power systems under continuous supervision by technicians merely serving another nation.”¹⁰⁴ Disquieted by this public attack, members of the Action Committee lobbied to secure approval for Euratom’s control by the powerful senators sitting on the Joint Atomic Energy Committee (JAEC). Kohnstamm happily reported to Lewis Strauss that “he saw Senator Pastore this morning and he said he did not expect difficulties for the program in the respect of safeguards.”¹⁰⁵ Kohnstamm added that when he “mentioned the fact that certain people connected to the IEAE might have apprehensions about our program,” Senator Pastore “said the Agency will have to face the fact that its task within the next years will be largely educational and that the relationship of a federation of important industrial nations like Euratom and the US poses problems which in no way can be solved by the Agency.”¹⁰⁶ In the beginning of June, US-Euratom negotiators agreed that “[t]he US would sell 30,000 Kg of enriched uranium and plutonium for research purposes to Euratom,” with “ownership and responsibility will be transferred to the Community.”¹⁰⁷

Yet the *New York Times* noted in June of 1958 that the “AEC has raised last-minute objections to a proposed agreement, which centers on the question of international inspection, an issue that was believed to be settled in negotiations with the Euratom: the US at first demanded inspection rights of its own as a precondition to cooperation, but

¹⁰³ New York Times. “Euratom Resists Inspection by U.S. of Future Plants.” April 13, 1958.

¹⁰⁴ John Foster Dulles. April 4, 1958. “Note on control from the Joint United States Euratom working party.” JMDS-000120. Florence: Archives of the European Communities.

¹⁰⁵ Max Kohnstamm. May 7, 1958. “Letter by to Admiral Strauss.” JMDS-000120. Florence: Archives of the European Communities.

¹⁰⁶ Max Kohnstamm. May 7, 1958. “Letter by to Admiral Strauss.” Art. Cit.

¹⁰⁷ Robert Schaetzel. “Letter to Jean Monnet, with attached to memo on Macmillan talks, June 9-11, 1958.” JMDS-000110. Florence: Archives of the European Communities.

Euratom was insistent that as a sovereign international body it could not surrender the inspection function to another nation.”¹⁰⁸ Even though “the issue was presumably solved when the negotiators agreed last month that Euratom should exercise its inspection functions, with the inspection standards of meeting those followed by the US and the new IAEA,” the *Times* concluded that:

Yet the AEC would seem to have a real point. If a precedent is set along the lines indicated in the agreement negotiated with Euratom, it could have far reaching consequences. The Soviet Bloc, for instance, could set up a corresponding organization to Euratom and insist that its own self-inspection was as adequate a safeguard as Euratom’s.¹⁰⁹

The very next morning, Bernard Baruch (the former negotiator and opponent of the Acheson-Lilienthal plan for international control of atomic energy, who had mixed the cooperative aspects of the Acheson-Lilienthal plan with punitive measures), wrote to the US President that he “hope[d] there is no truth in what the *NYT* says regarding self-inspection in Euratom. This would constitute a most dangerous precedent which would undermine our position regarding effective inspection and control.”¹¹⁰

President Eisenhower did not leave the public criticism orchestrated by Strauss and Baruch inflate. In order to quash the media controversy, Eisenhower responded to Baruch that [t]he news report which you saw was incorrect. Euratom did ask for self-inspection but Lewis [Strauss] objected, and our right to inspect is clearly established in the documented initialed last night,”¹¹¹ which was untrue. The next day, Assistant Secretary of State Christian Herter wrote to the President with the precision that “[s]ection 11D of the Moratorium provides for frequent consultation and exchange of visits between the Parties to give assurance to both parties that the Euratom safeguards and control system effectively meets the responsibility and principle for the peaceful uses of atomic material stated in the ‘Moratorium,’ and that the standards of the materials accountability systems of the US and Euratom are kept reasonably comparable.” But these meetings between inspectors of each continent differed from what Baruch asked: the right of US inspectors to directly manage the control procedure in Euratom.¹¹² Indeed, the “memorandum of understanding” signed by Kohnstamm and Butterworth (the US Ambassador to the European Commission) did not grant the right for direct US inspections on European soil: it only ensured the right of US verification on Euratom control procedures. This agreement thus quelled the public controversy thanks to a final legal trick: the distinction between a “right of inspection” and a “right of verification.”¹¹³ Furthermore, on June 19, 1958, President Eisenhower obtained the resignation of Lewis

¹⁰⁸ New York Times. June 8, 1958. “The Prospects of Euratom.”

¹⁰⁹ New York Times. June 8, 1958. “The Prospects of Euratom.” Art. Cit.

¹¹⁰ Bernard Baruch. June 9, 1958. Letter to the President. JMDS-000110. Florence: Archives of the European Communities.

¹¹¹ President Eisenhower. June 10, 1958. “Letter to Bernard Baruch.” JMDS-000110. Florence: Archives of the European Communities.

¹¹² Christian Herter. June 11, 1958. “Memorandum to the President.” JMDS-000110. Florence: Archives of the European Communities.

¹¹³ Max Kohnstamm. June 12, 1958. “Memorandum of understanding.” JMDS-000110. Florence: Archives of the European Communities.

Strauss from the chairmanship of the USAEC. Four days later, on June 23, 1958, Eisenhower presented the bilateral US-Euratom agreement to Congress. The coincidence between these dates leave no doubt that Strauss' role in opposing the US-Euratom agreement on controls had an effect on Eisenhower's decision to remove him from the USAEC chairmanship.

The proposed treaty was eventually ratified by Congress on August 20, 1958, signed by the President on August 28, 1958, and the agreement to import fissile materials took effect on November 8, 1958. The strategy of enunciation had worked, as the question of controls was not raised during deliberations, either by Congress or by the press. As George Ball reported to Kohnstamm in July 1958, the reasons why Congress did not pass the legislation immediately were that:

The legislation in connection with the Euratom agreement has been caught in the middle of an unrelated controversy. Senator Anderson remains the main obstacle to approval. Under pressure from private power interests, Admiral Strauss has held back on domestic reactor construction in the hope that this could be undertaken through private channels. [...] Led by Senator Anderson, several of the members of the Committee are now asking why, if the Administration is unwilling to support a domestic program for atomic development, is it so eager to finance a foreign program?¹¹⁴

As Ball noticed, the architects of the US-Euratom agreements were fortunate enough that the Middle Eastern crisis provided "an argument for speedy Congressional action which did not exist in such persuasive form before."¹¹⁵

5.3. Can the Europeans be Trusted to Build an Enrichment Plant for Peaceful Purposes?

This section will describe the story of the construction of the European enrichment plant in less detail than the last section did the story of controls of imported nuclear fuels. It mentions a few facts, which illustrate the same strategy of opacity that pro-federal Europeans and members of the State Department followed. The construction of an uranium enrichment plant offered another source of nuclear fuels, which the Euratom countries could have used for whatever purposes they wished (peaceful or military). Hence, if Europeans possessed the right to control the uses of their imported nuclear fuels, and the right and ability to control the production of nuclear fuels, they could easily start producing nuclear weapons on an integrated basis if they wished to do so. To secure the right to build an uranium enrichment plant while negotiations between Europeans and the USAEC on nuclear fuel procurements and control procedures for Euratom were ongoing (e.g. between January 1956 and the end of the summer of 1958), pro-federal Europeans decided to obscure the meaning of their future techno-scientific program (just as they obscured the meaning of legal provisions, as previously described).

