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## THE ATLANTIC COUNCIL OF THE UNITED STATES

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# NATO ENLARGEMENT: THE ARTICLE 5 ANGLE

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*Article 5 of the North Atlantic Treaty defines the fundamental mutual commitment of the members of the Alliance. It states that an attack on one member shall be considered an attack on all and provides for appropriate responses, including the possible use of force. The wording of the article resulted from prolonged negotiations in 1948-9 between European governments seeking an automatic U.S. commitment to come to their defense with military force and the U.S. government, especially the U.S. Senate, wary of entangling alliances and any automatic commitment and jealous of its constitutional prerogative of declaring war. NATO enlargement involves an extension of the Article 5 commitment. Although this was not a major issue in the U.S. debate about enlargement in 1998-9, it may well reappear as an issue in discussion of a future enlargement after the Alliance's 2002 summit, especially if this seems likely to involve a substantial number and broad geographical spread of new members. A review of the early debate can provide some sense of the key issues that might emerge and ways in which they can most constructively be addressed in thinking about future enlargement.*

### ***The North Atlantic Treaty, Article 5***

*"The Parties agree that an armed attack against one or more of them in Europe or North America shall be considered an attack against them all and consequently they agree that, if such an armed attack occurs, each of them, in exercise of the right of individual or collective self-defense recognized by Article 51 of the Charter of the United Nations, will assist the Party or Parties so attacked by taking forthwith, individually and in concert with the other Parties, such action as it deems necessary, including the use of armed force, to restore and maintain the security of the North Atlantic area."*

Article 5 remains the defining commitment of the Atlantic Alliance. The issues raised in the lengthy debates of 1948-9 over this obligation are still salient and will likely be revisited in some form should the Alliance undertake to add more members and thus extend this cold war commitment to former adversaries across Europe.

Convincing an entanglement-wary Senate to take on an obligation to treat an attack on London like an attack on New York was difficult even in the face of a clear Soviet threat to major U.S. interests. Convincing today's Senate to consider an attack on Riga, Latvia, equivalent to an attack on New York in the absence of a compelling threat, could be equally contentious. Just as the debate of 48-49 did, putting the enlargement question to the

Senate will probably result in a thorough evaluation of the role of the United States in Europe, the extent to which such treaty obligations are necessary, and the extent to which the United States can reasonably make such promises.

In demanding this commitment over fifty years ago, the allies were responding to their memories of World Wars I and II. The United States ultimately participated in both conflicts but not until it was almost too late for the survival of Europe. According to conventional wisdom after World War II, if the Axis powers had known in advance that the United States would join the allies, war would have been averted. Such was the climate of fear that pervaded Western Europe in the face of the Communist challenge.

Britain and France had hoped the United States might accept a model at hand: the Western Union created by the Brussels Treaty in April 1948, wherein Britain, France and the Benelux countries formed a fifty-year alliance. They hoped initially that the United States would join their organization, and for a brief time, when a Communist coup toppled the democratic government in Czechoslovakia in February and the Soviets frightened Norway with an offer of a non-aggression pact in March 1948, it seemed possible that the United States would become part of the European alliance. This possibility was always remote; too many countervailing forces inhibited such a dramatic change in U.S. foreign policy, including the long tradition of non-entanglement and the danger of undermining the United Nations, as well as opposition from the Defense Department to commitments it might not be able to honor.

Yet key mid-level officials in the Department of State recognized that Western Europe was defenseless against potential Soviet aggression, and its governments vulnerable to Communist subversion: In secret conversations at the Pentagon with British and Canadian representatives, the Truman administration accepted the vital necessity of an entangling alliance to give Europeans a sense of security they had lacked since the end of the war. Without that confidence the economic aid to be provided by the Marshall Plan would be wasted. The problem then was to prepare the nation to abandon a history of isolationism that went back to the termination of the French alliance in 1800.