¹¹⁴ George Ball. July 18, 1958. "Letter to Max Kohnstamm." JMDS-000120. Florence: Archives of the European Communities.

¹¹⁵ George Ball. July 18, 1958. "Letter to Max Kohnstamm." Art. Cit.

5.3.1 The Initial Project of a European Uranium Enrichment Plant (1955-1956)

From the beginning of the European *relance* that followed the rejection of the EDC Treaty in August 1954, the French and West Germans had expressed a strong interest in collaborating to build a joint uranium enrichment plant, which could be used either to produce fuel for nuclear power plants, or to build nuclear warheads. When the committee of experts gave its report to the Spaak Committee, it was clear that this project figured at the top of the list of priorities in the future program of the Euratom Commission: the French would open participation to the other five European countries to the construction of their uranium enrichment plant in Pierrelatte, which met many difficulties. After the rejection of the EDC, and the entry of the FRG in the WEU, French diplomats insisted on “the necessity to avoid giving Germany the impression that France wants to reintroduce controls and verification on behalf of cooperation,” and believed that they “shall therefore limit ourselves to open our projects to German participation.”¹¹⁶ When asked by French diplomats what project could attract German participation, French nuclear scientists, like Mr. Goldschmidt, were reported to be “thinking in particular of opening the French construction of an isotopic separation plant to German participation.”¹¹⁷ It is therefore not surprising that these same French nuclear scientists who served as experts for the Spaak Committee authored a report in November 1955 which concluded that “a strictly economic evaluation of energy problems is not desirable. Even if it seems rational from the economic point of view to obtain cheap nuclear fuels on the market, European states, if they renounced to acquire a direct experience in the development of an industry able to control the whole fuel cycle production process would be relegated to an inferior status.”¹¹⁸ In October 1955, as the State Department reported, the Spaak Committee on atomic energy “maintained that Europe should build its own separation plants, that their construction and operation could be affected profitably in Europe, and that the training given to scientists in this field would be of great value.”¹¹⁹ During a conference between the Department of State and the USAEC on January 25, 1956, the Director of the Policy Planning Staff Robert Bowie reported to John Foster Dulles and Lewis Strauss that he had suggested to Monnet that a European gaseous diffusion facility made little economic sense, but that “Monnet reiterated determination of the Europeans to achieve atomic independence.”¹²⁰ In 1956, when French promoters of

¹¹⁶ MAEF. April 22-25, 1955. « Compte rendu des réunions du au Ministère des Affaires étrangères sous la direction de M. Massigli ». MAEF 000611. Florence: Archives of the European Communities.

¹¹⁷ MAEF. April 22-25, 1955. « Compte rendu des réunions du au Ministère des Affaires étrangères sous la direction de M. Massigli ». Art. Cit.

¹¹⁸ « Une évaluation strictement économique des problèmes n'est pas souhaitable. Même s'il pouvait paraître économiquement rationnel de se procurer des combustibles pour des prix économiquement favorables, les Etats européens, s'ils renonçaient à acquérir une expérience directe dans le développement d'une industrie capable de maîtriser l'ensemble du cycle de production seraient relégués à un statut inférieur ». Comité Intergouvernemental créée par la conférence de Messine. November 1955. « Rapport de la commission de l'énergie nucléaire. Bruxelles, le 5 novembre 1955 ». JMDS-000117. Florence: Archives of the European Communities. The German Minister Ludwig Erhard criticized the primacy of strategic rationales over economic rationale. See : MAEF. February 10, 1956. « Télégramme de Christian De Margerie au MAEF ». MAEF 000111. Florence: Archives of the European Communities.

¹¹⁹ State Department. November 8, 1955. “Telegram from Strasbourg.” JMDS 99. Florence: Archives of the European Community.

¹²⁰ Cited in François Duchêne. Undated. “Memo on Moratorium on French nuclear tests”. Art. Cit.

Euratom (Louis Armand and Francis Perrin) lobbied the French parliament for Euratom, they stressed the need to create an ambitious nuclear industry, which would be able to produce its own nuclear fuel in the future.¹²¹ (The French government gave assurance to the Parliament that Euratom was not incompatible with a French nuclear force: during that very same day, in the French parliament, the President of the Council, Guy Mollet, announced that “Euratom will not be an obstacle toward the possible decision for France to decide to build nuclear weapons”¹²²).

The questions of economic autonomy and symbolic status were not the only ones motivating Europeans build an uranium enrichment plant. Strategic considerations drove their desire to produce H-bombs. As Jules Guéron, the future Director of Teaching and Research for Euratom and the author of its first techno-scientific research program, wrote: “France’s European partners entertained no illusion on the military ambitions of such a project,” because of the “simultaneous pressures by the French to build nuclear power plants using natural uranium as well as an uranium enrichment plant.”¹²³ Their American partners also entertained few doubts about the strategic reasons underlying the European will to gain an enrichment capability. Though the project of a European uranium enrichment plant was met with the loud opposition of the USAEC Chairman, Lewis Strauss, it actually divided experts in the State Department. In December 1955, John Foster Dulles summarized the conditions that the US would impose to support the project: “1. its supranational character; 2. efficient Euratom controls; 3. possible associations with other states and communities; 4. reimbursement of US advances.”¹²⁴ However, Gerard Smith, Assistant to the Secretary of State for Atomic Affairs, pointed out to Dulles that, even though he did not object to the project, “such a plant would be dual-use, and thus Congress would never accept it.”¹²⁵ During a NSF meeting in January 25, 1956, Dulles tried to test the AEC Chairman’s resistance before the President when he requested from Strauss that in the future the USAEC would collaborate with Euratom “beyond legal limits” (as US law prohibited the USAEC to export technologies of uranium enrichment). Strauss interjected, and told the Secretary of State that the US should not help the Europeans to develop their own enrichment capacity, but rather “should propose cheap nuclear fuels to the Europeans in order to avoid that they produce these fuels by themselves.”¹²⁶ Strauss’ opposition on this issue was hard to attack: he had the law behind him, and experts in the State Department knew that Congress was not ready to relax nuclear exports in dual-use technologies. Strauss added that the “AEC objected to any US foot-dragging on bilateral negotiations,” as the AEC “assumed that there were as many doubtful characters involved in Euratom from the security standpoint

¹²¹ Louis Armand. July 1956. « Exposes sur l’Euratom fait a la tribune de l’Assemblée nationale le 5 juillet 1956, » BAC 118/1986 1452. Florence: Archives of the European Communities ; Francis Perrin. July 1956. « Exposes sur l’Euratom fait a la tribune de l’Assemblée nationale le 5 juillet 1956, » BAC 118/1986 1452. Florence: Archives of the European Communities.

¹²² « *Euratom ne sera pas un obstacle à une éventuelle décision française de fabriquer des armes nucléaires* ». Cited in Jean Monnet. 1976. *Mémoires. Op.Cit.* P.492.

¹²³ « *Les partenaires européens de la France ne se faisaient aucune illusion sur les ambitions militaires d’un tel projet* », du fait « *de la pression simultanée des français pour la construction de centrales utilisant l’uranium naturel, et d’une usine de séparation isotopique* ». Jules Guéron. « Lettre à Renou, note sur le livre de Renou ». 3 Janvier 1983. JG-000194. Florence: Archives of the European Communities.

¹²⁴ François Duchêne. “Memo on Moratorium on French nuclear tests”. Art. Cit.

¹²⁵ Gerard Smith. “Telegram to Merchant.” 8 Décembre 1955. *FRUS* (VI-1).

¹²⁶ Cited in François Duchêne, “Memo on Moratorium on French nuclear tests”. Art. Cit.

as were to be found in France generally.”¹²⁷ On February 22, 1956, President Eisenhower announced that the US would deliver 20 tons of nuclear fuels, under UN custody, which the IAEA would manage once they had been put into place. Promoters of the “Atoms for Peace” program in the Eisenhower administration had won their battle. On November 17, 1956, the price of nuclear fuels was even reduced, in order to attain a third of the projected price of the nuclear fuel produced by the future European enrichment plant. At the end of 1956, the opposition against the project expressed by Strauss seemed to have clearly won the day.

Abandoning the project of European participation in the enrichment activities in Pierrelatte (France), however, was difficult for European negotiators, as the recognition of the right to participate in dual-use activities was the strongest incentive that the West Germans had in the Euratom project. Indeed, though the Euratom Community was nominally engaged only in “peaceful” activities, in order to gather the critical support of German socio-democratic parties who had opposed the EDC, it had to define “peaceful” activities broadly, in order to gather the support of the Christian right, who wanted to expand West German nuclear activities. It only excluded purely military activities, which it restricted exclusively to the design and assemblage of nuclear warheads. The fact that France was free to conduct nuclear activities that it could exempt from the jurisdiction of Euratom if it claimed that they were “military” in kind, whereas her partners (especially the FRG and Italy) could not do so, created legal disparities between Euratom’s future member-states. (As previously mentioned, this provision was granted to France by the Spaak Committee in February 1956, in order to accommodate her desire to acquire nuclear weapons.) It contradicted the dearly held principles of non-discrimination and equality between contracting states that the Action Committee had voted for in October 1955.¹²⁸ The FRG feared that France, because of her ability to engage in military nuclear research, would benefit from technological innovations that it would not have to share with the FRG within the framework of Euratom. The FRG thus expressed a strong interest from the start in securing the legal definition of enrichment activities as “peaceful” and therefore under the jurisdiction of the Treaty. The FRG feared, with good reason, that as France was engaged in enrichment activities on its own that it could choose to label as “military,” it would be legally able to deny information to its partners — a privilege not granted to other Euratom countries.

A crucial question thus arose among negotiators in the Spaak Committee: who would decide on how to draw the boundary between “peaceful” and “military” activities in the future? During the meetings of October 20-21, 1956 between the Foreign Ministers of the Six, Von Brentano, the German Minister of Foreign Affairs insisted that “the German delegation does not challenge the Paris Treaty” (whereby Adenauer pledged not to fabricate nuclear weapons on German soil) “but that it insisted on the possibility that some would use the notion of ‘military secret’ to arbitrarily limit the exchange of information between member-states.”¹²⁹ Such a discrimination, the German Minister

¹²⁷ Cited in François Duchêne, “Memo on Moratorium on French nuclear tests”. Art. Cit.

¹²⁸ Comité d’action pour les Etats-Unis d’Europe. October 1955. Art. Cit.

¹²⁹ « *La délégation allemande ne remet pas en cause les accords de Paris, mais insiste sur la possibilité d’utiliser la notion de « secret militaire » pour limiter arbitrairement l’échange d’informations entre Etats-membres* ». MAEF. November 13, 1956. « *Projet de procès verbal de la conférence des affaires étrangères des Etats membres de la CECA des 20 et 21 octobre 1956,* » MAE460f/56mts ou » CM3/NEGOC.0095/ab-a. Florence: Archives of the European Communities.

added, “would be unacceptable. The French Minister of Foreign Affairs, Christian Pineau, offered to consider a moratorium on the fabrication of nuclear weapons, if this moratorium did not prohibit nuclear military R&D — it would thus have lasted enough time for France to achieve its testing capability. Pineau added that he was ready to agree to limit the definition of “military activities accepted by Euratom member-states solely to the fabrication of nuclear warheads.”¹³⁰ At last, the French Minister proposed to let the Euratom Commission delimit the boundary between “peaceful” and “military” activities, and the Italian Minister proposed to create the legal notion of a “Community military secret.”¹³¹ The Germans refused to let the future Euratom Commission remain in charge of the definition of this boundary between “military” and “peaceful,” as they feared that the President of the Commission, a Frenchman, would arbitrate in France’s favor. Von Brentano rejected these solutions, arguing that the notion of a “military Euratom” was against the views of his government, and because it would risk engendering too broad an extension of the military domain.”¹³² In December 1956, the Germans thus reiterated their criticism against the direction offered by the French. For them, only their participation in the construction of the uranium enrichment plant in Pierrelatte would secure the recognition by France of their right to access dual-use technologies.¹³³ They argued against restricting the techno-scientific program of Euratom to the development of nuclear power plants. At the end of 1956, the conciliation between US, French and German seemed to have reached a dead-end.

5.3.2. Three Very Wise Men: The Faked Abandonment of the European Uranium Enrichment Plant

The strategy of obscurity chosen by Jean Monnet and the State Department succeeded in overcoming these difficulties. Monnet organized the Three Wise Men’s visit to the US in January 1957 in large part to re-orient the USAEC engineers and scientists’ perceptions of Euratom’s techno-scientific program. Until then, the official program for Euratom was the one presented by Perrin before the French Parliament, which included the “Euratomization” of the French enrichment plant. Monnet used the Three Wise Men’s visit as an opportunity to soften the American techno-scientific community’s opposition to European enrichment projects . When chosen by the countries of the OEEC to write a report in March 1955 on possible European collaboration in the nuclear field, Louis Armand, in contrast to the authors of the Spaak report for Euratom, had expressly endorsed the primacy of economic rationality when evaluating the merits of future

¹³⁰ « *Limitation extrême de ce qui serait considéré comme « secret militaire » aux seuls aspects techniques concernant « l’ogive nucléaire »* . MAEF. Novembre 13,1956. « Projet de procès verbal de la conférence des affaires étrangères des Etats membres de la CECA des 20 et 21 octobre 1956, » Art. Cit.

¹³¹ « *secret militaire Communautaire* » . MAEF. Novembre 13,1956. « Projet de procès verbal de la conférence des affaires étrangères des Etats membres de la CECA des 20 et 21 octobre 1956, » Art. Cit.

¹³² « *secret militaire Communautaire* » . MAEF. Novembre 13,1956. « Projet de procès verbal de la conférence des affaires étrangères des Etats membres de la CECA des 20 et 21 octobre 1956, » Art. Cit.

¹³³ MAEF. Conférence intergouvernementale pour Euratom. December 13, 1956, « groupe de l’Euratom : projet de procès verbal », MAEF822f/56gd MAEF Traité de Rome 608. Florence: Archives of the European Communities.