This was not an easy task given the continuing skepticism of the military and the conviction on the part of converts to the United Nations that a military alliance would damage the fabric of that organization. Led by the most prominent convert, former isolationist Arthur H. Vandenberg, chairman of the Senate Foreign Relations Committee, the Senate passed the Vandenberg Resolution in June 1948, promising U.S. support of "progressive development of regional and other collective arrangements", provided that, as in the Marshall Plan, Europeans would demonstrate both self-help and cooperation, and act in accordance with the United Nations Charter.

The Senate resolution was a step in the right direction, but not far enough for the Western Union allies. It was sufficient, however, to set in motion the Washington exploratory talks in the summer of 1948. Although these negotiations were shrouded in secrecy, as the Pentagon conversations had been, they included all members of

the Western Union as well as Canada, and a treaty of alliance, an entangling alliance, was the intended end product. Considerable time was spent on the kinds of military aid the United States would furnish the allies, and in 1949 on what new members would be added to the alliance. Still, the key to the success was not the amount of military aid or the identification of potential members, controversial as these issues were. Rather, it was U.S. acceptance of a pledge to defend Europe from attack.

This was the sticking point from the outset. The Western Union had provided the words in Article IV of the Brussels pact; "If any of the High Contracting parties should be the object of an armed attack in Europe, the other High Contracting Parties will, in accordance with the provisions of Article 51 of the Charter of the United Nations, afford the party so attacked all the military and other aid and assistance in their power." Here was a clearcut easily understood declaration of intentions, and it was not acceptable to the United States. The reference to the UN Charter was appreciated; Article 51 referred to individual and collective self-defense. But the apparently automatic response each ally would be obligated to make in the event of an attack was open to the kind of criticism that doomed the League of Nations in the U.S. Senate in 1919. Article X of the Treaty of Versailles invoked a moral commitment to preserve the territorial integrity and political independence of members of the new League of Nations. Even when President Wilson distinguished moral from legal obligation, Article X became the focal point of those who believed, or claimed to believe, that the Senate's constitutional powers over the declaration of war would be violated.

Conceivably, the Atlantic alliance could have failed over the same obstacle. The working group of officials thrashing problems out behind closed doors in a hot Washington summer encountered resistance from the U.S. delegation. The idea of entering war as a result of an event occurring outside U.S. borders or by decisions made by other countries, was constitutionally unacceptable. There was some thought of applying the model of the Rio Pact of 1947, which stated in its Article 3 that an attack against any one of the American republics would be considered an attack against them all, but this was qualified in Article 4, leaving the question of measures to be taken a matter of individual determination by each party. Since the Rio language did not satisfy the European partners, an uneasy compromise was effected at the conclusion of the Washington talks in September 1948 which blended the language of the Rio

and Brussels treaties, linking individual responses to “constitutional processes.”

The Europeans remained dissatisfied with Article 5. The very idea of an “individual” response suggested that each party could decide for itself whether or not an armed attack had occurred, and, if it had, what it intended to do about it. Such an interpretation would undercut the psychological effect the alliance was expected to supply. It would leave the United States free from a true commitment. European concern over this prospect was so deep in the fall of 1948 that U.S. negotiators retreated from their earlier position to proclaim in the December draft treaty that the allies “will assist the party or parties so attacked by taking forthwith such military or other action, individually and in concert with other Parties, as may be necessary to restore and assure the security of the North Atlantic area.” While this version still offered no automatic guarantees, it did specify “forthwith” and “military” action, terms designed to soothe European concerns.

Insufficient as this pledge was to Europeans, it abruptly became excessive to the new team that President Truman brought to the State Department and to the new leadership of the Senate. In the wake of a surprising victory in November, a Democratic Congress replaced the Republican-led 80<sup>th</sup> Congress, and Tom Connally replaced Arthur Vandenberg as chairman of the Senate Foreign Relations Committee. The change required the administration to convince Connally of the importance of Article 5. This was not an easy task. Connally had felt upstaged by Vandenberg, and now wanted the same flattering attention that Deputy Secretary of State Robert Lovett had shown his predecessor. The Europeans had hitherto assumed that there was a bipartisan consensus in place since December, even if they were still uneasy about its contents. The consequence of the new tone in the administration was an outburst of emotion in the Senate against even the cautious language of the December compromise. It appeared in the winter of 1949 that the North Atlantic Treaty would be nullified by the controversy over Article 5.