European scientific collaborations.¹³⁴ Even though Armand had initially defended the project of an European enrichment plant, his economic logic could be used to re-orient the program. In Armand's opinion, Europeans should not have let questions of prestige overrun economic advantages gained from easy access to cheap American nuclear fuels. The fact that Monnet chose him to conduct the Three Wise Men in the US was a signal sent to the Americans that Euratom would abandon its project of building a European enrichment plant.

In January of 1957, the Three Wise Men (Armand, Etzel, Giordani) told the Americans that they would advocate in their report that the future Euratom Commission buy five US-type nuclear power plants and one UK-type nuclear power plant. All six would be fueled by fissile materials imported from the US and UK rather than those produced on the continent, provided they benefited from fuel supply guarantees. During their visit, Strauss assured them that "the United States will be able to guarantee nuclear fuel procurement for Europe for the goal considered by the Three Wise Men of producing 3 million KW/h/year."¹³⁵ Armand, Etzel and Giordani promised Strauss in turn that they would drop the construction of the uranium enrichment plant from their recommendation to the future Euratom Commission and would choose to develop nuclear power plants, abandoning the program of R&D in prototype reactors that Jules Guéron, the future Director of Teaching and Research in Euratom, had proposed to the Euratom Commission.¹³⁶

Some American scientists were skeptical about the ability of Euratom to produce an adequate amount of electricity with nuclear energy. Henry D. Smyth — a professor of physics at Princeton and author of the famous 'Smyth report' of 1946, which declassified the scientific knowledge from the Manhattan Project — declared that the "USAEC should first send American experts to know what is known, and what is unknown on technology" before committing the US and Euratom to a joint program.¹³⁷ Scientists like Smyth favored the proposal written by Jules Guéron in the Annex V of the Euratom Treaty of March 1957, which recommended starting with a Community program of R&D on prototype reactors. But the Three Wise Men did a tremendous job of obscuring Euratom's real program. In June 1957, when Jules Guéron, in his capacity as Director of Teaching and Research for Euratom, met with the industrial and scientific American communities, he observed that Monnet's emissaries in the US had succeeded in convincing both Senators and USAEC administrators that theirs was to be the official techno-scientific program for Euratom.¹³⁸ As he wrote: "among all the Americans whom I met, a false idea is shared by everyone. In a schematic and caricatured way, I can sum it

¹³⁴ Edwin Shaw. 1979. *The Three Virtues: A History of the Dragon Project (1959-1976)*. JG-000218. Florence: Archives of the European Communities.

¹³⁵ « *Les Etats-Unis pourront assurer l'approvisionnement en combustibles nucléaires pour le but considéré par les Trois Sages de produire par an* ». Max Kohnstamm. February, 1957. « Compte-rendu des réunions du comité des trois sages » MK-000007. Florence: Archives of the European Communities.

¹³⁶ See Jules Guéron. January 3, 1983. « Lettre à Renou, note sur le livre de Renou ». JG-000194. Florence: Archives of the European Communities. Guéron also abandoned the project of uranium enrichment plant.

¹³⁷ « *D'abord envoyer des experts américains en Europe pour savoir ce qui est su, et ce qui ne l'est pas, sur la technologie* ». Max Kohnstamm. 26 Juillet 1967. Memo, Bruxelles. MK-000046. Florence: Archives of the European Communities.

¹³⁸ On February 6, 1957, they met with members of the JAEC (Senators Pastore, Anderson, Hickenlooper, Gore et Cole) and members of the USAEC.

up in four points: a. Euratom is an integral pooling together of all the atomic resources of the Six; b. the Three Wise Men represent the executive branch of Euratom; c. the report of the Three Wise Men is the official program of Euratom; d. the Euratom Commission is comprised of the Three Wise Men.”¹³⁹ The AEC engineers and administrators had every reason to believe that they had won the day and that President Eisenhower’s pricing policy for enriched uranium had discouraged the Europeans from undertaking the construction of their enrichment plant.

In reality, this was far from what the Europeans were secretly negotiating. In January 17, 1957, at the same time as the Three Wise Men were touring the US, French and West German Ministers signed the Colomb-Béchar agreement, which fixed the terms of a secret collaboration in weapons production extending to missiles, and according to historians, to nuclear weapons as well.¹⁴⁰ France and the FRG extended this bilateral agreement to Italy in November of 1957. These “tripartite agreements” of November 25, 1957 “concerned, in order of priority, production in aeronautics, missile technologies, and the military applications of nuclear energy,” and called on the three countries “to promote a joint program of weapons production leading to: a. a standardization of weapons; b. the rational use in common of research and development centers and research and development capabilities; c. the rational use in common of industrial capabilities for their fabrication.”¹⁴¹

The story of this tripartite agreement, when mentioned at all, is only told from the point of view of NATO; it is never placed in its proper context, within the European integration movement, at a time of ongoing negotiations with the US about the acceptability of the Euratom Treaty.¹⁴² It is in this European context that we can best

¹³⁹ « Parmi tous les Américains que j’ai rencontrés, une idée fautive est partagée par tous. De façon schématique et caricaturale, on peut la résumer en quatre points : a. Euratom est une mise en commun intégrale des ressources atomiques des Six ; b. Les Trois Sages représentent l’exécutif d’Euratom ; c. Le rapport des Trois Sages est le programme officiel d’Euratom ; d. La Commission rassemble les experts des Trois Sages ». Jules Guéron. July 1957. « Note sur la visite aux Etats-Unis ». JG.000212. Florence: Archives of the European Communities.

¹⁴⁰ George Henri Soutou. 1994. “Les accords de 1957-1958 : vers une communauté stratégique et nucléaire entre la France, l’Allemagne et l’Italie.” Pp. 123-163 dans *La France et l’atome : Etudes d’histoire nucléaire*, édité par Maurice Vaïsse. Bruxelles: Bruylant P.156. Soutou claims that even though nuclear weapons were not mentioned in the Colomb-Béchar agreements, the fact that they were signed on a nuclear weapons test site by a German Minister who was specialist of nuclear affairs, and had long been an advocate of nuclear weapons production for the FRG makes it clear. Besides, the tripartite agreements of November 1957 use the same wording and extend the Colomb-Béchar agreements to Italy and to nuclear weapons production.

¹⁴¹ *Ils « concernaient en priorité, la production dans les domaines de l’aéronautique, dans la technologie de missiles, et les utilisations militaires de l’énergie atomique » et appelaient les trois pays à « promouvoir un programme d’armements communs conduisant : a. une standardisation de ces armements ; b. à l’utilisation rationnelle en commun des centres et moyens de recherches, d’essais et d’expérimentation des trois pays ; c. à l’utilisation rationnelle en commun des ressources industrielles pour les fabrications ».* MAEF. Entretiens Généraux. Protocole secret entre les Ministres Français, Allemand, Italien de la défense. MAEF 000019-21. Florence: Archives of the European Communities.