In the eyes of Europeans any change in the language could only be a change for the worse. The Foreign Relations Committee’s recommendations in February 1949 demoralized the European ambassadors. They envisioned an article so watered down as to be meaningless. Almost at the last moment George Kennan, former chairman of the State Department’s Policy

Planning Staff, and a skeptic about a military alliance, provided a draft that strengthened the language of the article, even if it did not fully meet the wishes of the allies. The Senate managed to retain the phrase “deems necessary”, which appeared to keep the choice of a response in the possession of the individual members, but took some of the curse off its implication by inserting “including the use of armed force” into the critical clause immediately following “deems necessary.”

The final outcome of the intense debates over the wording of Article 5 was an awkward arrangement of words that seemed to be something less than the “pledge” that the Europeans had demanded of the United States. Compare the simple clarity of Article IV of the Brussels Pact, with the tortured language of the Atlantic alliance. While “the Parties agree that an armed attack against one or more of them in Europe or North America shall be considered an attack against them all,” the signatories had to accept the operative clause which stated that “if such an armed attack occurs, each of them...will assist the Party so attacked by taking forthwith, individually and in concert with the other Parties, such action as it deems necessary, including the use of armed force, to restore and maintain the security of the North Atlantic area.” It required twelve lines, as opposed to four lines in the Brussels Pact, to bring this article to a conclusion.

Given the emotions raised by this article, and given the less than clear commitment by the United States, the question arises why NATO celebrated Article 5 as the termination of America’s tradition of non-entanglement. The answer lies in the disappearance of the ambiguities implied in the article after the treaty was ratified. Congress was now satisfied that its constitutional powers remained intact, and both Europe and the United States acclaimed the idea, expressed with no serious objection in the Senate hearings on the treaty, that an attack on Oslo or on Brussels would be considered as an attack on New York or Washington. The nation was committed morally, and as the enemies of the League of Nations asserted a generation before, the lines between a moral and legal obligation were easily blurred. Beyond this consideration was a recognition of the power of the president as commander-in-chief to commit the United States to military action despite the exclusive role of the legislature in declaring war. Such was the case with President Polk and the Mexican War in 1846, and with President Bush and the Gulf War in 1991.

What then of article 5 over the next half-century? The anguish over its wording was quickly forgotten after 1949. In fact, European faith in the U.S. entanglement deepened after the Korean War when U.S. troops were stationed in Europe not only as part of the NATO shield against potential Soviet aggression, but also as hostages to U.S. engagement in Europe. These forces, reduced in numbers after the end of the Cold War, remain in place in 2001. Given their fears of internal instability and external aggression from a resurgent Russia, it is understandable that much of the pressure from the former Warsaw Pact countries to join the alliance derives from the protection that Article 5 presumably offers to their fragile democracies.

The demand for membership in NATO remains high. But the debate on future applications will probably reflect concerns similar to those expressed during the debate on the content of the U.S. promise embodied in Article 5. Extending that promise to as many as nine new countries

in the absence of an immediate threat, may be met with skepticism by military planners and members of the Senate.

Nonetheless, promises were made in 1999, and the applicant countries have not forgotten them. Conceivably, the alliance may have new doubts about the wisdom of enlargement for a variety of reasons, including the unwieldy size of an enlarged NATO, the uncertain costs and the potential effects on relations with Russia. If they arise, it is likely that the administration and Senate will look more closely at the “pledge” of 1949. Its implications may stiffen resistance in the United States to redeeming promises made to those countries that sought NATO membership largely for the putative guarantees of Article 5. That article is still the symbol of U.S. commitment to its European partners. Whether that symbol remains as the primary proof of U.S. commitment remains an open question.

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