¹⁴² See Colette Barbier. 1994. “Les négociations franco-germano-italiennes en vue de l’établissement d’une coopération militaire nucléaire au cours des années 1956-58.” *Revue d’histoire diplomatique*. 1-2. And: George Henri Soutou. 1994. “Les accords de 1957-1958 : vers une communauté stratégique et nucléaire entre la France, l’Allemagne et l’Italie.” Art. Cit.. See also Marc Trachtenberg. 1999. *A Constructed Peace*. Op. Cit. who, building on the two others, offers the best narrative on the relationship between the tripartite agreements and NATO reform.

understand why these secret bilateral (Franco-German) and later trilateral (Franco-German-Italian) agreements ultimately led to the secret opening of a French enrichment plant in Pierrelatte, with German and Italian participation, in April of 1958. The bilateral agreement of Colomb-Béchar signed in January 1957 and the tripartite agreements of November 1957 served a clear function for both Germans and Italians within the Euratom Community. As previously mentioned, the Germans had refused the guarantee offered by the French Minister of Foreign Affairs in the Spaak Committee in October 1956, which stated that the French would not benefit from their ability to extract information on nuclear activities from the public Euratom domain by arbitrarily manipulating the boundary between “peaceful” and “military” activities. The Germans, however, welcomed the following guarantee: the French would have to sign a cooperation agreement extending to nuclear military activities (which would also include the other major partner in Euratom, Italy). Indeed, if France claimed that some information was restricted and “military” and thus not shareable with the other Euratom partners, the Germans could counter with the Colomb-Béchar agreement and subsequent tripartite agreements, which stated that France had to share military nuclear knowledge as well with the FRG and Italy. These Franco-German bilateral agreements were extended to Italy after the signature of the Euratom Treaty in March 1957, at precisely the time when the Euratom Community started cooperation. It is necessary to remember that the voting rights within the Euratom Commission were so constituted that if the big “Three” in the Council of Ministers (France, the FRG and Italy) agreed, they gained the qualified majority for decisions requiring majority rule. After the French and Germans signed the Colomb-Béchar agreement of January 1957, they could accept the whole package deal made up of the Common Market and Euratom Treaties. The Germans chose to not build a guarantee against the possibility that France would adopt free-riding strategies into the Euratom Treaty itself. They preferred to seal their guarantee in another secret agreement.

Here we see that, far from abandoning the prospect of conducting dual-use activities, Euratom partners simply hid them deep in secrecy. At a time when the USAEC adamantly opposed any form of European participation in enrichment activities and advanced their support of Euratom on the condition of the abandonment of their enrichment program, the Europeans had no choice but to make this participation secret, and to reveal it only after the signature of the US-Euratom bilateral agreement. This was clearly part of their strategy. Even though we lack written memos explicitly on the question (for understandable reasons!), the sequence of events is helpful to reconstruct the manner in which this strategy of enunciation — which took the form of obscurity and secrecy — was built. Finally, the tripartite agreements were transformed into an executive decision by the French government of Félix Gaillard when, in April 1958, he signed a treaty with the FRG and Italy (prepared by the three Defense Ministers, Chaban-Delmas, Strauss et Taviani) which opened participation in the R&D and industrial activities of uranium enrichment in Pierrelatte to the West Germans and Italians. Enriched fuel would serve military purposes. It would be used for the future European nuclear force, which would revive the framework of the European Defense Community (EDC), which the treaty drafters had supported in the past. Indeed, the highly enriched uranium (HEU) that the three “big” powers in Euratom planned to produce in Pierrelatte would constitute the basis of a European nuclear force of H-bombs, on the integrated

model of the EDC.¹⁴³ This secret treaty of April 1958 planned that France and the FRG would share 45 per cent of the costs of Pierrelatte's construction, and Italy the remaining 10 per cent: these percentages would grant each nation voting rights concerning the use of the future European nuclear force.¹⁴⁴

The existence of these secret treaties shows that the member-states of Euratom had not abandoned their plans to participate in the development of enrichment techniques. The Euratom Treaty signed in March 1957 and the tripartite treaties signed in November 1957 led to the "Europeanization" of Pierrelatte in April 1958. All these treaties were signed by the same men.¹⁴⁵ Furthermore, the same language that the tripartite agreement used to speak of the need for "the development in common of research centers" in nuclear military activities, as well as the need to "harmonize strategy," will be used by the same European promoters of Euratom and future plans of integrated Europe, like the MLF in the 1960s.¹⁴⁶ These historical indices suggest that European integration in military nuclear activities was indeed a priority for the promoters of the Rome Treaties. But the negotiators of these treaties concealed their intentions from the USAEC and US Congress, at a time when the newly established Euratom Commission was still negotiating with the US government to maintain full sovereignty over the control of fissile materials circulating within its territory. If Lewis Strauss believed that Eisenhower's pricing policy had convinced the Europeans not to engage in enrichment activities (even for military purposes), he was deeply mistaken.

5.3.3. The Involvement of the State Department in the Strategy of Obscurity (1957-1958)

It remains to be known whether the State Department and the US President were kept informed of these European secret undertakings. Another possibility is the President and Secretary of State kept them secret from the US Congress and the USAEC, to prevent them from torpedoing the ratification of the US-Euratom bilateral agreement. French historians have favored the former interpretation: George Henri Soutou, for instance, discussing these tripartite agreements of November 25, 1957, writes that "we are stunned by the secrets and lies that these European countries proffered before the Anglo-Saxons."¹⁴⁷ Despite the agreements' preamble stating that "the signatories of the

¹⁴³ George Henri Soutou. 1994. "Les accords de 1957-1958 : vers une communauté stratégique et nucléaire entre la France, l'Allemagne et l'Italie." Art. Cit. p.157.

¹⁴⁴ Besides, at the same time as the French agreed to open participation of the FRG in the development of enrichment technologies, the FRG signed a contract to buy French Mirages III and IV, which had nuclear weapons capacity; and they signed an agreement to develop jointly nuclear submarines.

¹⁴⁵ The tripartite agreements were signed in France by the Président du Conseil, Félix Gaillard (former author of second plan for the CEA, and former participant, as an expert, to the Spaak Committee), le Minister of Foreign Affairs, Christian Pineau (who participated as Minister of Foreign Affairs in the Spaak Committee), the Minister in charge of European Affairs, Maurice Faure (who signed the two Rome Treaties with Christian Pineau), and the Defense Minister, Chaban-Delmas.

¹⁴⁶ See Max Kohnstamm. October 9, 1964. « Question relatives aux aspects politiques de la M.L.F. », MK00041. Florence: Archives of the European Communities; or Max Kohnstamm. October 25, 1964. « Mémoire sur le processus d'évolution des rapports des Etats-Unis et de l'Europe dans les question nucléaires (MLF) ». MK00041 . Florence: Archives of the European Communities.

¹⁴⁷ « Nous sommes frappés par le secret et les mensonges que ces pays proféraient à l'égard des Anglo-Saxons ». George Henri Soutou. 1996. *L'alliance incertaine*. Op. Cit. P:124.

tripartite agreement will keep the authorities in NATO and in the WEU informed of the specific cooperation agreements which become conclusive,”¹⁴⁸ Soutou claims that the extent to which the American and British allies’ knowledge was minimal. But a great deal of evidence suggests that the second interpretation is the truer one, and that the US State Department and the British cabinet were kept informed of these agreements, and that they approved both their existence and their secrecy. Already in June 1956, when the French and West Germans had not yet agreed to sign a military cooperation agreement outside the Euratom Treaty, the Secretary of State was sent a telegram informing him of the following:

Generally, the Six Countries of the ECSC were in favor of the Euratom plan while other members of the Council of Europe thought the plan outlined by OEEC would be preferable. The possible military applications were specifically excluded from the OEEC plan. [...] Maurice Faure visited London June 15, 1956, to inform UK regarding the French views on Euratom. The French desirous UK to participate. He emphasized military use of atomic energy is important. Internal political consideration for French solution will have to be found in projected community for ultimate manufacture of atomic weapons. We are told British officials expressed sympathy for Euratom but UK preferred OEEC approach.¹⁴⁹

According to the American historian Marc Trachtenberg, President Eisenhower, when informed of the tripartite agreements during the NATO meetings of December 1957, told his European informants that he did not see any problem with them “as long as work would go along within the Atlantic framework.”¹⁵⁰ According to Konrad Adenauer’s biographer, the German Chancellor also told John Foster Dulles of the tripartite agreements in December 1957¹⁵¹; and the Secretary of State is reported to have expressed his support for the project as long as cooperation with Europe’s Atlantic nuclear partners (US, UK and Canada) was not ruled out, and as long as Europeans restricted their activities in nuclear weapons production to research and development.¹⁵²

It is very likely that the Secretary of State intended the tripartite agreements to initiate the basis for an Atlantic nuclear authority, which could later undertake the joint fabrication between Americans and Europeans of an Atlantic nuclear deterrent. Gerard Smith, then John Foster Dulles’ Assistant for Atomic Affairs, declared that:

In 1957, we developed a concept that we called NACNA in the Policy Planning Staff – which stood for North Atlantic Nuclear Authority – and that would have been a very ambitious project where on a joint basis the North Atlantic Nations would have manufactured nuclear weapons, held them jointly in custody, jointly, operated nuclear weapons systems. There is a paper in the files showing Dulles as

¹⁴⁸ « *Les organes de l’OTAN et de l’UEO seront informés de l’existence des accords spécifiques qui seront conclus* ». MAEF. Novembre 26, 1957. « Communiqué du 26 novembre 1957 ». Art. Cit.

¹⁴⁹ State Department. June 20, 1956. “Telegram from London.” JMDS 99. Florence: Archives of the European Communities.

¹⁵⁰ Marc Trachtenberg. 1999. *A Constructed Peace: The Making of the European Settlement*. Op. Cit. P. 206.

¹⁵¹ Hans-Peter Schwartz. 1992. “Adenauer, le nucléaire et la France.” *Revue d’histoire diplomatique*. 4.

¹⁵² Cited in George Henri Soutou. 1996. *L’alliance incertaine*. Op. Cit. P. 193.

having studied the paper, and saying he agreed with it, [...] but we were never able to get that thing off the ground. It evolved in Chris Herter's time into the proposal that we made in December 1960 to the North Atlantic Council for what now is called the MLF. But Dulles was very favorably inclined to some new structure for spreading the responsibility for nuclear weapons among the NATO power. I think he was especially sensitive to the fact that the Germans had to be given some sort of a more responsible role, especially since we were helping the English directly in nuclear weaponry. [...] He also told me that he had talked to Adenauer about it, and Adenauer had approved of it.¹⁵³

The French government also kept the British informed of the tripartite agreements. The day after the French signed the tripartite agreements, they told the British premier that "they insisted on sharing the fabrication, the knowledge and research in all nuclear matters, and that they would take extreme care not to let doubts arise on the continent about the intentions of states possessed of nuclear weapons."¹⁵⁴

Furthermore, at the end of 1957, during the days preceding the signature of the tripartite agreements (which planned the tripartite integration of missile construction), both the US State Secretary and the British Premier agreed to start immediate planning for future collaboration with the Europeans on missile construction, on an integration basis. During negotiations between the French Minister of Foreign Affairs, Christian Pineau, and US Secretary of State John Foster Dulles, Dulles "told the French Minister that a joint program of missile construction necessitated legal changes for which the US Congress was not yet ready," but that "the US government intended to give their industrial plans to their European allies so that European engineers could study them, as it would be absurd,"¹⁵⁵ according to the Secretary, "for you to engage in costly and difficult research whereas we have already done important work." The French Minister proposed, and the US Secretary of State agreed, that Europeans "should be given all the information that the Russians already possess."¹⁵⁶ After this meeting with the Secretary of State, the French Minister of Foreign Affairs told officials of the US Defense Department that they had considered "exploring the principle of cooperation in missile

¹⁵³ Gerard Smith. October 13 1965. "Interview with Philip Crowl." John Foster Dulles Oral History Project. Princeton University: Mudd Library.

¹⁵⁴ *Il fallait « répartir également les fabrications, les connaissances sur l'ensemble des recherches nucléaires et prendre le plus grand soin de ne pas laisser se développer sur le continent des doutes à l'égard des intentions des pays déjà dotés d'armements atomiques »*. MAEF. November 26, 1957. « Communiqué sur la rencontre avec Macmillan, pour le Président Pineau ». MAEF 000019-21. Florence: Archives of the European Communities.

¹⁵⁵ « *Mr Dulles a dit qu'un programme de fabrication d'engins nécessiterait une série de dispositions législatives et administratives pour lesquelles le Congrès n'est pas encore prêts* », mais qu' « *en revanche, le gouvernement américain envisage de remettre à ses alliés des plans industriels afin que les ingénieurs européens puissent les étudier et y apporter leur contribution* ». *Dans l'esprit de Foster Dulles, pour qui la distinction « ami/enneemi » était au principe des relations internationales, « Il serait absurde que vous entrepreniez maintenant des recherches difficiles et coûteuses alors que nous déjà fait des travaux importants »*. MAEF. November 20, 1957. « Communiqué à Ambassade de Washington, questions militaires, le 19 novembre 1957, de la part du Président Pineau ». MAEF 000019-21. Florence: Archives of the European Communities.

¹⁵⁶ « *Avoir tous les renseignements que les Russes possèdent déjà* ». MAEF. November 20, 1957. « Communiqué à Ambassade de Washington ». Art. Cit.

construction beyond R&D toward fabrication.” (even though missile construction by the FRG was forbidden by the Paris Treaty of October 1954).¹⁵⁷ The French informed them that they had included the West Germans in the discussions, as “when they talked about joint development, they estimated that it was necessary to associate their European partners in the project, especially the Six.”¹⁵⁸ The US Deputy Secretary of Defense, Don Quarles, told the French that this would not raise a problem, as the “weapons would not be owned on a national basis, but would be Atlantic weapons.”¹⁵⁹ Quarles, presenting a different mindset from the US Secretary of State, said that “even though, in practice, the US preferred to sign bilateral agreements over engaging in multilateral agreements,” (a preference which was more of a personal opinion than that of the President), “we would consider concluding a bilateral agreement between the US on one side, and an integrated Europe on the other side.”¹⁶⁰ This was exactly the same sort of agreement that Euratom and the US were negotiating at that time, and that would eventually be ratified by the US Congress in August of 1958.

Thus, placed in this context, it becomes clear that the Eisenhower administration viewed the Euratom Treaty as the tip of the iceberg of nuclear cooperation agreements that they hoped to sign in the future, when Congress would be better prepared. In the minds of both State and Defense Department, the US-Euratom agreement would initiate (a series of bilateral agreements between the United States on one side, and the Six European countries on the other. The first one would be the US-Euratom bilateral Treaty on civil nuclear cooperation (ratified in August 1958); the second could have been a US-European Union bilateral treaty on missile construction; and the third could have been a US-European Union treaty on military applications of nuclear energy.

In fact, it is not surprising that while the State Department was informed of these secret plans and welcomed their signature, it also encouraged the Europeans to keep these agreements secret. Indeed, at a time when the State Department and the White House were pressuring the USAEC to complete negotiations with Euratom over the signature of a US-Euratom bilateral agreement in civil nuclear cooperation, it was essential that the Euratom Community looked as peaceful as possible. Hence, if the State Department was aware that the Europeans gathered in the Euratom Community planned to initiate common enrichment activities as well as future military nuclear activities, it had no choice but to clearly instruct the Europeans to hide their dual-use and military projects. And if we lack evidence that the State Department instructed the Europeans to keep these agreements secret (as they did for nearly forty years), we find ample evidence that State Department officials advised Euratom negotiators on the type of techno-scientific

¹⁵⁷ « Pour le département de la défense, le principe de coopération doit pouvoir déborder du domaine de la recherche fondamentale et s'étendre à celui de la recherche appliquée et des fabrications ». MAEF. November 20, 1957. « Communiqué à Ambassade de Washington ». Art. Cit.

¹⁵⁸ « Lorsque nous envisageons un travail en commun nous estimons nécessaires d'associer étroitement nos partenaires européens, en particulier les Six ». MAEF. November 20, 1957. « Communiqué à Ambassade de Washington ». Art. Cit. This program of missile construction concerned missiles that could strike within Russian territory (the French had made that clear, and Don Quarles had agreed),

¹⁵⁹ « Dans l'esprit des US, ces armes n'auront pas un caractère national mais devront être des armes atlantiques ». MAEF. November 20, 1957. « Communiqué à Ambassade de Washington ». Art. Cit.

¹⁶⁰ « Mr. Quarles a répondu que dans la pratique, les US préféraient les accords bilatéraux aux multilatéraux mais que l'on pourrait considérer la conclusion d'un accord à plusieurs sous une forme bilatérale, entre les US d'un côté, et certaines puissances européennes de l'autre côté ». MAEF. November 20, 1957. « Communiqué à Ambassade de Washington ». Art. Cit.

program that was likely to secure USAEC approval. Indeed, they maintained pressure on the Action Committee (and the Three Wise Men) to continue to restrict the Euratom program to an ambitious yet completely peaceful nuclear power program, asking them to buy 5 American power reactors and one British power reactor. Reporting on his visit with Monnet, Kohnstamm and Armand in December 1957, Philip Farley told the US State Secretary that;

We agreed that the best course of action would be as follows: Armand would get agreement in principle from the Euratom Commission that Euratom ought to undertake a power demonstration program for the construction of a million KW by a given date. Kohnstamm thought this could be done very quickly. Monnet, in connection with his trip to Washington could outline this program and say to the Secretary and Admiral Strauss that Euratom was determined to undertake such a program. He might point out that in order that the US could determine its interest in the program, a “prospectus” would be necessary. He would invite the US to provide experts to aid Euratom in working up the prospectus. Their function would be of course carefully defined so as not to in any way commit the US or prejudice the decision as to the undertaking of the program. On the basis of the prospectus, Armand could then later explore the possibilities of US participation.¹⁶¹

Robert Schaetzel, the Special Assistant to the State Secretary on European Affairs, also dismissed the advice of Arnold Kramish, an outside consultant hired by the State Department to report on the Euratom power program, who had found that the “Three Wise Men’s industrial program was too ambitious,”¹⁶² and who had instead backed Guéron’s joint R&D program of reactor prototype development (which had been recommended by Jules Guéron since 1956, and which the Euratom Commission would ultimately choose after the signature of the US-Euratom bilateral). For Robert Schaetzel, the ambitious program of nuclear power development was credible because “the European need for energy alternative was more acute, due to increased imports of oil and mounting unrest in Middle East” and “because the Russian satellite showed the need for closer European-US connections, for faster pace European integration.”¹⁶³ Schaetzel told the members of the Action Committee that the Euratom Commission should tell the USAEC that it would have the “immediate goal of 1,000 MW nuclear power demonstration program, with \$150 million raised from industry, and \$200 million that would come from Euratom (raising \$100 million) and US the other \$100 million; fuel would be \$100 which might be leased or financed on long-term basis.”¹⁶⁴ As Schaetzel told Kohnstamm, “it draws on right of AEC opinion by suggesting a demonstration program which uses American money with limited AEC money put in; it avoids abstract and theoretical US-Euratom negotiation and allows time to consider longer-range

¹⁶¹ Philip Farley. December 23, 1956. “Memo to Dulles.” MK-000014. Florence: Archives of the European Communities.

¹⁶² Arnold Kramish, November, 18 1957. “Euratom: First phase: Financial evaluation of costs.” MK-000014. Florence: Archives of the European Communities.

¹⁶³ Robert Schaetzel. January 1958. “Memo to Max Kohnstamm”. JMDS-000120. Florence: Archives of the European Communities.

¹⁶⁴ Robert Schaetzel. January 1958. “Memo to Max Kohnstamm”. Art. Cit.

questions of US relations with Euratom; the clean tangibility of the proposal eases and puts into place the other difficult questions such as safeguards, safety, insurance, etc.”¹⁶⁵ In short, Schaetzel told Kohnstamm (who, while still serving as vice-president of the Action Committee, had become vice-president and negotiator for Euratom) not only which carrots would create incentives for Lewis Strauss, but also exactly how he should enunciate the plan: (by getting US experts on board, by discussing the question of controls only as a side question, etc.). As Schaetzel told Kohnstamm in December 1957, the “US will not provide any substantial help if the Euratom program is to be transformed into a R&D program on prototype reactors”¹⁶⁶ Hence, even though the Euratom Commission might break its promise once the US-Euratom bilateral treaty was signed, it had to present this techno-scientific project to the USAEC and Congress in order to sketch Euratom as both economically advantageous for the US nuclear industry, on the one hand, and strategically inoffensive to Congressmen who opposed giving away nuclear weapon-related secrets to the Europeans, on the other.

Conclusion

In order to analyze the genesis of supranational politico-legal constructions like Euratom, social scientists have to accept that they are working on a blurred object, whose internal content and external boundaries bear different meanings. These meanings are sometimes obscured for pragmatic reasons, sometimes clarified for strategic purposes. Haziness constituted the Euratom project, and this haziness was constructed through a long process of enunciation, which extended from the compartmentalization of diplomatic circuits to the silences and half-lies that its European and American promoters preserved regarding its long-term strategic goals and the polysemy of the legal concepts chosen by the legal experts and treaty drafters. Neither American nor European experts hesitated to obscure the meanings of key legal procedures and scientific programs in order to avoid facing public controversy. This strategy of obscurity was created in collaboration between members of the Action Committee for the United States of Europe and the US State Department. For them, the construction of a European federation was the only way to overcome old nationalist struggles on the continent and to ensure West European defense against the Soviet menace, by giving the European “people” the means to ensure their own defense within the Atlantic framework in the long run (including their nuclear defense). At the time, the US Congress opposed any sovereignty transfer in the nuclear field from the US to a federally integrated Europe or a higher Atlantic authority; the Congress wanted Americans to keep their monopoly on R&D planning, control of fissile materials, elaboration of nuclear strategy, and the decision to fire nuclear weapons. For President Eisenhower, faced with the “unconstitutional limits that the Senate imposed”¹⁶⁷ on him (as he put it to Spaak in October 1960), , obscurity, polysemy, secrecy were the necessary evils that he and his Secretary of State had to choose from in order to achieve their European Grand Design. This chapter has shown that the institutional isomorphism between two “federal communities” (American and European)

¹⁶⁵ Robert Schaetzel. January 1958. “Memo to Max Kohnstamm”. Art. Cit.

¹⁶⁶ Robert Schaetzel. December 17, 1957. “Letter to Max Kohnstamm.” MK-000014. Florence: Archives of the European Communities.

¹⁶⁷ Marc Trachtenberg. 1999. *A Constructed Peace*. Op. Cit. P. 195-198.

that was recognized and sealed with the US-Euratom treaty was an artificial construction from the very beginning¹⁶⁸

From the point of view of American history, this episode illustrates how American policy-makers' conceptions of supranational communities changed with the arrival of a new Republican administration in 1953. Important differences existed between the philosophical and ideological justifications for the Acheson-Lilienthal supranational plan of 1946 and the Euratom plan of 1957. It also showed how the transatlantic networks that supported these two visions differed. But perhaps more important than the ideological changes in the way supranational communities were conceived were the ways in which these plans were enunciated. Enunciation shifted from the policy of candor that Robert Oppenheimer¹⁶⁹ advocated in nuclear foreign policy to the policy of deceit adopted by the Eisenhower administration. In one sense, with the signature of the first treaty in March 25, 1957 instituting a supranational nuclear authority, and the subsequent sovereignty transfer on controls from the USAEC to the Euratom Community represented the revenge of the former promoters of a (world) supranational sovereignty on nuclear matters, like David Lilienthal and Robert Oppenheimer, on US Senators and AEC administrators like Lewis Strauss who had fought their supranational plans so vigorously. But the success of this partial transfer of American sovereignty in the nuclear domain had been obtained thanks to a complete reversal in the strategy of enunciation followed by liberal democrats like Lilienthal or Oppenheimer by republicans like Eisenhower and Dulles. Whereas Lilienthal and Oppenheimer called for a policy of candor in international relations as a preliminary means before supranational communities could be instituted, Eisenhower and Dulles chose to obscure the legal sovereignty transfers that took place when the US signed the bilateral treaty with Euratom. It is interesting to note that Robert Schaetzel, wrote to Max Kohnstamm, a few days after the US-Euratom agreement came into force, that he "had the pleasant surprise to meet David Lilienthal, who wanted to know more about the bilateral agreement." As Schaetzel wrote, Lilienthal was "extremely enthusiastic and he simply regretted that the political aspect of this deal had not received the place it deserved in Congressional debates."¹⁷⁰ However, success depended on concealing the political goals sought after by the US President and his State Secretary.

In general, this episode suggests that if international negotiators of the Euratom Treaty had followed the strategy of enunciation that rationalist philosophers like Habermas prescribe in moments of constitutionalization of new orders, their efforts of constitution-making would have been doomed to fail.¹⁷¹ There is then no easy way to

¹⁶⁸ Hence, in contrast to neo-institutionalist like John Meyer, who believe that international actors show deeply felt "mimetic desires" to imitate leading Western nations, I propose to talk of "strategic mimetism," a concept which captures the idea that actors fake the desire to institute identical institutions as the West in order to get the approval (and the goods that come with it) from the leading Western nations. See : John W. Meyer, John Boli, Thomas, George M., Ramirez, Francisco O. 1997. "World Society and the Nation State." Art. Cit.

¹⁶⁹ Grégoire Mallard. 2006. "Quand l'expertise se heurte au pouvoir souverain : La nation américaine face à la prolifération nucléaire, 1945-1953." *Sociologie du Travail*. 48(3). Pp. 367-389.

¹⁷⁰ Robert Schaetzel. November 14, 1957. "Letter to Max Kohnstamm." MK-000014. Florence: Archives of the European Communities.

¹⁷¹ Jurgen Habermas. 1990. *Moral Consciousness and Communicative Action*. Translated by Christian Lenhardt and Shierry Weber Nicholsen. Cambridge, Massachusetts: The MIT Press. Jürgen Habermas.

commensurate the means with the ends of constitution-making: though the creation of a supranational order might be undertaken with the goal of furthering dialogue between peoples, the example of Euratom shows that the most effective way to institute such a supranational community is often through deception and lies to these same peoples. This chapter thus unearths a dilemma, more than an easy lesson, to students of sovereignty transfers. On the one hand, it seems that, during moments of constitutionalization of a new supranational order when a sovereign constituent power emerges and claims the legitimacy to give a new constitution to the world, this constituent power's only chance of success in breaking down the resistance of powerful existing powers nation-states is to adopt a strategy of enunciation which privileges obscurity, secrecy and legal polysemy. But on the other hand, the new constitution then rests on fragile grounds as it depends on the active interpretation that constitution-makers gave of this new order, and the new order lasts no longer than the framers' maintenance of power.

From the perspective of European history, this strategy of obscurity was not without cost, since its success was predicated on a continuity in action which, when General de Gaulle came back to power in May 1958, was suddenly disrupted. The tripartite agreements were immediately cancelled after de Gaulle's return to power. The French General made this decision during the first meeting of the Conseil de Défense in June 17, 1958. The decision was relayed to the West German Minister of Defense Franz Strauss (who had signed the Colomb-Béchar and tripartite agreements) by the new French Minister of the Armies, Pierre Guillaumat, in July of 1958.¹⁷² The West German Minister, according to French historians, was reported to have told the French General Lavaud that only the nuclear aspects of the treaties interested the Germans; to calm his fury, Lavaud proposed to continue joint-participation in dual-use activities, like enrichment R&D. But the French President immediately vetoed West German and Italian participation in the French uranium enrichment activities in Pierrelatte.¹⁷³ The West Germans paid the price for the strategy of secrecy, obscurity and compartmentalization that had been chosen by the promoters of Euratom. From this point on, President Eisenhower and Jean Monnet's Grand Design for Europe met the powerful resistance of General de Gaulle's nationalist creed.

1991. *The Structural Transformation of the Public Sphere: An Inquiry into a Category of Bourgeois Society*. Cambridge: the MIT Press.

¹⁷² Pierre Guillaumat had participated to the Spaak Committee of experts, but Jules Guéron wrote about him that, “Guillaumat, as many others, believed (I think) to the end that negotiations would fail, that the treaty would not be ratified. In this sense, I feel he was against Euratom; but he was for it (with nuances) once the thing existed.” January 24, 1963. See Jules Guéron. Letter to Lawrence Sheinman, JG 000130. Florence: Archives of the European Communities. See also Guillaumat's opposition in : MAEF. April 26, 1955. « Compte rendu des réunions du 22 et 25 avril 1955 ». Art Cit.

¹⁷³ George Henri Soutou. 1996. *L'alliance incertaine*. Op. Cit. P.136.